

Development Control Committee

Minutes of a meeting of the **Development Control Committee** held on **Wednesday 6 October 2021** 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

Richard Alecock

Brian Harvey

Carol Bull

Ian Houlder

John Burns

James Lay

Nick Clarke

David Palmer

Jason Crooks

David Roach

Roger Dicker

David Smith

Susan Glossop

In attendance

Marion Rushbrook – Ward Member: Clare, Hundon & Kedington

176. **Welcome**

The Chair formally commenced the meeting, welcomed all present to the Development Control Committee and reminded Members that a short post-Committee briefing session would be undertaken on close of the meeting.

177. **Apologies for absence**

Apologies for absence were received from Councillors Andy Drummond and Peter Stevens.

178. **Substitutes**

The following substitutions were declared:

Councillor James Lay substituting for Councillor Andy Drummond; and Councillor Nick Clarke substituting for Councillor Peter Stevens.

179. **Minutes**

The minutes of the meeting held on 1 September 2021 were confirmed as a correct record, with 14 voting for the motion and with 2 abstentions, and were signed by the Chair.

180. **Declarations of interest**

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

181. **Planning Application DC/21/0706/VAR - Oakfield Surgery, Vicarage Road, Newmarket (Report No: DEV/WS/21/037)**

(Councillor Roger Dicker asked that it be noted, in the interests of transparency, that he was acquainted with the applicant purely by way of the individual in question being a patron at the shop/Post Office he operated in Kennett.)

Planning application - removal of conditions five and six and variation of condition two of DC/17/1614/FUL to allow the use of UPVC windows

This application was referred to the Development Control Committee following consideration by the Delegation Panel and in view of the objection by Newmarket Town Council, which was in conflict with the Officer's recommendation of approval, subject to conditions as set out in Paragraph 20 of Report No DEV/WS/21/037.

Speakers: Harry Dibden (architect) and Darren Moffat (surveyor) jointly spoke in support of the application

(NB: Registration had been made in advance of the meeting for one of the Ward Members (Newmarket East) to speak on the application, however, due to unforeseen circumstances neither Councillor was able to attend and this was verbally confirmed to the Chair during the meeting by the Democratic Services Officer.)

Councillor James Lay drew attention to the comments made by Newmarket Town Council and stressed the importance of the Newmarket Neighbourhood Plan and the designated Conservation Area.

Councillor Susan Glossop echoed these comments and highlighted the need to listen to local communities when considering planning applications.

Councillor Mike Chester inquired as to the reason for the application (to remove the conditions in question), however, he was reminded that the reasoning for an application being made was not a material planning consideration.

The Principal Conservation Officer was in attendance and was invited by the Chair to address the meeting. The Officer explained that the building in question was not a listed building; it was a modern new build.

Attention was drawn to her comments in Paragraph 5 of the report and the Committee was advised that 'traditional features' were still able to be in-keeping and of benefit to a Conservation Area whilst using modern materials.

A number of Members made reference to the energy efficiency benefits the proposal would bring about.

Councillor Roger Dicker spoke in support of the proposal which he considered appropriate and of high-quality design. He proposed that the application be

approved as per the Officer recommendation and this was duly seconded by Councillor Ian Houlder.

With 9 voting for the motion, 6 against and with 1 abstention it was resolved that

Decision

Having regard to the existing planning permission and its conditions, some of which have been discharged, planning permission be **GRANTED** subject to the following conditions:

