

# Development Control Committee

**Minutes** of a meeting of the **Development Control Committee** held on  
**Wednesday 6 November 2019 at 10.00 am** in the **Council Chamber**,  
**College Heath Road, Mildenhall, IP28 7EY**

Present: **Councillors**

**Chair** Andrew Smith

**Vice Chairs** Mike Chester and Jim Thorndyke

Carol Bull

David Palmer

John Burns

David Roach

Jason Crooks

David Smith

Dawn Dicker

Peter Stevens

Roger Dicker

Don Waldron

Andy Drummond

Ann Williamson

Ian Houlder

**In attendance:**

Richard Alecock – Ward Member: Mildenhall Great Heath

Andy Neal – Neighbouring Ward Member: Mildenhall Queensway

David Nettleton – Ward Member: Tollgate

**50. Apologies for Absence**

Apologies for absence were received from Councillors David Gathercole and Susan Glossop.

**51. Substitutes**

The following substitutions were declared:

Councillor Carol Bull substituting for Councillor Susan Glossop

Councillor Dawn Dicker substituting for Councillor David Gathercole

**52. Minutes**

The minutes of the meeting held on 2 October 2019 were confirmed as a correct record and signed by the Chair, subject to the following amendment as identified by Councillor John Burns:

Minute No. 45 (Planning Application DC/19/1010/RM - Land Adj Haverhill Business Park, Bumpstead Road, Haverhill):

"Councillor John Burns asked if it would be possible to:

- i. ~~Extend the footpath that was to run parallel with Icen Way along the frontage of the site;~~

***Ensure the outline permission in Bumpstead Road was made good and the footpath was extended along the frontage of the site; and***

- ii. Extend the acoustic fencing to also include the perimeter of Unit 2."

53. **Planning Application DC/17/2474/OUT - Land South of Bury Road, Kentford (Report No: DEV/WS/19/032) \*\*AGENDA ITEM WITHDRAWN\*\***

The Chair advised that this item had been **WITHDRAWN** from the agenda.

54. **Planning Application DC/19/0505/FUL - Garage Areas, Pembroke Close, Mildenhall (Report No: DEV/WS/19/033)**

**Planning Application - 6no. dwellings and 45no. parking spaces (following demolition of 60no. garages)**

This application was referred to the Development Control Committee as it was one of four applications across four sites totalling 28 dwellings, which raised issues of significant concern to local residents and Mildenhall High Town Council.

The Committee was advised that in August 2018 (the since dissolved) Forest Heath District Council's Development Control Committee refused a previous scheme for 8 dwellings on the same site.

A Member site visit was held prior to the meeting. Officers were recommending that the application be approved, subject to the completion of a S106 Agreement and conditions as set out in the supplementary 'late papers' circulated after publication of the agenda.

The Principal Planning Officer advised Members that since the issue of the 'late papers' additional objections had been received from residents; largely raising issues with the scheme as covered in previous representations such as traffic, the impact on amenity and the effect construction could have on residents' mental health.

As part of his presentation the Officer outlined the changes that had been made to the scheme, set out the garage occupancy levels and explained that Suffolk County Council Highways had not raised objection.

Speakers: Ralph Shingfield (neighbouring resident) spoke against the application  
Councillor Russell Leaman (Mildenhall High Town Council) made a joint statement against all four of the garage area applications on the agenda (Items 5, 6, 7 & 8)  
Councillor Richard Alecock (Ward Member: Mildenhall Great Heath) spoke against the application  
Nicole Wright (agent) spoke in support of the application

Councillor David Palmer opened the debate and advised his fellow Committee Members that he had visited the site in the evening of his own volition and

found the parking to be saturated with vehicles, including some on pavements.

A number of Members raised concern at the condition of some of the garage units which had seemingly not been maintained by Flagship.

Comments were also made by some of the Committee on the real need for affordable housing in the locality.

Further debate continued with the Committee posing other questions which were responded to by the Principal Planning Officer as follows:

Sewage – Members were advised that Anglian Water had not objected to the scheme in the basis that there was capacity for the dwellings proposed;

Site Allocations Local Plan (SALP) – The Officer explained that the application site was not included in the Council's five year housing land supply and would therefore be classed windfall housing provision that was within the settlement boundary;

Electric Charging Points – The lack of electric charging points within the scheme was counted against the application in the planning balance, however, in view of the parking being unallocated it was also recognised that there could be logistical difficulties with accessing charging points;

Asbestos Removal – Whilst a Construction Management Plan was conditioned, Members were informed that the removal of asbestos fell outside of the planning process and had to be managed by contractors in line with legislation from the Health and Safety Executive; and

Aircraft Noise – Whilst recognising that the site was within an already established residential area, a condition had been included to ensure the acoustic insulation of the dwelling units did not exceed set levels.

The Service Manager (Planning – Development) also responded to specific comments made by Members:

Housing Register – The Committee was advised on how the housing register process worked and how this would be applied to the affordable housing provided by the scheme. The S106 Agreement connected with the application would ensure that the dwellings were maintained as affordable housing in perpetuity; and

Three Further Garage Areas Applications – Members were reminded that each application that came before them was to be considered on its own merits. Therefore, each of the four garage areas applications would be presented in full to the Committee by the Case Officer and debated separately.

Councillor Ian Houlder moved that the application be approved as per the Officer recommendation and this was duly seconded by Councillor Mike Chester.

Upon being put to the vote and with 9 voting for the motion, 6 against and with 1 abstention it was resolved that

#### Decision

Planning permission be **GRANTED** subject to:

- A. Completion of a S106 Agreement to secure contributions towards mitigation; to take the form of enhancements to the existing recreational open space located just to the east of Pembroke Close and to the north of Emmanuel Close and Downing Close; and
- B. The following conditions:
- 1 The development hereby permitted shall be begun not later than 3 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.
  - 3 No development above slab level shall take place until samples of the facing and roof materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
  - 4 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.
  - 5 Prior to commencement of development the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:
    - 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.
  - 6 No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works as set out in the remediation strategy is submitted to and approved, in writing by the Local Planning Authority.
  - 7 Prior to commencement of development, including any works of demolition, 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 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.
- 8 The site demolition, preparation and construction works shall be carried out between the hours of 08:00 to 18:00 Mondays to Fridays and between the hours of 08:00 to 13:30 Saturdays only, and at no time on Sundays, Bank or Public Holidays without the prior written consent of the Local Planning Authority.
- 9 The acoustic insulation of the dwelling units within the proposed development shall be such to ensure noise levels with windows closed do 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.
- 10 No development above ground level shall take place until a scheme of soft landscaping for the site drawn to a scale of not less than 1:200, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include accurate indications of the position, species, girth, canopy spread and height of all existing trees and hedgerows on and adjacent to the site and details of any to be retained, together with measures for their protection during the course of development. Any retained trees removed, dying or becoming seriously damaged or diseased within five years of commencement shall be replaced within the first available planting season thereafter with planting of similar size and species unless the Local Planning Authority gives written consent for any variation. The works shall be completed in accordance with the approved plans and in accordance with a timetable to be agreed with the Local Planning Authority.
- 11 Before the development is commenced details of the areas to be provided for storage of Refuse/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.
- 12 Before the development is commenced, details of the estate roads and footpaths, (including layout, levels, gradients, surfacing and means of surface water drainage), shall be submitted to and approved in writing by the Local Planning Authority.
- 13 Before the development is commenced details shall be submitted to and approved in writing by the County Planning Authority showing the

means to ensure any removal or alteration of existing highway drainage will be carried out with the approval of the highway authority. 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.

