

Development Control Committee

Minutes of a meeting of the **Development Control Committee** held on **Wednesday 6 September 2023** at **10.00am** in the **Conference Chamber, West Suffolk House**, Western Way, Bury St Edmunds IP33 3YU

Present **Councillors**

Chair Andrew Smith

Vice Chairs Jon London and Phil Wittam

Mick Bradshaw

Rachel Hood

Carol Bull

Ian Houlder

Mike Chester

Sara Mildmay-White

Roger Dicker

Andy Neal

Susan Glossop

Jim Thorndyke

Donna Higgins

David Smith

Diane Hind

In attendance

Tony Brown (Ward Member: Haverhill South East)

Don Waldron (Ward Member: The Rows)

368. **Apologies for absence**

Apologies for absence were received from Councillor Lora-Jane Miller-Jones.

369. **Substitutes**

The following substitution was declared:

Councillor Donna Higgins substituting for Councillor Lora-Jane Miller-Jones.

370. **Minutes**

The minutes of the meeting held on 2 August 2023 were confirmed as a correct record and signed by the Chair, subject to the following amendments:

363. Planning Application DC/22/1294/FUL - Land off Compiegne Way, Bury St Edmunds (Report No: DEV/WS/23/017)

The sentence "the Committee was also displayed visual mock-ups" be amended to read "the Committee was also *shown* visual mock-ups".

364. Planning Application DC/23/0211/FUL - The Packhorse Inn, Bridge Street, Moulton (Report No: DEV/WS/23/018)

The misspelling of "lourve" be corrected to "louvre".

371. **Declarations of interest**

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

372. **Planning Application DC/22/1294/FUL - Land off Compiegne Way, Bury St Edmunds (Report No: DEV/WS/23/022)**

(Councillor Diane Hind declared, in the interests of openness and transparency, that she had attended Bury St Edmunds Town Council's meeting when the Town Council considered the application. However, she stressed that she would keep an open mind and listen to the debate prior to voting on the item.

Councillor Donna Higgins also advised, for clarity, that whilst she was also on the Town Council she had not been present when this application was discussed.)

Planning application - animal feed mill and associated development including ancillary offices, silos, warehouse, improved access route and parking

The application was originally referred to the Development Control Committee on 2 August 2023 as the proposed development was of a substantial scale and on an edge of town location, where it was likely to have significant impact on the landscape and character of the area.

Bury St Edmunds Town Council objected to the application. A Member site visit was held prior to the August Committee.

At the August meeting Members resolved that they were minded to grant the application, contrary to the Officer recommendation, due to the local and regional economic benefits that would be brought about by the scheme which outweighed the harm to the countryside landscape.

Accordingly, the Decision Making Protocol was invoked, requiring a risk assessment to be produced which set out the potential risks that might arise should planning permission be approved contrary to Officer recommendation.

The preparation of a risk assessment report also enabled Officers to seek a further response from the Council's Landscape Consultant in respect of mitigation, to produce a list of proposed conditions, and to confirm the views of the application site from the Abbey Gardens (as queried during the debate on the application by Members in August).

Officers were continuing to recommend that the application be refused, for the reason set out in Paragraph 25 of Report No DEV/WS/23/022.

Reference was made to a letter sent by the applicants to all Members of the Development Control Committee following the August meeting. The Principal Planning Officer responded to the points raised in the letter within his presentation.

The Principal Planning Officer also drew attention to correspondence he had received from Eastgate Community Association who raised queries as to whether the conveyor system within the proposed feed mill would generate noise audible in the surrounding area. In response the Officer highlighted the conditions included in order to control any noise impact from the scheme.

Speakers: Sarah Broughton (objector) spoke against the application
(The Chair explained that whilst Councillor Broughton was a West Suffolk District Councillor she was speaking on the application in a personal capacity.)
Danny Johnson (applicant) spoke in support of the application

During the ensuing debate, a number of Members again remarked on the historic and economic importance of British Sugar to the local area.

Some of the Committee also argued that the existing sugar beet factory did not impact on the tourism brought to the region and by definition they did not believe the proposed scheme would negatively impact on this either.

