

Development Control Committee

Minutes of a meeting of the **Development Control Committee** held on **Wednesday 7 June 2023** at **10.00 am** in the **Conference Chamber, West Suffolk House**, Western Way, Bury St Edmunds IP33 3YU

Present

Councillors

Mick Bradshaw
Carol Bull
Mike Chester
Roger Dicker
Susan Glossop
Rachel Hood
Ian Houlder
Diane Hind

Jon London
Sara Mildmay-White
Lora-Jane Miller-Jones
Andy Neal
Andrew Smith
David Smith
Jim Thorndyke
Phil Wittam

345. Election of Chair 2023/2024 and Correction to Agenda Front

This being the first meeting of the Development Control Committee since the Authority's Annual Meeting in May 2023, the Lawyer opened the meeting and welcomed all present.

The Democratic Services Officer was invited to outline the correct membership of the Committee in light of changes having been made to political group appointments since the agenda was published.

The Lawyer then asked for nominations for the Chair of the Committee for 2023/2024.

Councillor Roger Dicker nominated Councillor Andrew Smith as Chair and Councillor Smith accepted the nomination.

There being no other nominations, it was unanimously

RESOLVED:

That Councillor Andrew Smith be elected Chair for 2023/2024.

Councillor Smith then took the Chair for the remainder of the meeting and gave thanks to the Committee for his appointment.

346. Election of Vice Chairs 2023/2024

The Chair nominated Councillors Phil Wittam and Jon London for the two Vice Chair positions. Councillors Wittam and London both accepted their nomination.

There being no other nominations, and with 15 voting for the nomination and with 1 abstention, it was

RESOLVED:

That Councillor Phil Wittam be elected as Vice Chair for 2023/2024.

And with 14 voting for the nomination and with 2 abstentions, it was

RESOLVED:

That Councillor Jon London be elected as Vice Chair for 2023/2024.

347. **Apologies for absence**

No apologies for absence were received.

348. **Substitutes**

No substitutions were declared.

349. **Minutes**

The minutes of the meeting held on 26 April 2023 were confirmed as a correct record and signed by the Chair, subject to it being noted that Councillor Nick Clarke had been missed off the list of Members in attendance and that Councillor Ian Houlder had been mistakenly recorded twice.

350. **Declarations of interest**

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

351. **Planning Application DC/22/2034/FUL - Porters Farm, Queens Lane, Chedburgh (Report No: DEV/WS/23/013)**

(Councillor Mike Chester declared, in the interest of openness and transparency, that he was acquainted with the applicant.)

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

This application was originally referred to the Development Control Committee on 5 April 2023 following a call-in request by Councillor Mike Chester (Ward Member for Chedburgh and Chevington) and consideration by the Delegation Panel.

At the 5 April 2023 meeting Members resolved that they were 'minded to' refuse planning permission, contrary to the Officer recommendation of approval, on the following grounds:

- Impact on the setting of the listed building
- Impact on neighbouring amenity
- Over-development
- Impact on the countryside

The Decision Making Protocol was invoked requiring a risk assessment report to be produced and which was now presented to the Committee in Report No DEV/WS/23/013.

A Member site visit was held prior to the meeting.

The Senior Planning Officer advised that since publication of the agenda four additional representations had been received, all in support of the application, the content of which was summarised to the meeting.

Officers were continuing to recommend that the application be approved, subject to conditions as set out in Paragraph 42 of the report, together with one further condition which required the animal shelters to be erected prior to first use of the central hub building.

Speakers: Winifred Evans (neighbouring objector on behalf of herself and other neighbouring objectors) spoke against the application
 Mr and Mrs Alderton (neighbouring objectors) spoke against the application
(Neither Mr or Mrs Alderton were in attendance to personally address the Committee and, instead, the Democratic Services Officer played a pre-recorded audio file to the meeting on their behalf.)
 Matt Plummer (architect) and Jon Cardy (applicant) spoke in support of the application

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

However, a number of varied concerns and queries were also raised in relation to the scheme.