- 14 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. 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.
- 15 All HGV and construction traffic movements to and from the site over the duration of the construction period shall be subject to a Construction and Deliveries Management Plan (CDMP) which shall be submitted to the planning authority for approval a minimum of 28 days before any deliveries of materials commence.  
The CDMP shall include, but not be limited to:
  - parking provision for construction and other associated workers during the demolition and construction phases
  - storage of materials and equipment
  - routes for HGV traffic associated with the demolition and construction phases
  - means to ensure surface water, mud and other construction debris does not egress onto the highwayNo HGV movements shall be permitted to and from the site other than in accordance with the routes defined in the Plan.
- 16 The use shall not commence until the area(s) within the site shown on drawing 17-017-A-001 J for the purposes of loading, unloading manoeuvring and parking of vehicles has been provided and thereafter that area(s) shall be retained and used for no other purposes.
- 17 Before the development is commenced details showing an adequate car parking bay dimensions and turning space within the site shall be submitted to and approved in writing by the Local Planning Authority. Parking spaces should be 5.0m X 2.5m (minimum) and adequate turning space should be evidenced by scaled drawings and vehicle tracking plans. The approved scheme shall be carried out before first occupation and shall be retained thereafter and used for no other purpose.
- 18 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any order amending, revoking or re-enacting that Order), no windows, dormer windows, roof lights or openings of any other kind, other than those expressly authorised by this permission shall be constructed at first floor level or above in the north, west and east elevations of plot 5, and in the east, south and west elevations of plots 1, 2, 3 and 4.

**55. Planning Application DC/19/0506/FUL - Garage Areas, Newnham Close, Mildenhall (Report No: DEV/WS/19/034)**

**Planning Application - 6 no. dwellings and 30 no. parking spaces (demolition of 39no. lock-up garages) - (Previous Application DC/17/2587/FUL)**

This application was referred to the Development Control Committee as it was one of four applications across four sites totalling 28 dwellings, which raised issues of significant concern to local residents and Mildenhall High Town Council.

The Committee was advised that in August 2018 (the since dissolved) Forest Heath District Council's Development Control Committee refused a previous scheme for 11 dwellings on the same site.

A Member site visit was held prior to the meeting. Officers were recommending that the application be approved, subject to the completion of a S106 Agreement and conditions as set out in the supplementary 'late papers' circulated after publication of the agenda.

The Principal Planning Officer advised Members that since the issue of the 'late papers' additional objections had been received from residents; largely raising issues with the scheme as covered in previous representations such as traffic, the impact on amenity and the effect construction could have on residents' mental health.

As part of his presentation the Officer outlined the changes that had been made to the scheme and drew attention to Paragraph 30 of Report No DEV/WS/19/034; Members were advised that the figures within this paragraph contained an inaccuracy and the calculation should have demonstrated an over-provision of 4 parking spaces (as opposed to 6), based on what the scheme would provide.

Speakers: Russell Richards (neighbouring resident) spoke against the application  
The Chair asked Members to note the earlier joint statement made on all four of the garage area applications by Councillor Russell Leaman (Mildenhall High Town Council)  
Councillor Andy Neal (Neighbouring Ward Member: Mildenhall Queensway) spoke against the application  
Nicole Wright (agent) spoke in support of the application

Councillor Don Waldron asked the Chair if it would be possible for Councillor Andy Neal to table some photographs which supported his public speaking statement. The Lawyer advised that this was not permitted under the Council's Public Speaking Policy which did not allow handouts or visual aids.

Councillor David Palmer opened the debate and again advised his fellow Committee Members that he had visited the site in the evening of his own volition and found the parking to be saturated with vehicles, including some on pavements.

Further debate continued with the Committee posing questions which were responded to by the Principal Planning Officer as follows (this was in addition to the same comments being made as referenced under the previous application in respect of electric charging points and asbestos):

Flooding – A map showing surface water flooding was shown as part of the Officer's presentation and the proposed scheme was not considered to be

likely to exacerbate the problem. On the contrary, the replacement of some of the existing hardstanding with garden areas could assist;

Water Consumption – The Officer provided explanation on the figures referenced within the report; and

Uplift of Existing Properties/Grass Verge Parking – Comments had been made from some Members as to whether Flagship intended to renovate any of the existing properties and if some of the grass verges could have some form of natural surface laid in order to allow additional ‘unofficial’ parking spaces. The Committee were advised that they needed to consider the application that was before them that made no reference to the existing dwellings; a number of which were privately owned in any event. The Officer also explained that the grass verges in question varied in ownership; some by the District Council and some by the County Council.

In response to points raised with regard to the provision of disabled parking spaces, the Service Manager (Planning – Development) explained that should future tenants require disabled parking then this is something they would need to raise directly with Flagship, as landlord.

Councillor Peter Stevens moved that the application be approved as per the Officer recommendation and this was duly seconded by Councillor Ian Houlder.

Upon being put to the vote and with 10 voting for the motion and 6 against it was resolved that

#### Decision

Planning permission be **GRANTED** subject to:

- A. Completion of a S106 Agreement to secure contributions towards mitigation; to take the form of enhancements to the existing recreational open space located just to the east of Pembroke Close and to the north of Emmanuel Close and Downing Close; and
- B. The following conditions:
  - 1. The development hereby permitted shall be begun not later than 3 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.
  - 3. No development above slab level shall take place until samples of the facing and roof materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
  - 4. 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.
- 5 Prior to commencement of development the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:
- 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.
- 6 No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works as set out in the remediation strategy is submitted to and approved, in writing by the Local Planning Authority.
- 7 Prior to commencement of development, including any works of demolition, 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 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.
- 8 The site demolition, preparation and construction works shall be carried out between the hours of 08:00 to 18:00 Mondays to Fridays and between the hours of 08:00 to 13:30 Saturdays only, and at no time on Sundays, Bank or Public Holidays without the prior written consent of the Local Planning Authority.