In response to questions, the Principal Planning Officer confirmed that the feed mill development would generate a mixture of high and low skilled jobs.

Councillor Ian Houlder spoke in favour of the application. He stressed the local and regional economic benefits that would be brought about by the scheme, which outweighed the harm to the countryside landscape, and also made reference to national sustainability benefit that the feed mill would generate by reducing the import of soya to the country.

Councillor Houlder therefore proposed that the application be approved, contrary to the Officer recommendation, subject to the conditions as set out in the report. This was duly seconded by Councillor Phil Wittam.

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**, due to the local and regional economic benefits that would be brought about by the scheme which outweighed the harm to the countryside landscape, together with the national sustainability benefit that the feed mill would generate by reducing the import of soya to the country, 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. Before the development hereby permitted is commenced a Construction Management Plan shall have been submitted to and approved in writing by the Local Planning Authority. Construction of the development shall not be carried out other than in accordance with the

approved plan. The Construction Management Plan shall include the following matters:

- a) parking and turning for vehicles of site personnel, operatives and visitors
 - b) loading and unloading of plant and materials
 - c) piling techniques (if applicable)
 - d) storage of plant and materials
 - e) provision and use of wheel washing facilities
 - f) programme of site and all associated works such as utilities including details of traffic management necessary to undertake these works
 - g) site working and delivery times
 - h) a communications plan to inform local residents of the program of works
 - i) provision of boundary hoarding and lighting
 - j) details of proposed means of dust suppression
 - k) details of measures to prevent mud from vehicles leaving the site during construction
 - l) haul routes for construction traffic on the highway network and
 - m) monitoring and review mechanisms
 - n) Details of deliveries times to the site during construction phase.
4. All HGV delivery traffic movements to and from the site once the development has been completed, shall be subject to a Deliveries Management Plan which shall be submitted and approval in writing to the Local Planning Authority for approval. No HGV movements shall be permitted to and from the site other than in accordance with the routes defined in the Plan.
 5. The new estate road junction as shown on Drawing No. 23156-11-GA Rev F inclusive of cleared land within the visibility splays to this junction must be formed prior to any other works commencing or delivery of any other materials ie not for the purpose of constructing the new estate road/junctions.
 6. Before the development above ground level is commenced, details of a new pedestrian crossing on Compiegne Rd roundabout eastern arm and a footway on the eastern side of Hollow Road connecting the site entrance and the existing footway on Hollow Road shall be submitted to and approved in writing by the Local Planning Authority. The footway shall be laid out and fully completed prior to the feed mill becoming operational.
 7. The use shall not commence until the areas within the site shown on Drawing No.10051785-ARC-WS-00-DR-AR-1106 for the purposes of loading, unloading, manoeuvring and parking of vehicles and cycles has been provided and thereafter the areas shall be retained, maintained and used for no other purposes.
 8. Before the access is first used visibility splays shall be provided as shown on Drawing 23156-11-GA Revision F and thereafter retained in the specified form. Notwithstanding the provisions of Part 2 Class A of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no obstruction to visibility shall be erected, constructed, planted or permitted to grow over 0.6 metres high within the areas of the visibility splays.
 9. No development above ground level shall take place until a scheme for the provision and implementation of water efficiency measures during

the construction and operational phases of the development has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a clear timetable for the implementation of the measures in relation to the construction and occupancy of the development. The scheme shall be constructed in accordance with the approved details and the measures provided and made available for use in accordance with the approved timetable.