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

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;

Capacity – the workshops would have a maximum of 12 attendees, plus 3-4 people could occupy each of the two smaller camping domes and a further 4-5 people in each of the two larger camping domes. Members were advised that the occupation of the site would be covered within the required Management Plan and that there was no planning reason to limit numbers on the site, unless a statutory consultee (for example, Highways) had recommended this;

Deliveries – a condition was proposed to restrict the days/times on which deliveries could be made to the site;

Animals – the existing animals on site had been rescued and not specifically recruited for the scheme seeking determination. The animals would remain on site irrespective of the application under consideration;

NHS – the NHS had not commented on the proposal as the scale of the development did not warrant their consultation;

Light Pollution - Place Services had requested that the material of each of the camping domes was a dark forest green colour, which would help mitigate any light pollution; and

Fencing – no boundary fencing details had been included as part of the application, however, it would be possible to add this as a condition if Members were minded to do so.

Councillor Ian Houlder proposed that the application be approved, as per the Officer recommendation and inclusive of the condition in respect of the construction of the animal shelters. This was duly seconded by Councillor David Smith.

Councillor Rachel Hood raised a question in respect of the process for a recorded vote which the Lawyer responded to.

Prior to taking the motion to a vote the Chair asked the proposer and seconder if they were content to include a further condition in respect of boundary fencing, as referenced by the Senior Planning Officer. Councillors Houlder and Smith agreed to this inclusion.

Accordingly, with 10 voting for the motion and with 6 against it was resolved that

Decision

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

- 1 The development hereby permitted shall be begun not later than 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 A Construction Management Strategy shall be submitted to and approved in writing by the Local Planning Authority prior to work commencing on site. The strategy shall include access and parking arrangements for contractors' vehicles and delivery vehicles (locations and times) and a methodology for avoiding soil from the site tracking onto the highway together with a strategy for remedy of this should it occur. The development shall only take place in accordance with the approved strategy.
- 4 Demolition or construction works shall not take place outside 08:00 hours to 18:00 hours Mondays to Fridays and 08:00 hours to 13:00 hours on Saturdays and at no time on Sundays, public holidays or bank holidays.
- 5 Prior to commencement of development 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.

- 6 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. It shall also include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants noting species, plant sizes and proposed numbers/ densities.
The approved scheme of soft landscaping works shall be implemented not later than the first planting season following commencement of the development (or within such extended period as may first be agreed in writing with the Local Planning Authority).
Any planting or retained trees removed, dying or becoming seriously damaged or diseased within five years of planting/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.
- 7 All mitigation measures and/or works shall be carried out in accordance with the details contained in the version two of the Preliminary Ecological Appraisal (Samsara Ecology, January 2023) 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.
- 8 Prior to first use of the site 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 plans 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.

- 9 Prior to first use of the hub building 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 by appropriate maps and plans (where relevant);
- 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.

- 11 No development above ground level shall take place until a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules and periods for all soft landscape areas (other than small privately owned domestic gardens) together with a timetable for the implementation of the landscape management plan, has been submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be carried out in accordance with the approved details and timetable.

- 12 No development above ground level shall take place until details of a hard landscaping scheme for the site have been submitted to and approved in writing by the Local Planning Authority. These details shall include proposed finished levels and contours showing earthworks and mounding; surfacing materials; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulations areas; hard surfacing materials; minor artefacts and structures (for example furniture, play equipment, refuse and/or other storage units, signs, lighting and similar features); proposed and existing functional services above and below ground (for example drainage, power, communications cables and pipelines, indicating lines, manholes, supports and other technical features); retained historic landscape features and proposals for restoration where relevant. The scheme shall be implemented prior to the occupation of any part of the development (or within such extended period as may first be agreed in writing with the Local Planning Authority).

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

- (i) details of the design, materials and colour/finish for the garage door in the south-west elevation
- (ii) details of the cladding, including its colour/finish, and clay tiles for

