

# Development Control Committee

**Minutes** of a meeting of the **Development Control Committee** held on **Wednesday 1 March 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

Ian Houlder

John Burns

Andy Neal

Jason Crooks

David Palmer

Roger Dicker

David Roach

Andy Drummond

David Smith

Susan Glossop

Peter Stevens

Ian Houlder

326. **Apologies for absence**

No apologies for absence were received.

327. **Substitutes**

No substitutions were declared.

328. **Minutes**

The minutes of the meeting held on 1 February 2023 were confirmed as a correct record, with 15 voting for the motion and with 1 abstention, and were signed by the Chair.

329. **Declarations of interest**

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

330. **Planning Application DC/22/0336/FUL - Land West of Haverhill Road, Kedington (Report No: DEV/WS/23/006)**

**Planning application - one retail unit (class E) and associated vehicular and pedestrian accesses as amended by plans received 16th August and 9th November 2022 and 16th January 2023**

This application was referred to the Development Control Committee following consideration by the Delegation Panel; the application was considered by the Panel as a result of call-in by one of the local Ward Members (Councillor Nick Clarke – Clare, Hundon and Kedington).

The Parish Council had raised no objections and the application was recommended for approval, subject to conditions, as set out in Paragraph 58 of Report No DEV/WS/23/006. A Member site visit was held prior to the meeting.

As part of her presentation to the Committee the Senior Planning Officer advised Members that since publication of the agenda a further six late representations had been received from village residents objecting to the proposal. All of which raised concerns previously covered in earlier representations, as outlined in Paragraph 13 of the report.

Speakers: Ann and George Bellamy (resident objectors) spoke against the application  
Councillor Ann Naylor (Chair of Kedington Parish Council) spoke in support of the application  
Daxa Visana (applicant) spoke in support of the application  
*(Mr and Mrs Bellamy were not in attendance to personally address the Committee and, instead, the Democratic Services Officer read out a pre-prepared statement on their behalf.)*

Councillor Jason Crooks spoke at length on his concerns with the proposed scheme, particularly in light of the impact it would have on the character of the village due to the scale of the premises applied for.

In contrast, a number of other Members made reference to the importance of supporting sustainable rural communities and to reduce their need to travel long distances to access services. The local delivery service operated by the existing shop was also commended.

Councillor John Burns commented on the potential for development “creep” towards neighbouring Little Wratting, who did not have their own appointed Parish Council. Councillor Peter Stevens interjected and assured the Committee that Little Wratting came under his Ward (Withersfield) and he represented the village at District level.

In response to questions posed in relation to highways related matters the Senior Planning Officer explained that the exact crossing details would be agreed with the Highway Authority and were subject to a safety audit, however it is likely that Mill Road would just have a dropped kerb as opposed to a signalised crossing which was proposed on Haverhill Road. In addition, following an assessment of the road the Local Highways Authority had confirmed that the resurfacing works 50m either side of the proposed crossing were not required.

Councillor Mike Chester sought further clarification on the size of the premises applied for. The Senior Planning Officer gave additional explanation in respect of retail and storage space, and also explained how the proposal was assessed in relation to the Council’s retail assessment policy document.

The Committee were assured that controls were proposed by way of conditions in respect of the parking area (condition for materials and surface

water drainage condition) and the wildflower area (landscape management plan condition).

Councillor Peter Stevens spoke in support of the application; in terms of the planning balance he considered the benefits brought about by the proposal to outweigh any harm, accordingly he proposed that the application be approved as per the Officer recommendation. This was duly seconded by Councillor Susan Glossop.