10. The development shall achieve BREEAM Excellent standard. This should be evidenced by a BREEAM fully-fitted certificate upon completion. The development shall achieve a Final BREEAM Excellent rating in accordance with the requirements of the relevant BREEAM scheme. The projects Final Certificate must be issued to the local planning authority within a maximum of 6 months post completion.
11. Prior to commencement of the development hereby approved, including any site preparation, a Construction Method Statement shall be submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - i) The parking of vehicles of site operatives and visitors;
 - ii) Loading and unloading of plant and materials;
 - iii) Site set-up including arrangements for the storage of plant and materials used in constructing the development and the provision of temporary offices, plant and machinery;
 - iv) The erection and maintenance of security hoarding including external safety and information signage, interpretation boards, decorative displays and facilities for public viewing, where appropriate;
 - v) Wheel washing facilities;
 - vi) Measures to control the emission of dust and dirt during construction;
 - vii) A scheme for recycling/disposing of waste resulting from demolition and construction works;
 - viii) Hours of construction operations including times for deliveries and the removal of excavated materials and waste;
 - ix) Noise method statements and noise levels for each construction activity including any piling and excavation operations;
 - x) Access and protection measures around the construction site for pedestrians, cyclists and other road users including arrangements for diversions during the construction period and for the provision of associated directional signage relating thereto.
12. Any site preparation, construction works and ancillary activities, including access road works and deliveries to / collections from the site in connection with the development shall only be carried out between the hours of: 08:00 to 18:00 Mondays to Fridays 08:00 to 13.00 Saturdays and at no times during Sundays or Bank / Public Holidays without the prior written consent of the Local Planning Authority.
13. During any site preparation and throughout the construction phase of the development hereby permitted the dust mitigation measures outlined in Table 13 'Proposed Dust Mitigation Measures based on IAQM Guidance' in the Arcadis Technical Appendix 8.1: Construction Dust

Assessment for Land off Compiegne Way, Bury St Edmunds Environmental Statement dated June 2022 shall be employed.

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 5 dB (LA90 - 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 receptor(s), with all external plant, equipment or machinery operating at typical capacity and be inclusive of any penalties for tonality, intermittency, impulsivity or other distinctive acoustic characteristics.
15. A post-completion noise assessment shall be carried out and submitted to and approved in writing by the Local Planning Authority to confirm compliance with the sound criteria above and additional steps to mitigate noise shall be taken, as necessary. Approved details shall be implemented prior to first use of the development and thereafter be permanently retained.
16. All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Ecological Appraisal and Assessment report and the Site Assessment Biodiversity and Environmental Net Gain Opportunities (both ARCADIS July 2022) report as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. 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.
17. The following sett closure shall not in in any circumstances commence unless the local planning authority has been provided with either: a) a licence issued by Natural England pursuant Badger Protection Act 1992 authorizing the specified activity/development to go ahead; or b) a statement in writing from the Natural England to the effect that it does not consider that the specified activity/development will require a licence.
18. A construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:
 - a) Risk assessment of potentially damaging construction activities.
 - b) Identification of "biodiversity protection zones".
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
 - d) The location and timing of sensitive works to avoid harm to biodiversity features.
 - e) The times during construction when specialist ecologists need to be present on site to oversee works.
 - f) Responsible persons and lines of communication.
 - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
 - h) Use of protective fences, exclusion barriers and warning signs.

- i) Containment, control and removal of any Invasive non-native species present on site. The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.
19. An updated Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to the commencement of the development above ground level. The content of the LEMP shall include the following:
- a) Description and evaluation of features to be managed.
 - b) Ecological trends and constraints on site that might influence management.
 - c) Aims and objectives of management.
 - d) Appropriate management options for achieving aims and objectives, including delivery of Biodiversity Net Gain, based on up the updated version of the Site Assessment Biodiversity and Environmental Net Gain Opportunities (ARCADIS July 2022)
 - e) Prescriptions for management actions.
 - f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
 - g) Details of the body or organisation responsible for implementation of the plan.
 - h) Ongoing monitoring and remedial measures including: a Bird Monitoring Strategy and Biodiversity Net Gain monitoring, incorporating relevant requirements from the Biodiversity and Environmental Net Gain Opportunities report.
- The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.
20. All planting within the approved scheme of soft landscaping works as shown on the Proposed Landscape Plan (Dwg No. 10051785-ARC-SW-ZZ-DR-LA-00002 Rev. P2) and Planting Plan (Dwg No. 10051785-ARC-SW-ZZ-DR-LA-00004 Rev. P2) 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.
21. 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 (where appropriate); 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 refuse and / or other storage units, 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).

