

Development Control Committee

Minutes of a meeting of the **Development Control Committee** held on **Wednesday 5 February 2020** at **10.00 am** in the **Conference Chamber, West Suffolk House, Western Way, Bury St Edmunds IP33 3YU**

Present: **Councillors**

Chair Andrew Smith

Vice Chairs Mike Chester and Jim Thorndyke

John Burns

Jason Crooks

Roger Dicker

Andy Drummond

Susan Glossop

Ian Houlder

David Palmer

David Smith

Peter Stevens

Don Waldron

Ann Williamson

Substitutes attending for a full Member

Carol Bull

In attendance:

Beccy Hopfensperger

(Ward Member: The Fornhams and Great Barton)

John Smith

(Ward Member: The Rows)

80. **Apologies for Absence**

Apologies for absence were received from Councillors David Gathercole and David Roach.

81. **Substitutes**

The following substitution was declared:

Councillor Carol Bull substituting for Councillor David Roach.

82. **Minutes**

The minutes of the meeting held on 8 January 2020 were confirmed as a correct record and signed by the Chair, subject to the following correction to a typographical error in respect of minute 76:

'....**Dead** of Variation....be amended to read.....'**Deed** of Variation...'

83. **Planning Application DC/19/1609/RM - Former Howard Community Primary School, St Olaves Road, Bury St Edmunds (Report No: DEV/WS/20/005)**

Reserved Matters Application - Submission of details under DC/17/1047/OUT appearance, landscaping, layout and scale - (i) up to 79no. dwellings (ii) a new community centre also incorporating a replacement Carousel Children's Centre (Class D1) with associated parking (iii) open space, landscaping and infrastructure

This application was referred to the Development Control Committee at the request of Members of the former St Edmundsbury Borough Council (SEBC) when the original outline application for up to 79 dwellings was considered in December 2017.

The outline application for this site was previously referred to (the now dissolved) SEBC's Development Control Committee as one of the applicants was SEBC who was the owner of part of the site. West Suffolk Council was now the owner of part of the site, which had been sold subject to contract.

A Member site visit was held prior to the meeting.

Attention was drawn to the supplementary 'late paper', which was issued following the publication of the agenda and reports for this meeting. The late paper contained final comments on the application from Suffolk County Council's (SCC) Highways and from SCC's Flood and Water Management teams, which were duly noted by the Committee. The full wording for the proposed conditions were also set out.

The Principal Planning Officer updated the Committee with additional information that had been received following the publication of the report and late paper, that:

- Further to paragraph 25 of the report, which addressed the housing tenure mix, the Strategic Housing team had now confirmed the submitted plans did adequately show that two bed/three person and three bed/four person dwellings could adequately accommodate growth in the form of additional person occupancy.
- An additional pre-occupation condition had been proposed in connection with the management and maintenance of non-adopted roads, as follows:
'Before the occupation of any dwelling, full details of the future management and maintenance of the non-adopted estate roads for the site shall be submitted to and agreed in writing by the Local Planning Authority. The roads shall be managed and maintained in accordance with the agreed details for the lifetime of the development.'
Reason: In the interests of highway safety and for the benefit of the occupiers of the dwellings.'
- SCC's Flood and Water Management team had stated that the proposed drainage was satisfactory, but the landscaping and proximity to the SUDS features were still to be agreed. This was capable of being dealt

with in compliance with pre-commencement conditions attached to the outline permission.

Speaker: Kate Wood (agent) spoke in support of the application.

The Committee noted that SCC Highways would adopt the junctions and the first section of the entrance road to the estate; however, some concern was expressed that some of the roads within the estate would not be adopted and that these would be managed by a private management company. Some Members were concerned whether these would be adequately maintained and to an acceptable standard in years to come. In response, Members were informed that the freehold owners within the development site would be shareholders of the management company and it would therefore be in their interests to maintain the road and area. It was not a requirement that all roads needed to be adopted by County Highways and this was quite often the case with new developments.

In respect of street lighting, where units were located on the main adopted highway, these would be managed and maintained by SCC. In private unadopted areas, these were likely to become the responsibility of Bury St Edmunds Town Council or the estate's private management company.

Other questions were asked in relation to the proposed development, several of which had met the required standard of the appropriate statutory consultee or had been conditioned as part of the outline planning permission which had been granted on 11 October 2019. Specifically, it was asked whether sufficient electric vehicle (EV) charging points would be installed. A condition was thought to have been included within the outline permission regarding this; however, should this not be the case, it was suggested that officers should be given delegated authority, in consultation with the Chair and Vice-Chairs of the Committee, to attach an appropriate condition regarding the installation of an acceptable number of EV charging points on the estate. This was agreed.

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

A discussion was then held on some of the proposed conditions. Particular reference was given to ensuring any potential noise breakout from the Newbury Community Centre was appropriately managed and mitigated where necessary. The hours of use, as set out in a proposed condition, were considered to be acceptable; however, where it would be permitted for the Centre to open until 1am up to 12 times a year, it was suggested that an additional condition should be included to prevent events from being held up until this time on consecutive days. After further discussion, this eventuality was considered to be a rare occurrence and therefore, it was not felt necessary to condition.

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

Decision

- A. The reserved matters be **APPROVED** subject to the following conditions (*fully worded conditions extracted from supplementary 'late paper' to Report No: DEV/WS/20/005*):
1. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the approved plans and documents.
 2. Prior to 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.

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), no windows or openings of any other kind, other than those expressly authorised by this permission shall be constructed at first floor level or above in the side elevations of plots 5, 10, 23, 33, 34, 38, 55, 68 and 71.
4. All bathroom windows in side elevations of dwellings shall be obscure glazed and maintained as such thereafter
5. The glazing and ventilation of the dwellings shall be constructed as recommended by SRL Noise Report, Ref C14898A/TO1A/TRMD, dated 11th January 2019, so as to provide appropriate sound attenuation against noise. The acoustic insulation of the dwelling units within the proposed development shall be such to ensure noise does not exceed an LAeq (16hrs) of 35dB (A) within bedrooms and living rooms between 07:00 and 23:00hrs and an LAeq (8hrs) of 30dB (A) within bedrooms and living rooms between 23:00 and 07:00hrs. The noise levels specified in this condition shall be achieved with the windows closed and other means of ventilation provided.
6. The rated day time noise level of external plant or equipment serving the Community Centre with all plant operating, when measured or calculated at the nearest noise sensitive receptors, shall be limited to

42dB(A) LAeq,T. Measurements and calculations shall be undertaken in accordance with BS4142:2014.

7. The rated night time noise level of external plant or equipment serving the Community Centre with all plant operating, when measured or calculated at the nearest noise sensitive receptors, shall be limited to 38 dB(A) LAeq,T. Measurements and calculations shall be undertaken in accordance with BS4142:2014.
8. The site preparation and construction works, including road works, shall only be carried out between the hours of:

08:00 to 18:00 Mondays to Fridays
08:00 - 13.30 Saturdays

And at no times during Sundays or Bank Holidays without the prior written consent of the Local Planning Authority.

