

# Development Control Committee

**Minutes** of a meeting of the **Development Control Committee** held on **Wednesday 5 April 2023** at **10.00 am** in the **Conference Room, Mildenhall Hub**, Sheldrick Way, Mildenhall, IP28 7JX

Present            **Councillors**

**Chair** Andrew Smith

**Vice Chairs** Mike Chester and Jim Thorndyke

John Burns

Brian Harvey

Nick Clarke

Ian Houlder

Jason Crooks

Andy Neal

Roger Dicker

David Roach

Andy Drummond

David Smith

Susan Glossop

Peter Stevens

**In attendance**

Beccy Hopfensperger (Ward Member: The Fornhams and Great Barton)

Sarah Broughton (Ward Member: The Fornhams and Great Barton)

**332. Apologies for absence**

Apologies for absence were received from Councillors Carol Bull and David Palmer.

**333. Substitutes**

The following substitution was declared:

Councillor Nick Clarke substituting for Councillor David Palmer.

**334. Minutes**

The minutes of the meeting held on 1 March 2023 were confirmed as a correct record, with 14 voting for the motion and with 1 abstention, and were signed by the Chair.

**335. Declarations of interest**

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

**336. Planning Application DC/22/2107/FUL - The New Croft, Chalkstone Way, Haverhill (Report No: DEV/WS/23/008)**

*(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.)*

**Planning application – creation of a 3G Artificial Grass Pitch (AGP) with landscape bund, perimeter fencing, hardstanding areas, storage container, floodlights, access footpath with fence and bollard lighting, acoustic fence and footpath link to north-west**

This application was referred to the Development Control Committee because it was on land owned by West Suffolk Council.

A Member site visit was held prior to the meeting and the Officer also showed a video of the site during her presentation.

Officers were recommending that the application be approved, subject to conditions as set out in Paragraph 94 of Report No DEV/WS/23/008.

The Committee was advised that the application had been subject to a full re-consultation as the red line was amended to include a footpath to the north-west which provided a link to the Samuel Ward Academy car park.

Speakers: Mr and Mrs Gant (neighbouring objectors) spoke against the application  
*(Neither Mr or Mrs Gant were in attendance to personally address the Committee and, instead, the Democratic Services Officer read out a pre-prepared statement on their behalf.)*  
Councillor John Burns (Ward Member: Haverhill East) spoke on the application  
Peter Betts (Haverhill Community Sports Association - applicant) spoke in support of the application

During the debate a number of Members commended the use of the neighbouring car park at Samuel Ward Academy (outside of school hours) as an overflow car park.

Some questions were posed in respect of the hours of operation. Attention was drawn to Paragraph 67 of the report, which explained that Public Health and Housing had recommended that the hours proposed by the applicant should be reduced slightly to remove noise impacts between 08.00- 09.00hrs and 21.00-22.00hrs. Accordingly, the operating hours set out in the conditions (No 16) aligned with that proposed by Public Health and Housing.

Discussion also took place on the no whistles after 7pm policy outlined in condition No 17. Members were advised that this would mainly affect evening training sessions as the majority of matches were held earlier in the day.

Councillor John Burns 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 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.
- 3 The strategy for the disposal of surface water (dated 12th January 2023, ref: SIS028-09-00) and the Flood Risk Assessment (dated 13th December 2016, ref: 5003-UA008973-UU41R-04) shall be implemented as approved in writing by the local planning authority. The strategy shall thereafter be managed and maintained in accordance with the approved strategy.
- 4 No development shall commence until details of a Construction Surface Water Management Plan (CSWMP) detailing how surface water and storm water will be managed on the site during construction (including demolition and site clearance operations) is submitted to and agreed in writing by the LPA. The CSWMP shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction. The approved CSWMP shall include:  
Method statements, scaled and dimensioned plans and drawings detailing surface water management proposals to include:-
  - i. Temporary drainage systems
  - ii. Measures for managing pollution / water quality and protecting controlled waters and watercourses
  - iii. Measures for managing any on or offsite flood risk associated with construction
- 5 Within 28 days of practical completion of the development hereby approved, a surface water drainage verification report shall be submitted to the Local Planning Authority, detailing and verifying that the surface water drainage system has been inspected and has been built and functions in accordance with the approved designs and drawings. The report shall include details of all SuDS components and piped networks in an agreed form, for inclusion on the Lead Local Flood Authority's Flood Risk Asset Register.
- 6 All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (BJ Collins, November 2022) and the Construction and Environmental Management Plan (SIS Pitches, November 2022) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.
- 7 Prior to first use, a Biodiversity Enhancement Strategy for protected and Priority species prepared by a suitably qualified ecologist 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 or product descriptions to achieve stated objectives;
  - c) locations, orientations and heights of proposed enhancement