22. Prior to commencement of development an Arboricultural Method Statement (AMS) in accordance with BS: 5837 2012 (as amended), including any demolition, groundworks and site clearance shall be submitted to and approved in writing by the Local Planning Authority. The Statement should include details of the following: a. Measures for the protection of those trees and hedges on the application site that are to be retained; b. Details of all construction measures within the 'Root Protection Area' (defined by a radius of dbh x 12 where dbh is the diameter of the trunk measured at a height of 1.5m above ground level) of those trees on the application site which are to be retained specifying the position, depth, and method of construction / installation / excavation of service trenches, building foundations, hardstanding, roads and footpaths; and c. A schedule of proposed surgery works to be undertaken to those trees and hedges on the application site which are to be retained. The development shall be carried out in accordance with the approved Arboricultural Method Statement unless agreed in writing by the Local Planning Authority.
23. No development above ground level shall take place until a Landscape Management Plan 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 details should include the long-term design objectives, management responsibilities and maintenance schedules, specifications, and periods for all hard and soft landscape 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 establishment. The Landscape Management Plan shall be carried out in accordance with the approved details, supporting documents / reports, surveys, and timetable(s).
24. Prior to commencement of development above ground level, an Environment Colour Assessment (ECA) shall be produced (using the Natural Colour System) submitted to and approved by the Local Planning Authority. The colour palette which is developed through the ECA process must be based on 'on-the-ground' surveys and supported by a desk-top study, which provides an analysis and synthesis of the colours found within the local landscapes. This study must then inform the colour palette for built form, boundary treatments, materials and hard & soft surfaces.
25. The development shall operate in complete accordance with the approved Travel Plan (RM/SC/10051785-DTA-XX-WS-RP-TP-0004-D), dated 4th July 2022.
26. The strategy for the disposal of surface water (Dated: Jun 2022 Ref: 10051785-ARC-SW-ZZ-RP-CE-00001 Rev 03) and the Technical Note

(Dated: Dec 2022 Ref: 10051785-ARC-XX-XX-TN-CE-00005-P01) 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.

27. Within 28 days of practical completion, surface water drainage verification report 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.
28. 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 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.
29. No development approved by this planning permission shall commence until the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:
 - i) A site investigation scheme,
 - ii) The results of a site investigation based on i) and a detailed risk assessment, including a revised Conceptual Site Model (CSM),
 - iii) Based on the risk assessment in ii), a remediation strategy giving full details of the remediation measures required and how they are to be undertaken. The strategy shall include a plan providing details of how the remediation works shall be judged to be complete and arrangements for contingency actions.
30. No occupation/operation of any part of the 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.
31. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.
32. Prior to first operational use of the site, at least 20% of car parking spaces shall be equipped with working electric vehicle charge points, which shall be provided for staff and/or visitor use at locations reasonably accessible from car parking spaces. The Electric Vehicle Charge Points shall be retained thereafter and maintained in an operational condition.

33. All HDVs delivering raw product to, or distributing final product from, the permitted development shall have Euro VI compliant engines. The site shall keep a log of all deliveries to and from the site, including as a minimum the date of the delivery and the registration number of the HDV. The log shall be made available for inspection by the local planning authority on request.
34. Any external artificial lighting at the development hereby approved shall not exceed lux levels of vertical illumination at neighbouring premises that are recommended by the Institution of Lighting Professionals Guidance Note 01/20 'Guidance notes for the reduction of obtrusive light'. Lighting should be minimised, and glare and sky glow should be prevented by correctly using, locating, aiming and shielding luminaires, in accordance with the Guidance Note.

(On conclusion of this item the Chair permitted a very short comfort break.)

373. Planning Application DC/23/0719/FUL - Chels, 51A Bury Road, Newmarket (Report No: DEV/WS/23/023)

(Councillor Rachel Hood declared a disclosable pecuniary interest in this item and advised that as she had made a personal representation in respect of the application she had sought the Monitoring Officer's advice and would be withdrawing from the meeting during the Committee's consideration of the application.)

Planning application - change of use of existing residential swimming pool to be used by swim school (sui generis)

This application was referred to the Development Control Committee following consideration by the Delegation Panel on 1 August 2023.

Newmarket Town Council objected based on their suggested conditions not being applied to the application.

Officers were recommending that the application be approved, subject to conditions as set out in Paragraph 46 of Report No DEV/WS/23/023 and inclusive of a further proposed condition outlined in the Principal Planning Officer's presentation, to require the windows and doors of the swimming pool building to remain shut during use of the pool for lessons.