1. The development hereby permitted shall be begun not later than three years from the date of this permission.
2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the approved plans and documents.
3. The development shall be completed in accordance with the drainage details submitted under condition 3 of permission DC/17/0614/FUL, discharged by DCON(C)/17/1614, and as approved by this varied permission.
4. The development shall be completed in accordance with the materials submitted under condition 4 of permission DC/17/0614/FUL, discharged by DCON(A)/17/1614, and as approved by this varied permission.
5. The site demolition, preparation and construction works, including deliveries to the site and the removal of excavated materials and waste from the site, shall be carried out between the hours of 08:00 to 18:00 on Mondays to Fridays and between the hours of 08:00 to 13:30 on Saturdays and at no time on Sundays, Bank or Public Holidays without the prior consent of the Local Planning Authority.
6. The acoustic insulation of each dwelling shall be such to ensure noise levels, with windows closed, do not exceed an LAeq (16hrs) of 35dB(A) within bedrooms and living rooms between the hours of 07:00 to 23:00, and an LAeq (8hrs) of 30dB(A) within bedrooms and living rooms between the hours of 23:00 to 07:00.
7. The development shall be completed in accordance with the dust mitigation details submitted under condition 9 of permission DC/17/0614/FUL, discharged by DCON(A)/17/1614, and as approved by this varied permission.
8. No individual dwelling hereby approved shall be occupied until the optional requirement for water consumption (110 litres use per person per day) in Part G of the Building Regulations has been complied with for that dwelling.
9. The development shall be completed in accordance with the screen walls and fences details submitted under condition 12 of permission DC/17/0614/FUL, discharged by DCON(B)/17/1614, and as approved by this varied permission.
10. The development shall be completed in accordance with the landscaping details submitted under condition 13 of permission DC/17/0614/FUL, discharged by DCON(B)/17/1614, and as approved by this varied permission.
11. The development shall be completed in accordance with the arboricultural method statement submitted under condition 14 of permission

DC/17/0614/FUL, discharged by DCON(B)/17/1614, and as approved by this varied permission.

12. The vehicular access shall be laid out and completed in all respects in accordance with Drawing No 1805/10 C and shall be made available for use before the occupation of any dwelling. It shall be retained thereafter in its approved form.
13. No dwelling shall be occupied until the area(s) within the site shown on drawing no. 1805/10 C for the purpose of loading, unloading, manoeuvring and parking of vehicles has been provided. Thereafter the area(s) shall be retained and used for no other purpose.
14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended (or any Order revoking and re-enacting that Order) no development permitted by Article 3, Part 1, Class A, B, C, D and E of Schedule 2 to the Order shall be erected/carried out within the site other than any expressly authorised by this permission.
15. Before 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.

Supplementary informative: The applicant is hereby advised that options for complying with this condition are varied and could be any one or more of a number of measures, proportionate, reasonable and relevant to the site in question. These include, but are not limited to, integrated bird boxes, integrated bat boxes, native berry-bearing trees/shrubs, native pollinating plants or wildflower areas, and where adjacent to Green Infrastructure potentially hedgehog domes, hedgehog highways (connecting gardens through small holes in boundary fences) or hibernacula, wildlife pond, and / or compost heaps.

182. Planning Application DC/17/1252/FUL - Land off Cavendish Road, Clare (Report No: DEV/WS/21/038)

(Councillor Nick Clarke advised the meeting, in the interests of transparency, that he had originally registered to speak as Ward Member on the application. Subsequently he was then asked to act as substitute at the meeting by Councillor Peter Stevens. Accordingly, Councillor Clarke withdrew his registration to speak as Ward Member, which was now being undertaken by Councillor Marion Rushbook.)

Planning Application - 53no. dwellings with associated access, infrastructure and landscaping

Members were advised that this application was originally submitted in 2017 but its determination was delayed due to landownership issues which were now resolved.

The Committee were informed that the proposal had been reassessed against current policy and a fresh and full consultation had been carried out.

The site had also previously been the subject of consultation with key stakeholders and the local community as part of the preparation and adoption of a Development Brief, which was formally adopted by the Council in 2016.

The application was referred to the Development Control Committee following a call-in from Ward Member Councillor Nick Clarke (Clare, Hundon and Kedington).

Clare Town Council had also raised concerns with the proposal which was in conflict with the Officer's recommendation of approval, subject to the completion of a S106 agreement and conditions as set out in Paragraph 9.0 of Report No DEV/WS/21/038.

