

Development Control Committee



Minutes of a meeting of the **Development Control Committee** held on **Wednesday 2 December 2020** at **10.00 am** via Microsoft Teams

Present **Councillors**

Chair Andrew Smith

Vice Chairs Mike Chester and Jim Thorndyke

Richard Alecock

Carol Bull

John Burns

Jason Crooks

Roger Dicker

Andy Drummond

Susan Glossop

Ian Houlder

Andy Neal

David Smith

Peter Stevens

Don Waldron

Ann Williamson

82. **Welcome**

The Chair formally commenced the meeting and jointly welcomed all present and those externally viewing the Development Control Committee.

A number of housekeeping matters and remote meeting guidance were highlighted to all.

Lastly, the Chair advised that Agenda Item 6 Applications DC/20/0506/FUL & DC/20/0507/LB Pitchers Green Farm, Bradfield St George Road, Bradfield St Clare had been withdrawn from the agenda.

83. **Apologies for absence**

Apologies for absence were received from Councillors David Palmer and David Roach.

84. **Substitutes**

The following substitutions were declared:

Councillor Andy Neal substituting for Councillor David Palmer; and
Councillor Carol Bull substituting for Councillor David Roach

Following which the Democratic Services Officer verbally outlined all Members of the Committee who were present, together with any attending Councillors and the names of the Officers supporting the meeting.

85. **Minutes**

The minutes of the meeting held on 4 November 2020 were confirmed as a correct record.

86. **Declarations of interest**

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

87. **Planning Application DC/20/0907/FUL - Former Hardwick Industrial Estate, Laundry Lane, Bury St Edmunds (Report No: DEV/WS/20/056)**

(Councillor Ann Williamson addressed the meeting as Ward Member for the application and stressed that she would keep an open mind and listen to the debate prior to voting on the item.)

Planning Application - 66 no. residential units with parking, garaging and landscaping (to complete Phase 2 of approved development (SE/06/2414)) as amended by drawings received on 29th September and 5th October 2020

This application was referred to the Development Control Committee at the request of the Ward Members (Southgate) Councillors Ann Williamson and Patrick Chung.

In addition, Officers were recommending that that the application be approved, subject to the completion of a S106 Agreement and conditions as set out in Paragraph 92 of Report No DEV/WS/20/056, which was in conflict with the views of Bury St Edmunds Town Council who had objected to the scheme.

The Senior Planning Officer advised the Committee that the former Hardwick Industrial Estate was allocated in the former St Edmundsbury Borough Council, Replacement Local Plan 2016 under Policy BSE1 (f), as a brownfield site for residential development. A Masterplan for the site was adopted in June 2006, which was then followed by an approved and partially implemented planning permission SE/06/2414.

Planning permission was granted in August 2007 for the construction of 125 residential units, 38 retirement units, replacement of Headway offices (B1 use class) following the demolition of all existing buildings and for the provision of public open space, vehicular and pedestrian accesses, garaging and parking, including underground parking.

This development had been partially completed, which included the completion of Phase 1 to provide 68 residential units including Affordable Housing Provision, 38 retirement units and the replacement of the Headway offices (Class B1).

Members were informed that during the course of the application amendments had been made to the layout of the scheme and additional information was submitted regarding ecology, highways and drainage.

Attention was drawn to two errors within the report:

- Condition 25 – was not required as the details had already been agreed by the Planning Authority; and
- Paragraph 93 – mistakenly made reference to Haverhill library, which should have read Bury St Edmunds library

Lastly, the Committee was informed that a further representation had been received from a neighbouring resident at 8 Lincoln Green. This was read out to the meeting and principally raised concerns with regard to overlooking.

Speaker: Laura Dudley-Smith (agent) spoke in support of the application

A number of questions were posed during the debate in relation to the flood risk of the adjacent water meadows. In response, the Senior Planning Officer drew attention to the Environment Agency conditions included in the recommendation.

Comments were also made in connection with the height of the four-storey properties; the Officer explained that the proposed buildings in question were comparable in height and massing to those previously approved and which could be implemented under the extant consent.

Lastly, a query was raised in relation to the wording of one of the conditions. The Service Manager (Planning – Development) addressed the meeting and advised of the standard wording which concerned the related Building Regulations process.

Councillor Mike Chester proposed that the application be approved as per the Officer recommendation. This was duly seconded by Councillor Carol Bull.