The Principal Planning Officer also showed videos of the site by way of a virtual site visit and reminded the Committee that whilst the application was retrospective in nature, this was not a Material Planning Consideration.

Speakers: Tim Merrell (on behalf of Patricia Merrell, neighbouring objector) spoke against the application
Rachel Hood (neighbouring objector) spoke against the application
Stephen Redhead (applicant) spoke in support of the application
(Whilst Councillor Hood was a West Suffolk District Councillor she was speaking on the application in a personal capacity and, as previously advised to the meeting, she left the room when the public speaking concluded.)

During the debate some Members posed questions in respect of the rules and regulations required to operate a private pool as a commercial venture. The Principal Planning Officer explained that this was not a Material Planning Consideration and did not form part of the application before the Committee.

The Officer also confirmed, in response to further questions, that the application was to be assessed on a permanent basis and it was not considered appropriate to grant a one-year trial permission, as suggested by the Town Council.

Whilst members of the Committee recognised the need for additional swimming lesson capacity in the District, particularly for those with additional needs who may be more suited to a smaller facility, concerns were also raised on the amenity impact of the surrounding residential area, especially at the start/end of the lessons when there was likely to be increased vehicle movements.

Accordingly, Councillor Andy Neal proposed that consideration of the application be deferred in order to allow a Member site visit to take place. 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

Consideration of the application be **DEFERRED**, in order to allow a Member site visit to take place.

(On conclusion of this item Councillor Rachel Hood rejoined the meeting.)

374. **Planning Application DC/23/0217/FUL - Manor Croft, 40 Hamlet Road, Haverhill (Report No: DEV/WS/23/024)**

(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 that he would keep an open mind and listen to the debate prior to voting on the item.)

Planning application - Change of use from residential dwelling (class C3) to a residential children's home (class C2)

This application was considered by the Delegation Panel on 1 August 2023 at the request of the Ward Member, where it was decided that the application should be determined at the Development Control Committee.

A Member site visit was held prior to the meeting and as part of her presentation to the Committee the Planning Officer also showed videos of the site.

The Planning Officer also advised Members that one further neighbour objection had been received since publication of the agenda; which largely reiterated the points/comments raised in previous representations and summarised in the report.

Officers were recommending that planning permission be granted, subject to the conditions set out in Paragraph 45 of Report No DEV/WS/23/024 and inclusive of one further suggested condition in respect of the details of the ground works required to facilitate the proposed parking areas.

Speaker: Paddy Capell (neighbouring resident objector) spoke against the application
(Ms Capell was not present at the meeting in order to address the Committee, instead the Democratic Services Officer read out a pre-prepared statement on her behalf)

In response to comments made by Members, particularly in respect of the parking provision proposed as part of the scheme, the Chair reminded the Committee that they were to determine the application before them and not seek to "redesign" the proposal.

The Service Manager (Planning – Development) also highlighted that Suffolk County Council as the Highways Authority were content with the parking as proposed in the plans.

Councillor Sara Mildmay-White proposed that the application be approved, as per the Officer recommendation. This was duly seconded by Councillor Roger Dicker.

Upon being put to the vote and with 12 voting for the motion, 2 against and with 2 abstentions it was resolved that

Decision

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

1. Time limit

The development hereby permitted shall be commenced no later than 3 years from the date of this permission.

2. Compliance with 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. Parking and manoeuvring

The use shall not commence until the area(s) within the site shown on the proposed site plan, submitted to the Local Planning Authority on 12 July 2023 for the purposes of manoeuvring and parking of vehicles has been provided and thereafter that area(s) shall be retained and used for no other purposes.

4. Cycle storage

Prior to the first use of the dwelling as a children's home, details of the areas to be provided for the secure, covered and lit 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.

5. EV charging

Prior to the first use of the dwelling as a children's home, details of electric vehicle charging infrastructure 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.

6. Refuse/recycling bins

Prior to the first use of the dwelling as a children's home, details of the areas to be provided for the presentation of refuse and 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. Number of children

At no time shall more than four children be in residence at the premises.

8. Staff Members

At no time shall more than three members of staff be present at the site.