The Principal Planning Officer drew attention to the following conditions which required amendment:

- Condition 2 – the most up to date drawing numbers for the elevations and floor plans were included in the supplementary 'late papers' issued after publication of the agenda;
- Condition 9 – a second drawing number was to be inserted (as it only referenced one); and
- Conditions 26 and 28 – were to be reworded to reflect that development, and therefore occupation, would take place in phases.

As part of her presentation the Officer showed videos of the site by way of a virtual 'site visit'.

Speakers: Margaret Goodwin (Clare Society) spoke against the application
Councillor Paul Bishop (Chair, Clare Town Council) spoke against the application
Councillor Marion Rushbrook (Ward Member: Clare, Hundon and Kedington) spoke against the application
Henrik Darlington (developer) spoke in support of the application

Councillor Nick Clarke spoke on the application and stressed the importance of encouraging foot and cycle access from the site into central Clare; which required further thought in view of the narrow and partially blocked (with telegraph poles) pavement.

Councillor Clarke also echoed the concerns raised by the Town Council in respect of the impact on the highways network and highlighted the need for some form of mitigation.

Councillor John Burns also highlighted highways concerns and referenced photographs that Clare Town Council/the Clare Society had emailed Committee Members with. He asked if a condition could be added to the recommendation in respect of amending the relevant Traffic Regulation Order to extend the 30mph speed limit eastwards.

The Principal Planning Officer explained that it would not be possible to add a condition in this regard because Suffolk County Council, acting as the statutory consultee for the Highways Authority, had not deemed it necessary.

Councillor Susan Glossop raised disappointment that a representative from the Highways Authority was not in attendance. Councillor John Burns similarly asked that discussion be facilitated between the Highways Authority, West Suffolk Council and Clare Town Council in respect of the application in question.

Some Members raised issue with the layout of the scheme; with particular reservations being voiced at the alleyways behind the dwellings leading to/from parking areas. The Case Officer explained that the development had been designed in that way in order to prevent parking from dominating the frontage.

In response to other comments made during the debate the Principal Planning Officer advised:

Growth – the Committee were reminded that housing allocation within the Local Plan was not a 'cap' on development and that windfall sites could always come forward;

Affordable Housing – current policies did not permit rounding upwards when the percentage of properties was calculated per development. Whilst policies did exist that prevented clusters of affordable housing over a certain number, there was a balance to be struck as housing providers favoured the properties being within smaller clusters in developments; and

Renewables – it would not be possible to add additional conditions in respect of sustainable heating, solar panels, broadband etc as current policies did not require these.

Councillor Ian Houlder proposed that the application be approved as per the Officer recommendation. This was duly seconded by Councillor David Roach.

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

Decision

Planning permission be **GRANTED** subject to:

1.) The completion of a S106 agreement to secure the following (subject to meeting the CIL Reg 122 tests):

- Policy compliant level and tenure split of affordable housing
- Contribution in respect of the 0.9 part affordable dwelling.
- Education contribution – Secondary School £213,975.00 and sixth £47,550.00
- Libraries contribution (if deemed compliant with CIL Regulation 122)
- Waste contribution (if deemed compliant with CIL Regulation 122)
- Public rights of way improvements - £74,500
- Off site Play and Recreation - £39,822.00
- NHS - £31,800.00

In the event that there are any substantive changes to the S106 package, then this will go back to the Chair of the Development Control Committee to determine whether it is necessary to bring the proposals back before the Committee.

And

2.) The following conditions:

- 1. Time** The development hereby permitted shall be begun not later than 3 years from the date of this permission.
- 2. Approved Plans** The development hereby permitted shall not be carried out except in complete accordance with the details shown on the approved plans and documents.
- 3. Construction and site management plan – pre commencement** Prior to the development commencing a comprehensive Construction and Site Management Programme shall be submitted to the Local Planning Authority for approval. The approved programme shall be implemented throughout the development phase, unless the Local Planning Authority gives written consent to any variation.
The programme shall include:-
 - a. site set-up and general arrangements for storing plant, including cranes, materials, machinery and equipment, offices and other facilities;
 - b. access arrangements for contractors' vehicles (locations and times), parking and turning for vehicles of site personnel, operatives and visitors, loading and unloading of plant and materials and a methodology for avoiding mud from the site tracking onto the highway with a strategy for remedy of this should it occur.
 - c. noise method statements and noise levels for each construction activity including any piling and excavation operations;
 - d. dust, dirt and vibration method statements and arrangements;
 - e. site lighting.
- 4. Construction Surface Water - pre-commencement** No development shall commence until details of a Construction Surface Water Management Plan (CSWMP) detailing how surface water and storm water will be managed on the site during construction (including demolition and site clearance operations) is submitted to and agreed in writing by the local planning authority. The CSWMP shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction. The approved CSWMP and shall include: method statements, scaled and dimensioned plans and drawings detailing surface water management proposals to include :-
 1. Temporary drainage systems
 2. Measures for managing pollution / water quality and protecting controlled waters and watercourses
 3. Measures for managing any on or offsite flood risk associated with construction
- 5. Detailed surface water drainage – pre-commencement** No development shall commence until a detailed surface water drainage scheme for the site, based on the agreed Flood Risk Assessment and Drainage Strategy (FRADS) by GH Bullard Associates, ref. 045/2011/FRA Rev E and dated Feb 2018 has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall include a restriction in run-off to greenfield runoff rates (5l/s) and at least

734m³ of surface water storage on site, as outlined in the FRADS. Details to be submitted include:-

1. Dimensioned drawings showing all aspects of the surface water drainage system (including an impermeable area plan). Section details of the proposed storage areas shall also be submitted showing the level benches.
 2. Modelling or similar method shall be submitted to demonstrate that the surface water discharge to the receiving watercourse will be restricted to 5l/s for all events up to the critical 1 in 100yr +CC rainfall event.
 3. Modelling of the surface water drainage scheme to show that the attenuation/infiltration features will contain the 1 in 100yr rainfall event including climate change.
 4. Modelling of the pipe network in the 1 in 30yr rainfall event to show no above ground flooding.
 5. Modelling of the volumes of any above ground flooding from the pipe network in a 100yr + climate change rainfall event, along with topographic plans showing where water will flow and be stored to ensure there is no flooding to buildings on the site and there is no flooding in the immediate area due to offsite flows. These flow paths will demonstrate that the risks to people are kept to a minimum.
 6. Demonstration of adequate treatment stages for water quality control shall be submitted - SuDS features should demonstrate betterment to water quality, especially if discharging towards a watercourse.
 7. A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime.
 8. Arrangements to enable any surface water drainage within any private properties to be accessible and maintained including information and advice on responsibilities to be supplied to future owners.
6. **Site Access - Pre commencement** Before any plant, machinery or materials are brought onto the site and prior to the first commencement of development, full details of the proposed construction site access (including the position of any gates to be erected, visibility splays provided and drainage or other existing infrastructure to be altered) 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 first use or any other part of the development taking place and no other access to the site shall be used during the construction phase.
7. **Deliveries Management Plan - pre commencement** All HGV and construction traffic movements to and from the site over the duration of the construction period shall be subject to a Deliveries Management Plan which shall be submitted to the planning authority for approval a minimum of 28 days before any deliveries of materials commence. No HGV movements shall be permitted to and from the site other than in accordance with the routes defined in the Plan.

The site operator shall maintain a register of complaints and record of actions taken to deal with such complaints at the site office as specified in the Plan throughout the period of occupation of the site.

