

Development Control Committee

Minutes of a meeting of the **Development Control Committee** held on **Wednesday 5 June 2024** at **10.00am** in the **Conference Chamber, West Suffolk House**, Western Way, Bury St Edmunds IP33 3YU

Present

Councillors

Carol Bull
Mike Chester
Roger Dicker
Susan Glossop
Donna Higgins
Rachel Hood
Ian Houlder
Jon London

Sara Mildmay-White
Lora-Jane Miller-Jones
Andy Neal
Andrew Smith
David Smith
Jim Thorndyke
Don Waldron

In attendance

Andrew Speed (Ward Member: Pakenham & Troston)

443. Election of Chair 2024/2025

This being the first meeting of the Development Control Committee since the Authority's Annual Meeting in May 2024, the Lawyer opened the meeting and welcomed all present.

The Lawyer then asked for nominations for the Chair of the Committee for 2024/2025.

Councillor Jon London nominated Councillor Andrew Smith as Chair and Councillor Smith accepted the nomination.

There being no other nominations, it was unanimously

RESOLVED:

That Councillor Andrew Smith be elected Chair for 2024/2025.

Councillor Smith then took the Chair for the remainder of the meeting and gave thanks to the Committee for his appointment.

444. Election of Vice Chairs 2024/2025

The Chair nominated Councillors Jon London and Phil Wittam for the two Vice Chair positions. Councillor London accepted the nomination and Councillor Smith confirmed, in Councillor Wittam's absence, that he too had accepted the nomination.

There being no other nominations, and with 12 voting for the nomination and with 3 abstentions, it was

RESOLVED:

That Councillor Jon London be elected as Vice Chair for 2024/2025.

And with 12 voting for the nomination and with 3 abstentions, it was

RESOLVED:

That Councillor Phil Wittam be elected as Vice Chair for 2024/2025.

445. Chair's Announcements

The Chair advised the Committee that the meeting was to be livestreamed, however, neither the public gallery nor the registered speakers would be seen visually.

He also reminded Members of the operation of the 'queue to speak' function using the microphones.

(However, due to technical difficulties, which developed following the Chair's announcement, the meeting was unable to be livestreamed and Members had to revert back to raising their hands when wishing to address the meeting.)

446. Apologies for absence

Apologies for absence were received from Councillors Marilyn Sayer and Phil Wittam.

The Chair advised the meeting that Councillor Sayer had asked that the Committee was informed that she had been unable to attend the Committee as a result of a meeting clash.

447. Substitutes

The following substitution was declared:

Councillor Donna Higgins substituting for Councillor Marilyn Sayer

Councillor Higgins also advised that due to prior appointment she would need to leave the Committee meeting before 12noon.

448. Minutes

The minutes of the meeting held on 24 April 2024 were confirmed as a correct record and signed by the Chair.

449. Declarations of interest

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

450. **Planning Application DC/23/0864/FUL - Land at Former St Felix School, Fordham Road, Newmarket (Report No: DEV/WS/24/019)**

(Councillor Rachel Hood declared, in the interests of openness and transparency, that she was a Member of Suffolk County Council, who was the applicant. Councillor Hood stated that she was also a Member of Newmarket Town Council and The Jockey Club who had both made representations on the application. However, she stressed that she would keep an open mind and listen to the debate prior to voting on the item.)

Planning application - a. 50 dwellings, garages, associated infrastructure including substation and foul water pumping station and public open space (following demolition of existing building and hard standing) b. new vehicular access onto Fordham Road following closure of existing southbound access c. re-location of tennis courts

This application was referred to the Development Control Committee as it was a major development on an allocated site.

Newmarket Town Council and the Ward Members objected to the application. A Member site visit was held prior to the meeting.

Officers were recommending that the application be approved, subject to a S106 agreement and conditions as set out in Paragraph 158 of Report No DEV/WS/24/019, together with an additional condition as outlined in the supplementary late papers, issued after publication of the agenda, and one further condition in relation to the management of open space as outlined in the Principal Planning Officer's presentation to the meeting.

The Service Manager (Planning – Development) made reference to the presentation slide which referred to the joint statement that had been produced by some of the Newmarket District Councillors, as set out in Paragraphs 48 – 50 of the report. The Committee was advised that the slide had inaccurately omitted Councillor Charlie Lynch's name from the list of Councillors.

