

Development Control Committee

Minutes of a meeting of the **Development Control Committee** held on **Wednesday 6 March 2024** 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 Jon London and Phil Wittam

Carol Bull

Lora-Jane Miller-Jones

Mike Chester

Andy Neal

Roger Dicker

Marilyn Sayer

Susan Glossop

David Smith

Ian Houlder

David Taylor

Sara Mildmay-White

Jim Thorndyke

In attendance

Sarah Broughton (Ward Member: The Fornhams & Great Barton)

Becky Hopfensperger (Ward Member: The Fornhams & Great Barton)

417. **Chair's Announcements**

The Chair welcomed all present and highlighted that the meeting would be operated in two parts. The Committee was also advised of the extended speaking arrangements which had been agreed for the application in Part A of the meeting.

All attendees were informed that the meeting was to be livestreamed, however, neither the public gallery or the registered speakers would be seen visually.

Lastly, the Chair reminded Members of the operation of the 'queue to speak' function using the microphones.

418. **Apologies for absence**

Apologies for absence were received from Councillors Mick Bradshaw and Rachel Hood.

419. **Substitutes**

The following substitution was declared:

Councillor David Taylor substituting for Councillor Mick Bradshaw

420. **Minutes**

The minutes of the meeting held on 7 February 2024 were confirmed as a correct record and signed by the Chair.

421. **Declarations of interest**

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

422. **Planning Application DC/22/2190/HYB - Land at Shepherds Grove, Bury Road, Stanton (Report No: DEV/WS/24/008)**

(Councillor Andrew Smith declared, in the interests of openness and transparency, that he had attended Bardwell Parish Council's meeting when the Parish Council considered the application. However, he stressed that he did not take part in the discussion or voting on the item at the Parish Council and therefore had an open mind.

Similarly, Councillor Jim Thorndyke also declared, in the interests of openness and transparency, that he had attended Stanton Parish Council's meetings when the Parish 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.)

Hybrid planning application - (A) (i) Full application on 27.56 ha of the site for the storage, distribution and processing of accident damaged and non-damaged motor vehicles, together with the construction of ancillary buildings (B8 Use Class), perimeter fencing and landscaping works (ii) Full application for a new roundabout/road and additional landscaping on circa 5.37 ha of the application site - (B) (i) Outline application for the construction of buildings for commercial/roadside uses (Use Classes B2, B8, C1, E (excluding E(a)), and a hot food takeaway and pub/restaurant) on circa 2.7 ha of the application site (Plots A, B and C) with all matters reserved except for access (ii) Outline application for the construction of building(s) for general employment uses (Use Classes B2, B8 and E(g)) on circa 1.37ha of the application site (Plot D) with all matters reserved except for access

The application was referred to Development Control Committee as the proposed development was of a substantial scale and formed part of a strategic employment allocation.

Whilst Stanton Parish Council supported the application Hepworth, Barningham, Ixworth & Ixworth Thorpe, Coney Weston, Bardwell, and Fornham St Martin cum St Genevieve Parish Councils all objected.

A significant number of residents and Parish Councils outside of the West Suffolk District also raised objections to the application.

Officers were recommending that the application be approved, subject to conditions as set out in full in the supplementary 'late papers' which were issued after publication of the agenda.

A Member site visit was held prior to the meeting.

The Principal Planning Officer informed Members that he had received one late representation that morning from a resident of Walsham le Willows which

raised concerns in relation to the application, principally in respect of the impact on the highway network.

The Committee was also advised of two typographical errors within Report No DEV/WS/24/008:

Paragraph 189 - For the PM peak time, 271 vehicles are predicted to ~~arrive~~ *depart*, and 56 vehicles ~~depart~~ *arrive*; and

Paragraph 263 - the proposal and its benefits (set out at ~~par. 47~~ *Paragraph 153* of this report).