9. 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.
10. No external lighting to the Community Centre to be erected until a scheme to demonstrate adequate protection for exiting residents has been submitted to and approved in writing by the Local Planning Authority. The lighting shall be installed and operated in accordance with the agreed scheme thereafter.
11. No playing of amplified music or speech within the Community Centre shall take place until a Noise Management Plan for the prevention of music noise breakout has been submitted to and approved in writing by the LPA. The submitted plan shall include details of the structure of the building, the timing of events, the methods to be adopted to control

the low frequency component of the sound, the management systems to be put in place to monitor and control noise breakout etc. A Noise Management Plan must also consider the control of noise impacts from the use of external areas and car parking facilities. All amplified music and speech shall accord with the Noise Management Plan thereafter.

12. All ecological measures, mitigation and/or works shall be carried out in accordance with the details contained in the ecological appraisal RT-MME-151023-01 (November 2019) as already submitted with the planning application and agreed in principle with the Local Planning Authority prior to determination.
13. Before any above ground works are commenced, details of the estate roads and footpaths, (including layout, levels, gradients, lighting, widths, surfacing and means of surface water drainage), shall be submitted to and approved in writing by the Local Planning Authority.
14. 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 & Deliveries Management Plan which shall be submitted to the planning authority for approval a minimum of 28 days before any deliveries of materials commence.

The Plan shall include:

- Routes for HGV and construction traffic.
- Means to ensure water, mud and other debris cannot egress onto the highway.
- Means to ensure sufficient space is provided on site for the parking and turning of delivery and construction traffic, including all staff and visitors.
- Means to ensure sufficient space is provided on site for the storage of materials and equipment and siting of welfare facilities.
- Means to ensure no light source from the construction site can cause glare or discomfort to highway users.

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.

15. Before above ground works are commenced 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.
 16. Before above ground works are commenced, details showing an adequate car turning space within the site shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out before first occupation and shall be retained thereafter and used for no other purpose.
- B. The inclusion of an additional pre-occupation condition in connection with the management and maintenance of non-adopted roads, as follows:

'Before the occupation of any dwelling, full details of the future management and maintenance of the non-adopted estate roads for the site shall be submitted to and agreed in writing by the Local Planning Authority. The roads shall be managed and maintained in accordance with the agreed details for the lifetime of the development.'

- C. If not already included within the outline planning permission previously granted on 11 October 2019, delegated authority be given to the Service Manager (Planning – Development), in consultation with the Chair and Vice-Chairs of the Development Control Committee, to attach an appropriate condition regarding the installation of an acceptable number of electric vehicle charging points on the estate.

84. **Planning Application DC/19/1711/OUT - Land West of Three Counties Way, Three Counties Way, Withersfield (Report No: DEV/WS/20/006)**

Outline Planning Application (Means of Access to be considered) – up to 155no. dwellings, associated infrastructure and open space

This application, being a proposal for a 'major' development, had been referred to the Development Control Committee because Withersfield Parish Council had given support to the proposal contrary to the Officer recommendation of refusal.

A briefing note from the applicants, Jaynic Investments LLP, had previously been circulated directly to the Committee. The Principal Planning Officer responded to each of the paragraphs contained in the briefing note in turn, which were duly noted by the Committee.

Speaker: Paul Sutton (agent) spoke in support of the application.

Before the debate commenced, the Service Manager (Planning – Development) introduced the Service Manager (Economic Development and Business Growth) to the Committee, who was in attendance to respond to any technical questions Members may have on the application regarding employment and economic development matters.

The Committee considered the area in which the development site was located was an extremely important gateway for Haverhill, which had been allocated for employment use and not for residential use. The Council's relevant planning policies were up to date and Members considered the relevant criteria of those policies had not been met to allow this proposal to continue.

Members considered that the loss of future employment and investment that would support the planned housing growth of some 4,000 homes for the town and the loss of such a strategic employment site was significantly harmful. The Innovation Centre was also likely to be a form of anchor development that was anticipated to attract other interest in the site from companies considering locating or relocating to Haverhill. The proposed residential development would prevent this expansion of the site from happening.

It was moved by Councillor Peter Stevens that the application be refused, as per the Officer recommendation. This was duly seconded by Councillor Ian Houlder.

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

Decision

Outline planning permission be **REFUSED** for the following reasons:

1. It is important to ensure that employment land is available in the right locations. Haverhill is one of the fastest growing towns in Suffolk and it is essential that this residential growth is matched by employment opportunities. There is not considered to be an oversupply of employment land in Haverhill. The site is one of five key Enterprise Zone sites that the Cambridge & Peterborough Combined Authority (CPCA) has designated around Cambridge. The site also benefits from Employment Zone status until the year 2041. Haverhill Research Park (HRP) is a key employment site within the Cambridge Norwich Tech Corridor and as this brand becomes established, more opportunities are likely to come forward for HRP.

The benefits of a residential development of up to 155 dwellings are acknowledged (these include affordable housing, public open space, contribution towards housing supply, potential reduction in traffic and job creation and promotion of local economic prosperity). The weight to be attached to these last two benefits is tempered by the fact that significant investment in the local area and job creation could also occur with the planned commercial development. Balanced against these benefits is the loss of future employment and investment that would support the planned housing growth of some 4000 homes for the town. The loss of such a strategic employment site is significantly harmful. It is accepted that the applicants have allowed for some 'grow on' space adjacent this centre (plot 200), however the Innovation Centre now under construction would also likely be a form of anchor development that would likely attract other interest in the site from companies considering locating or relocating to Haverhill. The proposed residential development would prevent this expansion of the site from happening.

Recently the Council has allowed the relaxation of the permitted use on the site (to allow for use classes B1 (a, b & c) including general light industry, and, more recently, the new innovation centre building (permission now implemented). Furthermore, West Suffolk Council has contributed financially towards the innovation centre building to allow it to be developed. These factors are indicative of a flexible approach to supporting the delivery of the HRP and this important employment allocation in accordance with paragraph 81 of the NPPF.

The proposed residential development of the majority of a strategic allocated employment site does not accord with Joint Development Management Policy DM30 as the relevant criteria have not been met.

The Innovation Centre under construction on the site is likely to have a positive impact on the remainder of HRP, and it is too soon to completely remove future opportunities to provide employment opportunities allied to the planned growth in Haverhill and to create a balanced sustainable community.

The application does not accord with St Edmundsbury Core Strategy Policy CS9, Joint Development Management Policy DM30, Haverhill Vision 2031 Policies HV2 and HV10, and paragraphs 80 and 82 of the NPPF.

