

Development Control Committee

Minutes of a meeting of the **Development Control Committee** held on **Wednesday 1 September 2021** at **10.00 am** in the **Conference Chamber, West Suffolk House**, Western Way, Bury St Edmunds IP33 3YU

Present **Councillors**

Chair Andrew Smith

Vice Chairs Mike Chester and Jim Thorndyke

Richard Alecock

Diane Hind

Carol Bull

James Lay

Jason Crooks

Andy Neal

Susan Glossop

David Palmer

Brian Harvey

David Roach

Ian Houlder

Peter Stevens

165. **Welcome**

The Chair formally commenced the meeting, welcomed all present to the Development Control Committee and invited the Democratic Services Officer to advise that that an 'internal test' of the live streaming equipment was taking place by the Council. The recording would not be made available in the public arena.

The Chair also reminded the Committee that items 7 and 10 had been withdrawn from the agenda.

Lastly, Members were made aware that a short post-Committee briefing session would be undertaken on close of the meeting.

166. **Apologies for absence**

Apologies for absence were received from Councillors John Burns, Andy Drummond and David Smith.

Councillor Roger Dicker had also advised that whilst he had an appointment to attend that morning he would endeavour to join the Committee late, if possible. But asked that his apologies were recorded if he was unable to do so. (*Note: Councillor Dicker was unable to join the meeting and was therefore recorded as an apology.*)

167. **Substitutes**

The following substitutions were declared:

Councillor Andy Neal substituting for Councillor John Burns;
Councillor James Lay substituting for Councillor Andy Drummond; and

Councillor Diane Hind substituting for Councillor David Smith.

168. **Minutes**

The minutes of the meeting held on 4 August 2021 were unanimously confirmed as a correct record and signed by the Chair.

169. **Declarations of interest**

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

170. **Planning Application DC/21/0152/HYB - Land South of Burwell Road, Exning (Report No: DEV/WS/21/031)**

(Councillor Susan Glossop asked that it be noted that whilst she had been involved in the Exning Development Brief in her role as Cabinet Member for Growth she had not taken any part in the application that was before the Committee.)

Hybrid Planning Application - A. Full planning for 205 dwellings, garages, new vehicular accesses, pedestrian/cycle accesses, landscaping and associated open space and B. Outline planning - early years education facility

This application was referred to the Development Control Committee as the Officer's recommendation of approval was contrary to the view of Exning Parish Council.

The Senior Planning Officer advised that the site in question was allocated in the Site Allocations Local Plan (SALP) 2019 under Policy SA12(a) which was adopted in September 2019. This site was known in the SALP document as Land South of Burwell Road and West of Queens View. Policy SA12(a) of the SALP 2019 document sets out that 15 hectares of land is allocated for residential development, with an indicative capacity of 205 dwellings.

The policy detailed that a Development Brief should be prepared which would help to determine access arrangements, landscaping and the delivery of a cycle path between the site and the village of Burwell. It then goes on to state that planning applications for the site should only be determined once the Development Brief has been adopted by the Local Planning Authority. A Development Brief was adopted for the site in April 2021, as referenced in detail within Report No DEV/WS/21/031.

Members were advised that during the course of the application amendments were made to the layout and design of the scheme and additional information was submitted regarding landscaping, air quality, transport, highways and drainage.

At the time of the agenda being published a 14-day re-consultation was being undertaken with neighbours and the Parish Council to inform them of the latest changes to the footpaths and house types. Attention was drawn to the

supplementary 'late papers' which set out further comments received from neighbouring residents and the Officer's response to these.

Members were also informed that an additional representation had been received from 149 Burwell Road after the late papers had been issued; the comments made within that representation which related to the Committee report would be read out under the public speaking part of the meeting.

Also within the late papers was an explanation in respect of the application's reference number and the suffix used.

Lastly, following further discussions with the Highways Authority and the applicant/agent a number of amendments had been made to the conditions proposed.

