

Development Control Committee

Minutes of a meeting of the **Development Control Committee** held on **Wednesday 4 January 2023** 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

Andy Neal

Roger Dicker

David Palmer

Brian Harvey

David Roach

Ian Houlder

David Smith

James Lay

Peter Stevens

In attendance

Trevor Beckwith – Ward Member: Moreton Hall

312. **Welcome**

The Chair welcomed all present to the Development Control Committee, advised on the procedure in respect of each application to be considered and explained that only those registered to speak may verbally address the Committee and they may only do so under the public speaking part of the meeting. In line with the Council's Customer Service Standards, all external attendees were asked to respect the Committee process and likewise treat staff and Councillors politely and with respect.

313. **Apologies for absence**

Apologies for absence were received from Councillors John Burns, Jason Crooks, Andy Drummond and Susan Glossop.

In addition, Councillor David Palmer was not present; having advised the Democratic Services Officer that he would be late to arrive to the meeting.

314. **Substitutes**

The following substitution was declared:

Councillor James Lay substituting for Councillor Andy Drummond

The Lawyer further advised the Committee that Councillor Trevor Beckwith was in attendance purely in his role as Ward Member for the application within Moreton Hall. Following advice received from the Monitoring Officer, Councillor Beckwith had opted not to act as substitute at the meeting.

315. **Minutes**

The minutes of the extraordinary meeting held on 30 November 2022 were unanimously confirmed as a correct record and signed by the Chair.

And, the minutes of the meeting held on 7 December 2022 were confirmed as a correct record and signed by the Chair, with 10 voting for the motion and with 2 abstentions.

316. **Declarations of interest**

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

317. **Planning Application DC/21/0427/FUL - Sports Direct Fitness, Easlea Road, Bury St Edmunds (Report No: DEV/WS/23/001)**

Planning application - change of use from gym (class E) to retail (class E commercial, business and service)

This planning application was originally referred to the Development Control Committee on 7 December 2022 as it proposed 'major' development and Bury St Edmunds Town Council had objected, as had Bury St Edmunds BID.

In addition, the consideration of the merits of the application involved complex policy matters relating to retail, employment and community/leisure facilities.

Members at the meeting of 7 December 2022 resolved that they were 'minded to' refuse planning permission, contrary to the Officer recommendation of approval. Accordingly, the Decision Making Protocol was invoked requiring a Risk Assessment report to be prepared which was presented to the Committee for their consideration.

Members resolved that they were minded to refuse because they considered the loss of the existing leisure facility would be contrary to policy DM42.

Officers were continuing to recommend that the application be approved, subject to a S106 Agreement and conditions as set out in Paragraph 33 of Report No DEV/WS/23/001.

The Principal Planning Officer advised the Committee that since the agenda papers were published a further 40 late representations had been received objecting to the proposal; these largely covered matters previously raised by objectors and which were briefly summarised to the meeting.

One further late representation had also been received which referred specifically to material planning considerations that the objector in question did not believe had been fully addressed in the report, and which the Principal Planning Officer verbally outlined for the Committee.

Speakers: Elizabeth Hodder (member of Sports Direct Fitness, speaking on behalf of herself and fellow members) spoke against the application
Councillor Trevor Beckwith (Ward Member: Moreton Hall) spoke against the application

(Councillor David Palmer joined the meeting at 10.13am, at which point the Chair advised Councillor Palmer that he would be unable to take part in the voting on this item as he had not been privy to the presentation.)

Councillor James Lay addressed the meeting and informed the Committee that he had taken it upon himself to undertake two visits to the premises and he had been extremely impressed at the facilities on offer.

Councillor Ian Houlder explained that whilst he appreciated that the premises in question had previously had retail uses, in light of a growing population he considered it imperative that leisure facilities such as this were available to communities.

Other Members spoke against the proposal seeking determination and highlighted the importance of safeguarding the leisure facility, with particular reference made to the accessibility offered for those with disabilities.

A question was posed in respect of the premises being within a General Employment Area and the Service Manager (Planning – Development) provided further explanation.

Councillor Peter Stevens proposed that the application be refused as the loss of the existing leisure facility would be contrary to policy DM42. This was duly seconded by Councillor James Lay.

The Service Manager (Planning – Development) made reference to the points of concern also raised by Members in respect of the site being allocated for employment use and policies BV14 and DM30 and suggested that they too could be included as a reason for refusal, if Members were so minded. Councillors Stevens and Lay, as proposer and seconder of the motion, confirmed agreement.