2. Without a Section 106 legal agreement or unilateral undertaking from the applicant to secure the following additional provisions (set out in full in the officer's report) the proposal is not considered to be sustainable development and conflicts with the aims of the NPPF and St Edmundsbury Core Strategy CS14:

- Healthcare (NHS England) - £91, 800 to mitigate for the healthcare impacts of the development.
- Provision of open space and children's play area prior to the occupation of the 75th dwelling.
- Libraries - £16 per dwelling.
- Provision of Realtime Information Screens at 2 bus stops on the A1307 - £22,000.
- Provision of satisfactory footpath links to the wider PROW network, a contribution of £18, 500 to be made to provide a link from Hanchett End along the maintainable highway. The contribution will also fund surface improvements to Footpath 43 between Hanchett End and Notley Drive.
- Travel Plan – implementation of Travel Plan measures and £1000 per annum Travel Plan Evaluation and Support Contribution (for a minimum of 5 years).

85. **Planning Application DC/19/1712/FUL - 28-34 Risbygate Street, Bury St Edmunds (Report No: DEV/WS/20/007)**

Planning Application - Construction of (i) 48no. apartments (ii) communal facilities (iii) access, car parking and landscaping as amended by plans received 13 December 2019

The application was presented to the Development Control Committee on 4 December 2019. The Committee had resolved to defer the application in order to allow additional time for Officers to consult with the applicant to establish whether it would be possible to amend the scheme to reduce the height of the building by way of removing the seven units on the top floor, in order to address the concerns regarding overlooking as raised by neighbouring residents.

The Principal Planning Officer reported that the applicant amended the scheme following the December meeting of the Development Control Committee by removing the two units on the fourth floor that faced the rear of properties on Nelson Road.

A further period of consultation had been carried out on the amended plans and the application was now being brought back to the Development Control Committee for determination.

The Principal Planning Officer reported a typographical error in the report, whereby the words (*increasing number of apartments by 1no.*) should be removed from the wording within the proposal as this no longer applied.

Speaker: Rosie Roome (agent) spoke in support of the application.

Members expressed their support for the amended application, commending the applicant for taking into account the previous concerns of the Committee and neighbouring residents. A particularly acceptable scheme had now been achieved, which was in compliance with relevant development plan policies and the National Planning Policy Framework.

It was moved by Councillor Roger Dicker 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 completion of the s106 Agreement and the conditions detailed below.

The s106 Agreement will secure the following financial contributions:

- Affordable housing contribution of £523,284.20
- Library contribution of £768.00
- NHS CCG contribution of £14,504.95

- 1 The development hereby permitted shall be begun not later than 3 years from the date of this permission.
- 2 No above ground development shall take place until a scheme for the provision of fire hydrants within the application site has been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be occupied or brought into use until the fire hydrants have been provided in accordance with the approved scheme. Thereafter the hydrants shall be retained in their approved form unless the prior written consent of the Local Planning Authority is obtained for any variation.
- 3 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.
- 4 Prior to first occupation, at least 25% 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 rated to provide at least a 7kWh charge, retained thereafter and maintained in an operational condition.
- 5 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/DS by Civil Engineering Practice (ref:- 23225 rev 1.1 and dated Nov 2019) and will demonstrate that surface water run-off generated by the development will be limited to 12l/s up to and including the critical 100yr + CC storm.
- 6 No development shall take place on site until the implementation of a programme of archaeological work has been secured, in accordance with a Written Scheme of Investigation which has been submitted to and approved in writing by the Local Planning Authority. The scheme of investigation shall include an assessment of significance and research questions; and:
- a. The programme and methodology of site investigation and recording.
 - b. The programme for post investigation assessment.
 - c. Provision to be made for analysis of the site investigation and recording.
 - d. Provision to be made for publication and dissemination of the analysis and records of the site investigation.

- e. Provision to be made for archive deposition of the analysis and records of the site investigation.
 - f. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
 - g. Timetable for the site investigation to be completed prior to development, or in such other phased arrangement, as agreed and approved in writing by the Local Planning Authority.
- 7 No building shall be occupied or otherwise used until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under Condition 6 and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.
- 8 Prior to commencement of development 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,
 - 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), a 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.
- 9 No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works as set out in the remediation strategy is submitted to and approved, in writing by the Local Planning Authority.
- 10 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.
- 11 No above ground development shall take place until an Air Quality Assessment based on at least 6 months of on-site monitoring has been submitted to, and approved in writing by, the Local Planning Authority. The Air Quality Assessment will provide an assessment of the likely levels of nitrogen dioxide and particulate matter (PM10 & PM2.5) pollution at the facades of the proposed structure and provide mitigation measures where any Air Quality Objectives are modelled as being breached. Any mitigation measures shall be implemented as approved.
- 12 Prior to 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.

- 13 Prior to commencement of development a scheme for the protection during construction of the trees on the site, in accordance with BS 5837:2012 - Trees in relation to construction - Recommendations, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall show the extent of root protection areas and details of ground protection measures and fencing to be erected around the trees, including the type and position of these. The protective measures contained with the scheme shall be implemented prior to commencement of any development, site works or clearance in accordance with the approved details, and shall be maintained and retained until the development is completed. Within the root protection areas the existing ground level shall be neither raised nor lowered and no materials, temporary buildings, plant, machinery or surplus soil shall be placed or stored thereon. If any trenches for services are required within the fenced areas they shall be excavated and backfilled by hand and any tree roots encountered with a diameter of 25mm or more shall be left unsevered.
- 14 Prior to completion or first occupation of the development hereby approved, whichever is the sooner; full details of all proposed tree planting shall be submitted to and approved in writing by the Local Planning Authority. This will include planting and maintenance specifications, including cross-section drawings, use of guards or other protective measures and confirmation of location, species and sizes, nursery stock type, supplier and defect period. All tree planting shall be carried out in accordance with those details and at those times. Any trees that are found to be dead, dying, severely damaged or diseased within five years of the completion of the building works OR five years of the carrying out of the landscaping scheme (whichever is later), shall be replaced in the next planting season by specimens of similar size and species in the first suitable planting season.
- 15 No retained tree shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner during the development phase and thereafter within 5 years from the date of occupation of the building for its permitted use, other than in accordance with the approved plans and particulars or as may be permitted by prior approval in writing from the local planning authority.