Therefore, a full list of revised conditions was included within the late papers and Officers were recommending that the application be approved subject to these (as opposed to those listed in the report) and the completion of a Section 106 Agreement.

As part of her presentation the Senior Planning Officer showed videos of the site by way of a virtual 'site visit'.

The Committee's attention was drawn to Paragraph 73 of the report and the inaccurate reference therein to "three storey dwellings" which was to be disregarded.

Reference was also made to a related ongoing enforcement matter in respect of Phase 1 of the scheme. The Officer reminded Members that this matter was not pertinent to the determination of the application before them.

Speakers: Dr Jean Whitaker (local resident) spoke against the application
Zachary Cater (local resident) spoke against the application
Councillor Terry Wood (Chair of Exning Parish Council) spoke against the application
Darren Cogman (agent) spoke in support of the application
(Neither Dr Whitaker or Mr Cater attended the meeting to personally address the Committee and instead the Democratic Services Officer read out pre-prepared statements on their behalf.)

Considerable debate took place on the application with some Members voicing concern at the lack of engagement undertaken by the applicant with the Parish Council and local residents.

A number of questions were posed which the Senior Planning Officer responded to and drew attention to the relevant conditions in respect of; those requested by Anglian Water, the ongoing monitoring in relation to the Travel Plan, electric charging points and the various sustainability measures in connection with the development.

The Officer also highlighted that the space standards compliance applied to all affordable housing units (61 in total) together with 123 of the market

dwelling units. She also advised that discussions were still ongoing in respect of the cycle link from Exning to Burwell.

Councillor James Lay raised specific concerns in relation to the wider highways impact the application could have on the roads into neighbouring Burwell and Newmarket. He also referenced the lack of available services for future additional residents in that, to his knowledge, local medical centres and primary schools were already at capacity.

The Service Manager (Planning – Development) drew attention to Paragraph 17 of the report which contained the Highways Authority’s response to the application and which did not identify any required improvement works to the wider highways network. She also reiterated that the site was allocated in the Site Allocation Local Plan and impacts such as highways matters had been thoroughly tested through the Examination process for the Plan.

The Senior Planning Officer also advised that East Cambridgeshire District Council was consulted on the application due to the proximity to Burwell and the traffic assessment that was undertaken took the pending Burwell residential developments into consideration.

Councillor Andy Neal highlighted Paragraph 111 of the report and the reference to the landscaping buffer. He raised concern that the buffer proposed in the scheme conflicted with the Development Brief as it had been reduced in size to accommodate a footpath. Councillor Neal suggested that instead of reducing the size of the buffer the number of dwellings could have been reduced to allow the footpath and therefore maintain the required 15m landscape buffer.

In view of the wider highways concerns, the landscape buffer conflict and perceived lack of engagement by the applicant with the Parish Council Councillor Lay proposed that the application be deferred to allow Officers additional time in which to raise these specific matters with the applicant and Highways Authority, in order to seek additional information. This was duly seconded by Councillor Neal.

Upon being put to the vote and with 12 voting for the motion and with 3 against, it was resolved that

Decision

Consideration of the planning application be **DEFERRED** to allow Officers additional time in which to raise the wider highways concerns and proposed landscaping buffer with the applicant and Highways Authority, in order to seek additional information. And to enable an opportunity for the applicant to undertake further engagement with the Parish Council.

171. **Planning Application DC/19/2155/FUL - Storage Tank, Station Yard, Station Road, Barnham (Report No: DEV/WS/21/032)**

Planning Application - Continued use of heating fuel storage and distribution business (Class B8), retention of 4 storage tanks, 1 storage container, 2 fuel distribution points, 1 office portacabin,

associated hard standing, underground interceptor tank, lighting and installation of 5th storage tank

This application was originally referred to the Development Control Committee on 4 August 2021 following consideration by the Delegation Panel but was subsequently withdrawn from the agenda.