- 9 The acoustic insulation of the dwelling units within the proposed development shall be such to ensure noise levels with windows closed do 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.
- 10 No development above ground level shall take place until a scheme of soft landscaping for the site drawn to a scale of not less than 1:200, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include accurate indications of the position, species, girth, canopy spread and height of all existing trees and hedgerows on and adjacent to the site and details of any to be retained, together with measures for their protection during the course of development. Any retained trees removed, dying or becoming seriously damaged or diseased within five years of commencement shall be replaced within the first available planting season thereafter with planting of similar size and species unless the Local Planning Authority gives written consent for any variation. The works shall be completed in accordance with the approved plans and in accordance with a timetable to be agreed with the Local Planning Authority.
- 11 Before the development is commenced details of the areas to be provided for storage of Refuse/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.
- 12 Before the development is commenced, details of the estate roads and footpaths, (including layout, levels, gradients, surfacing and means of surface water drainage), shall be submitted to and approved in writing by the Local Planning Authority.
- 13 Before the development is commenced details shall be submitted to and approved in writing by the County Planning Authority showing the means to ensure any removal or alteration of existing highway drainage will be carried out with the approval of the highway authority. 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.
- 14 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. 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.
- 15 All HGV and construction traffic movements to and from the site over the duration of the construction period shall be subject to a Construction and Deliveries Management Plan (CDMP) which shall be submitted to the planning authority for approval a minimum of 28 days before any deliveries of materials commence.  
The CDMP shall include, but not be limited to:
  - parking provision for construction and other associated workers during the demolition and construction phases
  - storage of materials and equipment
  - routes for HGV traffic associated with the demolition and construction phases
  - means to ensure surface water, mud and other construction debris

- does not egress onto the highway  
No HGV movements shall be permitted to and from the site other than in accordance with the routes defined in the Plan.
- 16 The use shall not commence until the area(s) within the site shown on drawing 17-017-A-001 J for the purposes of loading, unloading manoeuvring and parking of vehicles has been provided and thereafter that area(s) shall be retained and used for no other purposes.
  - 17 Before the development is commenced details showing an adequate car parking bay dimensions and turning space within the site shall be submitted to and approved in writing by the Local Planning Authority. Parking spaces should be 5.0m X 2.5m (minimum) and adequate turning space should be evidenced by scaled drawings and vehicle tracking plans. The approved scheme shall be carried out before first occupation and shall be retained thereafter and used for no other purpose.
  - 18 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any order amending, revoking or re-enacting that Order), no windows, dormer windows, roof lights or openings of any other kind, other than those expressly authorised by this permission shall be constructed at first floor level or above in the north (rear) elevations of plots 5 and 6.

56. **Planning Application DC/19/0507/FUL - Garage Areas, Emmanuel Close, Mildenhall (Report No: DEV/WS/19/035)**

**Planning Application - 11no. dwellings and 57no. parking spaces (following demolition of 70no. garages) - Previous Application DC/17/2586/FUL**

This application was referred to the Development Control Committee as it was one of four applications across four sites totalling 28 dwellings, which raised issues of significant concern to local residents and Mildenhall High Town Council.

The Committee was advised that in August 2018 (the since dissolved) Forest Heath District Council's Development Control Committee refused a previous scheme for 11 dwellings on the same site.

A Member site visit was held prior to the meeting. Officers were recommending that the application be approved, subject to the completion of a S106 Agreement (which contained prescribed contributions in light of this application being classified as a major) and conditions as set out in the supplementary 'late papers' circulated after publication of the agenda.

The Principal Planning Officer advised Members that since the issue of the 'late papers' additional objections had been received from residents; largely raising issues with the scheme as covered in previous representations such as traffic, the impact on amenity and the effect construction could have on residents' mental health.

As part of his presentation the Officer outlined the changes that had been made to the scheme, displayed photographs of parking in Emmanuel Close in the evening and drew attention to Paragraph 32 of Report No

DEV/WS/19/035; Members were advised that the figures within this paragraph contained an inaccuracy and a total of 59 parking spaces would be provided within the new development (as opposed to 57).

Lastly, the Committee was advised that the Officer had been in further dialog with Suffolk County Council Highways who had verbally stated that they were now content that their concerns could be mitigated via conditions and, as such, withdrew their holding objection as made reference to in Paragraph 12.

Speakers: James Power (neighbouring resident) spoke against the application

The Chair asked Members to note the earlier joint statement made on all four of the garage area applications by Councillor Russell Leaman (Mildenhall High Town Council)

Councillor Andy Neal (Neighbouring Ward Member: Mildenhall Queensway) spoke against the application

Nicole Wright (agent) spoke in support of the application

During the debate the Committee posed questions which were responded to by the Principal Planning Officer as follows (this was in addition to the same comments being made as referenced under the previous applications in respect of electric charging points, disabled parking spaces and asbestos):

Location and Condition of Alternative Garages – the Officer read out the locations at which there were vacant garages that could be rented by tenants who had occupied those cited for demolition within the scheme. He presumed that these were of a similar size and condition as those within the four application sites;

Overlooking of No. 32 – The Committee was advised that whilst the overlooking of No 32 was a material consideration Members needed to be mindful that the property already experienced some degree of overlooking currently;

Withdrawal of Holding Objection – In response to some Members' concerns relating to the verbally advised withdrawal of the Suffolk County Council Highways holding objection, the Officer assured the Committee that he was very clear on the Highways Authority's current position with regard to the application.

Councillor Peter Stevens moved that the application be approved as per the Officer recommendation and this was duly seconded by Councillor Andy Drummond.

Upon being put to the vote and with 7 voting for the motion, 7 against and with 2 abstentions it was resolved on the Chair's casting vote that

### Decision

Planning permission be **GRANTED** subject to:

A. Completion of a S106 Agreement to secure:

- £36,543 (2019/20 costs) to spend on primary school provision
- £56,617 (2019/20 costs) to spend on secondary school provision
- £16,666 (2019/20 costs) towards pre-school provision
- £176 towards enhanced library provision

- Contributions towards ecological mitigation to take the form of enhancements to the existing recreational open space located just to the east of Pembroke Close and to the north of Emmanuel Close and Downing Close
- B. And the following conditions:
- 1 The development hereby permitted shall be begun not later than 3 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.
  - 3 No development above slab level shall take place until samples of the facing and roof materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
  - 4 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.
  - 5 Prior to commencement of development the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:
    - 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.
  - 6 No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works as set out in the remediation strategy is submitted to and approved, in writing by the Local Planning Authority.
  - 7 Prior to commencement of development, including any works of demolition, 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 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.
- 8 The site demolition, preparation and construction works shall be carried out between the hours of 08:00 to 18:00 Mondays to Fridays and between the hours of 08:00 to 13:30 Saturdays only, and at no time on Sundays, Bank or Public Holidays without the prior written consent of the Local Planning Authority.
- 9 The acoustic insulation of the dwelling units within the proposed development shall be such to ensure noise levels with windows closed do 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.
- 10 No development above ground level shall take place until a scheme of soft landscaping for the site drawn to a scale of not less than 1:200, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include accurate indications of the position, species, girth, canopy spread and height of all existing trees and hedgerows on and adjacent to the site and details of any to be retained, together with measures for their protection during the course of development. Any retained trees removed, dying or becoming seriously damaged or diseased within five years of commencement shall be replaced within the first available planting season thereafter with planting of similar size and species unless the Local Planning Authority gives written consent for any variation. The works shall be completed in accordance with the approved plans and in accordance with a timetable to be agreed with the Local Planning Authority.
- 11 Before the development is commenced details of the areas to be provided for storage of Refuse/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.
- 12 Before the development is commenced, details of the estate roads and footpaths, (including layout, levels, gradients, surfacing and means of surface water drainage), shall be submitted to and approved in writing by the Local Planning Authority.
- 13 Before the development is commenced details shall be submitted to and approved in writing by the County Planning Authority showing the

means to ensure any removal or alteration of existing highway drainage will be carried out with the approval of the highway authority. 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.