- 16 Prior to commencement of development details of the proposed access (including the position of any gates to be erected and visibility splays provided) shall be submitted to and approved in writing by the Local Planning Authority. The approved access shall be laid out and constructed in its entirety prior to occupation of the development. Thereafter the access shall be retained thereafter in its approved form.
- 17 The gradient of the vehicular access shall not be steeper than 1 in 20 for the first five metres measured from the nearside edge of the adjacent metalled carriageway.
- 18 Prior to the development hereby permitted being first occupied, the proposed access onto Risbygate Street and any other access 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.
- 19 Before the development is commenced details of the areas to be provided for storage, presentation and collection 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.
- 20 No development above ground shall take place until details have been submitted to and approved in writing by the Local Planning Authority showing the means to prevent the discharge of surface water from the development onto the highway. The approved scheme shall be carried out in its entirety before the access is first used and shall be retained thereafter in its approved form.
- 21 No above ground development shall take place until details of the internal vehicular access/es and footpaths, (including widths, layout, levels, gradients, surfacing and means of surface water drainage), have been submitted to and approved in writing by the Local Planning Authority.
- 22 Condition: 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 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 Plan shall include, but not be limited to;
- Routing for HGV and delivery vehicles
 - Means to ensure water, mud and other debris cannot flow onto the highway
 - Means to ensure sufficient space on-site will be provided for the parking and manoeuvring of construction and delivery vehicles.
 - Means to ensure sufficient space is provided on-site for the storage of materials, equipment and other demolition and construction facilities.
- 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.
- 23 No above ground development shall take place until details of the areas to be provided for the loading, unloading, manoeuvring and parking of

vehicles including secure cycle storage, mobility scooter storage and charging, powered-two-wheeler parking and EVCP connectivity have been 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.

- 24 Prior to first occupation, details of the Part L compliance a BRUKL documentation shall be submitted to and approved in writing by the Local Planning Authority. Details shall include information on ventilation, lighting, heating and cooling and unregulated loads. Any areas in which the proposed energy strategy might conflict with other requirements set out in the Development Plan should be identified and proposals for resolving this conflict outlined.
- 25 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.
- i) Detailed drawings at a scale of not less than 1:5 showing the window head and sill details and vertical cross-sections showing the projections and mouldings of the elevations and window recesses
 - ii) Samples of external materials and surface finishes, including the render colours
 - iii) Specification for any works required to the existing brick and flint boundary walls

The works shall be carried out in full accordance with the approved details unless otherwise subsequently approved in writing by the Local Planning Authority.

- 26 Before any new services are installed or any existing services are relocated (in each case including communications and telecommunications services) details thereof (including any related fixtures, associated visible ducts or other means of concealment) shall be submitted to and approved in writing by the Local Planning Authority and the works shall be carried out in complete accordance with the approved specification.
- 27 No mechanical and electrical extract fans, ventilation grilles, security lights, alarms, cameras, and external plumbing, including soil and vent pipe shall be provided on the exterior of the building until details of their location, size, colour and finish have been submitted to and approved in writing by the Local Planning Authority.
- 28 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
 - ii) The materials and methods demonstrated in the sample panel(s) shall be approved in writing by the Local Planning Authority.
 - iii) 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.

- 29 No works involving the installation of 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 windows to be used (including details of glazing bars 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.
- 30 No works involving the installation of external 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 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. The works shall be carried out in complete accordance with the approved details.
- 31 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.
- 32 No works involving the installation of the proposed substation shall be carried out until details of the external appearance of the substation 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.
- 33 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.
- 34 No development above ground level shall take place until details of a hard landscaping scheme for the site have been submitted to and approved in writing by the Local Planning Authority. These details shall include proposed finished levels and contours showing earthworks and mounding; surfacing materials; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulations areas;

- hard surfacing materials; minor artefacts and structures (for example furniture, play equipment, refuse and/or other storage units, signs, lighting and similar features); proposed and existing functional services above and below ground (for example drainage, power, communications cables and pipelines, indicating lines, manholes, supports and other technical features); retained historic landscape features and proposals for restoration where relevant. The scheme shall be implemented prior to the occupation of any part of the development (or within such extended period as may first be agreed in writing with the Local Planning Authority).
- 35 The dwelling(s) hereby approved shall not be occupied until the optional requirement for water consumption (110 litres use per person per day) in part G of the Building Regulations has been complied with and evidence of compliance has been obtained.
- 36 Prior to occupation details of biodiversity enhancement and mitigation 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. The measures shall be based on the Ecological Design Principles and Enhancement Opportunities set out in the Preliminary Ecological Appraisal and Preliminary Bat Roost Assessment dated August 2019 prepared by Tyler Grange Ltd. 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.
- 37 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the following approved plans and documents.
- 38 Each of the apartments hereby permitted shall be occupied only by:
- Persons aged 60 or over; or
 - A spouse/or partner (who is themselves over 55 years old) living as part of a single household with such a person or persons; or
 - Persons who were living in one of the apartments as part of a single household with a person or persons aged 60 or over who has since died; or
 - Any other individual expressly agreed in writing by the Local Planning Authority.
- 39 The east facing circulation corridor window adjacent to Unit 42 as shown on Drawing No. 40034BS/PL04 Rev C shall be fitted with obscure glass to Pilkington glass level 4 privacy or an equivalent standard and shall be retained in such form in perpetuity.
- 40 The glazing to be installed in the development hereby approved shall be strictly in accordance with the Overheating Risk Assessment dated November 2019 prepared by Inkling LLP and the Stage 1 Risk Assessment and Stage 2 Acoustic Design Statement dated July 2019 prepared by Clarke Saunders Associates.
- 41 Prior to commencement of development details of the implementation, maintenance and management of the strategy for the disposal of surface water on the site shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall be implemented and thereafter managed and maintained in accordance with the approved details.

(At this point at 11.25 am, Part A of the agenda was concluded. The Chair adjourned the meeting until 1pm, which was the earliest start time that had been published for commencing Part B of the agenda.)

86. **Planning Application DC/19/1714/FUL - Marlows Home and Garden, Hepworth Road, Stanton (Report No: DEV/WS/20/008)**

Planning Application - (i) 6no. dwellings with off-street parking (ii) 1no. A1 (shop) with service yard, car park and associated works (following demolition of existing buildings)

(At this point, at 1pm, the meeting resumed to commence Part B of the agenda.)

This application was referred to the Development Control Committee as the application has been called in by the Member for Stanton ward, Councillor Jim Thorndyke. Concerns had been raised by neighbours and Stanton Parish Council with regards to the site layout, impact on neighbour amenity and the street scene, as well as concerns about asbestos present on the site.

The site was an employment site which had a retail element; however, the former business had relocated and the site was now vacant. This application followed an application that had been withdrawn for this site for a residential scheme for up to nine dwellings which could not be supported because it was purely for housing.

A Member site visit was held prior to the meeting.

Attention was drawn to the supplementary 'late paper', which was issued following the publication of the agenda and reports for this meeting. The late paper contained additional representations of concern received from the occupants of neighbouring properties.

The Senior Planning Officer informed the Committee that two further objections from neighbouring residents had been received since the circulation of the late paper. These contained similar concerns to those previously contained in the report.

Speakers: Councillor Brian Brown (Stanton Parish Council) spoke in general support of the application; however, the Parish Council considered a principal concern remained in respect of maintaining access to Foundry Cottage.
Councillor Jim Thorndyke (Ward Member for Stanton ward) spoke in support of the application; however, Councillor Thorndyke considered some issues needed to be addressed prior to commencement of the development.
Adam Tuck (agent) spoke in support of the application.