(Councillor Roger Dicker joined the meeting at 10.32am during the Case Officer's presentation to the meeting, following his arrival the Lawyer advising the meeting informed all present that due to his late arrival Councillor Dicker would not take part in the voting on the application.)

Speakers: Nigel Burrows (resident of Hepworth) spoke against the application
Councillor Richard Winch (Mid Suffolk Ward Member for Walsham le Willows) spoke against the application
Andy Garden (resident of Hepworth) spoke against the application
Councillor Joanna Spicer (Suffolk County Councillor for Blackbourn) spoke in support of the application, by way of a submitted statement read out by the Democratic Services Officer in Councillor Spicer's absence
Councillor Garry Bloomfield (Hepworth Parish Council) spoke against the application
Councillor Ben Lord (Ixworth & Ixworth Thorpe Parish Council) spoke against the application
Councillor Carol Bull (Ward Member: Barningham) spoke on the application
Councillor Jim Thorndyke (Ward Member: Stanton) spoke on the application
Paul Sutton (Jaynic - Applicant) spoke in support of the application
Roger Spiller (on behalf of Green Ixworth) had registered to speak at the meeting against the application, but had not attended. Councillor Ben Lord had a copy of Mr Spiller's statement and with the Chair's consent read this out to the meeting on his behalf.

(On conclusion of the registered speakers the Chair permitted a short comfort break before reconvening and commencing the debate on the application.)

During the debate a number of detailed questions were raised by the Committee which the Principal Planning Officer responded to as follows:

Copart - Members were assured that for applications such as the one seeking determination, it was far more common not to have an end user identified for a scheme. If an end user came forward that didn't fit the defined use for the site then a new planning application would be required to be submitted;

Jobs - the exact number of jobs to be generated from the proposal was currently unknown, but was likely to be significant;

Vehicle processing/dismantling – the Committee was advised that vehicle dismantling would require a separate use class for the site, which was not being sought as part of the application, the scheme purely included a vehicle processing element (Class B8);

Vehicle fluids/surface water drainage – attention was drawn to conditions 22 and 23 which addressed this matter;

Ecology – an Environmental Management Plan was required by condition and the reference to toads within that could be strengthened if so wished (as specifically raised by Councillor Lora-Jane Miller-Jones);

Lighting – management of lighting was required by condition, with an external lighting plan having been submitted that demonstrated that the majority of light spill would be contained within the site;

Residential development – it was confirmed that there was no residential element to the proposals, unlike the previous Master Plan which included residential development;

Avanti Gas site – further to comments on this site made by Councillor Jim Thorndyke, the Officer confirmed that the Avanti Gas storage area was still classified as a major hazard site and as such the Health & Safety Executive (HSE) were consulted on the application but raised no objection;

Environment Agency – a separate permit would be required from the Environment Agency for vehicle storage and processing; and

Description of planning application – Members were informed that the description was amended some months ago and the planning application had then subsequently been reconsulted on in line with that change.

Significant discussion then took place on the potential highways impacts of the scheme. A number of Members recognised the benefits the application would bring about to the village of Stanton but sought reassurance that the other neighbouring villages would not be adversely impacted and that the mitigation proposed was sufficient.

Specific questions were posed in relation to the ability to set weight restrictions on roads to restrict usage of heavy goods vehicles. The Principal Planning Officer explained that weight restrictions had to be introduced by way of Traffic Regulation Orders (TRO), which require a period of public consultation to be undertaken by the Highways Authority. As such, it was not possible to condition weight restrictions as part of the planning application.

Concerns continued to be raised by a large proportion of the Committee who felt they could not be satisfied on highways matters without a representative from Suffolk County Council Highways being present to respond to them.

Councillor Carol Bull proposed that the application be refused, contrary to the Officer recommendation, due to the cumulative impact on the highways network and the impact this would have on residential amenity. This was duly seconded by Councillor David Taylor.