measures shown on appropriate maps and plans (where relevant), including timings of installation;  
d) persons responsible for implementing the enhancement measures; and  
e) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details shall be retained in that manner thereafter."

- 8 No development shall take place within the area indicated [the whole site] until the implementation of a programme of archaeological work has been secured, in accordance with a Written Scheme of Investigation which has been submitted to and approved in writing by the Local Planning Authority. The scheme of investigation shall include an assessment of significance and research questions; and:
- a. The programme and methodology of site investigation and recording.
  - b. The programme for post investigation assessment.
  - c. Provision to be made for analysis of the site investigation and recording.
  - d. Provision to be made for publication and dissemination of the analysis and records of the site investigation.
  - e. Provision to be made for archive deposition of the analysis and records of the site investigation.
  - f. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
  - g. The site investigation shall be completed prior to development, or in such other phased arrangement, as agreed and approved in writing by the Local Planning Authority.
- 9 Prior to first use, the site investigation and post investigation assessment shall be completed and submitted to and approved in writing by the Local Planning Authority, in accordance with the programme set out in the Written Scheme of Investigation approved under condition 7 and the provision made for analysis, publication and dissemination of results and archive deposition.
- 10 The development shall be carried out in accordance with the approved Construction and Environmental Management Plan (SIS Pitches, November 2022 received by the local planning authority on 10 February, 2023) throughout the construction period.
- 11 The use shall not commence until the area(s) shown on Drawing No. 13 REV 00 for the purposes of manoeuvring and parking of vehicles has been provided and thereafter the area(s) shall be retained and used for no other purpose.
- 12 No external lighting other than that which forms part of the development hereby permitted and shown on the Lighting Assessment, Lighting Details and Sports Lighting statement (appendix E) documents; shall be provided within the application site.
- 13 The lighting system design will comply with recommendations published within ILP Guidance Notes for the Reduction of Obtrusive Light 2021 (Appendix C). On completion of the installation, the system will be tested and commissioned to ensure the LUX levels submitted as part of this application are achieved and not exceeded.
- 14 Operating hours of the lighting system shall be limited to only between

- Monday to Friday from 09:00 - 21:00hrs and Saturday, Sunday, public holidays and bank holidays from 09:00 - 20:00hrs and shall be used only at the times of the year when daylight is fading or it has gone dark.
- 15 Demolition or construction works shall not take place outside 08:00 hours to 18:00; hours Mondays to Fridays and 08:00; hours to 13:30; hours on Saturdays and at no time on Sundays, public holidays or bank holidays.
- 16 Operating hours of the development hereby approved shall be limited to:  
Monday to Friday: 0900- 2100 hours  
Saturday, Sunday, public holidays and bank holidays: 0900-2000 hours
- 17 The development hereby approved will operate a 'no-whistle policy' beyond 7pm on any day, from which time onwards no whistles will be used.
- 18 In accordance with the submitted noise impact assessment (Reference: 9990/SF/DO, Version Rev C, dated 10.02.2023), all fencing for the artificial grass pitch shall be fixed to the support posts with a neoprene isolator installed to fully isolate the panels from the posts and a maintenance regime shall ensure panels do not become loose so as to reduce the 'rattling' noise associated with ball impacts on metal fencing.
- 19 Prior to first use of the artificial grass pitch (AGP) hereby approved a Noise Management Plan and Code of Conduct shall be submitted to and approved in writing by the Local Planning Authority.
- 20 Prior to first use the landscape bund and acoustic fence, as shown on plans 11 REV 01 and 05 REV 01, shall be installed and thereafter shall be retained and maintained in accordance with the approved details unless the written consent of the Local Planning Authority is obtained for any variation.