The Senior Planning Officer advised Members that the original proposal description stated 'Continued use of heating fuel storage and distribution business (Class B8)'. The description was subsequently amended to reflect the structures already installed and a fifth tank which was proposed. A 14 day re-consultation on the change in description was then undertaken.

Officers were recommending that the application be approved, subject to conditions set out in Paragraph 61 of Report No DEV/WS/21/032.

As part of her presentation the Senior Planning Officer showed videos of the site by way of a virtual 'site visit'.

Members were advised that since publication of the agenda one further late representation had been received from a neighbouring resident, largely reiterating previously raised concerns particularly in respect of the number of vehicle movements from the site.

Speakers: John Bauer (neighbouring resident) spoke against the application
Councillor John Bauer (Barnham Parish Council) read out a statement on behalf of the Parish Council against the application
Councillor Andrew Smith (Ward Member: Barnham) spoke on the application
Jonny Rankin (agent) spoke in support of the application
(Mr Rankin did not attend the meeting to personally address the Committee and instead the Democratic Services Officer read out a pre-prepared submitted statement on his behalf.)

Considerable discussion took place on the application, with Members posing a number of questions to the Senior Planning Officer who responded in respect of; the history of operation on the site, surface water drainage, the other businesses operating at the Gorse Industrial Estate and the Traffic Regulation Order in place on the adjacent highway.

Some of the Committee voiced concern on the operating hours set out in conditions 8 and 9, and the impact this could have on residential amenity. Likewise, queries were also raised in respect of the proposed acoustic fence and how it would be established if the fence was adequately mitigating noise.

The Service Manager (Planning – Development) explained that the Senior Planning Officer could liaise with colleagues in Public Health and Housing in order to re-word the related condition (No 5) to include relevant post-construction assessment to ensure that the fencing had achieved its aim.

Councillor Jim Thorndyke therefore proposed that the application be approved, as per the Officer recommendation, but with amendments to the condition relating to the acoustic fencing (as above) and with operating hours

being restricted to 7am-7pm Monday to Friday, 7am – 1pm Saturday and with no operation permitted on a Sunday or Bank Holiday. This was duly seconded by Councillor Ian Houlder.

Upon being put to the vote and with 13 voting for the motion and with 2 against, it was resolved that

Decision

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

- 1 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the approved plans and documents.
- 2 Within 3 months of the date of this permission a scheme to improve the existing oil storage and proposed new oil storage shall be submitted to and approved in writing by the local planning authority. The scheme shall be implemented as approved, within 6 months of the planning permission being granted, or prior to the additional tank (tank number 5) being installed, whichever is sooner.
The details shall demonstrate that the tanks meet the standards equivalent to those laid out in 'The control of Pollution (Oil Storage) (England) Regulations 2001' and include but not be limited to evidence that:
The existing tanks and proposed tank have secondary containment that is impermeable to both the fuel and water, with no opening used to drain the system.
 - There is a minimum volume of secondary containment at least equivalent to the capacity of the tank plus 10%.
 - All fill points, vents and gauges are located within the secondary containment.
 - All fill points and tank vent pipe outlets are designed to discharge downwards into the bund.
 - Associated above ground pipework is protected from accidental damage.
 - Impact protection is provided around the tanks and pipework, to prevent accidental impact from moving vehicles on the site.
 - Overfill protection mechanism and alarms are in place.
 - Leak detection and an alarm system is in place with a mechanism to alert the operator remotely if a spill occurs when the site is unmanned.
 - Timeframe for implementation of the approved scheme.
- 3 Within 6 months of planning permission being granted, or prior to the additional tank (tank number 5) being installed, whichever is sooner, a scheme to dispose of all surface water and install oil separators, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved within the agreed timescales. The scheme shall include the following details:
 - A surface water drainage and oil separator plan;
 - Oil separator specifications including details of how the interceptor can be shut off to prevent discharges in the event of a pollution incident;
 - Information to show that the loading/unloading areas and the