The Service Manager (Planning – Development) addressed the meeting on the motion for refusal. She explained that the Decision Making Protocol would be invoked in order to allow a risk assessment to be produced, for consideration by the Committee, in light of there being no evidence submitted by Suffolk County Council Highways to support a refusal on highways grounds.

Officers would also make contact with Suffolk County Council Highways to request that an Officer be present at the meeting when the application returned to Committee.

Upon being put to the vote and with 10 voting for the motion, 3 against and with 1 abstention, it was resolved that

Decision

Members were **MINDED TO REFUSE THE APPLICATION, CONTRARY TO THE OFFICER RECOMMENDATION** due to the cumulative impact on the highways network and the impact this would have on residential amenity. A Risk Assessment would therefore be produced for consideration by the Committee at a future meeting, at which Suffolk County Council Highways would also be asked to attend.

(On conclusion of this item and Part A of the meeting, the Chair permitted a short interval before commencing Part B of the meeting.

On commencement of Part B the apologies, substitute and declarations of interest made at the start of Part A were reiterated for the benefit of the public attendees who had joined the meeting for Part B.)

423. **Planning Application DC/22/1887/FUL - Land off The Street, Fornham All Saints (Report No: DEV/WS/24/009)**

(Councillor Marilyn Sayer declared a non-registrable interest as she had previously commented on this application in her capacity as a local resident living in the vicinity of the proposed development. She left the meeting and therefore did not take part in the debate or vote on the item.)

Planning application – create access into All Saints Golf and Country Club

This application was originally referred to the Development Control Committee on 7 February 2024, following consideration by the Delegation Panel and in light of the objections from the Parish Council, Ward Member and the level of public interest in the proposed development.

At the February Committee Members resolved to defer consideration of the application in order allow Members the opportunity of visiting the site. A Member site visit was subsequently held on 4 March 2024.

During the February meeting Members commented upon the impact of the development on the character and appearance of the area and the Conservation Area and also raised concerns over highway safety, frequency of maintenance vehicles and the impact upon the amenity of Acer Lodge.

Members were informed that since the last meeting Officers had received additional representations from members of the public who objected to the application, some of whom raised queries of accuracy relating to the application which the Planning Officer addressed in his presentation to the Committee.

The Planning Officer also advised Members that the applicant had submitted an explanatory supporting note, however, this had not been issued as an agenda paper as it was received after the deadline for the issue of supplementary 'late papers'.

Officers were continuing to recommend that the application be approved, subject to conditions as set out in Paragraph 61 of Report No DEV/WS/24/009.

Speakers: Jane Stewart (neighbouring objector on behalf of herself and fellow neighbour Zoe West) spoke against the application
Councillor Martin Loveridge (Fornham All Saints Parish Council) spoke against the application
Councillor Beccy Hopfensperger (Ward Member: The Fornhams & Great Barton) spoke against the application

Councillor Ian Houlder stated that he considered the impact on the highway from the proposal to be minimal. Accordingly, he proposed that the application be approved, as per the Officer recommendation, however the motion failed to achieve a seconder.

Questions were posed during the debate as to whether condition No 4, which set to restrict the use of the access for maintenance purposes, could be extended to specify operation at certain times of the day, in order to minimise the impact on the highway at peak traffic times.

The Service Manager (Planning – Development) explained that it would not be reasonable to do so because the Highways Authority had not made this stipulation.

Councillor Jon London referenced condition No 7 and the reference therein to *"No other part of the development hereby permitted shall be commenced until the new access has been laid out and completed"* and sought clarification on what this referred to.

The Service Manager (Planning – Development) advised that Officers were simply seeking to ensure that the physical access was in place prior to all other elements of the proposal being installed e.g. the gate, the fencing and all other elements referenced in Paragraph 6 of the report.

Councillor Sara Mildmay-White proposed that the application be refused, contrary to the Officer recommendation, due to the impact on the Conservation Area and the landscape character of the area, together with the erosion of green open space. This was duly seconded by Councillor Mike Chester.