- 8. Access details - Prior to access construction** Prior to the access being constructed details of the access and associated works, (including layout, levels, gradients, surfacing and means of surface water drainage), shall be submitted to and approved in writing by the Local Planning Authority.
The ditch beneath the proposed access shall be piped or bridged in accordance with details which previously shall have been submitted to and approved in writing by the Local Planning Authority and shall be retained thereafter in its approved form.
- 9. Offsite highway work - pre commencement** No part of the development shall be commenced until details of the proposed off-site highway improvements indicatively shown on Drawing Nos. 045/2011/22 REV P5 and 045/2011/21rev P2 have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be laid out and constructed in its entirety prior to occupation.
- 10. Internal road details - pre commencement** Before the development is commenced, details of the estate roads and footpaths, (including layout, levels, street lights, gradients, surfacing and means of surface water drainage), shall be submitted to and approved in writing by the Local Planning Authority.
- 11. Fire Hydrants - pre-commencement** No development shall commence until a scheme for the provision of fire hydrants within the application site have 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.
- 12. Tree protection - pre commencement** The trees shown on drawing number LSDP11418.01 Rev A shall be protected in accordance with BS5837: 2012 before any equipment, machinery or materials are brought onto the site for the purposes of development and shall continue to be so protected during the period of construction and until all equipment, machinery and surplus materials have been removed from the site. Within the fenced area no work shall take place; no materials shall be stored; no oil or other chemicals shall be stored or disposed of; no concrete, mortar or plaster shall be mixed; no fires shall be started; no service trenches shall be dug; no soil shall be removed or ground level changed at any time, without the prior written consent of the Local Planning Authority.
- 13. Construction hours - during construction** The hours of construction activities, including deliveries to the site and the removal of excavated materials and waste from the site, shall be limited to between 07:00 and 18:00 hours on Mondays to Fridays and 08:00 and 15:00 hours on Saturdays. No construction activities shall take place at the application site on Sundays, Bank or Public Holidays.
- 14. Vegetation Clearance - during construction** Notwithstanding the approved details or any details submitted in compliance with the requirements of any other conditions imposed upon this grant of

planning permission, there shall be no clearance of any existing vegetation upon the site or other site clearance works during the bird nesting season (March - September inclusive), without the written agreement of the local planning authority following the submission of survey information, undertaken by a competent ecologist to assess the nesting bird activity on site during this period.

15. Sustainable Design and Construction details – pre-above ground No development above ground level shall take place until, an energy and sustainability statement for the development has been submitted to and approved in writing by the Local Planning Authority. The statement shall outline how the development adheres to broad principles of sustainable design and construction and how energy efficiency will be optimised through the use of renewable and other technology, materials, insulation and construction techniques. The development shall be carried out in accordance with the approved strategy.

16. Designing out opportunities for crime – pre-above ground

No above ground construction shall take place until the details of the measures and strategies to design out opportunities for crime have been submitted to and approved in writing by the Local Planning Authority. The measures shall include as a minimum:

- details of the anti-crime features to be provided for each dwelling including the use of security lighting, where appropriate;
- details of measures to improve the safety of rear access paths including the use of gates, boundary treatments and lighting; and
- Details of boundary treatments to provide safe and secure private amenity spaces and clear demarcation of public and private spaces.

All work shall be carried out in accordance with the approved details.

17. Waste Strategy – pre-above ground Notwithstanding the information submitted with the application, no development above ground level shall take place until a waste strategy has been submitted to the local planning authority and agreed in writing.

Such a strategy shall include full details of the bin storage and collection points including presentation areas for individual dwellings and groups of dwellings. The details shall clearly indicate presentation points and the properties they would serve and shall include details of the distances from dwellings to those bin presentation points where they are not on the property.

18. Fire hydrants – pre above ground No above ground construction shall take place until a scheme for the provision of fire hydrants has been submitted to the local planning authority and agreed in writing. The fire hydrants shall be provided in accordance with the approved scheme and thereafter retained in their approved form.

19. Boundary Treatment - pre above ground Notwithstanding the details previously submitted in relation to the boundaries of the site, no construction above ground level shall take place on the site until full details of the boundary treatments within 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 and in the case of hard boundaries must include provision for hedgehog permeability (with gaps of 13x13cm at ground level).

The approved boundary treatments in relation to residential plots shall be constructed or erected before the dwelling to which it relates is first occupied. Other on site boundary treatments shall be completed before the first occupation of any dwelling on the site. Where boundaries include soft landscaping, planting shall be done so within 12 months of the date on which those details are agreed or in accordance with a timetable agreed in writing with the local planning authority. 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.