The Committee considered this was a sensible mixed development that was an excellent use of the site and would be a beneficial asset to Stanton. Concerns had been expressed by local residents regarding potential adverse

effects on amenity and overlooking to neighbouring properties; however, Members felt that adequate controls would be in place to mitigate this.

Members queried the access to the proposed residential parking and car park for the retail unit, and the maintenance of the private right of way to both Foundry House and Foundry Cottage. However, upon further consideration of the element of the report which addressed highway matters, and as the Highways Authority had not objected to the amended scheme (subject to conditions), the Committee considered the proposal to be acceptable. The Senior Planning Officer clarified that the maintenance of clear access for Foundry Cottage and Foundry House remained a private matter.

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

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 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) Details as to how the developer will satisfactorily address the removal of the existing asbestos cement sheet roof from the existing building.
- 4 No part of the residential development approved by this planning permission excluding demolition shall commence until the following components to deal with the risks associated with contamination of the site have each be submitted to and approved, in writing, by the Local Planning Authority:
- i) A 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 strategy shall be based on the risk assessment in the approved Phase II Geo-environmental Assessment.
- 5 No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works as set out in the remediation strategy is submitted to and approved, in writing by the Local Planning Authority.
- 6 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.
- 7 Prior to occupation of the commercial unit details of the measures to be adopted to minimise delivery noise impacts shall be submitted to and approved in writing by the Local Planning Authority. The proposals shall be implemented and maintained in accordance with the details as approved.
- 8 Deliveries of goods with the exception of newspapers and magazines shall be restricted to between 0700 and 1800 hours Monday to Saturday. There shall be no deliveries of goods with the exception of newspapers and magazines on Sundays, public holidays or bank holidays.
- 9 The opening hours of the premises shall be restricted to between 07:00 and 22:00 on any day.
- 10 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.
- 11 Demolition or construction works shall not take place outside 08:00 hours to 18:00 hours Mondays to Fridays and 08:00 hours to 13:30 hours on Saturdays and at no time on Sundays, public holidays or bank holidays.
- 12 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.

- 13 The new vehicular access shall be laid out and completed in all respects in accordance with Drawing 7792 28 (latest revision) and with an entrance width of at least 5.5m and be made available for use prior to first occupation of dwellings or commercial use of store. Thereafter the access shall be retained in the specified form.
- 14 Prior to the development hereby permitted being first occupied, the proposed access onto Hepworth Road 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.
- 15 Prior to first operation use of the commercial unit and prior to first occupation of any of the dwellings hereby approved the areas to be provided for storage and presentation of Refuse/Recycling bins from the Convenience Store and dwellings 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.
- 16 No development above ground shall take place until details have been submitted to and approved in writing by the Local Planning Authority showing the means to prevent the discharge of surface water from the development onto the highway. The approved scheme shall be carried out in its entirety before the access is first used and shall be retained thereafter in its approved form.
- 17 Before the access is first used visibility splays shall be provided as shown on Drawing No. 7792 28 (latest revision) 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.
- 18 Prior to first use of the development hereby permitted, the area(s) within the site shown on drawing No. 7792 28 (latest revision) for the purpose of loading, unloading, manoeuvring and parking of vehicles shall be provided. Thereafter the area(s) shall be retained and used for no other purpose.
- 19 Before the development is first occupied the vehicle turning space/s shown on drawing 7792 28 (latest revision) shall be provided in entirety and shall be retained thereafter in the approved form and used for no other purpose.
- 20 Before any works above slab level take place details shall be submitted to and approved in writing by the Local Planning Authority showing an official pedestrian crossing and associated infrastructure and relocation of existing road sign/s. The approved scheme shall be carried out in its entirety before the access is first used and shall be retained thereafter in its approved form.
- 21 Before work above slab levels takes place details of the areas to be provided for the secure cycle storage for residents 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.

- 22 The development shall be carried out strictly in accordance with the Arboricultural Impact Assessment & Method Statement by Oakfield Arboricultural Services ref. OAS 19-221-AR01.
- 23 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.
- 24 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.
- 25 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.
- 26 The dwelling(s) hereby approved shall not be occupied until the optional requirement for water consumption (110 litres use per person per day) in part G of the Building Regulations has been complied with and evidence of compliance has been obtained.
- 27 Works in relation to the commercial unit shall not take place above slab level until details of the cladding and brick for plinth and front wall 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.
- 28 The dwellings hereby permitted shall be constructed entirely of the materials detailed on the approved plans.
- 29 Before plot 5 hereby permitted is first occupied, the staircase window in the western elevation shall be fitted with obscure glass and shall be retained in such form in perpetuity.
- 30 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.

87. **Planning Application DC/19/1700/FUL - Caravan Site South, Pigeon Lane, Fornham All Saints (Report No: DEV/WS/20/009)**

Planning Application - (i) Change of use of part of golf course for the siting of 35no. caravan holiday homes (ii) new access from A1101 (iii) construction of access roads, parking spaces and associated infrastructure (as amended by email on 14.01.2019 to omit 2 caravans)

The application was a re-submission of a recently withdrawn application for Change of Use of two sites on part of a golf course (one in the north and one in the south) for the siting of 70no. caravan holiday homes, with associated works including the creation of a new access from the A1101 and the B1106. This current application related to the southern part of the previous application only.

The application site and large parts of the golf course fell within the parish of Fornham All Saints. The All Saints Hotel and parts of the golf course was within the parish of Fornham St Martin cum St Genevieve. Therefore, both Parish Councils had been consulted.

The application was referred to the Development Control Committee because Fornham All Saints Parish Council had made comments in support of the application and Fornham St Martin cum St Genevieve Parish Council had objected. One of the Ward Members for The Fornhams and Great Barton Ward had asked for the application to be considered by the Committee due to the number of representations received and one of the Ward Members of the adjoining Tollgate Ward had objected to the proposal.

The Senior Planning Officer informed the Committee that the amended application was for 35 caravans and therefore the word 'lodge' should be removed from the title of the proposal.

A Member site visit was held prior to the meeting.

Speakers: Malcolm Johnson (local resident) spoke against the application.
Enid Gathercole (local resident) spoke against the application.
Frank Stennett (local resident) spoke against the application.
Councillor Beccy Hopfensperger (one of the Ward Members for The Fornhams and Great Barton ward) spoke against the application.
David Harris (applicant) spoke in support of the application.

