

Development Control Committee

Minutes of a meeting of the **Development Control Committee** held on **Wednesday 7 December 2022** at **10.00 am** in the **Conference Chamber, West Suffolk House**, Western Way, Bury St Edmunds IP33 3YU

Present **Councillors**

Chair Andrew Smith

Carol Bull

John Burns

Jason Crooks

Nick Clarke

Roger Dicker

Susan Glossop

Brian Harvey

Ian Houlder

James Lay

Andy Neal

David Nettleton

David Palmer

David Smith

Peter Stevens

299. **Welcome**

The Chair welcomed all present to the Development Control Committee and highlighted the fact that the meeting was due to be operated in two parts, as indicated on the agenda.

300. **Apologies for absence**

Apologies for absence were received from Councillors Mike Chester, Andy Drummond, David Roach and Jim Thorndyke.

301. **Substitutes**

The following substitutions were declared:

Councillor Nick Clarke substituting for Councillor Mike Chester;

Councillor James Lay substituting for Councillor Andy Drummond; and

Councillor David Nettleton substituting for Councillor Jim Thorndyke.

302. **Minutes**

The minutes of the meeting held on 2 November 2022 were confirmed as a correct record, with 12 voting for the motion and with 3 abstentions, and were signed by the Chair; subject to the following addition, which had been mistakenly omitted:

292. Planning Application DC/21/2094/OUT - Townsend Nurseries, Snow Hill, Clare (Report No: DEV/WS/22/043)

Councillor Glenn Patullo (Clare Town Council) spoke against the application

303. **Declarations of interest**

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

304. **Planning Application DC/21/2094/OUT - Townsend Nurseries, Snow Hill, Clare (Report No: DEV/WS/22/047)**

Outline planning application (means of access to be considered) - 20 dwellings

This application was originally referred to the Development Control Committee on 2 November 2022 following call-in by one of the Clare, Hundon and Kedington Ward Members (Councillor Nick Clarke). In addition, Clare Town Council objected to the application.

At the November Committee meeting Members resolved to defer consideration of the application in order to allow a Committee site visit to be undertaken and to allow time for Officers to have further discussions with Anglian Water.

Accordingly, a Member site visit was held on 5 December 2022. The Senior Planning Officer also showed videos of the site by way of a virtual 'site visit'.

As part of her presentation to the meeting the Senior Planning Officer drew attention the supplementary 'late papers' which were issued following publication of the agenda and which set out comments from Anglian Water.

Officers were continuing to recommend that the application be approved, subject to conditions and the completion of a S106 legal agreement, as set out in Paragraph 18 of Report No DEV/WS/22/047.

Speakers: Gary Brown (objector, speaking on behalf of himself and other neighbouring resident objectors) spoke against the application
Councillor Glenn Patullo (Clare Town Council) spoke against the application
Councillor Nick Clarke (Ward Member: Clare, Hundon and Kedington) spoke on the application
Phil Cobbold (agent) spoke in support of the application

During the debate a number of questions/comments were posed by Members which the Officer responded to as follows:

Air Quality – Environmental Health had not flagged any air quality related concerns in respect of the application;

Electric Charging Points – the relevant condition could be reworded as requested by Councillor John Burns, in relation to occupation of individual units;

Courtesy Crossing – the type of crossing specified in the conditions was requested by the Local Highways Authority and was considered proportionate to the development;

Education Contribution – the contribution within the recommendation was requested by Suffolk County Council as Education Authority.

Considerable discussion again took place on the drainage/flooding issues experienced in Clare and the concerns that the scheme would exacerbate the problem, as raised by the Ward Members, Town Council and resident objectors.

The Service Manager (Planning – Development) explained that Anglian Water was a statutory consultee and without a technical objection from them or evidence which contradicted their response, the Planning Authority could not refuse the application on this basis.

Councillor Ian Houlder spoke in support of the application which he considered to be a good use of the site in question. Accordingly, he proposed that the application be approved as per the Officer recommendation and inclusive of the amendment to the condition regarding electric vehicle charging points. This was duly seconded by Councillor Brian Harvey.