Upon being put to the vote and with 12 voting for the motion and with 1 abstention, it was resolved that

Decision

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

- 1) Policy DM42 of the Joint Development Management Policies Document seeks to secure the provision of new open space, sport and recreation facilities and to protect and safeguard existing facilities from being lost to other uses or development. Policy CS14 enables financial contributions to be secured to mitigate the impact of new development. The change of use of the building from a gym to a retail use would result in the loss of a highly valued and well

used leisure facility. The loss of this leisure facility will result in a deficit of swimming pool provision within West Suffolk. The proposed developer contribution would not provide immediate replacement provision in a suitable location to meet the needs of users of the existing facility. The proposal therefore conflicts with policy DM42 of the Joint Development Management Policies Document and policy CS14 of the St Edmundsbury Core Strategy; and

- 2) The site falls within a general employment allocation under Bury Vision 2031 Document policy BV14. Policy DM30 of the Joint Development Management Policies Document 2015 seeks to protect employment sites, particularly where there is not sufficient supply of such sites and where evidence has not been provided that genuine attempts have been made to sell/let the site in its current use and that no suitable and viable alternative employment uses can be found or are likely to be found in the foreseeable future. Whilst the proposed change of use to retail would not result in the net loss of an employment unit (as the site is not currently within a B class employment use), there is demand for such employment sites. The condition imposed on the original consent to allow the change of use to a gym restricted it to that use only to ensure the appropriate future use of the site and prevent its loss to other non-employment uses. The site has not been marketed in its current use or for other employment uses. The proposal is therefore contrary to Joint Development Management Policy DM30 a and b and Bury Vision 2031 Document policy BV14.

(On conclusion of this item the Chair permitted a very short interval in order to allow the public gallery to empty.)

318. **Planning Application DC/21/2148/FUL - Agricultural Building, Maids Cross Hill, Lakenheath (Report No: DEV/WS/23/002)**

Planning application - agricultural storage building

This application was referred to the Development Control Committee following consideration by the Delegation Panel, having been referred to the Panel due to the objection received from Lakenheath Parish Council.

As part of her presentation to the meeting, the Planning Officer advised that during the course of the application three consultations had taken place with statutory consultees and neighbouring properties due to a number of amendments having been received, including the revision of the red outline of the site detailing access from Maids Cross Hill, an alteration to the orientation of the proposed building, as well as a change to the proposed external colour of the building.

Since publication of the agenda two late representations had been received objecting to the scheme, the content of which was summarised verbally to the meeting.

A Member site visit was held prior to the meeting. The Planning Officer also showed videos of the site by way of a virtual 'site visit'.

Officers were recommending that the application be approved subject to conditions as set out in Paragraph 82 of Report No DEV/WS/23/002.

Speakers: Andrew Rought (neighbouring objector) spoke against the application
Judith Squires (resident objector) spoke against the application
(Ms Squires was not in attendance to personally address the Committee and, instead, the Democratic Services Officer read out a pre-prepared statement on their behalf.)

During the debate questions were posed in respect of mitigating the visual impact and attention was drawn to the proposed condition (No 3) which set out the requirement for a soft landscaping scheme.

In response to queries in relation to the ongoing enforcement case in connection with the site, the Service Manager (Planning – Development) explained that this was not pertinent to the application seeking determination as it did not relate to the use of the site for agricultural purposes. She also pointed out that the use of the land for agricultural purposes did not require planning permission.

A number of comments were made in relation to the management of noise and light pollution. The Committee was advised that due to the nature of the application, in that it concerned an agricultural operation on agricultural land, Public Health & Housing had not deemed it necessary to restrict the hours of operation and had therefore not made any comments.

Members were advised that condition No 4 could be amended to strengthen the wording used to ensure that the building applied for was solely used for agricultural storage. Similarly, the reason for the condition in relation to lighting (No 5) could also be amended to include protection of the landscape character.

In view of the amendments proposed to condition Nos 4 and 5, Councillor Brian Harvey proposed that the application be approved, and this was duly seconded by Councillor Peter Stevens.

Upon being put to the vote and with 11 voting for the motion and with 2 against, 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 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.

- 4 The agricultural building hereby approved shall be solely used for agricultural storage. It shall not be used for, or otherwise in connection with, any other agricultural or non agricultural machinery/plant hire, sale or repair use.
- 5 No external lighting shall be installed on the application site without prior written consent from the Local Planning Authority.
- 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.