Upon being put to the vote and with 12 voting for the motion, 3 against 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 No part of the development shall be commenced until details of the proposed access (including the position of any gates to be erected and visibility splays to be provided) have been 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 any other part of the development taking place.  
Thereafter the access shall be retained in its approved form.
- 4 Prior to the development hereby permitted being first occupied, the proposed access onto the B1061 highway shall be properly surfaced with a bound material for a minimum distance of 10 metres measured from the nearside edge of the metalled carriageway, in accordance with details that shall have previously been submitted to and approved in writing by the Local Planning Authority.
- 5 No development above ground shall take place until details have been submitted to and approved in writing by the Local Planning Authority showing the means to prevent the discharge of surface water from the development onto the highway. The approved scheme shall be carried out in its entirety before the access is first used and shall be retained thereafter in its approved form.
- 6 A Construction Management Strategy shall be submitted to and approved in writing by the Local Planning Authority prior to work commencing on site. The strategy shall include access and parking arrangements for contractors vehicles and delivery vehicles (locations and times) and a methodology for avoiding soil from the site tracking onto the highway together with a strategy for remedy of this should it occur. The development shall only take place in accordance with the approved strategy.
- 7 Before the development is commenced details of a new footway in the locations shown on Amended Site Plan Drawing No. 9115/19/2A shall be submitted to and approved in writing by the Local Planning Authority. The footway shall be laid out and constructed to base course before the development is first occupied and fully completed prior to

the occupation. The footway shall be retained thereafter in its approved form.

- 8 No part of the development shall be commenced until details of the proposed off-site highway improvements indicatively shown on Amended Site Plan Drawing No. 9115/19/2A 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 first use of the development.
- 9 Before the access is first used clear visibility at a height of 0.6 metres above the carriageway level shall be provided and thereafter permanently maintained in that area between the nearside edge of the metalled carriageway and a line 2.4 metres from the nearside edge of the metalled carriageway at the centre line of the access point and a distance of 43 metres in each direction along the edge of the metalled carriageway from the centre of the access. Notwithstanding the provisions of Part 2, Class A of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking and re-enacting that Order) no obstruction over 0.6 metres high shall be erected, constructed, planted or permitted to grow within the area of the visibility splays.
- 10 Prior to the installation of any lighting on site details shall be submitted to and approved in writing by the Local Planning Authority. The lighting shall be installed in accordance with the approved details and shall be retained as such unless the written consent of the Local Planning Authority is obtained for any variation.
- 11 No development above ground level shall take place until details of a hard landscaping scheme for the site have been submitted to and approved in writing by the Local Planning Authority. These details shall include proposed finished levels and contours showing earthworks and mounding; surfacing materials; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulations areas; hard surfacing materials; minor artefacts and structures (for example furniture, play equipment, refuse and/or other storage units, signs, lighting and similar features); proposed and existing functional services above and below ground (for example drainage, power, communications cables and pipelines, indicating lines, manholes, supports and other technical features); retained historic landscape features and proposals for restoration where relevant. The scheme shall be implemented prior to the occupation of any part of the development (or within such extended period as may first be agreed in writing with the Local Planning Authority).
- 12 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.
- 13 No development above ground level shall take place until a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules and periods for all soft landscape areas (other than small privately owned domestic gardens) together with a timetable for the implementation of the landscape management plan, has been submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be carried out in accordance with the approved details and timetable.
- 14 The rating level of noise emitted from any external plant, equipment or machinery associated with the development hereby approved shall be lower than the existing background noise level by at least 5dB in order to prevent any adverse impact. The measurements / assessment shall be made according to BS 4142:2014+A1:2019 Methods for rating and assessing industrial and commercial sound at the nearest and / or most affected noise sensitive premise(s), with all external plant, equipment or machinery operating at maximum capacity and be inclusive of any penalties for tonality, intermittency, impulsivity or other distinctive acoustic characteristics.
- 15 Prior to commencement of development the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:
- A Site Investigation, based on;
    - i. all previous site uses,
    - ii. the nature and extent of potential contaminants associated with those uses,
    - iii. the underlying geology of the site,
    - iv. a conceptual model of the site indicating sources, pathways and receptors,
    - v. potentially unacceptable risks arising from ground, groundwater and ground gas contamination at the site, and a detailed assessment of the risk to all receptors that may be affected, including those off site.
  - A Remediation Plan, based on the preliminary risk assessment carried out above, giving full details of the remediation measures required and how they are to be undertaken (including a contingency plan for dealing with any unexpected contamination not previously identified in the Site Investigation).
  - A Verification Plan providing details of the data that will be collected in order to demonstrate that the works set out in above are complete.
- Prior to occupation the Remediation Strategy shall be carried out in accordance with the approved details unless varied with the express written approval of the Local Planning Authority.
- 16 No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works as set out in the remediation strategy is submitted to and approved, in writing by the Local Planning Authority.
- 17 Prior to commencement of development a scheme for the provision of fire hydrants within the application site shall be 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.
- 18 Prior to first operational use of the site, 4 car parking spaces shall be equipped with working electric vehicle charge points, which shall be provided for staff and/or customer use at locations reasonably accessible from car parking spaces. The Electric Vehicle Charge Points shall be retained thereafter and maintained in an operational condition.
  - 19 Any site preparation, construction and ancillary activities, including access road works and deliveries to / collections from the site in connection with the works shall only be carried out between the hours of:  
08:00 to 18:00 Mondays to Fridays  
08:00 - 13.00 Saturdays  
And at no times during Sundays or Bank / Public Holidays without the prior written consent of the Local Planning Authority.
  - 20 Prior to first use of the development hereby approved 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. The use shall not commence unless and until details of the biodiversity enhancement measures to be installed have been agreed in writing by the Local Planning Authority.
  - 21 The premises shall not be open to the public outside of the following hours: 07:00 - 20:00 Monday - Sunday
  - 22 No deliveries, loading or unloading shall take place on the site except between the hours of 07:00-20:00 on Monday to Saturday and at no time on Sundays, Bank or Public Holidays.