- 14 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. 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.
- 15 All HGV and construction traffic movements to and from the site over the duration of the construction period shall be subject to a Construction and Deliveries Management Plan (CDMP) which shall be submitted to the planning authority for approval a minimum of 28 days before any deliveries of materials commence.  
The CDMP shall include, but not be limited to:
  - parking provision for construction and other associated workers during the demolition and construction phases
  - storage of materials and equipment
  - routes for HGV traffic associated with the demolition and construction phases
  - means to ensure surface water, mud and other construction debris does not egress onto the highwayNo HGV movements shall be permitted to and from the site other than in accordance with the routes defined in the Plan.
- 16 The use shall not commence until the area(s) within the site shown on drawing 17-017-A-001 J for the purposes of loading, unloading manoeuvring and parking of vehicles has been provided and thereafter that area(s) shall be retained and used for no other purposes.
- 17 Before the development is commenced details showing an adequate car parking bay dimensions and turning space within the site shall be submitted to and approved in writing by the Local Planning Authority. Parking spaces should be 5.0m X 2.5m (minimum) and adequate turning space should be evidenced by scaled drawings and vehicle tracking plans. The approved scheme shall be carried out before first occupation and shall be retained thereafter and used for no other purpose.
- 18 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any order amending, revoking or re-enacting that Order), no windows, dormer windows, roof lights or openings of any other kind, other than those expressly authorised by this permission shall be constructed at first floor level or above in the east elevation of plot 3, the south elevation of plot 5 and the north elevation of plot 6.

**57. Planning Application DC/19/0508/FUL - Garage Areas, Downing Close, Mildenhall (Report No: DEV/WS/19/036)**

**Planning Application - 5no. dwellings and 33no. parking spaces (following demolition of 43no. garages) - Previous Application DC/17/2585/FUL**

This application was referred to the Development Control Committee as it was one of four applications across four sites totalling 28 dwellings, which raised issues of significant concern to local residents and Mildenhall High Town Council.

The Committee was advised that in August 2018 (the since dissolved) Forest Heath District Council's Development Control Committee refused a previous scheme for 7 dwellings on the same site.

A Member site visit was held prior to the meeting. Officers were recommending that the application be approved, subject to the completion of a S106 Agreement and conditions as set out in the supplementary 'late papers' circulated after publication of the agenda.

The Principal Planning Officer advised Members that since the issue of the 'late papers' additional objections had been received from residents; largely raising issues with the scheme as covered in previous representations such as traffic, the impact on amenity and the effect construction could have on residents' mental health.

As part of his presentation the Officer outlined the changes that had been made to the scheme and displayed photographs of parking in Downing Close in the evening.

Lastly, the Committee was advised that the Officer had been in further dialog with Suffolk County Council Highways who had verbally stated that they were now content that their concerns could be mitigated via conditions and, as such, withdrew their holding objection as made reference to in Paragraph 9.

Speakers: June Billings (neighbouring resident) spoke against the application  
The Chair asked Members to note the earlier joint statement made on all four of the garage area applications by Councillor Russell Leaman (Mildenhall High Town Council)  
Councillor Richard Alecock (Ward Member: Mildenhall Great Heath) spoke against the application  
Nicole Wright (agent) spoke in support of the application

During the debate the Committee posed questions which were responded to by the Principal Planning Officer as follows (this was in addition to the same comments being made as referenced under the previous applications in respect of electric charging points, disabled parking spaces and asbestos):

Location of Sub-Station – Members were advised that the proximity of the sub-station to the proposed dwellings could be mitigated with boundary treatment and the sub-station would not generate noise;

Informal Access – The Members who attended the site visit had noted that 14 Downing Close appeared to have informal access to the rear of their property. The Officer explained that this was not addressed as part of the planning process and was civil matter between the owner of the property and the applicant; and

Vulnerable Resident – The Service Manager (Planning – Development) advised the Committee that West Suffolk Council had been made aware of a vulnerable resident in the vicinity with existing medical conditions. The



Council had contacted all relevant authorities (including Flagship) in order to make them aware of the situation.

Councillor John Burns raised specific concern at having to accept verbal assurance from Suffolk County Council Highways with regard to the withdrawal of their holding objection.

As such, he proposed that consideration of the application be deferred in order to allow a formal written response to be made by the Highways Authority. This was duly seconded by Councillor Roger Dicker.

The Service Manager (Planning – Development) suggested that in order to allow Officers time in which to seek assurance/clarity from the Highways Authority that rather than defer the application it would be possible, if Members were minded to, to approve the application subject to receiving the confirmation in respect of the withdrawn holding objection. This could be done in liaison with the Chair and Vice Chairs of the Committee.

Accordingly, Councillor John Burns withdrew his motion for deferral and Councillor Andy Drummond moved that the application be approved as per the Officer recommendation; subject to Officers, in consultation with the Chair and Vice Chairs, seeking confirmation from Suffolk County Council Highways of the withdrawal of their holding objection, and this was duly seconded by Councillor Peter Stevens.

Upon being put to the vote and with 10 voting for the motion and 6 against it was resolved that

#### Decision

Planning permission be **GRANTED** subject to Officers, in consultation with the Chair and Vice Chairs, seeking confirmation from Suffolk County Council Highways of the withdrawal of their holding objection, and subject to:

- A. Completion of a S106 Agreement to secure contributions towards mitigation; to take the form of enhancements to the existing recreational open space located just to the east of Pembroke Close and to the north of Emmanuel Close and Downing Close; and
- B. The following conditions:
  1. The development hereby permitted shall be begun not later than 3 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.
  3. No development above slab level shall take place until samples of the facing and roof materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
  4. 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.

- 5 Prior to commencement of development the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:
  - 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.
- 6 No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works as set out in the remediation strategy is submitted to and approved, in writing by the Local Planning Authority.
- 7 Prior to commencement of development, including any works of demolition, 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 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.
- 8 The site demolition, preparation and construction works shall be carried

out between the hours of 08:00 to 18:00 Mondays to Fridays and between the hours of 08:00 to 13:30 Saturdays only, and at no time on Sundays, Bank or Public Holidays without the prior written consent of the Local Planning Authority.