The Service Manager (Planning – Development) responded on the reasons cited for refusal and informed the Committee that she would not invoke the Decision Making Protocol and the recommendation would not be 'minded to'.

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

Decision

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

1. Policy DM2 states that planning permission for all development should recognise and address key features, characteristics of the area and its landscape character. Policy DM5 states that development for economic growth and expansion within the countryside should not have a detrimental impact upon the historic environment or harm the character and appearance of the area. Policy DM13 states that all development proposals should demonstrate that their location, scale, design and materials will protect, and where possible enhance the character of the landscape, including the setting of settlements, the significance of gaps between them and the nocturnal character of the landscape. Policy CS13 states that development outside of defined settlements should be strictly controlled with a priority on protecting and enhancing the character, appearance, historic qualities and biodiversity of the countryside.

Paragraph 135 of the NPPF states that planning policies and decisions should ensure that developments (C) are sympathetic to local character and history, including the surrounding built environment and landscape setting. Paragraph 180 states that planning policies and decisions should contribute to and enhance the natural and local environment by (b) recognising the intrinsic character and beauty of the countryside. Paragraph 203 states that in determining applications the local planning authority should take account of (a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their consideration and (c) the desirability of new development making a positive contribution to local character and distinctiveness.

Policy DM17 states that development within, adjacent to or visible from a Conservation Area should preserve and enhance the character and appearance of the Conservation Area or its setting. Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the decision maker to have special regard to the desirability of preserving or enhancing the character or appearance of a Conservation Area.

The application site is located within the countryside from a planning policy perspective and immediately adjacent to the Fornham All Saints Conservation Area. The site is located adjacent to the B1106 highway along a continual, undeveloped verge which is open, rural and verdant in character and which provide a strong edge to the developed envelope of Fornham all Saints. The uninterrupted, open setting contributes positively to the setting of the conservation area.

The proposed development would result in a large, engineered break within the landscaped boundary which would erode and harmfully urbanise the open and green character of this edge of countryside location, encroaching into the open space of the wider golf course which provides an important undeveloped break in built up development between the settlements. The visual impact of this development fails to preserve or enhance the Conservation Area due to harm to its setting, albeit on the scale of less than substantial. The

proposed development would be to the detriment of the character of the rural locality. Accordingly, the proposal fails to recognise and address key features, characteristics and local distinctiveness. The proposal would provide an additional strategic access which would allow the golf course to operate more efficiently and marginally reduce the distance travelled by maintenance vehicles. However, the harm identified is considered to significantly and demonstrably outweigh the benefits.

The proposal is therefore contrary to policies DM2, DM5, DM13, DM17 Of the Joint Development Management Plan (2015) and CS5, CS13 of the St Edmundsbury Core Strategy (2010) and to the NPPF.

424. **Planning Application DC/22/0850/FUL - Brandon Remembrance Recreation Field, Skate Park, Victoria Avenue, Brandon (Report No: DEV/WS/24/010)**

(Councillor Phil Wittam declared a non-registrable interest as he had voted in favour of this application in his capacity as a Brandon Town Councillor when the Town Council considered the application. He left the meeting and therefore did not take part in the debate or vote on the item.)

Planning application - installation of reinforced concrete skate park

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

Brandon Town Council supported the application which was in conflict with the Officer's recommendation for refusal, for the reasons set out in Paragraph 54 of Report No DEV/WS/24/010.

Members were advised that since publication of the agenda Brandon Town Council had submitted a further representation reiterating their support for the proposal.

In response to questions posed during the debate, the Service Manager (Planning – Development) assured the Committee that Officers had sought to work with the applicant over some considerable time, mindful of the fact that the application was initially considered by the Delegation Panel in early 2023.

The Service Manager (Planning – Development) also highlighted the duty of the Planning Authority to be able to fully establish the impact of any development, hence the policy requirements for various tests and assessments.