9. Ground works

Prior to the first use of the dwelling as a children's home, details of the ground works required to facilitate the proposed parking areas 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.

375. Planning Application DC/23/0229/FUL - 9 Tasman Road, Haverhill (Report No: DEV/WS/23/025)

(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 that he would keep an open mind and listen to the debate prior to voting on the item.)

Planning application - change of use from residential (C3) to residential children's home (C2)

This application was considered by the Delegation Panel on 1 August 2023 at the request of the Ward Councillor, where it was decided that the application should be determined at the Development Control Committee.

A Member site visit was held prior to the meeting and as part of her presentation to the Committee the Planning Officer also showed videos of the site.

The Planning Officer also advised Members that one further neighbour objection had been received since publication of the agenda; which largely reiterated the points/comments raised in previous representations and summarised in the report.

Officers were recommending that planning permission be granted, subject to the conditions set out in Paragraph 38 of Report No DEV/WS/23/025.

Speaker: John Edwards (neighbouring resident objector, speaking on behalf of himself and other fellow residents in Tasman Road) spoke against the application
Robert Smith (neighbouring resident objector) spoke against the application
Councillor Tony Brown (Ward Member: Haverhill South East) spoke against the application
(Mr Smith was not present at the meeting in order to address the Committee, instead the Democratic Services Officer read out a pre-prepared statement on his behalf)

Considerable discussion took place on the application, with a number of Members raising concerns principally in relation to the parking provision and the impact of the scheme on neighbouring amenity; in view of the property being within a relatively small residential cul-de-sac.

Whilst comments were also made on the outside amenity space of the property in question, it was recognised that the premises could be used as a domestic residential property and the residents would have access to the same outside amenity space. It was further appreciated that the outside space could be amended/improved and that did not require planning permission.

A number of questions were posed in relation to safeguarding and the regulations required to operate a residential children's home.

The Service Manager (Planning – Development) explained that this was not a Material Planning Consideration and did not form part of the application before the Committee.

Councillor Phil Wittam proposed that the application be refused, contrary to the Officer recommendation, due to the Committee's concerns in relation to parking and the amount of amenity space for the intended residents. This was duly seconded by Councillor Sara Mildmay-White.

The Service Manager (Planning – Development) confirmed that the Decision Making Protocol would be invoked and the motion would be 'minded to' and subject to the production of a Risk Assessment for future consideration by the Committee.

This would also enable Officers to seek a further response from the Highways Authority, in relation to the specific concerns raised by Members in relation to vehicle movements and parking.

Upon being put to the vote and with 11 voting for the motion, 4 against and with 1 abstention, it was resolved that

Decision

Members be **MINDED TO REFUSE THE APPLICATION, CONTRARY TO THE OFFICER RECOMMENDATION**, due to the Committee's concerns in relation to parking and insufficient amenity space for the intended residents. A Risk Assessment would therefore be produced for consideration by the Committee at a future meeting.

(On conclusion of this item and Part A of the meeting, the Chair permitted a short interval before commencing Part B of the meeting. During the interval Councillor Jim Thorndyke left the meeting at 1.15pm.)

376. **Planning Application DC/23/0951/HH - 1 Derby Place, Great Barton (Report No: DEV/WS/23/026)**

Householder planning application - a. first floor side extension b. flat roofs replaced with pitched roofs c. replacement cladding to all elevations c. insert window to rear elevation first floor

This application was considered by the Delegation Panel on 15 July 2023 as the Officer recommendation for refusal was contrary to the Parish Council's support for the proposal.

In addition, Ward Member Councillor Beccy Hopfensperger requested that the application be brought forward to the Development Control Committee. It was agreed by the Delegation Panel that this application should be referred to Development Control Committee for determination.

Officers were recommending that the application be refused for the reason as set out in Paragraph 29 of Report No DEV/WS/23/026.

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

Speaker: Phil Cobbold (on behalf of the agent) spoke in support of the application

Councillor Jon London proposed that the application be approved, contrary to the Officer recommendation, as he did not consider the proposal to be visually intrusive/dominant and would not harm the character of the area. This was duly seconded by Councillor Phil Wittam.