**337. Planning Application DC/22/2034/FUL - Porters Farm, Queens Lane, Chedburgh (Report No: DEV/WS/23/009)**

**Planning application - change of use of land to well-being centre comprising of a. central hub, b. therapy building, c. pets as therapy building, d. replacement storage building and animal enclosure e. installation of four camping domes f. remodelled access, parking and associated works g. replacement garage**

The application was referred to the Development Control Committee by the Delegation Panel following a call-in request by Councillor Mike Chester (Ward Member for Chedburgh and Chevington).

A Member site visit was held prior to the meeting.

Officers were recommending that the application be approved, subject to conditions as set out in Paragraph 84 of Report No DEV/WS/23/009.

Speakers: Winifred Evans (neighbouring objector on behalf of herself and other neighbouring objectors) spoke against the application  
David and Karen Sturgeon & William, Neil and Jean Milne (neighbouring objectors) spoke against the application

*(Neither the Sturgeons or the Milnes were in attendance to personally address the Committee and, instead, the Democratic Services Officer read out joint a pre-prepared statement on their behalf.)*

Matt Plummer (architect) and Jon Cardy (applicant) spoke in support of the application

During the debate a number of Members commended the aims of the scheme and recognised the real need for mental health support services such as those proposed.

Some of the Councillors that attended the site visit also remarked on the way in which the proposal would benefit the site visually from its current condition.

However, concerns were also raised in respect of the loss of trees proposed, the location (some of which is outside the settlement boundary) and the practicalities of the scheme in relation to waste removal, staffing and the number of individuals who would be on the site at any one time.

The Senior Planning Officer responded to questions/comments in connection with the following topics:

Policy – DM5 and DM34 permitted development such as that proposed outside of the settlement boundary;

Animals – whilst not a Material Planning Consideration, it was confirmed that use of the animals on site in the proposed facility would require a licence from the Licensing Authority. Irrespective of the outcome of the application the existing animals would remain on site and if granted there was no intention to increase the number of animals housed;

Refuse – the Council's waste team had been consulted and they had not raised objection to the proposal;

Listed Building – the proposed layout gave three distinct areas on the site with various areas of screening. Due to the relative lack of intervisibility the Council's Conservation Officer had therefore not raised concerns in respect of the Listed Building's setting;

Trees – a condition had been proposed for landscaping which included replacement trees, however, those seeking removal were not good quality examples;

Staffing – the facility was mainly to be operated by the two applicants, with one or two specialists being utilised where required, together with potentially one or two other part-time supplementary staff members for services such as housekeeping; and

Surfacing – a condition had been included for hard surfacing which would create low level impact in respect of both noise and visual impact.

Councillor Brian Harvey raised a specific query in respect of the timings set out in condition 21 which did not entirely align with those outlined elsewhere in the report. The Service Manager (Planning – Development) assured Councillor Harvey that this would be clarified.

Councillor Nick Clarke made reference to Central Government's stance in respect of planning consent for glamping ventures similar to that proposed. The Service Manager (Planning – Development) explained that there was

currently an open consultation being carried out in relation to Permitted Development rights to support temporary recreational campsites. However, this was still ongoing and no regulations had been put in place in connection with this matter.

Councillor Peter Stevens proposed that the application be refused, contrary to the Officer recommendation, due to overdevelopment, impact on the setting of the Listed Building, impact on neighbouring amenity and the impact on the countryside policies of the development plan. This was duly seconded by Councillor Mike Chester.

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 and 6 against it was resolved that

#### Decision

Members be **MINDED TO REFUSE THE APPLICATION, CONTRARY TO THE OFFICER RECOMMENDATION**, due to overdevelopment, impact on the setting of the Listed Building, impact on neighbouring amenity and the impact on the countryside policies of the development plan. A Risk Assessment would therefore be produced for consideration by the Committee at a future meeting.

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

338. **Planning Application DC/22/1378/FUL - All Saints Hotel, The Street, Fornham St Genevieve (Report No: DEV/WS/23/010)**

**Planning application - outdoor gymnasium including open sided exercise shelter, moveable exercise equipment and equipment storage container**

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 Parish Council had raised objections to the proposal which was contrary to the Officer's recommendation for approval, subject to conditions as set out in Paragraph 104 of Report No DEV/WS/23/010 together with those in the supplementary 'late papers' and inclusive of the amendments as advised in the presentation to the meeting.