- existing and proposed oil storage tank are/will be situated on an impermeable surface that drains to the separator;
- Infiltration systems shall only be used where it can be demonstrated that they will not pose a risk to groundwater quality. Infiltration through contaminated land has the potential to impact on groundwater quality; and
 - Timeframe for implementation of the approved surface water disposal and oil separators scheme.
- 4 Prior to any works in relation to the installation of the acoustic fence or works within the RPA of the trees shown to be retained an Arboricultural Method Statement (including any demolition, groundworks and site clearance) shall be submitted to and approved in writing by the Local Planning Authority. The Statement should include details of the following:
- a. Measures for the protection of those trees and hedges on the application site that are to be retained,
 - b. Details of all construction measures within the 'Root Protection Area' (defined by a radius of $dbh \times 12$ where dbh is the diameter of the trunk measured at a height of 1.5m above ground level) of those trees on the application site which are to be retained specifying the position, depth, and method of construction/installation/excavation of service trenches, building foundations, hardstandings, roads and footpaths,
 - c. A schedule of proposed surgery works to be undertaken to those trees and hedges on the application site which are to be retained.
- The development shall be carried out in accordance with the approved Method Statement unless agreed in writing by the Local Planning Authority.
- 5 Within three months of the date of this permission a noise screen must be installed around the northern end of the site at a height of 2.5m in accordance with the details set out in the SRL Noise Report (Ref. 42908ASRL-RP-YA-01-S2-P01 P01, dated 25.10.2019) and shown in Figure 3 of the report, unless agreed otherwise in writing with the Local Planning Authority. All noise mitigation measures shall be maintained thereafter in accordance with the approved details. The gate of the acoustic fence shall be shut during all loading, unloading and HGVs idling on site.
- 6 The site shall operate a maximum fleet of 9 HGV tankers.
- 7 The total number of HGV movements to and from the site shall not exceed 30 per day.
- 8 HGV movements to and from the site shall only take place between the hours of 7am to 7pm Monday to Friday and 7am to 1pm Saturdays and at no time on Sundays, Bank or Public Holidays.
- 9 No loading or unloading shall take place and no plant or machinery shall be used on the site except between the hours of 7am to 7pm Monday to Friday and 7am to 1pm Saturdays and at no time on Sundays, Bank or Public Holidays.
- 10 From two weeks after the date of this permission the owners/operators of the site shall commence and keep an up-to-date log of all HGVs movements associated with the site which shall include the times and registration of the vehicles entering/leaving the site each day. The Register shall be made available for inspection by the Local Planning Authority within 24 hours of request.
- 11 Within one month of the date of this permission lighting details shall be

- submitted to and approved in writing by the Local Planning Authority to ensure a lighting environment of low district brightness at residential properties. Any lighting not approved within 3 months of this permission, or within a period agreed otherwise, shall not be operated at any time.
- 12 Visibility splays shall be provided as shown on Drawing No. 1534 VP3 with an X dimension of 2.4 metres and a Y dimension of 120 metres and thereafter retained in the specified form. Notwithstanding the provisions of Part 2 Class A of the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no obstruction over 0.6 metres high shall be erected, constructed, planted or permitted to grow within the areas of the visibility splays.
 - 13 Construction works including the installation of the acoustic fence must not take place within the stone curlew breeding season (March to the end of August). If it is proposed to carry out works during this period, an assessment of the effects of the proposals which must include review of RSPB nest records up to 500m from the site to assess whether birds are likely to be nesting within the distance where they may be disturbed. The assessment should be submitted and agreed in writing prior to commencement of development and any mitigation measures implemented in full.
 - 14 Within 3 month of this permission 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 within 12 months of the date of this permission and thereafter retained as so installed.
 - 15 Within three months of the date of the permission a scheme of soft landscaping for the site drawn to a scale of not less than 1:200 shall be 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. 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.
 - 16 Within 6 months of the date of this permission, at least 1 electric vehicle charge point shall be provided at reasonably and practicably accessible locations within the site. One additional parking space shall be provided with the infrastructure in place for future connectivity. The Electric Vehicle Charge Points shall be retained thereafter and maintained in an operational condition. Charge points shall be Fast (7-22KW) or Rapid (43KW) chargers.