Upon being put to the vote and with 10 voting for the motion, 4 against and with 1 abstention, it was resolved that

Decision

Planning permission be **GRANTED** subject to:

A signed S106 Agreement to secure the following:

- 30% affordable housing
- £75,759 for Secondary school provision (3 places)
- £25,253 for post 16 education (1 place)
- £4,176 for libraries
- £1,746 for waste recycling centre

And the following conditions:

- 1 Application for the approval of the matters reserved by conditions of this permission shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. The development hereby permitted shall be begun not later than whichever is the latest of the following dates:-
 - i) The expiration of three years from the date of this permission; or
 - ii) The expiration of two years from the final approval of the reserved matters; or,In the case of approval on different dates, the final approval of the last such matter to be approved.
- 2 Prior to commencement of development details of the appearance, landscaping, layout and scale [access, appearance, landscaping, layout, and scale] (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out as approved.
3. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the approved plans and documents, unless otherwise stated.
4. 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:

- a. A site investigation scheme,
 - b. The results of a site investigation based on i) and a detailed risk assessment, including a revised Conceptual Site Model (CSM),
 - c. 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.
- 5 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.
- 6 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.
- 7 Concurrent with the first reserved matters application(s) a surface water drainage scheme shall be submitted to, and approved in writing by, the local planning authority (LPA). The scheme shall be in accordance with the approved FRA and include:
- a. Dimensioned plans and drawings of the surface water drainage scheme;
 - b. Further infiltration testing on the site in accordance with BRE 365 and the use of infiltration as the means of drainage if the infiltration rates and groundwater levels show it to be possible;
 - c. If the use of infiltration is not possible then modelling shall be submitted to demonstrate that the surface water runoff will be restricted to Q_{bar} or $2l/s/ha$ for all events up to the critical 1 in 100 year rainfall events including climate change as specified in the FRA;
 - d. Modelling of the surface water drainage scheme to show that the attenuation/infiltration features will contain the 1 in 100 year rainfall event including climate change;
 - e. Modelling of the surface water conveyance network in the 1 in 30 year rainfall event to show no above ground flooding, and modelling of the volumes of any above ground flooding from the pipe network in a 1 in 100 year rainfall event including climate change, along with topographic plans showing where the water will flow and be stored to ensure no flooding of buildings or offsite flows;
 - f. Topographical plans depicting all exceedance flow paths and demonstration that the flows would not flood buildings or flow offsite, and if they are to be directed to the surface water drainage system then the potential additional rates and volumes of surface water must be included within the modelling of the surface water system;
 - g. Details of the maintenance and management of the surface water drainage scheme shall be submitted to and approved in writing by the local planning authority.
 - h. Details of a Construction Surface Water Management Plan (CSWMP) detailing how surface water and storm water will be managed on the site during construction (including demolition and site clearance

operations) is submitted to and agreed in writing by the 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 shall include: Method statements, scaled and dimensioned plans and drawings detailing surface water management proposals to include:-

- i. Temporary drainage systems
- ii. Measures for managing pollution / water quality and protecting controlled waters and watercourses
- iii. Measures for managing any on or offsite flood risk associated with construction.

The scheme shall be fully implemented as approved.

- 8 Within 28 days of practical completion of the last dwelling or unit, a Sustainable Drainage System (SuDS) verification report shall be submitted to the LPA, detailing that the SuDS have been inspected, have been built and function in accordance with the approved designs and drawings. The report shall include details of all SuDS components and piped networks have been submitted, in an approved form, to and approved in writing by the LPA for inclusion on the Lead Local Flood Authority's Flood Risk Asset Register.
- 9 All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecology report (Framlingham Environmental, 25th August 2020) and Bat Surveys (Aspen Ecology, 22 July 2021) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.
This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.
- 10 Concurrent with reserved matters a Reptile Mitigation Strategy addressing the mitigation of reptiles has been submitted to and approved in writing by the local planning authority.
The Reptile Mitigation Strategy shall include the following.
 - a) Purpose and conservation objectives for the proposed works.
 - b) Review of site potential and constraints.
 - c) Detailed design(s) and/or working method(s) to achieve stated objectives.
 - d) Extent and location/area of proposed works on appropriate scale maps and plans.
 - e) Type and source of materials to be used where appropriate, e.g. native species of local provenance.
 - f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
 - g) Persons responsible for implementing the works.
 - h) Details of initial aftercare and long-term maintenance of the Receptor area(s).
 - i) Details for monitoring and remedial measures.
 - j) Details for disposal of any wastes arising from works.The Reptile Mitigation Strategy shall be implemented in accordance with the approved details and all features shall be retained in that