Speakers: Caroline Hillary (Chair of Newmarket Sports Development Association) spoke against the application by way of a submitted statement read out by the Democratic Services Officer in their absence
Ann Smy (Newmarket resident) spoke against the application by way of a submitted statement read out by the Democratic Services Officer in their absence
Mark Hatley (Newmarket business owner) spoke against the application
Councillor John Harvey (Deputy Mayor, Newmarket Town Council) spoke against the application
Councillor Sue Perry (neighbouring Ward Member) spoke against the application by way of a submitted statement read out by the Democratic Services Officer in Councillor Perry's absence
Trevor Dodkins (agent) spoke in support of the application

Councillor Rachel Hood addressed the meeting and made reference to West Suffolk Council's consideration of a £2million investment towards a total £4million capital project delivering a new sport and leisure provision at the St Felix site in Newmarket, which had formed an exempt paper outlining a business case at the Council meeting in February 2024. Councillor Hood asked if it would be possible to condition this provision as part of the application before the Development Control Committee.

The Service Manager (Planning – Development) explained that would not be possible, the capital project related to an entirely separate decision made by the Council and the application before Members was to be determined independently of this in their role as the Planning Authority.

Councillor Hood went on to highlight that the site in question was allocated for development in the Local Plan and that it had been derelict for over a decade, accordingly she proposed that the application be approved as per the Officer recommendation. This was duly seconded by Councillor Ian Houlder.

Councillor Jon London raised concerns with the inequality of open space access in Newmarket and highlighted that the application seeking determination did not include any form of built community sports facility. These concerns were likewise echoed by Councillor Lora-Jane Miller-Jones.

In contrast, Councillors Carol Bull and Sara Mildmay-White welcomed the application which they considered long overdue and generously laid out.

The Principal Planning Officer responded to the Committee on matters raised during the debate as follows:

Roads – these were proposed to be adopted by Suffolk County Council except for the private drives shown on the layout plan;

Education S106 Contributions – Paragraphs 13–15 of the report outlined the schools within Newmarket that would receive the S106 contributions; and

Visitor Parking – the visitor parking proposed for the tennis courts was considered acceptable in view of the number of users that were likely to walk/cycle there, coupled with the available parking at the adjacent George Lambton Playing Fields.

Councillor Jon London made reference to the additional condition proposed in respect of the management of the open space and sought assurances as to how this would be delivered.

In response, the Service Manager (Planning – Development) confirmed that Suffolk County Council owned the application site and early discussions had already taken place with West Suffolk Council in relation to the open space being adopted by the District Council.

However, the Committee was reminded that the Planning Authority could not determine what was the most appropriate or preferred way to manage open space, it could only seek to ensure that some form of management was put in place, hence the wording in the condition as proposed.

Upon being put to the vote and with 11 voting for the motion and with 3 against, it was resolved that

Decision

Planning permission be **GRANTED** subject to the completion of a S106 legal agreement to secure 30% affordable housing in perpetuity, contributions towards health and education/libraries as set out in Paragraph 135 of the report and the following conditions:

1. 3-year time limit for permission
2. In accordance with approved plans
3. Prior to commencement of development an Arboricultural Method Statement (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, hardstandings, roads and footpaths, 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 Method Statement unless agreed in writing by the Local Planning Authority.
4. All planting comprised in the approved details of landscaping shall be carried out in the first planting season following the 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.
5. The strategy for the disposal of surface water (dated October 2023, ref: 221488 C-001 Rev P04) and the Flood Risk Assessment (FRA) (dated October 2023, ref: 221488 Rev 01) 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.
6. Within 28 days of practical completion of the last dwelling or unit, 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.
7. 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.

8. 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).
9. No development above ground level shall take place until a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules and periods for all soft landscape areas (other than small privately owned domestic gardens) together with a timetable for the implementation of the landscape management plan, has been submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be carried out in accordance with the approved details and timetable.
10. No development above ground level shall take place until details of any earthworks to be carried out on the site together with a timetable for their implementation have been submitted to and approved in writing by the Local Planning Authority. These details shall include the proposed grading and mounding of land areas including the levels and contours to be formed, showing the relationship of the proposed mounding or excavation to existing vegetation and surrounding landform. Development shall be carried out in accordance with the approved details and timetable.
11. Before the development is commenced, details of the estate roads and footpaths, (including layout, levels, gradients, surfacing, lighting, traffic calming and means of surface water drainage), shall be submitted to and approved in writing by the Local Planning Authority.
12. 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.
13. No development shall be commenced until an estate road and junction phasing and completion plan has been submitted to and approved in writing by the local planning authority. The estate road and junction phasing and completion plan shall set out the development phases and the standards of construction that the estate roads and junction serving each phase of the development will be completed to and

maintained at. Development shall only take place in accordance with the approved estate road and junction phasing and completion plan.