The Service Manager (Planning – Development) explained that the Decision Making Protocol would not need to be invoked, as the impact on the character of the area was a subjective consideration, and the motion for approval would not be 'minded to' and not subject to the production of a Risk Assessment.

Accordingly, the Case Officer then outlined conditions which could be appended to a planning permission.

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. Time Limit – Detailed

The development hereby permitted shall be begun not later than three 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, unless otherwise stated.

377. Planning Application DC/23/0454/FUL - Land adjacent 72 The Street, Holywell Row (Report No: DEV/WS/23/027)

(The Service Manager (Planning Development) informed the meeting that she had sought advice from the Monitoring Officer and in order to avoid the potential perception of conflict/bias she would leave the meeting during the Committee's consideration of this application.)

Planning application - one dwelling

This application was considered at the Delegation Panel on 18 July 2023 as the Officer recommendation for refusal was contrary to the Parish Council's support for the proposal.

In addition, Councillor Don Waldron (Ward Member) requested that the application be brought forward to Development Control Committee. It was agreed by the Delegation Panel that this application should be referred to Development Control Committee for determination.

A Member site visit was held prior to the meeting. Attention was drawn to the supplementary 'late papers' which were issued after publication of the agenda and which set out the correct site plan and outlined a correction to the measurements referred to in Paragraph 2 of Report No DEV/WS/23/027.

The Committee was advised that planning permission had been originally sought for a larger two-storey dwelling with a pitched roof. The scale of the dwelling had since been reduced and was reflected within the amended proposed site layout, floor plans and elevations.

Officers were recommending that planning permission be refused for the reason set out in Paragraph 50 of the report.

Speakers: Councillor Don Waldron (Ward Member: The Rows) spoke in support of the application

Kevin Watts (agent) spoke in support of the application

Some Members who attended the site visit spoke on their reservations over the size of the proposed dwelling, the small rear garden and its proximity to the neighbouring residences. Whilst the current family ownership of the surrounding properties was noted members of the Committee recognised that this may not always be the case.

In contrast, other Committee members highlighted that properties within large scale major developments were often far more densely populated within a site and located much closer to each other.

Councillor Mick Bradshaw, fellow Ward Member for The Rows, spoke in support of the application which he considered would fit well into the surrounding area and was appropriate for the location. This was duly seconded by Councillor Ian Houlder who spoke in support of the design of the proposed dwelling.

The Principal Planning Officer explained that the Decision Making Protocol would not need to be invoked, as the impact on Policies DM2 and DM33 was subjective, and the motion for approval would not be 'minded to' and not subject to the production of a Risk Assessment.

Accordingly, it was suggested the Director (Planning and Growth) be given delegated authority to agree final wording of relevant conditions to be appended to a permission, in consultation with the Chair and Vice Chairs of the Committee.

Councillor Donna Higgins advised the meeting that as she had not attended the site visit she would abstain from the vote on this occasion.

Upon being put to the vote and with 10 voting for the motion, 4 against and with 1 abstention, it was resolved that

Decision

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

1. Time Limit – Detailed

The development hereby permitted shall be begun not later than three 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, unless otherwise stated.

3. Construction Hours

Any site preparation, demolition, construction works and ancillary activities, including access road works and deliveries to / collections from the site in connection with the development shall only be carried out between the hours of:

08:00 to 18:00 Mondays to Fridays

08:00 to 13.00 Saturdays

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

4. Limit Water Use

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.

5. Bin Storage and Presentation

The areas to be provided for the storage and presentation for collection/emptying of refuse and recycling bins as shown on drawing 407_10_D be provided in their entirety before the development is brought into use and shall be retained thereafter for no other purpose.

6. Boundary Treatment

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.

7. External Lighting (HRA Condition)

No external lighting shall be installed at the site. Should the need arise in the future, prior to installation of any external lighting including for access, 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 and in the surrounding landscape that are particularly sensitive for nocturnal protected species and show how and where external lighting will be installed (through the provision of appropriate plans and technical specifications) so that it can be clearly demonstrated that lighting will be minimised and areas to be lit will not cause disturbance or prevent protected species using their territory. Any 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.