- manner thereafter.
- 11 Concurrent with reserved matters a construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.
- a) Risk assessment of potentially damaging construction activities.
 - b) Identification of "biodiversity protection zones".
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
 - d) The location and timing of sensitive works to avoid harm to biodiversity features.
 - e) The times during construction when specialist ecologists need to be present on site to oversee works.
 - f) Responsible persons and lines of communication.
 - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
 - h) Use of protective fences, exclusion barriers and warning signs.
 - i) Containment, control and removal of any Invasive non-native species present on site
- The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority
- 12 Concurrent with reserved matters a Biodiversity Enhancement Strategy for protected and Priority species shall be submitted to and approved in writing by the local planning authority. The content of the Biodiversity Enhancement Strategy shall include the following:
- a) Purpose and conservation objectives for the proposed enhancement measures;
 - b) detailed designs to achieve stated objectives;
 - c) locations of proposed enhancement measures by appropriate maps and plans;
 - d) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
 - e) persons responsible for implementing the enhancement measures;
 - f) details of initial aftercare and long-term maintenance (where relevant).
- The works shall be implemented in accordance with the approved details prior to occupation and shall be retained in that manner thereafter.
- 13 Prior to occupation a lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.
- All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances

- should any other external lighting be installed without prior consent from the local planning authority.
- 14 Prior to commencement of development details of the proposed access (including the position of any gates to be erected and visibility splays provided) shall be submitted to and approved in writing by the Local Planning Authority. The approved access shall be laid out and constructed in its entirety prior to any other part of the development taking place. Thereafter the access shall be retained thereafter in its approved form.
 - 15 Before the access is first used, visibility splays shall be provided as shown on Drawing No. 184/2019/02 and thereafter be retained in the approved form. Notwithstanding the provisions of Part 2, Class A of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking and re-enacting that Order) no obstruction over 0.6 metres high shall be erected, constructed, planted or permitted to grow within the area of the visibility splays.
 - 16 Before the development is commenced, details of the roads and footpaths, (including layout, levels, gradients, surfacing, lighting, traffic calming and means of surface water drainage), shall be submitted to and approved in writing by the Local Planning Authority.
 17. 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.
 - 18 Before the development is commenced details of a new footway and pedestrian crossing to the frontage of the proposed development shall be submitted to and approved in writing by the Local Planning Authority. The footway shall be laid out and constructed fully before first occupation of any dwellings The footway shall be retained thereafter in its approved form.
 - 19 No dwelling shall be occupied until it has been provided with an operational electric vehicle charge point at a reasonably and practicably accessible location, with an electric supply to the charge point capable of providing a 7kW charge.
 - 20 Demolition or construction works shall not take place outside 08:00 hours to 18:00 hours Mondays to Fridays and 8:00 hours to 13:30 hours on Saturdays and at no time on Sundays, public holidays or bank holidays.
 - 21 Before the development hereby permitted is commenced a Construction Management Plan shall have been submitted to and approved in writing by the Local Planning Authority. Construction of the development shall not be carried out other than in accordance with the approved plan. The Construction Management Plan shall include the following matters:
 - a) parking and turning for vehicles of site personnel, operatives and visitors
 - b) loading and unloading of plant and materials
 - c) piling techniques (if applicable)
 - d) storage of plant and materials
 - e) provision and use of wheel washing facilities

- f) programme of site and all associated works such as utilities including details of traffic management necessary to undertake these works
 - g) site working and delivery times
 - h) a communications plan to inform local residents of the program of works
 - i) provision of boundary hoarding and lighting
 - j) details of proposed means of dust suppression
 - k) details of measures to prevent mud from vehicles leaving the site during construction
 - l) haul routes for construction traffic on the highway network and
 - m) monitoring and review mechanisms.
 - n) Details of deliveries times to the site during construction phase
- 22 The dwelling(s) hereby approved shall not be occupied until the 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.
- 23 Before the development is commenced details of the areas to be provided for the storage and presentation for collection/emptying of refuse and recycling bins shall be submitted to and approved in writing by the Local Planning Authority. The approved bin storage and presentation/collection area shall be provided for each dwelling prior to its first occupation and shall be retained thereafter for no other purpose.

305. Planning Application DC/22/1447/RM - Land NW of Haverhill, Anne Sucklings Lane, Haverhill (Report No: DEV/WS/22/048)

(Councillors John Burns and David Smith both declared, in the interests of openness and transparency, that they had attended Haverhill Town Council's meeting when the Town Council considered the application. However, they stressed they would keep an open mind and listen to the debate prior to voting on the item.)

Reserved matters application - submission of details under outline planning permission SE/09/1283 - all matters reserved for the construction of 113 dwellings, with associated private amenity space, means of enclosure, parking, vehicle and access arrangements, and proposed areas of landscaping and areas of open space for phase 3b. The application includes the submission of details to enable the discharge of conditions B4, B8, B9, B16, B17, B20, B21, B24

This application was referred to the Development Control Committee following consideration by the Delegation Panel and in light of Haverhill Town Council having objected to the application.