- 9 The acoustic insulation of the dwelling units within the proposed development shall be such to ensure noise levels with windows closed do 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.
- 10 No development above ground level shall take place until a scheme of soft landscaping for the site drawn to a scale of not less than 1:200, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include accurate indications of the position, species, girth, canopy spread and height of all existing trees and hedgerows on and adjacent to the site and details of any to be retained, together with measures for their protection during the course of development. Any retained trees removed, dying or becoming seriously damaged or diseased within five years of commencement shall be replaced within the first available planting season thereafter with planting of similar size and species unless the Local Planning Authority gives written consent for any variation. The works shall be completed in accordance with the approved plans and in accordance with a timetable to be agreed with the Local Planning Authority.
- 11 Before the development is commenced details of the areas to be provided for storage of Refuse/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.
- 12 Before the development is commenced, details of the estate roads and footpaths, (including layout, levels, gradients, surfacing and means of surface water drainage), shall be submitted to and approved in writing by the Local Planning Authority.
- 13 Before the development is commenced details shall be submitted to and approved in writing by the County Planning Authority showing the means to ensure any removal or alteration of existing highway drainage will be carried out with the approval of the highway authority. 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.
- 14 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. 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.
- 15 All HGV and construction traffic movements to and from the site over the duration of the construction period shall be subject to a Construction and Deliveries Management Plan (CDMP) which shall be submitted to the planning authority for approval a minimum of 28 days before any deliveries of materials commence.  
The CDMP shall include, but not be limited to:
  - parking provision for construction and other associated workers during the demolition and construction phases

- storage of materials and equipment
- routes for HGV traffic associated with the demolition and construction phases
- means to ensure surface water, mud and other construction debris does not egress onto the highway

No HGV movements shall be permitted to and from the site other than in accordance with the routes defined in the Plan.

- 16 The use shall not commence until the area(s) within the site shown on drawing 17-017-A-001 J for the purposes of loading, unloading manoeuvring and parking of vehicles has been provided and thereafter that area(s) shall be retained and used for no other purposes.
- 17 Before the development is commenced details showing an adequate car parking bay dimensions and turning space within the site shall be submitted to and approved in writing by the Local Planning Authority. Parking spaces should be 5.0m X 2.5m (minimum) and adequate turning space should be evidenced by scaled drawings and vehicle tracking plans. The approved scheme shall be carried out before first occupation and shall be retained thereafter and used for no other purpose.
- 18 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any order amending, revoking or re-enacting that Order), no windows, dormer windows, roof lights or openings of any other kind, other than those expressly authorised by this permission shall be constructed at first floor level or above in the north elevation of plot 3.

*(On conclusion of this item, and Part A of the agenda, the Chair permitted an interval before proceeding with Part B of the agenda at 1.20pm.)*

**58. Planning Application DC/14/2096/HYB - Land at Station Road, Lakenheath (Report No: DEV/WS/19/037)**

*(Councillor David Roach declared a non-pecuniary interest in this item in view of having already voted in favour of the primary school element of the scheme at a meeting of Suffolk County Council. He would remain in the meeting but would not take part in the debate and would abstain from the voting thereon.)*

Prior to the Principal Planning Officer making their presentation to the Committee, Councillor Don Waldron proposed from the floor that consideration of this application be deferred in order to allow Members to undertake a site visit. This was duly seconded by Councillor Roger Dicker.

The Service Manager (Planning – Development) explained that Officers had not scheduled a site visit for this application as they considered that there was very little to gain by visiting the site in that the only full part of the application was in relation to the proposed road and there were no directly adjoining properties. However, if Members wished to defer in order to visit the site then they were able to do so.

Upon being put to the vote and with 11 voting for the motion and with 5 abstentions, it was resolved that

## Decision

Consideration of the application be **DEFERRED** to an alternative meeting of the Development Control Committee in order to allow Members to undertake a site visit.

59. **Planning Application DC/19/0079/FUL & Application for Listed Building Consent DC/19/0080/LB - The Rutland Arms Hotel, 33 High Street, Newmarket (Report No: DEV/WS/19/038)**

**Planning Application - (i) Demolition and rebuilding of Palace Street annexe building including creation of additional guest bedrooms (ii) Refurbishment to High Street building (iii) Detached garage adjacent Nell Gwynne House; and  
Application for Listed Building Consent - (i) Demolition and rebuilding of Palace Street annexe building including creation of additional guest bedrooms (ii) Refurbishment to High Street building**

These applications were referred to the Development Control Committee as Suffolk County Council Highways Authority objected to the scheme which was contrary to the Officer recommendations of approval, subject to conditions as set out in the supplementary 'late papers' circulated following publication of the agenda.

A Member site visit was held prior to the meeting.

Speaker: Noel Byrne (applicant) spoke in support of the application

Councillor Andy Drummond advised the meeting that he had taken part in Newmarket Town Council's consideration of the applications when they resolved to support the scheme. However, Councillor Drummond stressed that he would keep an open mind and listen to the debate prior to voting on the item.

Considerable discussion took place in relation to the loss of the flying link/pedestrian bridge which currently connected the two buildings over Palace Street. Some Members raised safety concerns at pedestrians now having to cross the highway.

The Principal Planning Officer explained that there was to be refuge area by the door that opened onto Palace Street from the main building and the crossing would be denoted by a different surface, with an additional condition required for details of the materials to be submitted.

In response to comments made in connection with the loss of some spaces at the Council owned Rous Road Car Park, the Service Manager (Planning – Development) explained that this arrangement between the applicant and the Council as landowner was not a material planning consideration.

The Chair invited the Principal Conservation Officer to address the meeting in respect of her consultation response to the application. In answer to a question that was raised with regard to the windows of the main building (which did not form part of the application before Members) the Officer

outlined the many various ways in which heat loss could be reduced without the need for replacement glazing.

Councillor Drummond made reference to the 'soft crossing' that already existed nearby at the Clock Tower Roundabout, which he stated worked well. He moved that the applications be approved as per the Officer recommendations and this was duly seconded by Councillor Peter Stevens.

Upon putting the Listed Building Consent to the vote and with 15 voting for and 1 against, it was resolved that

#### Decision

**Listed Building Consent** be **GRANTED** subject to the following conditions:

- 1 The works to which this consent relates must be begun not later than 3 years from the date of this notice.
- 2 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the approved plans and documents.
- 3 No development above ground level shall take place until details in respect of the following have been submitted to and approved in writing by the Local Planning Authority.
  - schedule of works to existing structure to include a detailed specification of repairsThe works shall be carried out in full accordance with the approved details unless otherwise subsequently approved in writing by the Local Planning Authority.

Reason: To protect the special character, architectural interest and integrity of the building, in accordance with policy DM15 and DM16 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 15 of the National Planning Policy Framework and Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and all relevant Core Strategy Policies.
- 4 No works involving new/replacement windows shall take place until elevation(s) to a scale of not less than 1:10 and horizontal and vertical cross-section drawings to a scale of 1:2 fully detailing the new/replacement windows to be used (including details of glazing bars, sills, heads and methods of opening and glazing) have been submitted to and approved in writing by the Local Planning Authority. Unless otherwise approved in writing by the Local Planning Authority all glazing shall be face puttied. The works shall be carried out in complete accordance with the approved details.
- 5 No works involving new/replacement doors shall take place until elevation(s) to a scale of not less than 1:10 and horizontal and vertical cross-section drawings to a scale of 1:2 fully detailing the new/replacement internal/external doors and surrounds to be used (including details of panels and glazing where relevant) have been submitted to and approved in writing by the Local Planning Authority. Unless otherwise approved in writing by the Local Planning Authority all glazing shall be face puttied. The works shall be carried out in complete accordance with the approved details.
- 6 No development above ground level shall take place until details in

respect of the following have been submitted to and approved in writing by the Local Planning Authority.

- Samples of external materials and surface finishes

The works shall be carried out in full accordance with the approved details unless otherwise subsequently approved in writing by the Local Planning Authority.