A detailed discussion was held and the majority of Members expressed several concerns with this application. The Officers had considered that the

application accorded with relevant planning policies, particularly Policy DM34 – Tourism Development of the Joint Management Policies Document. This sought to direct larger scale tourism activities and overnight accommodation to the larger urban areas. The policy permitted new tourism facilities, including overnight visitor accommodation such as holiday lodges, static and touring caravans provided that a number of criteria were being satisfied. The policy required proposals to:

- a) be connected to and associated with existing facilities or located at a site that related well to the main urban areas and defined settlements in the area and could be made readily accessible to adequate public transport, cycling and walking links for the benefit of non-car users;
- b) not adversely affect the character, appearance or amenities of the area and the design was to be of a standard acceptable to the Local Planning Authority;
- c) vehicle access and on-site vehicle parking would be provided to an appropriate standard.

Additional criteria applied to rural areas, where proposals must also:

- d) have no significant adverse impact on nature conservation, biodiversity or geodiversity interests, or upon the character or appearance of the landscape and countryside;
- e) be of an appropriate scale for their context and/or comprise the conversion of suitable existing rural buildings or limited extension to existing visitor accommodation.

Officers considered that whilst the proposal was located in the countryside, it accorded with the above policy and other relevant policies, and therefore was considered to be acceptable development in the countryside in this case.

Some Members considered this location in the Lark Valley was a major gateway into Bury St Edmunds and the siting of the proposed caravans would have an adverse impact on the visual amenity and landscape of this important gateway. The removal of a significant number of trees to allow for the development was considered to have a harmful effect on the character of the landscape, and whilst a replacement landscaping scheme had been proposed, this planting would take some time to mature and provide screening and adequate softening to the appearance of the caravans.

Moreover, whilst not protected, these trees provided a distinctive feature towards separating the two settlements of Fornham All Saints and Fornham St Martin cum St Genevieve. Their removal was considered by some Members to impact on the boundaries of these two villages which should remain clearly separate and distinct, and therefore coalescence was to be resisted.

Further concern was also expressed regarding the impact of the proposal on carbon emissions and highway safety.

Other Members, however, concurred with the Officers' recommendation and considered the development to be acceptable and in accordance with development plan policies and the National Planning Policy Framework. These Members considered the impact on visual amenity and the landscape was

minimal and temporary, particularly given the proposed development's proximity to an industrial area. Recognising the economic benefits of promoting tourism, the location was considered to be appropriate for encouraging tourists that wished to visit Bury St Edmunds and its surrounding area. The proposed landscaping scheme was also considered to be acceptable by these Members, including that the settlement boundaries of Fornham All Saints and Fornham St Martin cum St Genevieve would still sufficiently remain separate and distinct.

Contrary to the Officers' recommendation of approval, it was moved by Councillor Peter Stevens that the application be refused on the grounds of the adverse impact on the landscape, visual amenity, carbon footprint, highway safety and potential for settlement coalescence of the two villages of Fornham All Saints and Fornham St Martin cum St Genevieve. This was duly seconded by Councillor Susan Glossop. Members were however, subsequently advised that there was no technical evidence to support a potential adverse impact on the proposed development's carbon footprint and highway safety, therefore upon the agreement of the proposer and seconder of the motion, these two reasons for refusal were removed from the motion.

Upon being put to the vote and with 9 voting for the motion, 5 against and 1 abstention, it was resolved that

Decision

Planning permission be **REFUSED** on the grounds of the adverse impact on the landscape, visual amenity and potential for settlement coalescence of the two villages of Fornham All Saints and Fornham St Martin cum St Genevieve.

(Councillor Peter Stevens left the meeting at the conclusion of this item at 2.23 pm)

88. **Planning Application DC/19/0225/FUL - Land NE Haverhill, Wilsey Road, Little Wratting (Report No: DEV/WS/20/010)**

Planning Application - Temporary construction access off Chalkstone Way associated with wider work at Great Wilsey Park

(Councillor John Burns declared a non-pecuniary interest in this item as he lived within the vicinity of, but not adjacent to, the application site. He remained in the meeting, took part in the debate and the voting on the item thereon.)

The North-East Haverhill Great Wilsey Park site was granted outline planning permission for a development of 2,500 homes and associated development under application DC/15/2151/OUT.

The applicants, Redrow Homes Limited, were looking to deliver the first phases of the development and the access sought in this application was proposed to facilitate the construction work associated with two of the development parcels within those phases. A main compound was proposed at the north of the site, accessed from Haverhill Road, which was approved by the Development Control Committee under application DC/19/0224/FUL.

The application had been submitted at this time to ensure that construction infrastructure was in place ready to support the delivery of the development.

This application was referred to the Development Control Committee as a result of a call-in by one of the Ward Members for Haverhill East, having considered the context of the strategic nature of the wider site.

A Member site visit was held prior to the meeting.

The Principal Planning Officer informed the Committee that in respect of proposed Condition 2 referred to an incorrect drawing number; however, the drawing itself contained in the report was correct. The correct drawing number was 183821-002 Rev D.

Speakers: Councillor John Burns (one of the Ward Members for Haverhill East ward) raised some concerns with the application.
Chris Gatland (applicant) spoke in support of the application.

Councillor John Burns raised a number of queries, including technical questions to which the Officers duly responded. He acknowledged that this was only a temporary construction access but wished to clarify a number of issues principally relating to the impact on the existing road infrastructure and to neighbouring residents in the locality of the proposed access route. The Committee found the local knowledge extremely useful in supporting their determination of the application.

The debate included consideration of attaching a condition to request that when the access was no longer required for the intended purpose, it should be stopped up and the land reinstated. This was agreed.

Having considered the content of the report, including that the Highways Authority had not objected to the application (subject to conditions), the Committee considered that the proposed access from Chalkstone Way would have no significant adverse effect on the operation of the highway or on its physical structure and the non-Heavy Goods Vehicle (HGV) traffic movements would have no significant adverse effects on residential amenity. Members acknowledged that the routing of HGV construction traffic was to be dealt with separately under a condition attached to the outline permission and therefore, should not be considered as part of this application.

It was moved by Councillor John Burns that the application be approved, as per the Officer recommendation. This was duly seconded by Councillor Jason Crooks.

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. Time
The development hereby permitted shall be begun not later than 3 years from the date of this permission.
2. Access details
No part of the development shall be commenced until details of the proposed access have been submitted to and approved in writing by the Local Planning Authority.
These details will include:
 - The position of any gates to be erected
 - Visibility splays provided and means to maintain
 - Width/s and surface materials
 - Pedestrian access into the site and across the proposed access
 - Means to ensure there will be no Left Turn for larger vehicles out of the access onto Chalkstone
 - Way during the operation life of the access.
 - Trigger point for the removal of the access and means to reinstate the highway verge.

The approved access shall be broadly in accordance with drawing 183821-002 Rev D and be laid out and constructed in its entirety prior to any other part of the development taking place. Thereafter the access shall be retained in its approved form.

