

Development Control Committee

Minutes of a meeting of the **Development Control Committee** held on **Wednesday 1 November 2023** at **10.00 am** in the **Conference Chamber, West Suffolk House**, Western Way, Bury St Edmunds IP33 3YU

Present **Councillors**

Chair Andrew Smith

Vice Chairs Jon London and Phil Wittam

Mick Bradshaw

Sara Mildmay-White

Carol Bull

Lora-Jane Miller-Jones

Mike Chester

Andy Neal

Roger Dicker

Marilyn Sayer

Andy Drummond

David Smith

Susan Glossop

Jim Thorndyke

Ian Houlder

389. **Apologies for absence**

Apologies for absence were received from Councillor Rachel Hood.

390. **Substitutes**

The following substitution was declared:

Councillor Andy Drummond substituting for Councillor Rachel Hood

391. **Minutes**

The minutes of the meeting held on 4 October 2023 were confirmed as a correct record and signed by the Chair, subject to the following typographical correction:

384. **Planning Application DC/23/0719/FUL - Chels, 51A Bury Road, Newmarket (Report No: DEV/WS/23/030)**

The Service Manager (Planning – Development) suggested that an informative could be ~~attended~~ **appended** to a permission to provide clarification.

392. **Declarations of interest**

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

393. **Reserved Matters Application DC/21/1294/RM - Land West of Eriswell Road, Eriswell Road, Lakenheath (Report No: DEV/WS/23/035)**

(Councillor Jon London declared, in the interests of openness and transparency, that he had family members who lived quite closely to the application site. However, this would have no bearing on his consideration of the application.)

Reserved Matters Application - Submission of details approved under Outline Planning Permission F/2013/0394/OUT the access, appearance, landscaping, layout and scale for 139 dwellings and associated works, including details in relation to condition 3 and 11 of F/2013/0394/OUT

This application was referred to the Development Control Committee following consideration by the Delegation Panel on 4 October 2022.

This application followed outline planning permission for the construction of up to 140 dwellings at the site granted in October 2018 and sought approval of matters reserved by condition 2 of the outline planning permission.

The Committee was advised that the proposal description for the application was amended to include 'access'. This was because only the two access points from the highway into the site had been considered and approved at outline stage, whilst all other access matters remained reserved.

The Principal Planning Officer explained that there had not been re-consultation on the description change, because there had been no changes to any of the plans or supporting documents as a result, which have been subject to public consultations. The description change is a technical modification only.

The application had been submitted within three years as was required by Condition 1 of the outline planning permission. Report No DEV/WS/23/035 related to the requirements of Condition 2 of planning permission F/2013/0394/OUT and the details required to be submitted with the reserved matters by Conditions 3 (additional details) and 11 (travel plan) of the outline permission. The decision notice for the outline permission was attached as Working Paper 1.

Lastly, the Principal Planning Officer informed the meeting that the developer contributions towards off-site provisions of children's play space and equipment was confirmed as £85,020.

A Member site visit was held prior to the meeting. Officers were recommending that the reserved matters be approved, subject to the completion of a Deed of Variation (in respect of the S106 Agreement), a legal agreement to secure the off-setting measures in perpetuity, and the conditions as set out in Paragraph 130 of the report.

Speaker: Stuart McAdam (applicant, Persimmon Homes) spoke in support of the application

A number of varied questions were posed during the initial debate which the Principal Planning Officer responded to as follows:

Parking standards: whilst there was shortfall within the scheme, Suffolk County Council Highways had considered the proposal acceptable;

Acoustic mitigation: the Committee was advised that conditions to control this had been included in the outline stage of the application;

Affordable housing: the Council's Housing Team were content with the distribution of the affordable housing in the scheme, as proposed;

Wildflower garden: the management of this element would be covered within the landscape strategy;

Traffic calming: the Committee was advised that three raised tables would be included within the scheme to help reduce the speed of vehicles;

Bungalow standard: it was confirmed that the bungalows within the scheme would be built to the Part M4(2) lifetime standard;

EV charging: each plot within the scheme would have EV charging;

Roads: the Committee was reminded that the Planning Authority could not compel developers to seek adoption for roads within a development, but did require the roads to be built to an adoptable standard.

Further discussion took place in respect of the offsetting land to be managed for the Stone Curlew; with reservations voiced over the trees that would be felled. The Principal Planning Officer explained that many specialists had scrutinised the proposal and Officers had certainty that Natural England considered the offsetting measures proposed to be acceptable. In any event, the offsetting land was a separate planning application which had already been approved.

In response to questions in relation to the S106 Agreement, Members were advised that there was not a detailed breakdown of the S106 Agreement within the report before the Committee as that had been covered within the outline permission granted, including all the usual requirements for education, health etc. The existing S106 Obligation would be varied to incorporate the additional commuted sum for Public Open Space.

Councillor Jon London made specific reference to the management of the open space and explained that he was aware of a Local Authority who had put an agreement in place for a similar development whereby a clause was included to enable the management company, who managed the open space, to wind up after a set period and transfer the management of the open space to the Parish Council. Councillor London asked if something similar could be put in place for this application.

Other Members voiced support for this suggestion and Councillor Ian Houlder proposed that the application be approved, as per the Officer recommendation, inclusive of an additional condition in respect of the open space management transferring to the Parish Council. This was duly seconded by Councillor Andy Drummond.