**331. Planning Application DC/22/0476/FUL - Zone 2, Suffolk Business Park, General Castle Way, Rougham Industrial Estate (Report No: DEV/WS/23/007)**

*(Councillor Roger Dicker declared, in the interests of openness and transparency, that his son was employed by the company who proposed to operate from Unit A of the application, at an existing premises elsewhere in the District.)*

This application was referred to the Development Control Committee as it represented a departure from the Development Plan.

Furthermore, the Parish Council had objected to the proposal which was in conflict with the Officer recommendation to approve, subject to conditions as set out in Paragraph 75 of Report No DEV/WS/23/007; inclusive of amendments to Conditions 3 and 4 to insert the word 'archaeological' and one further additional condition in relation to the installation of public litter bins on site.

A Member site visit was held prior to the meeting.

As part of her presentation the Senior Planning Officer explained that she had undertaken informal discussions with one of the Ward Members (Moreton Hall) Councillor Birgitte Mager in respect of cycle routes in the vicinity.

The Committee was also advised that signage for the scheme was subject to a separate application for advertisement consent.

Speaker: Justin Bainton (agent) spoke in support of the application

In response to question concerning highways related matters, the Senior Planning Officer confirmed that the Local Highways Authority were satisfied that the drive-through area would not result in queuing on the adjacent highway. Furthermore, they were also content with the delivery arrangements and parking provision, which was in line with the standard operating arrangements of McDonalds premises.

Councillor John Burns commented on the lorries he observed parked on the highway near to the site when the Committee visited earlier in the week. The Senior Planning Officer explained that there was a lorry park nearby, therefore, lorries were unlikely to park near to the scheme in large numbers.

Councillor Brian Harvey made reference to the need for clear and advance signage from the adjacent A14. The Service Manager (Planning Development) explained that this would need to be addressed by National Highways as it was not the responsibility of the developer as part of the scheme before the Committee.

In relation to the two electrical vehicle charging points proposed, Members were advised that the number required for the development was in line with policy.