Councillor Lora-Jane Miller-Jones voiced support for the proposal in principle, but also remarked on those aspects of due diligence the applicant needed to address. Accordingly, she proposed that the application be refused, as per the Officer recommendation. This was duly seconded by Councillor Carol Bull.

Upon being put to the vote and 7 voting for the motion, 4 against and with 2 abstentions it was resolved that

Decision

Planning permission be **REFUSED** for the following reasons:

1. Paragraph 140 of the revised NPPF (2023) states "Local planning authorities should ensure that relevant planning conditions refer to clear and accurate plans and drawings which provide visual clarity about the design of the development and are clear about the approved use of materials where appropriate."
The red line application site plan attributed to the development does not encompass the entire development proposed, excluding mounding and pedestrian access to the site or connecting to a highway. There are therefore technical inaccuracies attributed to the presented drawings, which to give weight to in the planning process would be contrary to paragraph 140 of the NPPF.
2. The proposed site is within Flood Zone 2, whereupon the site is "vulnerable" to flooding. The site is also at risk from surface water flooding. The Flood Risk Assessment which has been submitted does not adequately take into account the context of the site and increased risks of flooding as a result of the proposed development, not outlining suitable mitigation measures to reduce the impacts of flooding on the proposed development; or considering safe access and egress from the proposed development in a flood event. Furthermore, no Exception or Sequential tests have been submitted. In the absence of an adequate Flood Risk Assessment, the applicant has failed to demonstrate that the proposal will not cause or exacerbate flooding on site or elsewhere contrary to Policy DM6 of the Joint Development Management Policy Document 2015 and provisions of the NPPF.
3. Policy DM13 states that development will be permitted where it will not have an unacceptable adverse impact on the character of the landscape, landscape features, wildlife, or amenity value. The supporting text to the policy confirms that landscape features such as trees are essential components of the landscape, enhancing visual amenity.
The application includes mounding which is not encompassed by the red line application site plan attributed to the application. Furthermore, no Arboricultural information has been provided in relation to the protected Lime Tree to the west of the site. Although elements of Arboricultural impacts could be conditioned, the LPA have received insufficient information in order to comprehensively assess the likely Arboricultural impacts attributed to the proposal, noting the wider technical details. The proposal is therefore contrary to the provisions of DM13.
4. Policy DM2 seeks to secure development proposals which do not have an adverse impact on existing or indeed proposed residential amenity. Furthermore, Policy DM14 requires that all applications where the existence of pollution is suspected (for example, in this case, noise from the utilisation of the adjacent skatepark, and play areas) to contain sufficient information to enable the Authority to make a full assessment of potential hazards. In this case no information has been submitted.

A concrete skatepark is a noise generating proposal. No information, nor noise impact assessment has been submitted in support of the proposal, despite this being requested. Whilst it is noted from discussions with the applicant that the existing skatepark is to be removed, and noting that the nearest residential property, 20 Church Road, is approximately 200 metres south of the application site, with Brandon Leisure Centre and the associated car park in between the two aforementioned sites, no details of this have been submitted. The LPA considers insufficient information has been submitted in relation to policies DM2 and DM14 to demonstrate that there would not be an adverse impact on residential amenity.

5. Section 40 of the Natural Environment and Rural Communities (NERC) Act 2006 states that:

“Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity.”

The Duty applies to all public authorities in England and Wales, including all local authorities. Conserving biodiversity includes restoring and enhancing species and populations and habitats, as well as protecting them.

Furthermore, The National Planning Policy Framework (NPPF, 2023) states that “the planning system should contribute to and enhance the natural and local environment by... protecting and enhancing ...sites of biodiversity or geological value...” and “minimising impacts on and providing net gains for biodiversity ...” (paragraph 174).

The LPA have a duty to consider the conservation of biodiversity and to ensure that valued landscapes or sites of biodiversity are protected when determining planning applications. At a local level, this is exhibited through policies CS2, DM10, DM11 and DM12.