Members were advised that the application was part of the wider North-West Haverhill site, which is one of the two strategic growth sites for Haverhill identified in the adopted Core Strategy. The application before the Committee sought approval of details for parcel 3b of residential development.

Outline planning permission was granted on 27 March 2015 for residential development, a primary school, local centre including retail and community uses, public open space, landscaping infrastructure, servicing and other

associated works alongside full permission for the construction of a relief road.

The Senior Planning Officer explained that since the agenda was published a revised plan has been received for the house type 'Greenwood – village green' as used on plots 72 and 75. The change substituted an area of brickwork for render. The list of approved plans would be updated to reflect this change.

In addition, the description of the application within Report No DEV/WS/22/048 stated that it sought to discharge condition B4 of the outline application (SE/09/1283). However, this had now been removed from the description and the condition would be discharged separately.

As part of her presentation to the meeting the Senior Planning Officer made reference to the Town Council's frustrations on the progress of the wider infrastructure related to the strategic growth sites. For the benefit of the Committee she outlined the delivery timetable and the progress made to date.

Officers were recommending that the application be approved, subject to conditions as outlined in Paragraph 11.0 of the report.

Speakers: Councillor Tony Brown (Haverhill Town Council) spoke against the application
Isaac Jolly (Persimmon – applicant) spoke in support of the application

During the debate Members posed questions in relation to the management of the green spaces, street lighting and public transport which were responded to by the Senior Planning Officer.

Councillor Jason Crooks raised a specific query with regard to how the biodiversity net gain was calculated and the Service Manager (Planning – Development) provided an explanation.

Councillor Peter Stevens proposed that the application be approved, as per the Officer recommendation. This was duly seconded by Councillor David Nettleton.

Upon being put to the vote and with 11 voting for the motion and with 4 against it was resolved that

Decision

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

1. **Approved plans**

The development hereby permitted shall not be carried out except in complete accordance with the details shown on the approved plans and documents.

2. **External materials – Pre-above slab level**

No development above slab level shall take place until details of the

external materials to be used in the construction of the buildings and details of the fenestration (including fenestration colour and depth of reveals), doors, garage doors, porches, balconies and rainwater goods 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.

3. CEMP – Prior to commencement

Prior to commencement of development (including demolition, ground works, vegetation clearance) a construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include the following:

- a. Risk assessment of potentially damaging construction activities
- b. Identification of "biodiversity protection zones"
- c. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements)
- d. The location and timing of sensitive works to avoid harm to biodiversity features
- e. The times during construction when specialist ecologists need to be present on site to oversee works
- f. Responsible persons and lines of communication
- g. The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person
- h. Use of protective fences, exclusion barriers and warning signs.
- i. Containment, control and removal of invasive non-native species present on site.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

4. Action required in accordance with ecological appraisal recommendations

All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the following reports as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

- Ecology walkover survey report for Phases 3b at Haverhill, Suffolk (JBA, 4th November 2021)
- Updated Ecological Walkover Survey of Phases 2 to 6 and the Relief Road at Haverhill (James Blake Associates, 25th March 22, revised 9th June 2022)
- Preliminary Ecological Appraisal of Phases 2-6 (JBA, January 2019)
- Botanical Survey (Including Sulphur Clover Survey) of Phases 2 – 6 and Relief Road (August 2019)
- Hazel Dormouse Survey Report of Phases 2- 6 (JBA, December 2019)
- Reptile Survey of Phases 2 – 6 and relief Road (JBA, June 2019)
- Breeding Bird Survey of Phases 2 – 6 and Relief Road (JBA, October 2019)
- Hedgerow Survey of Phases 2 – 6 and Relief Road (JBA, August 2019)
- Wintering Bird Survey of Phases 2- 6 and relief Road (JBA, February 2020)

- Great crested Newt eDNA Survey of Phases 2 -6 (JBA, June 2019)
- Bat Activity Survey Report of Phases 2 - 6 and Relief Road (JBA, October 2019
- Badger Survey of Phases 2-6 and Relief Road (JBA (2019b)

This may include the appointment of an appropriately competent person e.g. an ecological clerk of works (ECoW) to provide on-site ecological expertise during construction. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

5. Time limit of development before further surveys are required

If the phase 3b development hereby approved does not commence within a period of 2 years from the date of the planning consent, the approved ecological mitigation measures secured by condition shall be reviewed and where necessary amended and updated.

The review shall be informed by further ecological surveys commissioned to:

- Establish if there have been any changes in the presence and/or abundance of the existing habitat and protected and priority species, and
- Identify any likely new ecological impacts that might arise from these changes.

Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed in the approved scheme, the original approved ecological measures will be revised and new or amended measures, and a timetable for their implementation shall be submitted and approved in writing to the Local Planning Authority prior to the commencement of the site infrastructure phase. Works will then be carried out in accordance with the new approved ecological measures and timetable.

6. Lighting design scheme – Prior to installation of lighting

Prior to the installation of lighting, a lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting contour plans, Isolux drawings and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

7. Ecological enhancements – Prior to occupation

Prior to occupation and notwithstanding the details shown on the soft landscaping plans, 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.

8. Designing out crime - Pre-above slab level

No construction above slab level shall take place until details of the measures and strategies to design out opportunities for crime have been submitted to and approved in writing by the Local Planning Authority. The measures shall include, but not be limited to: - Details of the anti-crime features to be provided for each dwelling, Details of measures to improve the safety of rear access paths, remote and undercroft parking including but not limited to lighting and gates, Details of access control to communal areas for flats.

All work shall be carried out in accordance with the approved details.

9. Access Strategy - Prior to construction above binder course

Prior to construction above binder course level of the access road an access strategy setting out an appropriate network of dropped kerbs across the site to facilitate access for all and to facilitate the safe collection of refuse and recycling, shall be submitted the local planning authority and agreed in writing.

10. Visitor parking – Prior to slab level

No above ground construction shall take place until details of the visitor parking designation including the lining or signage to promote use as well as the future management arrangement where spaces do not form part of the adopted highway, shall be submitted to and approved in writing by the Local Planning Authority. The spaces shall be provided and maintained in accordance with the approved details.

11. Access driveway gradient

The gradient of the access driveway shall not be steeper than 1 in 12 measured from the nearside of the width of the carriageway.

12. Cycle storage – Prior to occupation

No dwellings where cycle storage is required are to be occupied until the cycle storage facilities shown on Drawing no. 21-3114-04 Rev B have been provided in their entirety and been made available for use. Thereafter these facilities shall be maintained and retained and used for no other purpose.

13. Tree pit details – Prior to installation of tree adjacent highway

Prior to the installation of any tree within 2.5 metres of a highway, the full details of the proposed tree pit or linear root guard as appropriate for that tree shall be submitted to the local planning authority and agreed in writing. All work shall be carried out in full accordance with the approved details.

14. Noise (internal) – Prior to occupation

The dwellings hereby approved shall be constructed with appropriate glazing and ventilation as recommended in noise report reference LA/1780/01R/ML as required, so as to ensure that the internal ambient noise levels meet the current guideline levels within BS8233:2014 - Guidance on sound insulation and noise reduction for buildings.

15. Boundary treatment – Prior to occupation

The boundary treatment shown on the approved plan drawing no 21-3114-005 Rev C shall be constructed or erected before the dwelling to which it relates is first occupied and thereafter retained in the form and manner installed.

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

306. **Planning Application DC/21/0427/FUL - Sports Direct Fitness, Easlea Road, Bury St Edmunds (Report No: DEV/WS/22/049)**

(Councillor John Burns declared, in the interests of openness and transparency, that he was a shareholder of a gym in Haverhill. However, it did not have any members from Bury St Edmunds and would not influence his ability to keep an open mind on the item.)

Planning application - change of use from gym (class E) to retail (class E commercial, business and service)

This planning application was referred to the Development Control Committee as it proposed 'major' development and Bury St Edmunds Town Council had objected, as had Bury St Edmunds BID.

In addition, the consideration of the merits of the application involved complex policy matters relating to retail, employment and community/leisure facilities.

The Principal Planning Officer advised the Committee that since the agenda papers were published a further 33 late representations had been received objecting to the proposal; these largely covered matters previously raised by objectors which were briefly summarised to the meeting.

Furthermore, Councillor Birgitte Mager (one of the Ward Members for Moreton Hall) had emailed some Members of the Committee objecting to the application. This was read out in full so that those Members who had not received it were aware of the content.

As part of her presentation to the meeting the Principal Planning Officer explained that the Council had a duty to determine planning applications submitted to them and could only assess the proposed change of use in planning terms. Theoretically, the existing facility was a commercial operation and could cease operation irrespective of this application and the Council would have no influence on this.

Officers were recommending that the application be approved, subject to a S106 Agreement and conditions as set out in Paragraph 72 of Report No DEV/WS/22/049, subject to an amendment to the wording of condition 1 and with an additional condition in relation to the Gross Internal Area.

Speakers: Melanie Soanes (member of Sports Direct Fitness, speaking on behalf of herself and fellow members) spoke against the application
Michael Crichton (member of Sports Direct Fitness, speaking on behalf of himself and fellow members) spoke against the application
Councillor Trevor Beckwith (Ward Member: Moreton Hall) spoke against the application
(Councillor Beckwith was not in attendance to personally address the Committee and, instead, the Democratic Services Officer read out a pre-prepared statement on his behalf.)