- 7 No development above ground level shall take place until details in respect of the following have been submitted to and approved in writing by the Local Planning Authority.

- Following the removal of the later finishes, final details of the proposed works to chimney breast and stack 1 shall be submitted to and approved in writing with the Local Planning Authority.

The works shall be carried out in full accordance with the approved details unless otherwise subsequently approved in writing by the Local Planning Authority.

- 8 No development above ground level shall take place until details in respect of the following have been submitted to and approved in writing by the Local Planning Authority.

- Details of ornamental mouldings

The works shall be carried out in full accordance with the approved details unless otherwise subsequently approved in writing by the Local Planning Authority.

Upon putting the Planning Application to the vote and with 14 voting for and 2 against, it was resolved that

#### Decision

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

- 1 The development hereby permitted shall be begun not later than 3 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.
- 3 Prior to first operational use of the annexe building, at least 25% of on site 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.
- 4 Before the development hereby permitted is commenced details of the travel arrangements to and from the site for employees and customers in the form of a Travel Plan, including monitoring provisions shall be submitted to and approved in writing by the Local Planning Authority and such approved arrangements shall be implemented before the development is first brought into use and thereafter adhered to.
- 5 All HGV and Construction traffic movements to and from the site over the duration of the construction period shall be subject to a Construction and Deliveries Management Plan which shall be submitted to the planning authority for approval a minimum of 28 days before any deliveries of materials commence. No HGV movements shall be permitted to and from the site other than in accordance with the routes

defined in the Plan. The Plan shall include, but not be limited to:

- Routes for deliveries and other construction traffic.
- Means to ensure that no water, mud or debris will egress onto the highway.
- Means to ensure sufficient space is provided for the parking and manoeuvring of construction workers and delivery vehicles.
- Means to ensure sufficient space is provided on-site for the storage of materials and equipment.

- 6 The use of Nell Gwynnes Cottage shall not commence until the area(s) within the site shown on drawing 180101-3DR-SE-DR-D210 rev P4, 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.
- 7 Before the development is commenced details of the areas to be provided for the loading, unloading manoeuvring and parking of vehicles including means to ensure a permanent access 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.
- 8 Before the development is commenced details of the areas to be provided for the secure covered and lit cycle storage for staff and visitors 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.
- 9 All development works, including site demolition, enabling works in respect of the site entrance, preparation and construction works, including deliveries and the removal of waste and other material, shall be carried out between the hours of 0800 - 1800 hrs on Mondays - Fridays, and between the hours of 0800 - 1300 hrs on Saturday, and at no time on Sundays and Bank Holidays.
- 10 No development shall take place within the area indicated [the whole site] until the implementation of a programme of archaeological work has been secured, in accordance with a Written Scheme of Investigation which has been submitted to and approved in writing by the Local Planning Authority.  
The scheme of investigation shall include an assessment of significance and research questions; and:
  - a. The programme and methodology of site investigation and recording
  - b. The programme for post investigation assessment
  - c. Provision to be made for analysis of the site investigation and recording
  - d. Provision to be made for publication and dissemination of the analysis and records of the site investigation
  - e. Provision to be made for archive deposition of the analysis and records of the site investigation
  - f. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
  - g. The site investigation shall be completed prior to development, or in such other phased arrangement, as agreed and approved in writing by the Local Planning Authority.
- 11 The annexe building shall not be occupied until the site investigation



- and post investigation assessment has been completed, submitted to and approved in writing by the Local Planning Authority, in accordance with the programme set out in the Written Scheme of Investigation approved under Condition 1 and the provision made for analysis, publication and dissemination of results and archive deposition.
- 12 Prior to occupation details of biodiversity enhancement measures to be installed at the site, including details of the timescale for installation, shall be submitted to and approved in writing by the Local Planning Authority. Any such measures as may be agreed shall be installed in accordance with the agreed timescales and thereafter retained as so installed. There shall be no occupation unless and until details of the biodiversity enhancement measures to be installed have been agreed in writing by the Local Planning Authority.
  - 13 Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 as amended (or any Order revoking and re-enacting that Order) and the Town and Country Planning (General Permitted Development) Order 2015, as amended, the annexe building; shall be used only as a hotel (C1 use); and for no other purpose.
  - 14 No development above ground level shall take place until, an energy and sustainability statement for the development shall be submitted to and approved in writing by the Local Planning Authority. The statement shall outline how the development has adhered to broad principles of sustainable design and construction and how energy efficiency will be optimised through the use of design, layout, orientation, materials, insulation and construction techniques. The development shall be carried out in accordance with the approved strategy.
  - 15 Prior to commencement of development details of the off-site highway works (pedestrian crossing between the main building and the annexe building on Palace Street and any other works associated with it) shall be submitted to and approved in writing by the Local Planning Authority. The approved works shall be laid out and constructed in its entirety prior to the first use of the crossing. Thereafter the crossing shall be retained in its approved form.

60. **Planning Application DC/19/1217/FUL - 5C Oak Tree Farm, Wildmere Lane, Holywell Row (Report No: DEV/WS/19/039)**

**Planning Application - 1no. dwelling with detached garage**

This application was referred to the Development Control Committee following consideration by the Delegation Panel and at the request of Councillor Don Waldron, one of the Ward Members for The Rows.

A Member site visit was held prior to the meeting. The Parish Council supported the application which was in conflict with the Officer recommendation of refusal, for the reasons set out in Paragraph 81 of Report No DEV/WS/19/039.

Speaker: Rebecca Young (applicant) spoke in support of the application

Councillor Don Waldron opened the debate and made reference to an adjacent plot which had received planning permission for a dwelling, he also

highlighted that the planning application in question had been submitted in June of this year with the Local Plan not having been adopted by West Suffolk Council until September 2019.

In response to which the Service Manager (Planning – Development) reminded the Committee that each application was to be considered on its own merit. Furthermore, with regard to the Local Plan, if the application had been before Committee at the time of submission then significant weight would have still been attributed to it as it had been in a very advanced stage by June. Members were also advised that planning law required applications to be determined against policies that are in force at the time of determination.

Whilst some Members expressed sympathy at the specific need/family circumstance as made reference to by the applicant under the public speaking, a number of the Committee were mindful that it fell outside of the settlement boundary and that the application did not qualify as an exception site.

In response to questions posed as to whether the applicant could resubmit the application identifying the site as an exception for gypsy and travellers, the Service Manager (Planning – Development) explained that whilst the applicant was at liberty to do this the permanent dwelling as applied for (as opposed to a mobile home or similar) fell foul of the Gypsies and Travellers Policy CS8.

Other Members asked if the applicant could put the site forward for development and/or the Parish Council could seek to move the settlement boundary as part of the Local Plan process. Again, the Service Manager responded and explained that both of these avenues could be pursued by the parties concerned, however, they needed to be mindful that the review of the Local Plan had only just commenced and any new sites/changes to settlement boundaries would not be implemented for some considerable time.

Lastly, a question was posed in respect of the L-shaped agricultural building that existed on the site and as to whether this could be converted into residential use under Class Q permitted development rights. Whilst being mindful that this did not form part of the proposal before Members, the Service Manager again advised that was something the applicant would be at liberty to explore.