Although the proposed site of the skate park is within the existing playing field area it is located within 2m of the adjacent ditch and there are records of reptiles in the vicinity. The site is also partially within the great crested newt amber risk zone. An Ecological Impact Assessment is therefore required. However, this has not been submitted by the applicant to support the proposal. As such, there is insufficient information before the Local Planning Authority in order to comprehensively assess the ecological impacts of the proposal. The application is therefore contrary to the provisions of policies CS2, DM10, DM11, DM12 and the NPPF.

(Councillor Susan Glossop left the meeting during the Senior Planning Officer’s presentation on this item.)

425. **Planning Application DC/23/1938/VAR - 21 Fordham Place, Ixworth (Report No: DEV/WS/24/011)**

Planning application - variation of condition 5 of DC/20/1784/HH to allow for different design of privacy screen for first floor extension above existing two bay garage and external staircase with balcony to form annexe

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

Ixworth & Ixworth Thorpe Parish Council supported the application, which was contrary to the Officer recommendation of refusal for the reason set out in Paragraph 47 of Report No DEV/WS/24/011.

The Committee was advised that planning permission was granted under DC/20/1784/HH in 2021 for a first-floor extension above an existing two bay garage, along with an external staircase with balcony to form an annexe. A privacy screen was added during the course of that application to ensure that the effects of overlooking from the raised external staircase and balcony were acceptable given the proximity of this site to neighbouring dwellings.

The first-floor annexe and associated staircase and balcony had been built but the privacy screening had not yet been installed.

A previous Variation of Condition application (DC/23/1117/VAR) which sought amendments to the position, form, and materials of the approved privacy screening was refused on 27 October 2023. The application now being considered proposed an alternative variation to the privacy screen.

Since publication of the agenda Officers were made aware that the applicants had contacted all Members of the Committee directly and had referenced the Human Rights Act. The Senior Planning Officer therefore responded to this as part of her presentation and drew attention to the relevant parts of legislation.

Videos of the site were also shown to Members.

Speakers: Councillor Ben Lord (Ixworth & Ixworth Thorpe Parish Council) spoke in support of the application
Alf & Janice Percival (applicants) spoke in support of the application by way of a pre-recorded audio file which the Democratic Services Officer played to the meeting

Councillor Lora-Jane Miller-Jones sought clarification as to which properties would be able to see the proposed privacy screen. The Senior Planning Officer confirmed that it was not visible by any other properties aside from Nos 7a and 8 Gough Place.

During the debate a number of Members remarked on the comments made by the applicant in relation to the delay in occupation of the annexe due to the referral of the application to Committee, and questioned why the initial privacy screen, for which permission had been granted in 2021, had not been implemented.

In response, the Service Manager (Planning – Development) referred Members to the applicant's reasoning for not implementing the approved screen contained in the report but also advised Members to consider the acceptability of the proposals before them.

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

Upon being put to the vote and with 8 voting for the motion, 4 against and with 2 abstentions it was resolved that

Decision

Planning permission be **REFUSED** for the following reason:

1. Policy DM2 and DM24 requires development respects the character, scale and design of the existing house and the character and appearance of the immediate and surrounding area and does not adversely affect the residential amenity of occupiers of nearby properties, which is supported by policy CS3. Paragraphs 135, 139 and 140 of the NPPF require quality, well designed and visually attractive development which is not materially diminished between permission and completion. The proposed privacy screen is not considered to be a robust or well-designed method of screening, resulting in a materially diminished substitute from what was consciously negotiated with the applicant as part of the approval of the original annexe. The proposed changes to the privacy screen design are deemed to lead to an incongruous screening solution which is not sufficiently robust to provide an adequate level of screening for the life of the development, leading to a visually oppressive and jarring relationship to the neighbouring property (7A Gough Place) to a degree which would be materially harmful. Therefore, the proposal is deemed to be contrary to policies DM2 and DM24 of the Joint Development Management Policies Document, CS3 of the St Edmundsbury Core Strategy, as well as paragraphs 135, 139 and 140 of the National Planning Policy Framework.