Upon being put to the vote and with 15 voting for the motion and with 1 abstention, it was resolved that

Decision

Planning permission be **GRANTED** subject to subject to the following conditions and S106 Agreement:

Conditions:

- 1 The development hereby permitted shall be begun not later than three years from the date of this permission.
- 2 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the approved plans and documents.
- 3 The strategy for the disposal of surface water and the Flood Risk Assessment (FRA) (dated Oct 2020, ref: 2004400 - 01) shall be implemented. There shall be no occupation of the site unless and until the strategy has been implemented. The strategy shall thereafter be

- managed and maintained in accordance with the approved strategy.
- 4 The development hereby permitted shall not be occupied until details of all Sustainable Urban Drainage System components and piped networks have been submitted, in an approved form, to and approved in writing by the Local Planning Authority for inclusion on the Lead Local Flood Authority's Flood Risk Asset Register.
- 5 Prior to commencement of development details of a Construction Surface Water Management Plan (CSWMP) detailing how surface water and storm water will be managed on the site during construction (including demolition and site clearance operations) shall be submitted to and agreed in writing by the Local Planning Authority. The CSWMP shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction. The approved CSWMP and shall include:
- a. Method statements, scaled and dimensioned plans and drawings detailing surface water management proposals to include:-
 - i. Temporary drainage systems
 - ii. Measures for managing pollution / water quality and protecting controlled waters and watercourses
 - iii. Measures for managing any on or offsite flood risk associated with construction.
- 6 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.
- 7 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.
- 8 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted a remediation strategy to the Local Planning Authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.
- 9 (i) No occupation of the permitted development shall take place until the agreed remediation system in the Phase 1 development has been installed and commissioned in accordance with the approved Remediation Implementation Plan (RIP), Arcadis ref: 3286210044_02, December 2015.
- (ii) Following the completion of the first phase of works, post-remediation-implementation sampling and monitoring shall be carried out for 6 months in accordance with the approved RIP. A Cost Benefit Analysis, to include a Detailed Quantitative Risk Assessment as

- necessary, shall be undertaken to assess if any contingency remediation is required. If required based on the results of the Cost Benefit Analysis and associated works, the contingency remediation will be implemented in accordance with the approved RIP.
- 10 Prior to first occupation, all dwellings with off street parking shall be provided with an operational electric vehicle charge point at reasonably and practicably accessible locations, with an electric supply to the charge point capable of providing a 7kW charge.
- 11 No development above ground shall take place until details have been submitted to and approved in writing by the Local Planning Authority showing the means to prevent the discharge of surface water from the development onto the highway. The approved scheme shall be carried out in its entirety before the access is first used and shall be retained thereafter in its approved form.
- 12 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.
- 13 Prior to first occupation of the development hereby permitted, the area(s) within the site shown on drawing No. 19032-27 Rev G for the purpose of loading, unloading, manoeuvring and parking of vehicles shall be provided. Thereafter the area(s) shall be retained and used for no other purpose.
- 14 The development hereby permitted shall not be brought first occupied until the cycle storage facilities indicated on Drawing no. 19032-27 Rev G have been provided in their entirety and been made available for use. Thereafter these facilities shall be retained in accordance with the approved details and continue to be available for use unless the prior written consent of the Local Planning Authority is obtained for any variation to the approved details.
- 15 Before the development is commenced, details of the estate roads and footpaths, (including layout, levels, lighting, gradients, surfacing and means of surface water drainage), shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out only in accordance with the approved details.
- 16 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,

- 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.
- 17 Demolition or construction works shall not take place outside 08:00 hours to 18:00 hours Mondays to Fridays and 08:30 hours to 13:00 hours on Saturdays and at no time on Sundays, public holidays or bank holidays.
- 18 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.
- 19 All ecological measures and/or works shall be carried out in accordance with the details contained in Further Bat and Reptile Survey Report (Skilled Ecology Ltd, June 2020 and Preliminary Ecological Appraisal (Skilled Ecology Ltd, June 2020) as already submitted with the planning application and agreed in principle with the Local Planning Authority prior to determination.
- 20 Prior to occupation, a "lighting design strategy for biodiversity" shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall:
- i) Identify those areas/features on site that are particularly sensitive for bats and that are likely to be disturbed by lighting;
 - ii) Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) to demonstrate that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.
- All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. No other external lighting be installed without prior consent from the Local Planning Authority.
- 21 No development above ground level shall take place until a scheme of soft landscaping for the site drawn to a scale of not less than 1:200 has

been submitted to and approved in writing by the Local Planning Authority. The soft landscaping details shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants noting species, plant sizes and proposed numbers/ densities. The approved scheme of soft landscaping works shall be implemented not later than the first planting season following commencement of the development (or within such extended period as may first be agreed in writing with the Local Planning Authority). Any planting removed, dying or becoming seriously damaged or diseased within five years of planting shall be replaced within the first available planting season thereafter with planting of similar size and species unless the Local Planning Authority gives written consent for any variation.