319. Planning Application DC/22/1888/FUL - Provincial House, 32 High Street, Haverhill (Report No: DEV/WS/23/003)

(Councillor David Smith declared, in the interests of openness and transparency, that he had attended Haverhill Town Council's meeting when the Town Council considered the application. However, he stressed he would keep an open mind and listen to the debate prior to voting on the item.)

Planning application - a. replacement of entrance door off High Street and associated glazing b. external bin collection point c. external platform lift d. goods lift to service yard

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

The Town Council raised no objections and Officers were recommending that the application be approved subject to conditions, as set out in Paragraph 30 of Report No DEV/WS/23/003.

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

During the debate Councillor David Smith raised some reservations with the location of the disabled parking bays, however, he noted that the Haverhill Disability Action Group had been consulted and they had not raised concerns.

Councillor Jim Thorndyke highlighted errors in respect of the labelling of the refuse bin compound elevations. The Service Manager (Planning – Development) assured the Committee that all necessary corrections had been made to that plan prior to the meeting and the elevations shown to the Committee were correct.

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

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.

320. **Planning Application DC/22/1102/FUL - 6A Angel Hill, Bury St Edmunds (Report No: DEV/WS/23/004)**

Planning application: a. installation of roof extractor unit b. re painting doors and windows as amended by plans received 19 October 2022

This application was referred to the Development Control Committee as the application is on land owned by West Suffolk Council.

Bury St Edmunds Town Council recommended approval, which was in alignment with the Officer's recommendation of approval subject to conditions, as set out in Paragraph 19 of Report No DEV/WS/23/004.

As part of his presentation the Senior Planning Officer advised that there were some discrepancies with some of the roof elevations in the plans and these would be corrected. He also showed videos of the site by way of a virtual 'site visit'.

In response to a question posed during the debate, the Service Manager (Planning – Development) explained that the premises did not require a change of use and Members only needed to determine the application before them.

Councillor Brian Harvey raised queries in relation to the comments made by neighbouring residents concerning the extraction system. The Senior Planning Officer explained that Public Health and Housing had raised no objection to the proposed extraction system subject to conditions relating to odour and noise, and the need for specific details of the extraction unit to be provided prior to the installation of said unit.

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

Upon being put to the vote and with 12 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, unless otherwise stated.
- 3 Prior to the installation of the extractor unit hereby approved, details shall be submitted to and approved in writing by the Local Planning Authority of the installation, operation, and maintenance of the odour abatement equipment and extract system, including the height of the extract duct and vertical discharge outlet, in accordance with the EMAQ+ document Control of Odour and Noise from Commercial Kitchen Exhaust Systems. Approved details shall be implemented prior to first use of the development and thereafter be permanently retained.
4. Prior to the installation of the extractor unit hereby approved details shall be submitted to and approved in writing by the Local Planning Authority of the external sound level emitted from the installation of the kitchen extraction system / flue, and / or any other plant / equipment [e.g. refrigeration condensers etc] and mitigation measures as appropriate. The measures shall ensure that the external sound level emitted will be lower than the lowest existing background sound level by at least 5 dB(A) inclusive of any penalties for tonality, intermittency, impulsivity or other distinctive acoustic characteristics in order to prevent any adverse impact. The assessment shall be made in accordance with BS 4142:2014+A1:2019 Methods for rating and assessing industrial and commercial sound at the nearest and/or most affected noise sensitive premises, with all equipment operating together at maximum capacity and inclusive of any penalties for tonality, intermittency, impulsivity or other distinctive acoustic characteristics.
5. Prior to first use, any external plant / equipment associated with the development hereby approved shall be mounted with proprietary anti-vibration isolators and fan motors shall be vibration isolated from the casing and adequately silenced and maintained as such. Reason To protect the amenities of occupiers of properties in the locality, in accordance with policies DM2 and DM14 of the West Suffolk Joint Development Management Policies Document 2015, Chapters 12 and 15 of the National Planning Policy Framework and all relevant Core Strategy Policies.
6. The re-painting of the windows and doors hereby permitted shall be applied entirely of the colour detailed within the submitted Planning Statement ref. 20/095, submitted 08 July 2022, paragraph 4.6 as "Farrow and Ball Estate Eggshell – St Giles Blue No 280."

The meeting concluded at 11.37am

Signed by:

Chair