A number of the Committee voiced concern on the potential levels of litter that could be generated by the development. The Service Manager (Planning – Development) proposed that the additional condition in respect of litter bins could be expanded to include the requirement for a management plan to be submitted which outlined the collection of litter on site and in the immediate proximity by the premises operators.

Councillor Andy Drummond was content with the amendment as proposed in relation to litter collection and therefore proposed that the application be approved, 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.
- 3 No building shall be occupied (open for trade) on Site A until the archaeological site investigation and post investigation assessment, in so far as it relates to Site A, has been completed, submitted to and approved in writing by the Local Planning Authority, in accordance in accordance with the programme set out in the Written Scheme of Investigation dated 12.5.22 and the provision made for analysis, publication and dissemination of results and archive deposition.
  - 4 No building shall be occupied (open for trade to the public) on Site B until the archaeological site investigation and post investigation assessment, in so far as it relates to Site B, has been completed, submitted to and approved in writing by the Local Planning Authority, in accordance with the programme set out in the Written Scheme of Investigation dated 12.5.22 and the provision made for analysis, publication and dissemination of results and archive deposition.
  - 5 The Highway and associated infrastructure, site C, shall not be brought into use until the site investigation and post investigation assessment, in so far as it relates to Site C, has been completed, submitted to and approved in writing by the Local Planning Authority, in accordance with the programme set out in the Written Scheme of Investigation dated 12.5.22 and the provision made for analysis, publication and dissemination of results and archive deposition.
  - 6 All planting within the approved scheme of soft landscaping works shall be implemented not later than the first planting season following commencement of the development (or within such extended period as may first be agreed in writing with the Local Planning Authority). Any planting removed, dying or becoming seriously damaged or diseased within five years of planting shall be replaced within the first available planting season thereafter with planting of similar size and species unless the Local Planning Authority gives written consent for any variation.
  - 7 Notwithstanding the indicative details shown on the plans hereby approved, no development above ground level shall take place on either Site A or Site B of the development, until a scheme of hard landscaping has been submitted for that individual site and agreed in writing by the Local Planning Authority and shall include the following:
    - a) Finished levels, materials, any signage, furniture/sitting areas and a maintenance plan to demonstrate how the hard landscaping features will be repaired/replaced (as appropriate) over time.
    - b) All details of any fencing, gates, walls or other means of enclosure within the development.
    - c) details of demarcation of parking bays and pedestrian pathways
    - d) A programme setting out how the plan will be put into practice including measures for protecting plants, including root barrier membranes for proposed tree, woodland, hedgerow and scrub landscaping, for both during and after development has finished.The hard landscaping scheme shall be installed prior to first occupation of the commercial buildings hereby permitted to which the details relate or the substantial completion of the development, whichever is the sooner, and maintained thereafter in accordance with the maintenance plans hereby approved.
  - 8 Prior to the first occupation of Sites A, and B and/or first use of the



roadways, footways, and cycle ways in Site C by members of the public, a Landscape Management Plan for the site shall be submitted to and approved in writing by the Local Planning Authority. The details should include the long-term design objectives, management responsibilities, specifications, maintenance schedules and periods for all hard and soft landscape areas and including all wooded, vegetated and SuDS areas together with a timetable for the implementation of the Landscape Management Plan. The Management Plan shall include details of the arrangements for its implementation and shall be carried out in accordance with the approved details, supporting documents / reports, surveys, and timetable(s) unless the Local Planning Authority gives written consent for any variation.

