

Development Control Committee

Minutes of a meeting of the **Development Control Committee** held on **Wednesday 2 March 2022** 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

Carol Bull

Ian Houlder

John Burns

Andy Neal

Jason Crooks

David Nettleton

Roger Dicker

David Palmer

Susan Glossop

David Roach

Brian Harvey

Peter Stevens

Diane Hind

In attendance

Stephen Frost (Ward Member: Lakenheath)

213. **Apologies for absence**

Apologies for absence were received from Councillors Richard Alecock, Andy Drummond and David Smith.

214. **Substitutes**

The following substitution was declared:

Councillor Andy Neal substituting for Councillor Richard Alecock;
Councillor David Nettleton substituting for Councillor Andy Drummond; and
Councillor Diane Hind substituting for Councillor David Smith

215. **Minutes**

The minutes of the meeting held on 2 February 2022 were confirmed as a correct record, with 15 voting for the motion and 1 abstention, and were signed by the Chair, subject to the following amendment:

212 Planning Application DC/21/1142/FUL - All Saints Hotel, The Street, Fornham St Genevieve

The application was referred to the Development Control Committee from the Delegation Panel because ~~both~~ Fornham St Martin cum St Genevieve Parish Council and ~~Bury St Edmunds Town Council~~ had objected, whilst Fornham All Saints Parish Council raised no objections to the application. The Ward Members for The Fornhams and Great Barton Ward and one of the Ward Members of the adjoining Tollgate Ward had all objected to the proposal.

216. **Declarations of interest**

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

217. **Public Speaking Protocol**

Members were requested to approve the Committee's amended Public Speaking Protocol which had been revised to reflect the change recommended by the Constitution Review Group in respect of Ward Members being permitted to act on behalf of, and with the approval of, the Ward Member under the public speaking part of the meeting.

West Suffolk's Council meeting had approved the necessary constitutional change at the meeting on 22 February 2022.

Councillor David Nettleton spoke in support of the amendment but highlighted the need for an (s) to be added after the reference to the approving Ward Member in order to reflect, that where wards had more than one Ward Member, that all Ward Members concerned had given the adjacent Ward Member their approval to act on their behalf.

Councillor Jim Thorndyke proposed that the document be approved, subject to the amendment proposed by Councillor Nettleton and speaking methods B and C being swapped in order. This was duly seconded by Councillor David Roach.

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

Decision

The attached Public Speaking Protocol be **APPROVED** subject to:

- An (s) being added after the reference to the approving Ward Member in order to reflect, that where wards had more than one Ward Member, that all Ward Members concerned had given the adjacent Ward Member their approval to act on their behalf; and
- Speaking methods B and C being swapped in order.

218. **Planning Application DC/20/2115/FUL - 26 Angel Hill, Bury St Edmunds (Report No: DEV/WS/22/005)**

(Councillor Diane Hind declared a non-pecuniary interest in this item in light of the fact that she had taken part in Bury St Edmunds Town Council's consideration of the application. However, Councillor Hind stressed that she would keep an open mind and listen to the debate prior to voting on the item.)

Planning Application - a. ground floor retail unit; b. four flats on first and second floor. (Revised submission to DC/18/0068/FUL to allow for amended window details, including for bedroom windows on the rear elevation to be fixed shut, provision of external ventilation grilles, and retention of first floor external maintenance door on the

rear elevation). As amended by details received on 22 and 29 November 2021

This application was referred to the Development Control Committee following consideration by the Delegation Panel. The application was referred to the Delegation Panel following a request from Councillor Jo Rayner as Ward Member (Abbeygate). Bury St Edmunds Town Council raised no objection.

The Committee was advised that planning permission was originally granted in 2019 for a ground floor retail unit and 4 no. first and second floor flats above following the demolition of an existing shop on the site that was destroyed in a fire. Both the shop and the residential units had been completed and are understood to be occupied. Openable windows had been installed to the bedrooms of the flats, contrary to a condition on the original permission requiring them to be fixed shut for noise mitigation purposes. A first-floor external door had also been installed without planning permission.

Permission was previously sought for the retention of the door under application DC/19/2189/VAR, which was refused on 8 April 2020. No appeal was lodged against that refusal.

Attention was drawn to the list of conditions set out in Paragraph 60 of Report No DEV/WS/22/005 and Members were advised that Conditions 3 (a duplicate of Condition 5) and 8 (referenced in Paragraph 52) were not necessary and were to be disregarded and replaced with the following conditions which had been omitted from the report:

- Replacement Condition 3 - There shall be no access to the first-floor flat roof area, apart from for the purposes of essential building maintenance.
- Replacement Condition 8 - The first floor bin storage area shown on drawing number F982/15 Revision M, as installed shall thereafter be retained and used for no other purpose.