During the debate a number of Members voiced concern at the loss of a well-used sports facility, particularly in light of the importance of supporting healthy communities.

Councillor John Burns raised specific reservations with the independent retail assessment that had been submitted, in light of it having been carried out 18 months ago. Officers referred Members to the numerous working papers which set out the chronology of the retail impact assessment since the application was submitted, culminating in more recent comments from the Council's retail consultant earlier this year.

Councillor Nick Clarke highlighted the fact that the premises was not a purpose-built facility and had previously had retail uses.

Councillor Peter Stevens questioned why planning restrictions had been placed on the premises in relation to its defined use and the Service Manager (Planning – Development) gave an explanation as to the reasoning.

During the debate a note was passed to the Chair from a member of the public, the Chair asked the Lawyer to advise the Committee of the content, which drew attention to the fact that the applicant was not Sports Direct Fitness (who was a tenant of the building) but the owner of the premises.

The Service Manager (Planning – Development) explained that the identity of the applicant was not a material consideration and that the Planning Authority was duty bound to determine the application on the basis of planning merits and material considerations.

Councillor David Nettleton disagreed with the comments made by Bury St Edmunds BID and spoke on the strength of the town centre retail offer. He therefore proposed that the application be approved, as per the Officer recommendation. This was duly seconded by Councillor Ian Houlder.

Upon being put to the vote and with 6 voting for the motion, 8 against and with 1 abstention the Chair declared the motion lost.

Councillor Carol Bull then proposed that the application be refused, contrary to the Officer recommendation, due to the loss of a leisure facility and therefore contrary to Policy DM42. This was duly seconded by Councillor Andy Neal.

The Service Manager (Planning – Development) confirmed that the Decision Making Protocol would be invoked and the motion would be 'minded to' and subject to the production of a Risk Assessment for future consideration by the Committee.

Upon being put to the vote and with 9 voting for the motion, 5 against and with 1 abstention it was resolved that

Decision

Members be **MINDED TO REFUSE THE APPLICATION, CONTRARY TO THE OFFICER RECOMMENDATION**, due to the conflict with Policy DM42

and the loss of a leisure facility. A Risk Assessment would therefore be produced for consideration by the Committee at a future meeting.

307. **Planning Application DC/22/0994/FUL - The Old Blacksmiths, The Street, Gazeley (Report No: DEV/WS/22/050)**

Planning application - Reconstruct existing building, extension and conversion of forge to create two dwellings

This application was referred to the Development Control Committee following consideration by the Delegation Panel on 15 November 2022, having been referred to the Panel at the request of the Ward Member (Councillor Roger Dicker).

A Member site visit was held prior to the meeting. The Planning Officer also showed videos of the site by way of a virtual 'site visit'.

Within the Officer's presentation it was highlighted that the scheme included no on-site parking; with all parking having to take place on-street. However, the Local Highways Authority had not objected to the proposal on the basis of the parking provision.

The Committee was also advised that, if granted, Permitted Development rights would be removed (as per conditions 9 and 10) in order to further safeguard the character and appearance of the area and protect the residential amenity of neighbours.

Officers were recommending that the application be approved, subject to conditions as set out in Paragraph 49 of Report No DEV/WS/22/050.

Speakers: Hilary Appleton (Gazeley resident) spoke against the application
Pat Spillane (Landlord of The Chequers Public House, Gazeley) spoke against the application
Councillor Robert Connelly (Gazeley Parish Council) spoke against the application

Councillor Roger Dicker, as Ward Member for the application (Kentford and Moulton) was invited by the Chair to open the debate. Councillor Dicker highlighted the history of the site; with the existing building being subject to ongoing enforcement investigations and the subsequent issue of a Notice under Section 215, for which compliance had been outstanding since July 2021.

Councillor Dicker explained that residents of the village were in support of the building on the site being remedied as it was considered an eyesore in its current condition and also posed a safety risk. Therefore, whilst there were some reservations with scheme proposed, there was also support for the application as it would enable work to commence.

Lastly, reference was made to the bus stop that sat towards the south of the site and which was fenced off due to the current condition of the building. Councillor Dicker asked if this could be protected in some way.

The Service Manager (Planning – Development) advised that the issue of parking in the vicinity of the bus stop would be raised directly with Suffolk County Council.

Councillor Brian Harvey raised a question in connection with the construction of the scheme, in light of the constrained nature of the site and the need for construction vehicles to use the adjacent highway.