- 9 The areas to be provided for the storage and presentation for collection/emptying of refuse and recycling bins as shown on Drawing No. 509-SFL-EX-00-DR-L-0501 Rev P03 for Site A and Site B, shall be provided in their entirety, before the development on that individual site is brought into use and shall be retained thereafter for no other purpose.
- 10 A Construction Management Strategy for either Site A or Site B shall be submitted to and approved in writing by the Local Planning Authority prior to work commencing on that individual site. The strategy shall include access and parking arrangements for contractors vehicles and delivery vehicles (locations and times) and a methodology for avoiding soil from the site tracking onto the highway together with a strategy for remedy of this should it occur. The development shall only take place in accordance with the approved strategy.
- 11 The use shall not commence on either Site A or Site B until the areas within the site shown on Drawing No. 509-SFL-EX-00-DR-L-0501 Rev P03 for the purposes of loading, unloading, manoeuvring and parking of vehicles and the facilities for the purposes of cycle parking have been provided on that individual site and thereafter the areas shall be retained, maintained and used for no other purposes.
- 12 The strategy for the disposal of surface water for either Site A, Site B or Site C, (Ref: 66200833-SWE-ZZ-XX-RP-C-3010 Rev 04 Dated: 25 July 2022 and 22 July 2022 Ref: 4180262/ZM/009 ) and the Flood Risk Assessment (FRA) (Ref: 66200833-SWE-ZZ-XX-RP-C-0002 Rev 04 Dated: 25 July 2022 )and all supporting information shall be implemented as approved in writing by the local planning authority (LPA). The strategy shall thereafter be managed and maintained in accordance with the approved strategy.
- 13 Within 28 days of practical completion of either Site A, Site B or Site C, the surface water drainage verification report for that individual site shall be submitted to the Local Planning Authority, detailing and verifying that the surface water drainage system has been inspected and has been built and functions in accordance with the approved designs and drawings. The report shall include details of all SuDS components and piped networks in an agreed form, for inclusion on the Lead Local Flood Authority's Flood Risk Asset Register.
- 14 Prior to the commencement of development on either Site A, Site B or Site C 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 LPA. The

CSWMP shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction. The approved CSWMP shall include:

Method statements, scaled and dimensioned plans and drawings detailing surface water management proposals to include:-

- i. Temporary drainage systems
- ii. Measures for managing pollution / water quality and protecting controlled waters and watercourses
- iii. Measures for managing any on or offsite flood risk associated with construction

- 15 Prior to the occupation of either Site A or Site B hereby permitted a scheme detailing mitigation measures to reduce and prevent crime and anti-social behaviour on and around that site should be submitted to and approved by the LPA. The mitigation measures shall be retained thereafter.

The Scheme should take into account the guidance and recommendations made by Suffolk Constabulary.

- 16 The site preparation and construction works (excluding internal fit out) 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 Mondays to Fridays and between the hours of 08:00 to 13:00 on Saturdays and at no time on Sundays, Bank or Public Holidays without the prior consent of the Local Planning Authority.

- 17 Prior to first use of either Site A or Site B, details of the ventilation system and system to control odours from any primary cooking process of that individual site shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the measures to abate the noise from the systems and a maintenance programme for the systems. In the event of primary cooking taking place, the system shall be installed prior to first use and thereafter the systems shall be retained and maintained in complete accordance with the approved details unless the written consent of the Local Planning Authority is obtained for any variation.

- 18 The cumulative noise rating level resulting from the operation of all new fixed plant for either site A or Site B shall not exceed:
- a. at Battlies Lodge Daytime (0700 2300 hours) 40 dB LAeq1hr Night time (2300 0700 hours) 30 dB LAeq15min
  - b. At 94/95 Ipswich Road - Daytime (0700 2300 hours) 50 dB LAeq1hr Night time (2300 0700 hours) 40 dB LAeq15min,

- 19 All lighting installations to be provided at the site, including those within the car parking areas and service yards, shall be positioned so as not to cause any glare to the residential properties in the vicinity of the site.

- 20 All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Impact Assessment (MLM, October 2021).