3. Prevention of surface water and mud on to highway
Before the development is commenced details shall be submitted to and approved in writing by the County Planning Authority showing the means to prevent the discharge of surface water and mud from the development onto the highway. The approved scheme shall be carried out in its entirety before the access is first used and shall be retained thereafter in its approved form.
4. Construction Deliveries Management Plan - In respect of construction of the access only
All HGV and construction traffic movements to and from the site over the duration of the construction period of the access shall be subject to a Construction Deliveries Management Plan which shall be submitted to the planning authority for approval a minimum of 28 days before any deliveries of materials commence.

The Plan shall include, but not be limited to:

- Routing and timing of construction vehicles;
- Means to ensure construction vehicles will not park, wait, load or unload from the highway
- Means to ensure no material, equipment or other infrastructure will be stored on the highway or in such a way that highway safety may be compromised.
- Means to ensure no water, mud or other debris may egress onto the highway
- Means to ensure any lighting will not cause glare that could cause an impact to users of the highway
- No HGV or construction traffic 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.

5. Surface water disposal strategy
The strategy for the disposal of surface water (dated 06/06/2019, ref: 183821-005 Rev D) shall be implemented as approved in writing by the local planning authority. The strategy shall thereafter be managed and maintained in accordance with the approved strategy.
 6. Deliveries and service vehicles during the use of the access.
All HGV traffic movements to and from the site over the duration of the use of the access 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. The Plan shall include the routing of all delivery and service traffic vehicles and means to ensure all of these vehicles will not turn left (toward Green Road) out of the access onto Chalkstone Way. 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.
- B. That an additional condition be attached to the planning permission requesting that when the access was no longer required for the intended purpose, it should be stopped up and the land reinstated.

(On the conclusion of this item at 2.54pm, the Chair adjourned the meeting for a short comfort break. Councillor Ian Houlder left the meeting and did not return.)

89. **Planning Application DC/19/0947/FUL - Dwelling 1, Herringswell Manor, Herringswell Road, Herringswell (Report No: DEV/WS/20/011)**

Planning Application - Conversion of garages and stores to 2no dwellings

(At this point, at 3pm, the Chair resumed the meeting.)

This application was referred to the Development Control Committee following consideration by the Delegation Panel. Herringswell Parish Council had objected to the application.

A Member site visit was held prior to the meeting.

Speakers: Liz Wilkinson (resident of Herringswell Manor) spoke against the application.
Richard Winsborough (applicant) spoke in support of the application.

Having acknowledged a number of the representations in opposition to the application, some Members questioned whether the garages that were proposed for conversion into residential dwellings were redundant as claimed by the applicant. In addition, some concern was expressed in respect of

whether sufficient parking would be provided for those that currently resided at Herringswell Manor and those that would occupy the proposed new dwellings.

Other concerns raised included the justification for the proposed development in the countryside and the potential overlooking to neighbouring residents' private amenity space.

In response, the Principal Planning Officer stated that the two garage block buildings were not redundant in their entirety. The Officers were satisfied that the first floor level of the garage blocks were completely redundant and were previously used for storage. As a result of the proposed development, there would be a loss of two garages on the ground floor. It was understood that these were currently let out to residents; however, it was within the site operator's gift to no longer lease them. Whilst the ground floor garages would be lost, sufficient parking spaces would remain on the site as a whole, as explained further below. The buildings were structurally sound and capable of conversion and having considered and discounted other potential uses, together with taking into account other considerations, as set out in the report, the Officers had considered the conversion to residential use was an appropriate use in this case.

In respect of the provision of adequate parking spaces, the Committee noted that Block 1 had two spaces plus one visitor space proposed immediately adjacent to the block. Parking for Block 2 (also two spaces) was further away within an existing area of surplus parking to the east. The proposal would result in the loss of two garage spaces and it was understood that these were currently rented out to residents, some of which were used for storage and some for parking. Any displaced parking as a result of the loss of the two garage spaces would be accommodated within the surplus parking area. The Highways Authority had considered this arrangement to be acceptable.

The report provided details of how the proposal would comply with relevant planning policies applicable to development in the countryside and reference was made to the reasons given by the Planning Inspector following their allowing of an appeal for the change of use of an existing gymnasium facility to residential on the same site, which made further justification for this proposal.

In addition, Officers were satisfied that there would be no overlooking to private amenity space as a result of the new development, as set out in the report.

Following due consideration, some Members remained concerned whether the majority of the garage block buildings were in fact redundant, as claimed by the applicant, challenging that the buildings remained in use for parking and storage. Contrary to the officers' recommendation of approval, Councillor Andy Drummond subsequently proposed that planning permission be refused on the grounds that the application did not comply with Joint Development Management Policies Document Policies DM28 and DM33 as the buildings were not redundant. This proposal was duly seconded by Councillor Don Waldron.

The Service Manager (Planning – Development) explained that if Members were minded to refuse the application, contrary to the Officers' recommendation of approval, then the Committee's Decision Making Protocol would need to be invoked and a risk assessment detailing the implications of refusing permission would need to be produced for consideration by the Committee at a subsequent meeting.

Upon being put to the vote and with 4 voting for the motion, 8 against and 1 abstention, the motion was lost.

It was then moved by Councillor Jason Crooks 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 8 voting for the motion, 4 against and 1 abstention, 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 Prior to first use of the development hereby permitted, the area(s) within the site shown on drawing No. C-273-G-10 for the purpose of loading, unloading, manoeuvring and parking of vehicles shall be provided. Thereafter the area(s) shall be retained and used for no other purpose.
- 4 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.
- 5 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.
- 6 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.
- 7 No development above ground level shall take place until details of the treatment of the rear garden boundary to block 2 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.
 - 8 The dwelling(s) hereby approved shall not be occupied until the optional requirement for water consumption (110 litres use per person per day) in part G of the Building Regulations has been complied with and evidence of compliance has been obtained.
 - 9 Prior to first occupation of block 1, this dwelling with off street parking shall be provided with an operational electric vehicle charge point at reasonably and practicably accessible location, with an electric supply to the charge point capable of providing a 7kW charge.
 - 10 Demolition or construction works shall not take place outside 0800 hours to 1800 hours Mondays to Fridays and 0800 hours to 1300 hours on Saturdays and at no time on Sundays, public holidays or bank holidays.
 - 11 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking and re-enacting that Order) no development permitted under Part 1 Classes A, B, C, D, E and F of Schedule 2 to the Order shall be erected/carried out within the site other than any expressly authorised by this permission.
 - 12 Prior to both dwellings being first occupied, details of the refuse and recycling storage for each unit shall be submitted and agreed in writing with the Local Planning Authority. The agreed details shall then be provided in their entirety and been made available for use prior to occupation of each unit. Thereafter these facilities shall be retained in accordance with the approved details and continue to be available for use unless the prior written consent of the Local Planning Authority is obtained for any variation to the approved details.
 - 13 Prior to occupation a scheme of soft landscaping for the site drawn to a scale of not less than 1:200 shall be 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.