- the garage
- (iii) details of the works to be carried out to the swimming pool to convert it to a store
- (iv) details of the welcome, entrance and exit signs at the front of the site, including their sizes, materials, colours and any supports required
- The works shall be carried out in full accordance with the approved details unless otherwise subsequently approved in writing by the Local Planning Authority.
- 14 No other part of the development hereby permitted shall be commenced until the existing vehicular accesses has been improved, laid out and completed in all respects in accordance Suffolk County Council's standard access drawing DM03, with a minimum entrance width of 4.5 metres and appropriate signage for entry and exit and made available for use. Thereafter the access shall be retained in the specified form.
- 15 The gradient of the access driveway shall not be steeper than 1 in 12 measured from the nearside of the edge of the highway.
- 16 Before the accesses are first used, visibility splays shall be provided as shown on Drawing No. TP075-1050, Rev. 9 with an X dimension of 2.4 metres and a Y dimension of 59 metres to the nearside edge of the carriageway for the 'Exit Only' access and thereafter retained in the specified form. Notwithstanding the provisions of Part 2 Class A of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no obstruction to visibility shall be erected, constructed, planted or permitted to grow over 0.6 metres high within the areas of the visibility splays.
- 17 Prior to the development hereby permitted being first occupied, the existing vehicular accesses onto the highway shall be properly surfaced with a bound material for a minimum distance of 5 metres measured from the nearside edge of the metalled carriageway, in accordance with details that shall have previously been submitted to and approved in writing by the Local Planning Authority.
- 18 The use shall not commence until the area(s) within the site shown on Drawing No's. TP075-1050 Rev. 11 and TP075-1051 Rev. 9 for the purposes of manoeuvring and parking of vehicles including electric vehicle charging infrastructure has been provided and thereafter that area(s) shall be retained and used for no other purposes.
- 19 The use shall not commence until the area(s) within the site shown on Drawing No. TP075-1050 Rev. 11 for the purposes of secure cycle storage has been provided and thereafter the area(s) shall be retained, maintained, and used for no other purposes.
- 20 Prior to first use of the development hereby approved:
- i) All of the noise protection and mitigation measures and recommended best practices associated with the development as detailed from paragraph 6.29 Mitigation Measures in the Healthy Abode (HA) Acoustics NOISE IMPACT ASSESSMENT OF PROPOSED WELL-BEING CENTRE at PORTERS FARM, QUEENS LANE, CHEDBURGH, SUFFOLK IP29 4UT, REFERENCE HA/AE395/V1, Date of Report 9 November 2022 shall be completed in their entirety in accordance with the approved details.
 - ii) The completion of the works shall be verified on site by a specialist noise consultant and the Local Planning Authority shall be notified in

- writing of the completion and verification of the works.
Thereafter the approved works shall be retained.
- 21 Deliveries to the site shall only take place between the hours of 07:00 and 18:00 Mondays to Saturdays with any deliveries outside of these times unloading at the front of the site at Porters Farm.
- 22 The holiday let units hereby permitted shall be occupied only as holiday letting accommodation or to support the wellbeing centre and for no other purpose (including any other purpose in Class C3 of the Schedule to the Town and Country Planning Use Classes Order 1987 as amended or in any provision equivalent to that class in any statutory instrument revoking and re-enacting that Order). The development shall not be occupied as a person's sole or main place of residence. Each letting as holiday accommodation shall not exceed a period of three weeks nor shall the unit be let or occupied to any one individual or party for a period exceeding four weeks in total within any 12 month period. On commencement of the holiday let use hereby permitted, the owners/operators of the holiday let units shall keep at all times an up-to-date Register of all lettings which shall include the name and address of the person or party occupying the accommodation during each individual letting. The Register shall be made available for inspection on demand by the Local Planning Authority.
- 23 The areas to be provided for the storage and presentation for collection/emptying of refuse and recycling bins as shown on Drawing No. TP075 1050 Rev. 11 and TP075-1051 Rev. 9 shall be provided in their entirety before the development is brought into use and shall be retained thereafter for no other purpose.
- 24 Prior to first use of the well-being centre or holiday lets hereby approved, a site management plan shall be submitted to and approved in writing by the Local Planning Authority. The plan will outline the 'site rules' and how they will be implemented to ensure noise and activity is adequately controlled. This will include a general timetable of workshops, any other use and parking.
- 25 The replacement animal shelters hereby approved shall be erected in accordance with the approved plans prior to first use of the Hub building.
- 26 Prior to first use of the Hub building details of the treatment of the boundaries of the site shall be submitted to and approved in writing by the Local Planning Authority. The details shall specify the siting, design, height and materials of the fences to be erected. The works shall be completed prior to first use of the Hub building in accordance with the approved details.