Since publication of the agenda and late papers further representations had been received objecting to the proposal. The content of which was outlined to the Committee alongside visual aids (photographs/maps) to demonstrate the points raised.

Members were also informed that an extension to the acoustic fence had been agreed by the applicant in order to further mitigate the impact on neighbouring properties.

Lastly, attention was drawn to the comments set out in the late papers from the Place Services Tree Officer and Natural England.

Speakers: Lizzi Flaherty (neighbouring objector) spoke against the application  
*(Lizzi was not in attendance to personally address the Committee and, instead, the Democratic Services Officer read out a pre-prepared statement on her behalf.)*  
Caroline Merrett (neighbouring objector) spoke against the application  
Councillor Beccy Hopfensperger (Ward Member: The Fornhams and Great Barton) spoke against the application and read out a statement on behalf of 19 neighbouring objectors  
Molly Bedford (Health Club Assistant Manager – Applicant) spoke in support of the application

Prior to the Chair opening the debate, the Service Manager (Planning – Development) addressed the meeting and reminded Members that the fact the application was retrospective and had been subject to enforcement investigations was not a Material Planning Consideration and the scheme seeking determination was to be judged on its planning merits and against the policies of the development plan and any other material considerations.

In response to queries as to whether the existing structure was compliant with building regulations, the Service Manager (Planning – Development) explained that this was also not a Material Planning Consideration. Moreover, the structure may not have required building regulations. Members were advised that Officers would raise this with the Council's Building Control Team directly, however, the Committee needed to be mindful that building control services were also offered by various companies in the private sector. Lastly, it was highlighted that building regulations had a separate enforcement process to that of planning applications.

The Committee was informed that Officers would provide a written update to Members outside of the meeting in respect of the discussions held with building control and to provide more detail on the enforcement element connected with the site.

Councillor Andy Drummond proposed that the application be refused, contrary to the Officer recommendation, due to:

1. The inappropriate location and the impact on residential amenity;
2. The significant loss of and potential impact on trees; and
3. Because he did not believe the application would have been granted if it had been submitted prior to construction.

This was duly seconded by Councillor David Roach.

Following a very short adjournment to allow Officers to confer with the Lawyer advising the meeting, the Service Manager (Planning – Development)



explained that she would not recommend inclusion of reason 3 for refusal, and again reminded Members that the fact the application was retrospective was not a Material Planning Consideration.

Furthermore, if reason 3 was removed the Decision Making Protocol would not need to be invoked and the motion for refusal would not be 'minded to' and not subject to the production of a Risk Assessment.

Accordingly, Councillors Drummond and Roach, as proposer and seconder for the motion agreed to remove reason 3 from the proposal.

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

### Decision

Planning permission be **REFUSED, CONTRARY TO THE OFFICER RECOMMENDATION** due to:

- 1 The provision of an outdoor gym facility as existing in this sensitive location, in an elevated position relative to the closest residential properties has had a detrimental impact on the residential amenity of those nearby residents. Notwithstanding the proposed noise mitigation measures contained in the retrospective application, concern still remains that the residential amenity of nearby residents could be adversely impacted. The proposal therefore fails to comply with the requirements set out within policy DM2 of the Joint Development Management Policies Document which seeks to ensure residential amenity is not adversely affected or with the provisions of the NPPF that relate to amenity.
- 2 The construction of the gym facility has resulted in the loss of protected woodland on the site which is an important landscape feature of this area. The installation/resurfacing of hard surfaces and structures in close proximity to trees within the woodland is likely to impact the future health of those remaining trees. The retention of the gym use and associated structures is not considered to be compatible with the surrounding remaining protected woodland and is likely to lead to future pressure to have further trees removed. The proposal therefore fails to comply with policies DM2 and DM13 of the Joint Development Management Policies Document which seeks to ensure proposals protect and enhance the character of the landscape or with the provisions of the NPPF that relate to conserving and enhancing the natural environment"

The meeting concluded at 1.13 pm

**Signed by:**

**Chair**

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