14. Before the development is occupied the redundant vehicular access on Fordham Road shall be stopped up and the footway fronting the site shall be reconstructed in accordance with details that previously shall have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be retained thereafter in its approved form.
15. The use shall not commence until the area(s) within the site shown on Drawing No. 1965 -XX-XX-DR-A -506 for the purposes of loading, unloading, manoeuvring and parking of vehicles have been provided and thereafter the area(s) shall be retained, maintained and used for no other purposes.
16. Before the development occupied secure, covered and lit cycle storage shall be provided as shown on Drawing No. 1965 -XX-XX-DR-A -506. 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.(or for dwellings) The approved scheme shall be implemented for each dwelling prior to its first occupation and retained as such thereafter.
17. The garage/parking and cycle space for each dwelling shall be made available for use prior to the occupation of the dwelling and shall thereafter be retained for these purposes. Notwithstanding the provisions of Article 3, Schedule 2 of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no development shall be carried out in such a position as to preclude vehicular access to those car parking spaces.
18. Before the development is commenced details shall be submitted to and approved in writing by the Local Planning Authority showing the means to prevent the discharge of surface water from the development onto the highway including any system to dispose of the water. The approved scheme shall be carried out in its entirety before the access is first used and shall be retained thereafter in its approved form.
19. The areas to be provided for the storage and presentation for collection/emptying of refuse and recycling bins as shown on Drawing No. 1965 -XX -XX-DR-A -512 shall be provided in their entirety before the development is brought into use and shall be retained thereafter for no other purpose.
20. 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) surface water discharge during the construction phases
 - 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) Layout of facilities above to be included on a plan
 - m) monitoring and review mechanisms
 - n) Details of deliveries times to the site during construction phase.
21. The building envelope, glazing and ventilation of the residential dwellings hereby permitted shall be constructed so as to provide appropriate sound attenuation against noise. The acoustic insulation of the dwelling units within the proposed development shall be such to ensure noise does not exceed an LAeq (16hrs) of 35dB (A) within bedrooms and living rooms between 07:00 and 23:00hrs and an LAeq (8hrs) of 30dB(A) within bedrooms and living rooms between 23:00 and 07:00hrs. The noise levels specified in this condition shall be achieved with the windows closed and other means of ventilation provided as appropriate ranging from background to rapid / purge ventilation to prevent overheating in accordance with the Acoustics & Noise Consultants (ANC) and Institute of Acoustics (IoA) 'Acoustics Ventilation and Overheating Residential Design Guide', (AVO Guide), January 2020.
22. Prior to the occupation of any dwelling: i. All of the noise protection and mitigation works associated with that unit/dwelling as detailed in the Adrian James Acoustics (AJA) Limited 'Environmental Noise Assessment Report', Filename: 13606 Report 1.docx, Rev A dated 27 February 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. Thereafter the approved works shall be retained.
23. The rating level of noise emitted from the air source heat pumps (ASHPs) associated with the development hereby approved shall be lower than the existing background noise level by at least 5 dB as measured at the boundary of the proposed dwellings 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) (current or hereby approved) and be inclusive of any penalties for tonality, intermittency, impulsivity or other distinctive acoustic characteristics.
24. The rating level of noise emitted from the electricity substation and water pumping station associated with the development hereby approved shall each be lower than the existing background noise level by at least 5 dB as measured at the boundary of the nearest noise sensitive receptor 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) (current or hereby approved) and be inclusive of any