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

352. Planning Application DC/22/0361/HH - The Old Post Office, Bury Road, Flempton (Report No: DEV/WS/23/014)

(Councillor Susan Glossop declared, in the interest of openness and transparency, that she lived close by to the application site and knew the family in question. Furthermore, she advised the meeting that she had registered to speak on the item as Ward Member but would take no part in the debate or subsequent vote.)

Householder planning application - replacement wall to front elevation

This application was referred to the Development Control Committee following consideration by the Delegation Panel on 18 April 2023.

The Parish Council had made comments in support of the proposal which was contrary to the Officer's recommendation for refusal, for the reason set out in Paragraph 40 of Report No DEV/WS/23/014.

As part of her presentation to the meeting the Planning Officer showed videos of the site by way of a virtual site visit and reminded the Committee that whilst the application was retrospective in nature, the application should be determined in the usual way having regard to planning policy and any other material considerations.

Speakers: David Banbury (neighbouring resident) spoke in support of the application
Councillor Andrew Speed (Chair of Flempton Parish Council) spoke in support of the application
Councillor Susan Glossop (Ward Member: Risby) spoke on the application
Charlotte Partridge (applicant) spoke in support of the application

Considerable discussion took place on the application and the related enforcement process.

Whilst some Members considered the current wall to be an improvement on that which was there previously, others on the Committee highlighted the responsibility of the homeowner to be aware of the legal process when owning a Listed Building.

The Service Manager (Planning – Development) explained that it was believed that the property had an original wall but it was not known precisely when that wall was demolished. A second wall was then constructed and remained in situ for approximately 70 years. In 1983 the property in question was formally listed as a Listed Building and the wall seeking retrospective approval was built in 2019.

Irrespective of the current wall in comparison to the previous (intermediate wall), the Committee were reminded of their need to determine the application before them in line with current Policy.

Members were also reminded of the Council's statutory duty to determine planning applications in line with Material Planning Considerations and statutory duties relating to listed buildings and conservation areas.

Several of the Committee posed questions as to whether a compromise could be reached and if further remedial works could be carried out to the wall in order to make it more in-keeping e.g. the addition of coping and lichen.

Accordingly, Councillor Roger Dicker proposed that consideration of the application be deferred. In order to allow additional time for negotiations to take place between the applicant and the Planning Authority together with the Council's Conservation Officer. This was duly seconded by Councillor Rachel Hood.

In response to a question, the Service Manager (Planning – Development) confirmed that any action relating to the extant enforcement notice would be held in abeyance, if Members were minded to defer the application.

Upon being put to the vote and with 13 voting for the motion, 2 against and with 1 abstention, it was resolved that

Decision

Consideration of the application be **DEFERRED** in order to allow additional time for negotiations to take place between the applicant and the Planning Authority together with the Council's Conservation Officer.

(Councillor Andy Neal left the meeting at 12.50pm on conclusion of this item.)

353. **Planning Application DC/23/0285/LB - The Athenaeum, Angel Hill, Bury St Edmunds (Report No: DEV/WS/23/015)**

Application for listed building consent - a. replacement of metal corrugated roof coverings with slate covering and works to hip and ridge details; b. new guttering; c. treatment and repair of failed existing roof structural timbers; d. access and thermal improvement to existing mezzanine

This application was referred to the Development Control Committee for determination due to the proposal being on land owned by West Suffolk Council and the Authority was also the applicant.

Officers were recommending that that the application be approved, subject to conditions as set out in Paragraph 38 of Report No DEV/WS/23/015.

Councillor Diane Hind 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 works to which this consent relates must be begun not later than three years from the date of this notice.
- 2 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the approved plans and documents, unless otherwise stated.
- 3 A Demolition and Construction Management Strategy shall be

submitted to and approved in writing by the Local Planning Authority prior to work commencing on site. The strategy shall include compound, welfare, access, loading and parking arrangements for contractors' vehicles and delivery vehicles (locations and times) and a methodology for avoiding deposits from the site tracking onto the highway together with a strategy for remedy of this should it occur. The development shall only take place in accordance with the approved strategy.

The meeting concluded at 1.04pm

Signed by:

Chair