- 22 Prior to commencement of development a scheme for the protection during construction of the trees on the site, in accordance with BS 5837:2012 - Trees in relation to construction - Recommendations, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall show the extent of root protection areas and details of ground protection measures and fencing to be erected around the trees, including the type and position of these. The protective measures contained with the scheme shall be implemented prior to commencement of any development, site works or clearance in accordance with the approved details, and shall be maintained and retained until the development is completed. Within the root protection areas the existing ground level shall be neither raised nor lowered and no materials, temporary buildings, plant, machinery or surplus soil shall be placed or stored thereon. If any trenches for services are required within the fenced areas they shall be excavated and backfilled by hand and any tree roots encountered with a diameter of 25mm or more shall be left unsevered.
- 23 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.
- 24 No development above slab level shall take place until samples/details of external materials hereby approved 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.

S106:

The following is to be secured by S106:

- The delivery of 1 affordable rent home on site.
- An affordable housing contribution of £41,200 is required to make the total provision up to 30%. The contribution is in lieu of 0.2 units.
- The funding of additional Primary School expansion at Guildhall Feoffment CP School. The required contribution is £51,804.
- The funding of additional Secondary School expansion at King Edward School. The required contribution is £47,510.
- The funding of additional Sixth Form places, such as Abbeygate. The required contribution is £23,755.
- The funding for the provision of additional lending stock at Bury St

- Edmunds Library. The required contribution for this is £1,944.
- The provision of public open space on site that is to be offered to the Council for adoption. A contribution of £60,000 which includes maintenance of public open space.
- A contribution of £11,500 to process a Traffic Regulation Order (TRO) to prevent obstructive parking on Abbots Gate.

88. **Planning Application DC/20/0506/FUL & Listed Building Application DC/20/0507/LB - Pitchers Green Farm, Bradfield St George Road, Bradfield St Clare **WITHDRAWN FROM AGENDA 30/11/20****

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

89. **Planning Application DC/19/2447/FUL & Application for Listed Building Consent DC/19/2448/LB - The Manor, Newmarket Road, Barton Mills (Report No: DEV/WS/20/058)**

Subdivision of existing unit to create 2 no. self-contained flats (providing 3 apartments in total) and (ii) orangery on west elevation

This application was referred to the Development Control Committee as it did not accord with Policies CS1 of the Forest Heath Core Strategy and Policies DM5 and DM27 of the Joint Development Management Policies Document and was advertised accordingly as a Departure from the Development Plan.

Officers were recommending that the application (and related Listed Building Consent) be approved, subject to conditions as set out in Paragraph 32 of Report No DEV/WS/20/058.

The Principal Planning Officer advised of two inaccuracies within the report:

- Paragraphs 2 and 12 both incorrectly referenced the location of the Orangery, which should have read "off the lounge"; and
- The change of use of the property from its previous use as an orthodontist practice had been omitted from the planning history section.

During the debate questions were raised in relation to the application being in conflict with policy, in response to which the Service Manager (Planning – Development) drew attention to the detailed section within the report which referenced the technical departure and reasons why Officers were recommending, on balance, that the scheme be approved.

Councillor Andy Neal proposed that the application be approved as per the Officer recommendation. This was duly seconded by Councillor Richard Alecock.

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

Decision

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

1. 3-year permission time limit
2. In accordance with approved plans
3. Water, energy and resource efficiency measures
4. Prior to first occupation, all dwellings shall be provided with an operational electric vehicle charge point at reasonably and practicably accessible locations, with an electric supply to the charge point capable of providing a 7kW charge

And, Listed Building Consent be **APPROVED** subject to the following conditions:

1. 3-year permission time limit
2. In accordance with approved plans and documents
3. Schedule of works/specification for any works required in order for the proposed conversion to accord with the requirement of building regulations

The meeting concluded at 10.53am

Signed by:

Chair

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