Subject to these changes to the conditions listed, Officers were recommending that the application be approved.

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

Speakers: David Marjoram (neighbouring objector – owner of The One Bull) spoke against the application
Councillor Jo Rayner (Ward Member: Abbeygate) spoke against the application
Councillor Julia Wakelam (Ward Member: Abbeygate) spoke against the application

A number of the Committee raised questions in respect of any related enforcement process, the Service Manager (Planning – Development) stressed to Members that any potential subsequent enforcement action was a separate matter and was not a material planning consideration for the determination of the application before them.

Further questions were also posed in respect of access via windows and alternative methods of maintenance access, however, the Service Manager (Planning – Development) reminded the Committee that they were required to determine the application before them.

Councillor David Nettleton spoke against the application and moved that the application be refused, contrary to the Officer recommendation, due to the impact it would have on neighbouring residential amenity and referenced Policies DM2 and DM24. This was duly seconded by Councillor Ian Houlder.

The Service Manager (Planning – Development) explained that she would not recommend the inclusion of Policy DM24 in the reason proposed for refusal because Policy DM24 related to extensions to dwellings and was therefore not relevant to this application. If this was removed (leaving just Policy DM2) then the Decision Making Protocol would not need to be invoked as a Risk Assessment would not be considered necessary.

Accordingly, Councillors Nettleton and Houlder (as proposer and seconder of the motion) agreed to remove reference to DM24.

Upon being put to the vote and with 13 voting for the motion and with 3 against, it was resolved that

Decision

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

The proposed revisions to the approved scheme (ref. DC/18/0068/FUL) include the introduction of an external door at first floor level that would provide access to a large expanse of flat roof to the immediate rear of 4 no. residential flats. The door adjoins a communal area within the flats and the roof to which it would provide access is at a higher level relative to the neighbouring garden to the east. The introduction of an access to this flat roofed area would foreseeably lead to residents utilising this space, to the detriment of the amenities of the neighbouring occupiers. In the opinion of the Local Planning Authority the frequency, duration and reason for the use of the access door furthermore cannot be adequately controlled via planning conditions in order to make the development acceptable. The harm arising to the amenities of the neighbouring property as a result of the addition is considered to outweigh any weight that could reasonably be attached to the convenience of the door for building maintenance purposes. The proposals are therefore contrary to Policy DM2 of the Forest Heath and St Edmundsbury Local Plan Joint Development Management Policies Document (February 2015).

219. **Planning Application DC/21/2425/HH - Lodge Farm, 10 Sedge Fen, Lakenheath (Report No: DEV/WS/22/006)**

Householder planning application - two storey side and single storey rear extension (following demolition of existing)

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

It was presented to the Delegation Panel due to the support from Lakenheath Parish Council, which was in conflict with the Officer's recommendation for refusal, for the reason set out in Paragraph 28 of Report No DEV/WS/22/006.

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

Speakers: Councillor Stephen Frost (Ward Member: Lakenheath) spoke in support of the application and stated that fellow Ward Member Councillor Colin Noble also supported the proposal
Andrew Fleet (agent) spoke in support of the application
Jenny Kinge (applicant) spoke in support of the application

During the debate a large proportion of the Committee voiced support for the application, with some stating that they considered the scheme to be an improvement to the property.

Councillor John Burns spoke in favour and moved that the application be approved, contrary to the Officer recommendation, as he did not consider that the proposal would detrimentally impact on the character and appearance of the host dwelling or the surrounding area. This was duly seconded by Councillor David Nettleton.

The Service Manager (Planning – Development) explained that Members' interpretation of Policies DM2 and DM24 was subjective in relation to the character and appearance of the host dwelling and surrounding area, meaning the Decision Making Protocol would not need to be invoked as a Risk Assessment would not be considered necessary.

The Planning Officer then verbally advised on the conditions that could be appended to a permission, if granted.

Upon being put to the vote and with the vote being unanimous, it was resolved 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, unless otherwise stated.
- 3 The materials to be used shall match in type, colour and texture those on the existing building.
- 4 Demolition or construction works shall not take place outside 08:00 hours to 18:00 hours Mondays to Fridays and 08:00 hours to 13:00

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

(On conclusion of this item the Chair permitted a short comfort break before continuing with the agenda.)

220. **Planning Application DC/21/2514/FUL - Playground A, Skate Park, St Johns Close, Mildenhall (Report No: DEV/WS/22/007)**

Planning application - concrete skate park to replace the existing

This application was referred to the Development Control Committee because the applicant is West Suffolk Council.

No objections had been raised to the scheme and Officers were recommending that the application be approved, subject to conditions, as set out in Paragraph 37 of Report No DEV/WS/22/007.

The Senior Planning Officer advised Members that the plan referenced within Condition No 4 was incorrect and would be amended on a permission, if granted.