The Service Manager (Planning – Development) agreed that an additional condition could be added to request the applicant to submit a Construction Method Statement to the Planning Authority.

Councillor Jason Crooks proposed that the application be approved, as per the Officer recommendation and inclusive of the additional condition in relation to construction. This was duly seconded by Councillor Ian Houlder.

Upon being put to the vote and with 12 voting for the motion, 1 against and with 2 abstentions it was resolved that

Decision

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

1. Time limit

The development hereby permitted shall be commenced no later than 3 years from the date of this permission.

2. Approved plans

The development hereby permitted shall not be carried out except in complete accordance with the details shown on the approved plans and documents:.

3. Construction hours

Any site preparation, demolition, construction works and ancillary activities, including access road works and deliveries to / collections from the site in connection with the works shall only be carried out between the hours of:

8am to 6pm Mondays to Fridays

8am to 1pm Saturdays

And at no times during Sundays or Bank / Public Holidays without the prior written consent of the Local Planning Authority.

4. Limit water use

The dwelling(s) hereby approved shall not be occupied until the 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.

5. Bin storage

The areas to be provided for the storage and presentation for collection/emptying of refuse and recycling bins as shown on Drawing No. 22-2663-1 Rev C shall be provided in their entirety before the development is brought into use and shall be retained thereafter for no other purpose.

6. Cycle storage

The use shall not commence until the areas within the site shown on Drawing No. 22-2663-1 Rev C for the purposes of secure cycle storage

have been provided and thereafter the areas shall be retained, maintained and used for no other purposes.

7. Ecological enhancements

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.

8. Material details

No development above slab level shall take place until details of all external 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.

9. Removal of PD rights – alterations to roof

Notwithstanding the provisions of Schedule 2 Part 1 Class A, Class B and Class C of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order amending, revoking or re-enacting that Order), the roof space of each dwelling shall not be extended or altered in any way and shall not be used for living, hobby or other incidental domestic use, except for domestic storage associated with the occupation of the dwelling.

10. Removal of PD rights – fences, gates and walls

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 fences, gates or walls shall be erected within the curtilage of the dwellinghouse in front of any wall of the dwellinghouse which fronts onto a road.

11. Construction Method Statement

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:

- a. The parking of vehicles of site operatives and visitors
- b. Loading and unloading of plant and materials
- c. Site set-up including arrangements for the storage of plant and materials used in constructing the development and the provision of plant and machinery
- d. Measures to control the emission of dust and dirt during construction
- e. 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.

(On conclusion of this item and Part A of the meeting, the Chair permitted a short interval before commencing Part B of the meeting. During the interval Councillors Jason Crooks Ian Houlder left the meeting at 1.51pm.)

308. **Planning Application DC/22/0359/FUL - Green Farm, The Green, Hargrave (Report No: DEV/WS/22/051)**

Planning application - a. change of use of land to domestic garden b. all weather tennis court with associated fencing

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

A Member site visit was held prior to the meeting. The Planning Officer also showed videos of the site by way of a virtual 'site visit'.

Hargrave Parish Council had voiced support for the proposal, which was contrary to the Officer's recommendation of refusal for the reasons set out in Paragraph 22 of Report No DEV/WS/22/051.

Speakers: Councillor Mike Chester (Ward Member: Chedburgh and Chevington) spoke in support of the application
Phil Cobbold (agent) spoke in support of the application
(Councillor Chester was not in attendance to personally address the Committee and, instead, the Democratic Services Officer read out a pre-prepared statement on his behalf.)

Councillor Peter Stevens spoke in support of the application and proposed that it be approved, contrary to the Officer recommendation, as he did not consider that the scheme would have a detrimental impact on the views in/out of Hargrave and it was therefore not in conflict with Policies HAR6 and HAR10. This was duly seconded by Councillor David Nettleton.

The Service Manager (Planning – Development) advised that the Decision Making Protocol would not be invoked in this instance as the impact on the distinct key views was a subjective consideration.

Councillor John Burns drew attention to the Parish Council's comments in respect of lighting and asked that this was picked up within the conditions.

Likewise, other Members made comment on the fencing within the proposal and they were advised that a further condition could be added for the Planning Authority to request fencing details.

The Chair then invited the Planning Officer to outline a list of conditions that could be appended to a permission, if granted.

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

Decision

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

1. Time limit

The development hereby permitted shall be commenced no later than 3

years from the date of this permission.

2. Approved plans

The development hereby permitted shall not be carried out except in complete accordance with the details shown on the approved plans and documents:.

3. Soft landscaping

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.

4. Removal of PD rights (outbuildings)

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 structures shall be erected within the curtilage of the dwelling.