20. Hard landscaping - pre above ground No construction above ground level shall take place until full details of the hard landscaping for the site has 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, 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. The scheme shall be implemented prior to the first occupation of any part of the development (or within such extended period as may first be agreed in writing with the Local Planning Authority).

21. Soft Landscaping and Biodiversity Enhancement Details - Pre above ground Notwithstanding the structural landscaping details provided, no above ground construction shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of soft landscaping for the site drawn to a scale of not less than 1:200. 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. Planting should include native species and a mixture of trees and shrubs that provide nectar, fruit, or seeds to maximise foraging opportunities for invertebrates, birds, and bats.

Additional biodiversity enhancements should include the creation of additional hibernation features suitable for use by amphibians and the provision of artificial bird and/or bat boxes targeted towards species that are notable regionally or nationally.

The approved scheme of soft landscaping and biodiversity enhancement 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.

22. Materials - prior to construction

No construction using visible facing or roofing materials take place until details of those facing and roofing materials to be used 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.

- 23. Access Surface Water - pre above ground** Prior to any construction above ground level taking place on the site, details shall be 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.
- 24. Visibility splays - prior to first use of the access** Before the access is first used visibility splays shall be provided as shown on Drawing No. 045/2011/22 REV P5 with an X dimension of 2.4 metres 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
- 25. Carriageway and footway construction - prior to first occupation** No dwelling shall be occupied until the carriageways and footways serving that dwelling have been constructed to at least Binder course level or better in accordance with the approved details.
- 26. Parking - prior to first occupation of relevant dwellings** Prior to the first occupation of any dwelling within the development hereby approved, the areas shown on Drawing No. 4164-01 REV K for the purposes of manoeuvring and parking of vehicles and for the purposes of secure cycle storage for that dwelling, must have been provided and be available for use. Thereafter, those areas shall be retained and used for no other purposes.
- 27. Cycle storage for dwellings – Prior to occupation** Prior to the first occupation of any dwelling, the cycle storage for that dwelling, as indicated on drawing no. 8946/22 rev C shall be provided. Where it is indicated that this will be within the rear garden it shall be provided in the form of enclosed, secure storage with a minimum size of 3m² shall be provided prior to the first occupation of that dwelling.
- 28. Refuse/recycling bins - prior to first occupation of relevant dwellings** Prior to the first occupation of any dwelling within the development hereby approved, the areas to be provided for storage and presentation for collection of Refuse/Recycling bins as shown on Drawing No. 4164-01 REV K to serve that dwelling must have been provided and be available for use. Thereafter, those areas shall be retained and used for no other purposes.
- 29. Public Open Space and landscape management and maintenance – prior to first occupation** Prior to the first occupation, full details of the proposed arrangements for future management and maintenance of the public open space, including the associated suds features, shall be submitted to the local planning authority and agreed in writing.
The details must include a full landscape management plan, including long term design objectives, and maintenance schedules for all soft

landscape areas, included associated suds features (other than small privately owned domestic gardens) together with a timetable for the implementation.

The details must also specify the appointed management company or adopting body, and the proposed management arrangement. The open spaces shall thereafter managed and maintained in accordance with agreed details.

30. EV charging – prior to first occupation Prior to first occupation of any dwelling with off street, on plot, parking (Plots 15-16, 19-34, 38, 46 to 53), the relevant dwelling shall be provided with a suitable consumer unit and wiring to allow the future installation of an electric vehicle charge point capable of 7kWh charging at a reasonably and practicably accessible location.

Prior to first occupation of dwellings served by a parking court, the relevant parking court shall be provided with two electric vehicle charge points capable of at least a 7kWh charge, available for communal use.

31. Suds Components details - prior to first occupation No dwelling hereby permitted shall not be occupied until details of all Sustainable Urban Drainage System components and piped networks have been submitted, in an approved form, to and approved in writing by the Local Planning Authority for inclusion on the Lead Local Flood Authority's Flood Risk Asset Register.