Councillor Don Waldron made reference to the local support the application received and proposed that the application be approved, contrary to the Officer recommendation of refusal, and this was duly seconded by Councillor Andy Drummond.

The Service Manager advised that if Members were minded to approve the application, due to a differing interpretation of Policy DM27, contrary to the Officer recommendation then the Decision Making Policy would be invoked and a risk assessment would be produced for consideration by the Committee at their next meeting, prior to final decision being taken on the application.

Upon being put to the vote and with 7 voting for the motion, 8 against and with 1 abstention the Chair declared the motion lost.

Councillor Ian Houlder then moved 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 9 voting for the motion, 2 against and with 5 abstentions it was resolved that

### Decision

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

1. The National Planning Policy Framework (NPPF) states that the planning system should recognise the intrinsic character and beauty of the countryside and actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling and focus development in sustainable locations. Local Planning Authorities should avoid new homes in the countryside unless there are special circumstances. Between them, policies CS1 and CS10 of the 2010 FHDC Core Strategy and policy SA1 of the 2019 Site Allocations Plan establish the spatial strategy for the area and they dictate that unless special circumstances prevail, residential development in the countryside, beyond the settlement boundaries, should be strictly controlled. Furthermore, Policy DM5 (Development within the Countryside) states that areas designated as countryside will be protected from unsustainable development and Policy DM27 sets out further strict circumstances where new dwellings will be permitted outside of settlement boundaries. The proposal does not meet the provisions of any of these policies and there are no material considerations that outweigh this very significant conflict with the Development Plan. The proposal therefore represents a conflict with Policies SA1, CS1, CS10, DM5 and DM27 of the Development Plan.
2. Policy DM2 provides that proposals for development should recognise and address the key features, characteristics of the locality within which they're proposed. This is bolstered by Policy DM22 which further requires that all residential development proposals should maintain or create a sense of place and/or character by basing design on an analysis of existing buildings and landscape and utilising the characteristics of the locality to create buildings and spaces that have a strong sense of place and distinctiveness.  
The proposal would give rise to a permanent dwelling which would be at odds with the prevailing nature and character of the immediate site. Whilst dwellings do exist to the South of the site, these are located within the settlement boundary whereas the site in question lies within the countryside from a planning perspective. If approved, this proposal would result in a formalised, permanent dwelling which, when compared to the current site, will appear as a stark contrast to the prevailing loosely developed grain of the wider, rural locality. In this location, noting the surrounding development's form, scale and design, a permanent brick dwelling would be out of character and therefore contrary to both national and local policy.

The introduction of a further, two storey dwelling would be visually harmful given the site's loose coalescence of non-permanent structures which are modest in scale and do not dominate the visual landscape. Furthermore, the locality is generally populated with modestly scaled, single storey dwellings which do not dominate their plot or appear as large, overly urban styled dwellings. The proposed dwelling is significantly larger and taller than the area's existing properties. The ridge height and footprint appear incongruous with the existing pattern of development which, given the location on the periphery of the settlement boundary is relatively loosely grained and modest in scale. This proposed dwelling would appear as a stark contrast to the prevailing semi-rural character already in situ. It dominates its plot in a way that the locality's smaller dwellings do not and the two front dormer windows are particularly prominent so as to conflict with the prevailing modest scale of development which defines the locality.

This results in a design and proposal which fails to respond to its surroundings and the prevailing urban fabric as required by point J of Policy DM2 of the Joint Development Management Policies Document (2015). The proposal also fails to accord with paragraph 124 of the 2019 NPPF which states that good design should be at the heart of all proposals to ensure that high quality buildings and environments are created.

3. The proposed dwelling would be positioned to the immediate south of the adjacent pitch and this, based on the plans submitted in support of the application, has the potential to adversely impact the amenity of the off-site pitch due to loss of light and the physical overbearing relationship it will have with the smaller, more transient in design mobile home. This overbearing relationship would prove contrary to the good design principles embedded within the NPPF, CS5 of the Core Strategy and DM2 and DM22 of the Joint Development Management Policies Document.

The North elevation also has a window installed to the 'upper' floor and this gives rise to direct overlooking into the adjacent pitch. This would be detrimental to the amenity of the off-site mobile home as direct, unrestricted views from an upper level would be possible. This would therefore be harmful to the neighbouring property's privacy and amenity to a sufficient extent for the proposal to represent a material conflict with part g of Policy DM2

4. The proposal would result in the permanent loss of a lawful traveller pitch and this represents a material conflict with the LPA's requirement to provide necessary sites for the travelling community pursuant to the 2015 Planning Policy for Traveller Sites.

The loss of this single pitch represents a net decline in the LPA's overall provision and whilst the LPA note it is a single pitch only, given the obligation to provide appropriate pitches for the travelling community, with no material factors to indicate that this pitch should be sacrificed, there are no relevant planning reasons which enable the LPA to conclude that the loss of this pitch would not be detrimental to the LPA's overall provision.

## **TPO218(1972) - Tree Preservation Order - Beech T1 - Fell**

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

The application was considered by the Panel in light of Councillor David Nettleton, one of the Ward Members for Tollgate, supporting the felling of the tree which was contrary to the Officer recommendation of refusal for the reason set out in Paragraph 30 of Report No DEV/WS/19/040.

A Member site visit was held prior to the meeting.

Speakers: Councillor David Nettleton (Ward Member: Tollgate) spoke in support of the application  
Gary Fowler (applicant) spoke in support of the application

The Committee was largely sympathetic to the applicant, with Members commenting on the inappropriate size of the tree for a modest residential garden. However, if the tree was to be removed Members asked that a more appropriate replacement was planted within the garden in a better location.

Councillor John Burns proposed that the application be approved, contrary to the Officer recommendation of refusal, and this was duly seconded by Councillor Andy Drummond.

Upon being put to the vote and with 14 voting for the motion and with 2 abstentions, it was resolved that

### Decision

Tree Preservation Consent for the T1 Beech Tree be **GRANTED** subject to the following conditions:

1. The authorised works shall be carried out to the latest arboricultural standards (ref BS 3998:2010 Tree Works: recommendations)
2. The works which are the subject of this consent shall be carried out within two years of the date of the decision notice.
3. The 1no. Beech (*Fagus sylvatica*) tree, the removal of which is authorised by this consent, shall be replaced by 1no. Silver Birch (*Betula pendula*) tree(s) within 6 months of the date on which felling is commenced or during the same planting season within which that felling takes place (whichever shall be the sooner) and the Local Planning Authority shall be advised in writing that the replanting has been carried out. If any replacement tree is removed, becomes severely damaged or becomes seriously diseased it shall be replaced with a tree of similar size and species unless the Local Planning Authority gives written consent to any variation.

*(On conclusion of this item the Chair permitted a short comfort break at which point (3.25pm) Councillor Jason Crooks left the meeting.)*

62. **Planning Application DC/19/1623/FUL - 17-18 Cornhill, Bury St Edmunds (Report No: DEV/WS/19/041)**

**Planning Application - (i) Redevelopment of old Post Office site with retention of historic facade (ii) 12 no. flats (iii) 2 no. commercial units at ground floor and (iv) enlargement and repaving of public realm/footpath**

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

The Senior Planning Officer advised that the former Post Office site was an important town centre site on a critical link between the old market square on Cornhill and the new development along St Andrews Street South.