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

426. **Planning Application DC/22/1193/RM - Land South of Rougham Hill, Rougham Hill, Bury St Edmunds (Report No: DEV/WS/24/012)**

Reserved matters application - submission of details under DC/15/2483/OUT - means of appearance, landscaping, layout and scale for the construction of 363 dwellings in total (including 109 affordable homes) and associated car parking; access roads; playing pitch; landscaping; open space; play areas; sustainable urban drainage (SuDS) and infrastructure

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

Bury St Edmunds Town Council objected to the proposal, which was in conflict with the Officer's recommendation of approval, subject to conditions as set out in the supplementary 'late papers' issued after publication of the agenda,

and inclusive of minor amendments to drawing/map numbers and one additional condition to cover the submission of samples of external facing and roofing materials to the Planning Authority.

Speaker: Neil Hall (agent) spoke in support of the application

During the debate the Committee posed a number of questions which the Principal Planning Officer responded to as follows:

Timeline of delivery of open space – further work on the precise timeline was still to be undertaken, but Officers and the applicant were very mindful of future occupants' desire for the open space to be ready as soon as possible;

Parking standards – Members were assured that standards were met and even exceeded in some areas of the development;

Room sizes – the Principal Planning Officer confirmed that all the affordable housing within the scheme met the standards and even exceeded them in some dwellings;

Electric vehicle charging points – this had been agreed as part of the outline application; and

Section 106 Agreement – this had been agreed following outline approval and prior to the Reserved Matters application being submitted.

A number of Members referenced the management of the open space to be provided. Councillor Jon London asked if would be possible to include a clause to enable the management company, who managed the open space, to wind up after a set period and transfer the management of the open space to the Town Council.

The Service Manager (Planning – Development) could not confirm whether the management arrangements for open space had been secured through the outline consent and undertook to update the Chair and Vice Chairs accordingly once this information was ascertained.

The Service Manager (Planning – Development) also reminded the Committee that the Planning Authority could not dictate whether open space was adopted by the Council or by other means such as a management company. it could only seek to ensure that measures were put in place to adequately manage such areas in the future.

The Service Manager (Planning – Development) also reminded the Committee that the Planning Authority could not determine what was the most appropriate way to manage open space, it could only seek to ensure that some form of management was put in place.

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

Upon being put to the vote and with 13 for the motion and with 1 abstention, it was resolved that

Decision

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

- 1 The temporary access onto Sicklesmere Road, opposite plot 77, shall be used solely for and in association with the sales of the properties hereby approved only. Before the first dwelling is occupied details shall be submitted to and approved in writing by the local planning authority detailing how the access will not form a vehicular link to the rest of the development hereby approved. At no time shall be the temporary access be used by construction vehicles or staff. The approved details shall be implemented in their entirety before the first dwelling hereby approved is first occupied.
The temporary access onto Sicklesmere Road, opposite plot 77, shall cease to be used before the 211st dwelling hereby approved is first occupied. The full details specifying how the access will be blocked up shall be submitted to and approved in writing before the 150th dwelling is first occupied by the Local Planning Authority. The approved details shall be implemented in their entirety before the 211st dwelling is hereby occupied.
- 2 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the approved plans and documents, unless otherwise stated.
- 3 The areas to be provided for the storage and presentation for collection/emptying of refuse and recycling bins as shown on Drawing No. 013 Rev A shall be provided in their entirety before the occupation of the dwelling that they serve, and shall be retained thereafter for no other purpose.
- 4 There shall be no occupation of any dwelling until the area(s) within the site shown on Drawing no. 012 Rev A for the purposes of loading, unloading, manoeuvring and parking of vehicles and bicycles serving that dwelling has/have been provided and thereafter the area(s) shall be retained, maintained and used for no other purposes.
- 5 A timetable/ phasing plan of the of all the hereby approved pedestrian and cycle routes shall be submitted to and agreed with the Local Planning Authority before any above ground works start on the hereby approved first dwelling. The hereby approved pedestrian and cycle routes shall be implemented in accordance with the agreed timetable and thereafter retained, maintained and available for use by the general public.
- 6 No dwelling shall be occupied until the carriageways and footways serving that dwelling have been constructed to at least Binder course level or better in accordance with the approved details.
- 7 Details of the equipment for the three separate Play Areas hereby approved shall be submitted to and approved in writing by the Local Planning Authority before any works above ground level commences on the hereby approved first dwelling. The submitted details shall include an implementation timetable for each Play Area. The approved details shall be implemented in accordance with the timetable approved and thereafter maintained and retained as play areas.
- 8 The visibility splays serving the hereby approved road junction(s) must be formed prior to the junction they serve is first used by the general public. 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.