32. Water consumption - prior to occupation No individual dwelling hereby approved shall be occupied until the optional requirement for water consumption (110 litres use per person per day) in Part G of the Building Regulations has been complied with for that dwelling.

183. Planning Application DC/21/1198/FUL - Land North of Green Acre, Thetford Road, Ixworth Thorpe (Report No: DEV/WS/21/039)

Planning application - Three dwellings (following demolition of existing dwellings) Amended plans submitted 24th August

This application was originally referred to the Development Control Committee in September 2021 following consideration at the Delegation Panel.

Following receipt of amended plans on 24 August 2021 the application was subsequently withdrawn from the September agenda in order for further consultation to be carried out.

The Committee was advised that the scheme now seeking determination was a resubmission of a previously refused proposal determined at a previous Development Control Committee and subsequently dismissed at appeal.

Officers were recommending that the application be refused for the reason set out in Paragraph 58 of Report No DEV/WS/21/039, which was in conflict with the view of the Parish Council who cited no objections.

As part of her presentation the Principal Planning Officer showed videos of the site by way of a virtual 'site visit'.

Speakers: Councillor John Griffiths (Ward Member: Ixworth) spoke in support of the application
Phil Cobbold (agent) spoke in support of the application
(Councillor Griffiths did not attend the meeting to personally address the Committee and instead the Democratic Services Officer read out a pre-prepared submitted statement on his behalf.)

During the debate Members posed questions in respect of the Permitted Development 'fallback' position. To aid their understanding the Chair invited the agent to advise on the property boundaries/curtilage.

A number of the Committee voiced support for the proposal which they considered to be an improvement to the existing properties on the site.

Councillor David Roach proposed that the application be approved, contrary to the Officer recommendation, as he (i) considered the location to be within a cluster of development, (ii) the proposal to be a proportionate replacement for the existing dwellings and, (iii) in view of the scheme having reduced the dwellings now proposed from 5 to 3, he considered it to accord with policy. This was duly seconded by Councillor Brian Harvey.

The Principal Planning Officer made reference to the reasons given for approval and advised Councillors Roach and Harvey that whilst reasons (ii) and (iii) were subjective, he would advise caution with regard to reason (i) as there were clear definitions as to what was deemed a cluster and this site had been assessed by the recent Appeal Inspector as not being within a cluster.

Furthermore, if the proposer and seconder were content to withdraw reason (i) from their motion then the Decision Making Protocol would not need to be invoked and a risk assessment would not be required.

Accordingly, Councillors Roach and Harvey confirmed to the Chair that they were happy to withdraw this element from their proposal.

The Principal Planning Officer then outlined conditions that could be appended to a permission, if granted.

Upon being put to the vote and with 8 voting for the motion and 8 against and it was resolved on the Chair's casting vote that

Decision

Planning permission be **GRANTED, CONTRARY TO THE OFFICER RECOMMENDATION**, subject to the following conditions:

1. The development hereby permitted shall be begun not later than three years from the date of this permission.
2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the approved plans and documents.
3. Demolition or construction works shall not take place outside 08:00 hours to 18:00 hours Mondays to Fridays and 08:00 hours to 13:00

hours on Saturdays and at no time on Sundays, public holidays or bank holidays.

4. 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.
5. Prior to the dwellings hereby permitted being first occupied, the existing vehicular access onto the highway 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.
6. Prior to the occupation of the dwellings hereby approved details of the areas to be provided for storage and presentation for 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.
7. The use shall not commence until the areas within the site shown on Drawing No. 100 REV C for the purposes of manoeuvring and parking of vehicles has been provided and thereafter that those areas shall be retained and used for no other purposes.
8. Prior to the occupation of the dwellings hereby approved details of the areas to be provided for 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.
9. The development hereby permitted should be completed in accordance with the mitigation and enhancement measures detailed within the submitted ecological survey report by Hillier Ecology dated October 2019.
10. The development hereby permitted; shall not in any circumstances commence unless the Local Planning Authority has been provided with either:
 - a. A licence issued by Natural England pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2010 authorizing the specified activity/development to go ahead; or
 - b. A statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence.
11. No development above slab level shall take place until full details of the materials, including for the roof, of the dwellings 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.
12. The dwelling(s) hereby approved shall not be occupied until the requirement for water consumption (110 litres use per person per day) in part G of the Building Regulations has been complied with and evidence of compliance has been obtained.
13. 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 scheme shall include accurate indications of the position,