- penalties for tonality, intermittency, impulsivity or other distinctive acoustic characteristics.
25. Prior to commencement of development, 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:
 - a. The parking of vehicles of site operatives and visitors
 - b. Loading and unloading of plant and materials
 - c. 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
 - d. The erection and maintenance of security hoarding including external safety and information signage, interpretation boards, decorative displays and facilities for public viewing, where appropriate
 - e. Wheel washing facilities
 - f. Measures to control the emission of dust and dirt during construction
 - g. A scheme for recycling/disposing of waste resulting from demolition and construction works
 - h. Hours of construction operations including times for deliveries and the removal of excavated materials and waste
 - i. Noise method statements and noise levels for each construction activity including piling and excavation operations
 - j. 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.
 26. The burning of any waste arising from the development hereby permitted shall be prohibited at any time within the application site.
 27. Demolition and/or construction works shall not take place outside 08:00 hours to 18:00 hours Mondays to Fridays and 08:00 hours to 13:30 hours on Saturdays and at no time on Sundays, public holidays or bank holidays.
 28. 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 (ILP) Guidance Note GN01/21 '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.
 29. No development above slab level shall take place until details of the facing bricks and roof tiles of the dwellings 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.
 30. Prior to commencement of development a scheme for the provision of fire hydrants within the application site shall be submitted to and approved in writing by the Local Planning Authority. No part of the development shall be occupied or brought into use until the fire hydrants have been provided in accordance with the approved scheme. Thereafter the hydrants shall be retained in their approved form unless the prior written consent of the Local Planning Authority is obtained for any variation.
 31. 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.

32. No development above ground level shall take place until details including layout, elevations, and materials of the proposed tennis courts as shown on the approved site layout drawing, together with a timetable for their implementation, operation and their future management and operation have been submitted to and approved in writing by the Local Planning Authority. These details shall also include the proposed grading and mounding of land areas including the levels and contours to be formed, showing the relationship of the proposed mounding or excavation to existing vegetation and surrounding landform. The tennis courts shall be constructed and used in accordance with the approved details, timetable, and operational and management arrangements for the lifetime of the development.
33. Before the occupation of the 25th dwelling on site precise details of the future management arrangements of the open space to the rear (west) of the site (as shown on site layout drawing no. 1965-SBA-XX-XX-DR-A-506-Q) have been submitted to and approved in writing by the Local Planning Authority. The submitted details to be agreed shall include site ownership and a timetable for delivery.

(Councillor Donna Higgins left the meeting at 11.30am during the debate on the application and prior to the voting thereon. On conclusion of this item the Chair permitted short comfort break.)

451. Planning Application DC/24/0338/HH - 1 Broadway, Pakenham (Report No: DEV/WS/24/020)

Householder planning application - two storey front and side extension

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

Pakenham Parish Council had not objected to the proposal which was contrary to the Officer recommendation of refusal, for the reasons set out in Paragraph 25 of Report No DEV/WS/24/020.

Members were advised that the original proposal was described as a "two-storey side extension" however, as the southeast elevation was considered to be the principal elevation, the proposal was amended to "two-storey front and side extension".

In addition, following comments made by Officers, amendments had been made to the application so that the amended red line plan included both

accesses to Mill Road and Broadway, and the front porch was removed from the existing plans and elevations as it had been drawn in error.

A Member site visit was held prior to the meeting.

Speakers: Councillor Andrew Speed (Ward Member) spoke in support of the application
Phil Cobbold (agent) spoke in support of the application

Councillor Ian Houlder posed a question in relation to development in the countryside and referenced a previous application considered by the Committee. The Service Manager (Planning – Development) explained that the application referenced was for a replacement dwelling, as opposed to an extension, and there was different policy considerations.

Councillor Carol Bull voiced support for the application which she viewed as an improvement to the existing property and with the inclusion of obscure glazed windows on the southeast fenestration she considered there to be no loss of neighbouring amenity.

Accordingly, Councillor Bull proposed that the application be approved, contrary to the Officer recommendation, and this was duly seconded by Councillor Lora-Jane Miller-Jones.

The Service Manager (Planning – Development) explained that Members' interpretation of Policies DM2 and DM24 was subjective and the inclusion of obscure glazing was considered reasonable to protect neighbouring amenity, meaning the Decision Making Protocol would not need to be invoked as a Risk Assessment would not be considered necessary.

The Planning Assistant then verbally advised on the conditions that could be appended to a permission, if granted, which included a condition in respect of obscure glazed windows on the southeast elevation.

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**, as it was considered that the application did not harm the character and design of the existing dwelling or the surrounding area, or adversely affect neighbouring amenity, 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 following approved plans and documents, unless otherwise stated (see decision notice for plans)
3. Before the extension hereby permitted is first brought into use, the first-floor windows of the southeast elevation shall be fitted with obscure glass to Pilkington glass level 4 privacy or an equivalent

standard and shall consist only of non-operable fixed lights and shall be retained in such form in perpetuity.

4. The development hereby permitted shall be constructed entirely of the materials detailed on approved drawing no.12 received on the 4 March 2024

The meeting concluded at 12.27pm

Signed by:

Chair