- 14 Prior to occupation, details of the timber cycle stores for each unit shall be submitted and agreed in writing with the Local Planning Authority. The stores shall be installed prior to occupation in accordance with the approved details and thereafter retained for that purpose.

90. Planning Application DC/19/1918/FUL - Land at Chardale, Dale Road, Stanton (Report No: DEV/WS/20/012)

Planning Application - 1no dwelling and cart lodge

The application was originally referred to the Development Control Committee on 8 January 2020 following consideration by the Delegation Panel.

Stanton Parish Council supported the application, which was contrary to the Officer recommendation of refusal.

A Member site visit was held prior to the previous meeting on 6 January 2020.

At the meeting on 8 January 2020, Members resolved that they were 'minded to approve' the application contrary to the Officer recommendation of refusal. Accordingly, the Committee's Decision Making Protocol was invoked in order for a risk assessment to be produced for Members' further consideration and as set out in the report before the Committee at this meeting.

On 8 January 2020, the Committee had passed a resolution of 'minded to approve' the application as Members considered it to be a sustainable development situated in a sustainable location. It had been highlighted that a 'cluster' of dwellings' was subjective and considered the scheme would marginally contribute to the District's housing supply and economy. The Committee felt the proposal would not have an adverse impact on the character of the countryside and would not contravene Joint Management Policies Document Policy DM27, which addressed Housing in the Countryside.

Officers were continuing to recommend that the application be refused, for the detailed reason set out in paragraph 14 of the report, which in summary was contrary to the Development Plan.

The Service Manager (Planning – Development) reported that paragraph 29 of the Working Paper referred to Hundon; however, this was a typographical error and should refer to Stanton. Members were then informed that following reconsideration of the application and given due consideration to the implications of approving the application as set out in the risk assessment contained in the report, if the Committee were still 'minded to approve' the application, the Council as Local Planning Authority would need to advertise the application as a departure from the development plan as required by law. If it was resolved to approve the application, it would be asked that the decision to grant planning permission be delegated to officers, in consultation

with the Chair and Vice-Chairs of the Committee following the conclusion and outcome of the advertising of the application.

Speaker: Councillor Jim Thorndyke (Ward Member for Stanton) spoke on the application.

Clarification was sought on the requirement to advertise the application. The Service Manager (Planning – Development) explained that it was not initially anticipated by Officers that the application would need to be advertised. However, in order to meet statutory publicity requirements, if the Committee approved the application, it would need to be advertised locally as a departure from the development plan.

Some clarity was sought on the proposed conditions should the application be approved, including that proposed condition 7 should require an electric charging point to be installed with the capability of providing a *minimum* of a 7 kilowatt charge.

Whilst the risk assessment had been taken into account, some Members remained consistent with their previous views that the application should be approved for the reasons given above. Other Members, however, felt that the Council had adopted planning policies that should be adhered to. Officers had been robust in their reasons for refusal and it was therefore not appropriate to contravene the relevant policies and depart from the development plan.

It was moved by Councillor John Burns that the application be approved, contrary to the Officer recommendation of refusal on the grounds that it would not have an adverse impact on the character of the countryside, would contribute to the Council's housing supply and would provide limited economic gains. This was duly seconded by Councillor Jim Thorndyke.

Upon being put to the vote and with 7 voting for the motion, 6 against and no abstentions, it was resolved that

Decision

- A. Application DC/19/1918/FUL be **APPROVED** on the grounds that it would not have an adverse impact on the character of the countryside, would contribute to the Council's housing supply and would provide limited economic gains; and
- B. following the conclusion and outcome of the advertising of the application, delegated authority be given to the Service Manager (Development - Planning), in consultation with the Chair and Vice-Chairs of the Development Control Committee, to determine the application and grant planning permission as appropriate, 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. Occupation shall not commence until the area(s) within the site shown on Drawing No. 2142/LO(-)02A 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.
4. The areas to be provided for storage of Refuse/Recycling bins as shown on Drawing No. 2142/LO(-)02A shall be provided in its entirety before the development is brought into use and shall be retained thereafter for no other purpose.
5. Before the access is first used visibility splays shall be provided as shown on Drawing No. 2142/LO(-)02A with an X dimension of 2.4 metres and a Y dimension of 42 metres in each direction 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.
6. No construction site machinery or plant shall be operated, noisy works shall be carried out and no construction related deliveries taken at or despatched from the site except between the hours of 0800- 1800 Monday to Friday, 0800-1300 Saturday and not at any time on Sundays or Bank or Public Holidays.
7. Prior to first occupation, the dwelling hereby permitted shall be provided with an operational electric vehicle charge point at a reasonably and practicably accessible location, with an electric supply to the charge point capable of providing a minimum of a 7kW charge.
8. The dwelling(s) hereby approved shall not be occupied until the optional requirement for water consumption (110 litres use per person per day) in part G of the Building Regulations has been complied with and evidence of compliance has been obtained.
9. Prior to commencement of development a scheme for the protection during construction of the TPO/156(1991) Walnut tree on site, in accordance with BS 5837:2012 shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall show the extent of root protection areas and details of ground protection measures and fencing to be erected around the trees, including the type and position of these. The protective measures contained with the scheme shall be implemented prior to commencement of any development, site works or clearance in accordance with the approved details, and shall be maintained and retained until the development is completed. Within the root protection areas the existing ground level shall be neither raised nor lowered and no materials, temporary buildings, plant, machinery or surplus soil shall be placed or stored thereon. If any trenches for services are required within the fenced areas they shall be excavated and backfilled by hand and any tree roots encountered with a diameter of 25mm or more shall be left unsevered.

91. **Planning Application DC/19/2326/FUL - 18 Victoria Close, West Row (Report No: DEV/WS/20/013)**

Planning Application - (i) two storey side extension (ii) single storey rear extension to dwelling approved under DC/15/1450/RM

This application was referred to the Development Control Committee following consideration by the Delegation Panel. West Row Parish Council had objected to the application.

A Member site visit was held prior to the meeting.

The Principal Planning Officer reported of a printing error whereby overprinting of text had occurred within the Planning History section of the report and gave a short presentation.

Speaker: Councillor John Smith (Ward Member for The Rows) spoke against the application.

During the debate concern was expressed by Members that the proposal constituted overdevelopment and was not in keeping with the street scene as the majority of properties in this location were of relatively small scale in comparison to the proposed development. The proposal was considered not to respect the character, scale, design and form of the existing dwelling and adversely impacted on the character and appearance of the neighbouring properties in the immediate and surrounding area.

It was moved by Councillor Susan Glossop that the application be refused on the grounds of overdevelopment and for not being in keeping with the street scene, which was contrary to the Officers' recommendation of approval. This was duly seconded by Councillor Andy Drummond.

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

Decision

Planning permission be **REFUSED** on the grounds of overdevelopment and for not being in keeping with the street scene.

The meeting concluded at 4.14 pm

Signed by:

Chair