species, girth, canopy spread and height of all existing trees and hedgerows on and adjacent to the site and details of any to be retained, together with measures for their protection during the course of development. Any retained trees removed, dying or becoming seriously damaged or diseased within five years of commencement shall be replaced within the first available planting season thereafter with planting of similar size and species unless the Local Planning Authority gives written consent for any variation. The works shall be completed in accordance with the approved plans and in accordance with a timetable to be agreed with the Local Planning Authority.

14. 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.
15. Prior to the occupation of the dwellings hereby approved, the existing cottages on site shall be demolished in their entirety. The site of the demolished dwellings shall be cleared and finished in accordance with a scheme first submitted to and approved by the Local Planning Authority.

184. Planning Application DC/21/1366/FUL - West Suffolk House, Western Way, Bury St Edmunds (Report No: DEV/WS/21/040)

Planning application - Installation of battery container, and associated foundations and fencing

This application was originally referred to the Development Control Committee on 4 August 2021 as West Suffolk Council is the applicant.

The matter was deferred at the August meeting in order to allow Officers additional time in which to explore an alternative location for the container.

The Planning Officer highlighted the alternative locations that the applicant had considered and the reasons for discounting these.

The Committee was also advised that works towards the setting up of the site compound for the works to the substation, which had been confirmed as Permitted Development, had commenced in late September 2021. These works did not relate to the application before Members seeking determination.

Officers were continuing to recommend that the application be approved, subject to conditions as set out in Paragraph 28 of Report No DEV/WS/21/040.

Attention was drawn Condition No 4; Members were informed that since publication of the agenda a Arboricultural Method Statement and Tree Protection Plan had been submitted by the applicant. The Council's Tree Officer had assessed the documentation and was in agreement with what was proposed and the condition would therefore be amended to reflect this.

As part of his presentation the Planning Officer showed videos of the site by way of a virtual 'site visit'.

Speaker: Luke Simpkin (West Suffolk Council Environment and Energy Officer, applicant) spoke in support of the application

Considerable debate took place on the application with some Members raising concern at the impact the proposal would have on visibility at the adjacent junction splay within the car park.

The Principal Planning Officer confirmed that Suffolk County Council Highways had not considered this to be an issue due to it being an internal junction within a car park where vehicles would not be travelling at any speed.

Some of the Committee also voiced reservations at the visual impact of the battery container and were assured by the Solicitor that any advertisements would require separate consent and would be controlled by way of that separate application.

A number of technical questions were posed in respect of power storage, security, fire safety and ventilation. Two representatives from the architect firm who developed the scheme were in attendance and the Chair invited one to come forward in order to directly respond on these matters.

Councillor David Roach proposed that the application be approved as per the Officer recommendation, this was duly seconded by Councillor Nick Clarke.

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

Decision

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

1. The development hereby permitted shall be begun not later than three years from the date of this permission.
2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the approved plans and documents.
3. On or before the 08 day of October 2025 the building hereby permitted shall be removed and the land shall be restored to its condition immediately prior to the development authorised by this permission commencing.
4. The development shall be carried out strictly in accordance with the Tree Protection Plan and Arboricultural Method Statement submitted 04 October 2021, drawing no. ADAS-PIC-WES-SEPTEMBER 2021. The protective measures contained within the scheme shall be

implemented, Maintained and retained until the development is completed. The development shall be carried out in accordance with the approved TPP and AMS unless agreed in writing by the Local Planning Authority.

The meeting concluded at 1.36pm

Signed by:

Chair