Councillor London also made reference to the ongoing work in relation to the Council's open space policy and asked if this could be applied retrospectively to the application. The Service Manager (Planning – Development) explained

that planning applications lawfully had to be determined in line with the policies in place at the time.

The Principal Planning Officer drew attention to Working Paper 1 which outlined the conditions appended to the outline permission previously granted. Condition No 5 set out the requirement for details for future management and maintenance of the public open spaces to be submitted to the Planning Authority.

As this had already been conditioned it was not possible to address this via the reserved matters application and, instead, the Service Manager (Planning – Development) suggested that Officers investigate Councillor London's suggestion on receipt of the details from the developer, which would help inform the matter.

Accordingly, it was not necessary to include the additional condition as proposed. The Chair sought the approval of the proposer and seconder of the motion to remove this and to seek a vote for approval of the application subject to the requirements set out in Paragraph 130 of the report.

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

Decision

Reserved Matters be **APPROVED** subject to:

- i) Completion of a Deed of Variation to the S106 Agreement to secure developer contributions of £85,020 towards off-site provision of children's play space and equipment; and
- ii) A legal agreement to secure in perpetuity the off-setting measures subject to application DC/23/1082/FUL

And, subject to the following conditions:

1. Approved Plans and documents
2. Materials specifications or samples
3. Affordable GF flats to be M4(2) – Accessible and adaptable dwelling compliant
4. Prior to works above slab level the off-setting measures (application DC/231082/FUL) shall be implemented in full
5. Implementation in accordance with the landscape details and phasing plan
6. If construction commences during the period March to September (the stone curlew nesting season), pre-commencement a stone curlew survey must be undertaken and submitted for approval in writing by the LPA to ensure birds are not nesting within 500m of the development site

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

394. **Planning Application DC/23/1101/ADV - The Cooperative, Hepworth Road, Stanton (Report No: DEV/WS/23/036)**

Application for advertisement consent - a. one internally illuminated fascia sign b. two non-illuminated window graphics 3. one non-illuminated customer board d. one internally illuminated totem

This application was referred to the Development Control Committee following consideration at the Delegation Panel on 10 October 2023. It was presented to the Delegation Panel at the request of the Ward Member.

Attention was drawn to the supplementary 'late papers' which had been issued following publication of the agenda and which set out a further neighbour objection to the proposal together with an expanded reason for the refusal part of the recommendation.

A Member site visit was held prior to the meeting. Officers were recommending a split decision; with advertisement consent only granted for the two non-illuminated window graphics and one non-illuminated customer board, subject to the condition set out in Paragraph 51 of Report No DEV/WS/23/036. And with refusal recommended in respect of the internally illuminated fascia sign and the internally illuminated totem sign, for the reason set out in the supplementary late papers.

Speakers: Councillor Jim Thorndyke (Ward Member: Stanton) spoke on the application
Joel Mattless (applicant - The Cooperative) spoke in support of the application

Councillor Andy Drummond proposed the split decision as per the Officer recommendation and this was duly seconded by Councillor Marilyn Sayer.

During further debate a number of the Committee referenced the detrimental impact the totem sign could have on residential amenity but voiced support for the illuminated fascia sign.

Accordingly, as the Committee largely seemed to accord in respect of the fascia sign, the Chair sought the approval of the proposer and seconder of the motion to amend their proposal to grant advertisement consent for the internally illuminated fascia sign (and only to refuse the totem sign).

Upon being put to the vote and with 14 voting for the motion and with 2 abstentions, it was resolved that

Decision

Advertisement Consent be **GRANTED** for the two non-illuminated window graphics, one non-illuminated customer board and one internally illuminated fascia sign, subject to the following conditions:

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

2. The maximum luminance from the internally illuminated signs shall not exceed 600 candela/m².
3. The illuminated advertisement hereby approved by this consent shall only be illuminated between 7am and 10pm. Outside of these hours, the advertisements shall not be illuminated in any way.

And, Advertisement Consent be **REFUSED** for the one internally illuminated totem sign for the following reason:

1. Policy DM17 applies in relation to all proposals within, adjacent to or visible from a Conservation Area, and states that new shop fronts, fascias, awnings, canopies, advertisements and other alterations to commercial premises must be of a high standard of design which respects the character of the Conservation Area and the building to which they relate. Standardised shop fronts, unsympathetic 'house' signs, projecting box signs, internally illuminated signs and externally lit signs will not normally be granted consent. Where it can be demonstrated that premises rely principally on trading after dark externally illuminated signs sympathetic to the character of the building and the surrounding area may be permissible.

The totem sign is internally illuminated. The internal illumination is considered to neither preserve nor enhance the character of the adjacent Conservation Area, from which the store and its signage is readily visible from. Furthermore, with the site being well lit by other forms of illumination which already exist there is no justification provided as to why the internal illumination of the signage is required to support the trading of the business, resulting in a clear conflict with policy DM17.

Furthermore, policies DM2 and DM38 seeks to ensure that development, including advertisements, does not have a detrimental impact on residential amenity, nor the amenities of the wider area. The totem sign is prominently sited relative to nearby residential dwellings and will be visible in outlook from nearby homes and gardens, with its illuminated nature materially and adversely affecting amenity, contrary to these policies.

The totem sign is therefore deemed to conflict with policies DM2, DM17 and DM38 of the Joint Development Management Policies Document 2015, as well as to paragraph 136 of the NPPF, to a level which warrants the refusal of the advertisement consent for this sign.

The meeting concluded at 12.16pm

Signed by:

Chair