5. Details of fencing

No development above slab level shall take place until details of the proposed fencing 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.

6. Lighting

No external lighting associated with the approved tennis courts shall be provided on the application site unless details thereof have first been submitted to and approved in writing by the Local Planning Authority.

309. Planning Application DC/22/0511/FUL - 104 High Street, Newmarket (Report No: DEV/WS/22/052)

(Councillor James Lay declared a non registerable interest in this item in view of his comments made in respect of the application, as referenced in the report and late paper. Following advice from the Monitoring Officer he would abstain from taking part in the debate and the voting thereon.)

Planning application - change of use from Bank (Class E) to Adult Gaming Centre (Sui Generis)

This application was referred to the Development Control Committee following consideration at the Delegation Panel. It was presented to the Panel due to the concerns from Newmarket Town Council, as well as from Councillor James Lay and Councillor Andy Drummond (Ward Members: Newmarket West).

Officers were recommending that the application be approved, subject to conditions as set out in Paragraph 33 of Report No DEV/WS/22/052.

During the Senior Planning Officer's presentation to the meeting he drew attention to Paragraph 23 of the report and explained that the applicant had 7 other sites within Suffolk and Essex, and not 10 as inaccurately referenced in the papers.

Speakers: Newmarket Town Council spoke against the application
Amanda Usher (agent) spoke in support of the application
(A representative from Newmarket Town Council did not attend to personally address the Committee and, instead, the Democratic Services Officer read out a pre-prepared statement on the Town Council's behalf.)

Following some questions and comments raised during the debate, the Service Manager (Planning – Development) reminded the Committee that the licensing process was entirely separate to the Development Control Committee's role in determining planning applications. Questions of ethics and morals relating to gambling were also not a material planning consideration.

Councillor Roger Dicker made reference to the need for high street premises to diversify in the current economic climate and 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 9 voting for the motion and 4 abstentions, 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 details shown on the approved plans and documents, unless otherwise stated.
- 3 The opening hours of the premises shall be restricted to the following hours:
Between 08:00 and 23:00 Monday to Thursday, 08:00 and 02:00 on Fridays and
Saturdays and 08:00 to 23:00 on Sundays and Bank Holidays.

310. **Planning Application DC/22/1439/TPO - 66 Woodlands Way, Mildenhall (Report No: DEV/WS/22/053)**

Tree preservation order TPO 097 (1969) - one Sweet Chestnut (indicated on plan, within area A1 on order) fell

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

The application came before the Panel as the Officers' recommendation of approval, subject to conditions as set out in Paragraph 20 of Report No DEV/WS/22/053, was contrary to the Town Council's objection to the application.

As part of her presentation to the meeting the Planning Assistant showed videos of the site by way of a virtual 'site visit'.

Speaker: Charlotte Nivet (applicant) spoke in support of the application

Councillor Andy Neal spoke against the application and was of the view that the tree should remain in situ and be regularly managed.

In response to a question from Councillor James Lay, the Service Manager (Planning – Development) explained that, although irrelevant to the consideration of this application, whilst there was a vacancy for a West Suffolk Tree Officer the work was being carried out by consultants at present. In any event, this application had been considered by one of the Council's Trees Officers.

Councillor David Nettleton spoke in support of the application in view of a condition being that the tree was replaced with a recommended species. Accordingly, he proposed that the application be approved as per the Officer recommendation. This was duly seconded by Councillor David Palmer.

Upon being put to the vote and with 11 voting for the motion, 1 against and with 1 abstention it was resolved that

Decision

Consent 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 1 No. Sweet Chestnut tree, the removal of which is authorised by this consent, shall be replaced by 1 No. standard tree of 8-10cm girth, planted anywhere within the bounds of the applicant's property, from the following list: Liquidambar styraciflua; Acer campestre; Prunus avium; Acer buergerianum; Davidia involucrate; or Amelanchier arborea 'Robin Hill'; 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.

311. **Planning Application DC/22/1631/FUL - Abbots House, 2 Newmarket Road, Bury St Edmunds (Report No: DEV/WS/22/054)**

Planning application - a. single storey rear extension (demolition of existing conservatory) b. external wall insulation c. re roofing d. PV solar panels to south and east elevation e. free-standing pergola in rear garden

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

The Town Council had raised no objections to the application and Officers were recommending that it be approved, subject to conditions.

Councillor John Burns proposed that the application be approved, as per the Officer recommendation. This was duly seconded by Councillor David Nettleton.

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 details shown on the approved plans and documents, unless otherwise stated.

The meeting concluded at 3.33pm

Signed by:

Chair