The site was purchased by West Suffolk Council in order to improve and enhance the public realm along this critical link and to conserve the heritage of the Post Office.

The proposal was subject to a design competition, had been developed through a process of public and stakeholder consultation and was subject to a pre-application enquiry with Planning Officers.

The Town Council supported the proposal which was recommended for approval by Officers, subject to the completion of a legal agreement and conditions as set out in Paragraph 110 of Report No DEV/WS/19/041.

For the sake of transparency, Councillors Andy Drummond and Carol Bull advised the meeting that they had been part of the decision making process when Cabinet considered the acquisition of the property.

In response to which, the Service Manager (Planning – Development) advised the Committee that a Council owned planning application was subject to the same process as all other applications made to the Planning Authority.

A number of Members spoke in support of the application and welcomed the provision of a commuted sum for 30% affordable housing, which the Service Manager provided further explanation on.

Councillor David Palmer raised a query with regard to the lack of electric vehicle charging points. The Planning Officer explained that irrespective of the site being Council owned any conditions to be attached to a planning approval had to meet the six tests under the NPPF. Given that the units would not have allocated parking where the charging points would be directly related to the proposal, Officers did not consider that charging points could be justified via the scheme proposed.

Councillor Andy Drummond moved that the application be approved, as per the Officer recommendation, and this was duly seconded by Councillor Peter Stevens.

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

Decision

Planning permission be **GRANTED** subject to:

- A. The completion of a legal agreement to secure financial contributions towards enhanced education and library provision and the provision of a commuted sum for 30% affordable housing.

Heads of Terms:

- Primary school contribution £33,192
- Pre-School Provision £16,596
- Libraries £192
- Affordable Housing £454,000

- B. And the following conditions:

1. The development hereby permitted shall be begun not later than 3 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.
3. No development shall take place on site until the implementation of a programme of archaeological work has been secured, in accordance with a Written Scheme of Investigation which has been submitted to and approved in writing by the Local Planning Authority. The scheme of investigation shall include an assessment of significance and research questions; and:
  - a. The programme and methodology of site investigation and recording.
  - b. The programme for post investigation assessment.
  - c. Provision to be made for analysis of the site investigation and recording.
  - d. Provision to be made for publication and dissemination of the analysis and records of the site investigation.
  - e. Provision to be made for archive deposition of the analysis and records of the site investigation.
  - f. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
  - g. Timetable for the site investigation to be completed prior to development, or in such other phased arrangement, as agreed and approved in writing by the Local Planning Authority.
4. No building shall be occupied or otherwise used until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under Condition 3 and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.
5. All HGV and construction traffic movements to and from the site over the duration of the construction period shall be subject to a Construction and Deliveries Management Plan which shall be submitted to the planning authority for approval a minimum of 28 days before any deliveries of materials commence.  
No HGV movements shall be permitted to and from the site other than in accordance with the routes defined in the Plan.

The site operator shall maintain a register of complaints and record of actions taken to deal with such complaints at the site office as specified in the Plan throughout the period of occupation of the site.

6. Notwithstanding the submitted details of the existing loading bay adjacent to the development on St Andrews Street South details of the bay shall be submitted to and approved in writing by the Local Planning Authority before first occupation. The approved loading bay shall be laid out and constructed in its entirety prior to first occupation. Thereafter the bay shall be retained in its approved form.
7. Notwithstanding the submitted details of drainage and surface materials on adopted highway, no development above ground excluding demolition shall take place until details have been submitted to and approved in writing by the Local Planning Authority showing the means of surface water and surface treatment provision. The approved scheme shall be carried out in its entirety prior to first occupation and shall be retained thereafter in its approved form.
8. No above ground development excluding demolition shall take place until details of the provision to be made for parking for cycles to meet the current Suffolk Parking Guidance have been 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.
9. One car parking permit per dwelling hereby approved shall be made available from first occupation in the arc underground car park owned/run by West Suffolk Council and shall be provided thereafter unless agreed otherwise.
10. No development above ground level excluding demolition shall take place until details in respect of the following have been submitted to and approved in writing by the Local Planning Authority.
  - i) Samples of external materials and finishes
  - ii) details of the connection between the new building and the historic section of the adjoining building (W H Smith)The works shall be carried out in full accordance with the approved details unless otherwise subsequently approved in writing by the Local Planning Authority.
11. No works involving new/replacement windows shall take place until elevation(s) to a scale of not less than 1:10 and horizontal and vertical cross-section drawings to a scale of 1:2 fully detailing the new/replacement windows to be used (including details of glazing bars, sills, heads and methods of opening and glazing) have been submitted to and approved in writing by the Local Planning Authority. Unless otherwise approved in writing by the Local Planning Authority all glazing shall be face puttied. The works shall be carried out in complete accordance with the approved details.
12. No hard-standing areas to be constructed until the works have been carried out in accordance with the surface water strategy by Pick Everard ref. MC/TJH/180128/17-2/R001 - Issue Number 02 (dated August 2019) unless otherwise agreed in writing by the Local Planning Authority.
13. Prior to any below ground construction (excluding any works necessary to support existing structures including the basement, neighbouring properties and the retained façade), an investigation in to the presence



of any underground features associated with potential mining in the area shall be submitted to, and approved in writing by the Local Planning Authority. Any land instability encountered by the investigation shall be mitigated for within the design of the structure.

14. Prior to commencement of development, including any works of demolition, 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 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.
- xi) Mechanical road sweepers

15. Demolition or construction works shall not take place outside 08:00 hours to 18:00 hours Mondays to Fridays and 08:00 hours to 13:00 hours on Saturdays and at no time on Sundays, public holidays or bank holidays unless otherwise previously agreed in writing with the Local Planning Authority.

16. The development shall be implemented in accordance with the recommendations of the Acoustic Design Report by aja Adrian james acoustics limited ref. 11899 Report 2 (dated November 2018) to achieve the following Internal noise levels to the residential units:

- iÜ 35dB LAeq,(16hr) daytime (Living rooms, Dining and Bedrooms)
- iÜ 30dB LAeq,(8hr) night-time (Bedrooms only)
- iÜ 45dB LAmx(fast) night-time (Bedrooms only) and noise from plant and services including ventilation systems must not exceed the above criteria.

17. Prior to occupation of the hereby approved commercial units a delivery management plan will be submitted to and approved in writing by the Local Planning Authority. The plan shall include, times of delivery, location and access points, types of vehicles to be used. Deliveries shall be carried out in accordance with the approved plan thereafter.

18. All ecological measures and/or works shall be carried out in accordance with the details contained in ECOLOGICAL IMPACT ASSESSMENT (June 2018) as already submitted with the planning application and agreed in principle with the Local Planning Authority prior to determination.
19. The dwelling(s) hereby approved shall not be occupied until the optional 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.

The meeting concluded at 3.59pm

**Signed by:**

**Chair**

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