- 9 All mitigation measures and/or works shall be carried out in accordance with the details contained in the Ecological Mitigation Strategy (Wood, June 2022)
- 10 Within 4 months of development commencing on site, a "lighting design strategy for biodiversity" shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall:
- a. Identify those areas/features on site that are particularly sensitive for biodiversity and that are likely to be disturbed by lighting;
 - b. Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) to demonstrate that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.
- All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. No other external lighting be installed without prior consent from the Local Planning Authority.
- 11 The Protective fencing shown in the Arb Method Statement on drawing TR01 sheet 4 Rev V1 shall be installed before development commences on site and must be retained on site throughout the construction period.
- 12 Within 4 months of the hereby approved development commencing on site a phasing plan for the approved landscaping shall be submitted to and approved in writing by the Local Planning Authority. The approved landscaping shall be implemented in accordance with the approved phasing details thereafter. 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.
- 13 No development above slab level for any dwelling shall take place until samples of the external facing and roofing materials for that dwelling have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

427. Planning Application DC/23/2040/FUL - 30-38 High Street, Haverhill (Report No: DEV/WS/24/014)

Planning application - change of use from Class E (c)(i) (professional services) to Class F.1(a) for the provision of education to part of the ground floor and part of the second floor

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

Haverhill Town Council had offered support to the application which was recommended for approval, subject to conditions as set out in Paragraph 31 of Report No DEV/WS/24/014.

The Principal Planning Officer advised Members that since the agenda was published one representation had been received from Haverhill Town Councillor John Burns who made comments relating to noise, opening hours, parking, residential amenity and traffic.

The Committee was assured that Suffolk County Council Highways had not raised concerns over the level of parking proposed in view of the town centre location of the application site and the close proximity to public car parks. Officers also responded to the other points made.

Councillors David Smith and Lora-Jane Miller-Jones, who both represented Haverhill wards, confirmed that they supported the application.

Councillor Phil Wittam proposed that the application be approved, as per the Officer recommendation and this was duly seconded by Councillor Jon London.

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

Decision

Planning permission be **GRANTED** subject to:

- 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 Any construction / conversion / strip-out works and ancillary activities in connection with the change of use 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 The hours of opening of the education facility hereby approved shall be restricted to only between the following hours:
Monday to Friday from 07:30 to 21:30
Saturday from 07:30 to 17:00
Sundays or Bank / Public Holidays from 09:00 to 14:00
- 5 No external mechanical plant / equipment and electrical extract fans, ventilation grilles, security lights, alarms, cameras, and external plumbing, including soil and vent pipe shall be provided on the exterior of the building until details of their location, size, colour and finish have been submitted to and approved in writing by the Local Planning Authority.
6. The six Sheffield hoop bike stands located at the Helions reception shall be retained in accordance with the approved details and continue to be

available for use unless the prior written consent of the Local Planning Authority is obtained for any variation to the approved details.

The meeting concluded at 4.06 pm

Signed by:

Chair