8. New Residents (HRA Condition)

Prior to first occupation, an information pack for future occupiers that highlights the sensitive nature of the nearby protected nature conservation sites, how to avoid disturbance to any nesting birds in the area and nearby alternative recreation and dog walking sites shall be submitted to and agreed in writing with the Local Planning Authority. The agreed information pack shall be provided to future occupiers thereafter.

9. Construction Work (HRA Condition)

To prevent any possible disturbance to Woodlark or Nightjar, no construction work shall be carried out during the bird breeding season nesting season (March to August). If it is not possible to avoid work

during this period, a survey shall be carried out within 400m of the working area by a suitably qualified ecologist in advance of works commencing. If any Woodlark or Nightjar nests or actively breeding pairs are encountered, works shall not commence until a further survey confirms that any nesting attempts are concluded, and any chicks have fledged. Construction works shall only take place in daylight hours.

10. Soft Landscaping (HRA Condition)

No development above ground level shall take place until a scheme of soft landscaping for the site drawn to a scale of not less than 1:200 has been submitted to and approved in writing by the Local Planning Authority. The soft landscaping details shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants noting species, plant sizes and proposed numbers/ densities. The approved scheme of soft landscaping works shall be implemented not later than the first planting season following commencement of the development (or within such extended period as may first be agreed in writing with the Local Planning Authority). Any planting removed, dying or becoming seriously damaged or diseased within five years of planting shall be replaced within the first available planting season thereafter with planting of similar size and species unless the Local Planning Authority gives written consent for any variation.

3. Noise Mitigation

Prior to first occupation of the dwelling hereby approved:

- i) All of the noise protection and mitigation works associated with the dwelling as detailed in the Sound Solution Consultants Acoustic Design Statement Technical Report 39466-R1 for the Proposed Residential Development, Land adjacent to 72 The Street, Hollywell Row, Bury St. Edmunds, Suffolk, IP28 8LT (Document Reference: 39466-R1, Date: 08/03/2023) shall be completed in their entirety in accordance with the approved details.
- ii) The completion of the works shall be verified on site by a specialist noise consultant and the Local Planning Authority shall be notified in writing of the completion and verification of the works.

4. Parking

The use shall not commence until the area(s) within the site shown on **Drawing No. 407/10/B** for the purposes of loading, unloading, manoeuvring and parking of vehicles has / have been provided and thereafter the area(s) shall be retained, maintained and used for no other purposes.

5. Hard Landscaping

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).

6.Materials

The development hereby permitted shall be constructed entirely of the materials detailed on the approved plans and application form.

378. Planning Application DC/23/1023/HH - Fen Street Farmhouse, Fen Street, Hopton (Report No: DEV/WS/23/028)

Householder planning application - a. replacement of the existing roof coverings b. replacement of the existing rainwater goods and c. insulating render to the exterior walls

This application was considered by the Delegation Panel on 15 August 2023 as Hopton Parish Council objected to the application, contrary to the Officer recommendation of approval.

The Panel agreed the matter should be referred to Development Control Committee for a decision.

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

Attention was drawn to the supplementary 'late papers' which were issued after publication of the agenda and which set out further supporting information from the applicant.

Officers were recommending that the application be approved, subject to conditions as set out in Paragraph 24 of Report No DEV/WS/23/028.

Councillor Carol Bull made reference to an omission from the report, in that she as Ward Member for the application attended the Delegation Panel in question and had requested that it be determined by the Development Control Committee.

Speakers: Councillor Carol Bull (Ward Member: Barningham) spoke on the application

Rex Thornborough (applicant) spoke in support of the application

During the debate a number of Members made reference to the modifications that had previously been made to the property such as the solar panels on the outbuildings. The fact that the Council's Conservation Officer had not objected to the scheme was also remarked upon.

However, other Committee members spoke on the importance of historic thatched properties in the Suffolk landscape and highlighted the fact that the dwelling was a Non-Designated Heritage Asset (NDHA).

Councillor Mike Chester proposed that the application be approved, as per the Officer recommendation. This was duly seconded by Councillor Diane Hind.

Upon being put to the vote and with 9 voting for the motion, 5 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.

The meeting concluded at 2.50pm

Signed by:

Chair