Speaker: Councillor Richard Alecock (Ward Member: Mildenhall Great Heath) spoke in support of the application
(Councillor Alecock was not in attendance to personally address the Committee and, instead, the Democratic Services Officer read out a pre-prepared statement on his behalf.)

The Committee spoke in support of the project and commended the work that had been undertaken by local Members in order to bring it to fruition.

Some comments were made in respect of lighting, CCTV and fencing which the Service Manager (Planning – Development) agreed to pass on to the relevant department, as they were not part of the planning application.

Councillor Jim Thorndyke proposed that the application be approved, as per the Officer recommendation, and this was duly seconded by Councillor Andy Neal.

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 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, unless otherwise stated.
- 3 The hours of site preparation and construction activities, including

deliveries to the site and the removal of excavated materials and waste from the site shall be limited to 08:00 to 18:00 hours on Mondays to Fridays and 08:00 to 13:00 hours on Saturdays. No site preparation or construction activities shall take place at the development site on Sundays, Bank or Public Holidays.

- 4 Following completion of the development hereby approved, the existing skatepark within the blue land shown on drawing 583-P01-02 (Location Plan) shall be removed and the land be reinstated to grass, within 26 weeks of completion of the skate park hereby approved.
- 5 Before the development is commenced, details of the areas to be provided for the locking of cycles shall be submitted 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.

221. **Planning Application DC/21/2261/FUL - Abbey Gardens, Angel Hill, Bury St Edmunds (Report No: DEV/WS/22/008)**

(Councillor Peter Stevens informed the meeting that he had sought advice as to whether he needed to declare an interest in this item, in view of having previously been the Cabinet Member with responsibility for the Abbey Gardens, but had been advised that it was not considered necessary.)

Planning application - re-configuration of staff compound area; a. three bay garage (following demolition of existing concrete garage); b. drainage and irrigation system; c. water bowser area with hose store and greenhouse; d. tarmac surface and skip and compactor area

This application was referred to the Development Control Committee because the applicant is West Suffolk Council.

Officers were recommending that the application be approved, subject to conditions, as set out in Paragraph 52 of Report No DEV/WS/22/008.

As part of his presentation the Planning Officer showed videos of the site by way of a virtual 'site visit' and drew attention the supplementary 'late papers' that had been issued after publication of the agenda, and which set out proposed fencing elevations.

Members were also advised that Scheduled Monument Consent was being sought separately to the planning process.

Some questions were posed by the Committee in respect of the consultation process and the timescale for the works which the Officer responded to.

Councillor Diane Hind raised a specific question in respect of the greenhouse which the Planning Officer agreed to seek clarification on and report back directly to the Councillor.

Councillor John Burns spoke in support of the scheme and moved 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 the vote being unanimous, it was resolved that

Decision

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

1. The development hereby permitted shall be begun not later than 3 years from the date of this permission.
2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the approved plans and documents.
3. 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 and boundary treatments; 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).
4. 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.
5. A lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats

and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting location plan and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

6. Prior to development above slab level, 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.

222. Planning Application DC/22/0276/DE1 - West Suffolk Council, Gym and Library, College Heath Road, Mildenhall (Report No: DEV/WS/22/009)

Notification under Part 11 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 - demolition of district offices, health and library

The Committee was advised that the notification was made under regulations contained within the Town and Country Planning (General Permitted Development) Order 2015, specifically Schedule 2 Part 11 Class B.2. In such instances, an application is required to be submitted to the Local Planning Authority for their determination as to whether the prior approval of the local authority is required in relation to the method of demolition and any proposed restoration of the site.

The application was referred to the Development Control Committee since it related to an application made by and on behalf of West Suffolk Council.

Officers were recommending that prior approval is required, as set out in Paragraph 46 of Report No DEV/WS/22/009.

During the debate specific questions were raised by the Committee in respect of drainage, electricity, the usage of crushed materials, asbestos and the need to ensure the adjacent highway was kept free of works vehicles. The Service Manager (Planning – Development) agreed to highlight all these matters with the relevant department, as they fell outside of the planning process.

Discussion also took place on the various memorial plants/plaques that existed on the site. The Service Manager (Planning – Development) assured Members that the applicant was fully aware of these and they would be given due consideration as part of any subsequent redevelopment of the site. Councillor Andy Neal proposed that a suitable place for their relocation could

be the Trevor Hagger Memorial Gardens in Mildenhall, which were planned for refurbishment following the closure of the adjacent swimming pool.

Councillor David Roach proposed that the application be approved, 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

1. It be confirmed that Prior Approval as to the method of demolition is **REQUIRED**; and
2. Delegated Authority be given to Officers to confirm the method of demolition as being acceptable upon satisfactory receipt of further tree protection measures and potentially archaeology.

The meeting concluded at 12.39pm

Signed by:

Chair