This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

- 21 Prior to the commencement of development on Site A, Site B or Site C, A Farmland Bird Mitigation Strategy shall be submitted to and approved by the local planning authority to compensate the loss or displacement of any Farmland Bird territories identified as lost or displaced. This shall include provision of offsite compensation measures to be secured by legal agreement, in nearby agricultural land, prior to commencement. The content of the Farmland Bird Mitigation Strategy shall include the following:
- a) Purpose and conservation objectives for the proposed compensation measure e.g. Skylark plots;
  - b) detailed methodology for the compensation measures e.g. Skylark plots must follow Agri-Environment Scheme option: 'AB4 Skylark Plots';
  - c) locations of the compensation measures by appropriate maps and/or plans;
  - d) persons responsible for implementing the compensation measure.
- The Farmland Bird Mitigation Strategy shall be implemented in accordance with the approved details and all features shall be retained for a minimum period of 10 years
- 22 Prior to the commencement of development on either Site A, Site B or Site C, A Biodiversity Enhancement Strategy for protected and Priority species on that individual site, prepared by a suitably qualified ecologist shall be submitted to and approved in writing by the local planning authority. The content of the Biodiversity Enhancement Strategy shall include the following:
- a) Purpose and conservation objectives for the proposed enhancement measures;
  - b) detailed designs or product descriptions to achieve stated objectives;
  - c) locations, orientations and heights of proposed enhancement measures by appropriate maps and plans (where relevant);
  - d) persons responsible for implementing the enhancement measures; and
  - e) details of initial aftercare and long-term maintenance (where relevant).
- The works shall be implemented in accordance with the approved details shall be retained in that manner thereafter.
- 23 Neither Site A or Site B, shall be brought into use until a lighting design scheme for biodiversity relating to that individual site, 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 contour plans, Isolux drawings 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 for that site, 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.
- 24 During construction of the development hereby permitted, the trees

- located within the site (Zone 2 Suffolk Business Park General Castle Way Rougham Industrial Estate, (Sites A, B and C) shall not be lopped or felled without the written consent of the local planning authority unless noted on the approved soft landscape plans or Arboricultural Impact Assessment.
- 25 During construction of either Site A, Site B or Site C, any trees within or near to that individual site, shall be protected in accordance with the requirements of BS 5837 (2012) 'Trees in Relation to Design, Demolition and Construction'. The protection measures shall be implemented prior to any below ground works and shall be retained for the entire period of the duration of any work at the site, in connection with the development hereby permitted.
- 26 Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 as amended (or any Order revoking and re-enacting that Order) and the Town and Country Planning (General Permitted Development) Order 2015, as amended, the use of Site A shall be used only as a restaurant - food and drink (with takeaway including from the building and delivery) and associated drive thru and for no other purpose; and site B shall be used only as a café - food and drink (with takeaway including from the building and delivery) and associated drive thru and for no other purpose.
- 27 Prior to the commencement of the use on either Site A or Site B, the section of highways, access, and pedestrian footpaths identified as Site C, shall be fully completed in accordance with the approved details except with the written agreement of the Local Planning Authority.
- 28 The use of Site C shall not commence until full details of lighting to serve the highway have been submitted to and approved by the Local Planning Authority. The development shall be completed in accordance with the approved scheme which shall thereafter be retained and maintained in accordance with the approved scheme.
- 29 If, during development, of either Site A, Site B or Site C, contamination not previously identified is found to be present within that site then no further development of said site (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.
- 30 Within 3 months of occupation (open for trade to the public) of either Site A or Site B, at least two (2no) in the of the car park area for each individual site shall be equipped with dedicated, working, electric vehicle charge points, which shall be available for public use. The electric vehicle charge points shall be 'rapid', i.e. they will be DC chargers with a CCS cable, with each individual unit capable of a power rating of at least 50kW. The electric vehicle charge points shall be retained thereafter and maintained in an operational condition.
- 31 Prior to first use of either site A or site B, a litter management scheme shall be submitted in writing to the Local Planning Authority with regards to the respective site. The scheme shall include details of external litter bins for public use within the respective site, details of maintenance and emptying of the litter bins and details of regular litter picking within the vicinity of the site. The litter management scheme

shall be undertaken in accordance with the approved details in perpetuity.

The meeting concluded at 11.31am

**Signed by:**

**Chair**

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