(On conclusion of this item Councillor Jim Thorndyke left the meeting at 12.22pm. The Chair then permitted short comfort break before continuing with the rest of the agenda.)

172. **Planning Application DC/21/1198/FUL - Land North of Green Acre, Thetford Road, Ixworth Thorpe (Report No: DEV/WS/21/033)**
****WITHDRAWN FROM AGENDA 31/8/21****

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

173. **Planning Application DC/21/0640/HH - 60 The Street, Barton Mills (Report No: DEV/WS/21/034)**

Householder planning application - detached double garage with new driveway

This application was originally referred to the Development Control Committee on 23 June 2021 following consideration by the Delegation Panel but was withdrawn from that agenda following the receipt of amended plans on 21 June 2021.

Members were advised that the application was a resubmission of a similar proposal which had been previously considered by the Development Control Committee on 18 November 2020 and was subsequently dismissed at appeal.

As part of her presentation the Principal Planning Officer outlined the changes that had been made to the scheme since the November 2020 proposal.

Officers were recommending that the application be refused for the reason set out in Paragraph 46 of Report No DEV/WS/21/034.

Speakers: Councillor Brian Harvey (Ward Member: Manor) spoke on the application
Les Belsberg (applicant) spoke in support of the application

Following Councillor Harvey's speech, the Lawyer advising the meeting drew Councillor Harvey's attention to the Planning Code of Conduct and the reference therein to the importance of Ward Members (who were also Members of the Committee) retaining an open mind up to the point where a decision is made on an application. Councillor Harvey then advised the Chair that he would abstain from the vote.

Councillor Diane Hind considered the reason for refusal to be subjective and was of the view that the proposal would not adversely impact on the streetscene or the Conservation Area, and therefore proposed that the application be approved, contrary to the Officer recommendation. This was duly seconded by Councillor James Lay.

The Service Manager (Planning – Development) advised the Committee that Officers would not consider it necessary to invoke the Decision Making Protocol and a Risk Assessment would not be required.

The Principal Planning Officer then advised the meeting of the conditions that could be appended to a permission if granted.

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

Decision

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

1. 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 development hereby permitted shall be constructed entirely of the materials detailed on the submitted application form dated 23.03.2021.
4. No development above slab level shall take place until details of the garage doors have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

174. **Planning Application DC/21/1536/FUL - West Suffolk Council, College Heath Road, Mildenhall (Report No: DEV/WS/21/035**

Planning application - Installation of two metre high security fencing including personnel and vehicle access gates, to external boundary

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

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

Officers were recommending that planning permission be granted subject to conditions, as set out in Paragraph 23 of Report No DEV/WS/21/035.

Attention was drawn to Paragraph 5 of the report and Members were advised to disregard the incorrect reference therein to no comments having been received from the Ecology and Landscape Officer. The comments from said Officer were included elsewhere in the report.

The Committee was also advised that the applicant and Tree Officer were continuing to have ongoing discussions, the outcome of which would inform the detail of the arboricultural condition(s) referenced within the recommendation at No 3.

Councillor David Roach proposed that the application be approved, as per the Officer recommendation. This was duly seconded by Councillor Andy Neal.

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. 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 approved plans and documents.
3. Arb condition(s) depending on applicant response.

175. **Planning Application DC/21/1366/FUL - West Suffolk House, Western Way, Bury St Edmunds (Report No: DEV/WS/21/036)**
****WITHDRAWN FROM AGENDA 31/8/21****

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

The meeting concluded at 1.10 pm

Signed by:

Chair
