

ST EDMUNDSBURY BOROUGH COUNCIL

DEVELOPMENT CONTROL COMMITTEE

**Minutes of a meeting held on Wednesday 3 June 2009 at 10.00 am
in the Athenaeum, Angel Hill, Bury St Edmunds**

PRESENT: Councillors Beckwith, Mrs Bone, Bradbury, Buckle,
Mrs Charlesworth, Clifton-Brown, Everitt, Mrs Gower, Houlder,
Mrs Levack, Lockwood, Marks, Stevens and Thorndyke

1. Substitutes

No substitutions were declared.

2. Election of Chairman

It was proposed, seconded and

RESOLVED:-

That Councillor Mrs H M Levack be elected as Chairman of the
Committee

3. Appointment of Vice-Chairmen

It was proposed, seconded and

RESOLVED:-

That Councillors Lockwood and Thorndyke be appointed as the
two Vice-Chairmen of the Committee.

4. Apologies for Absence

Apologies for absence were received from Councillors Oliver and Mrs Whittaker.

5. Minutes

A discussion was held as to the decision recorded in respect of Schedule Item 3,
but it was confirmed that the draft minutes had correctly recorded the decision taken by
the Committee.

The minutes of the meeting held on 7 May 2009 were confirmed as a correct
record and signed by the Chairman.

6. Declarations of Interests

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

7. Schedule of Applications

The Committee considered Paper A16 (previously circulated) outlining, where
appropriate, the planning history of each site and containing full details of the
applications, including all consultation replies.

RESOLVED:- That

- (1) subject to the full consultation procedure, including notifications to Parish Councils/Meetings and reference to the Suffolk County Council, decisions regarding applications for planning permission, listed building consent, conservation area consent and advertisement consent be made as indicated below;
- (2) approved applications be subject to the conditions outlined in the written reports in the Schedule of Applications (Paper A16 refers) and any additional conditions imposed by the Committee and specified in the relevant decisions; and
- (3) refusal reasons be based on the grounds outlined in the written reports and any reasons specified by the Committee and indicated in the relevant decisions.

Item
No.

1. **SE/09/0419 – Planning Application – Use of public highway as outside seating area for use in association with Costa Coffee, 23 High Street, Haverhill, for Costa Ltd**

The following people spoke on this application:-

- (a) Objector – Councillor Cox, a neighbouring Ward Member; and
- (b) Haverhill Town Council – Gordon Mussett, Clerk.

Concern was expressed that a gap in the screens on the roadside surrounding the refreshment area may not prevent the visually impaired from entering this area. The officers agreed to notify the applicant of this concern.

In response to a question the Committee was informed that if the applicant wished to install outdoor heaters within the refreshment area then permission may not be required, although each case would have to be considered on its own merits.

Decision:

Permission be granted.

2. **SE/09/0435 – Planning Application – Erection of two storey dwelling and (ii) provision of shared parking courtyard (iii) erection of 1.8m high fence and 1.2m high wall to sub divide 18 High Street. Land to rear of 18 High Street, Clare for Mrs Pawsey; and**
3. **SE/09/0434 – Listed Building Application – Erection of 1.2m high wall and demolition of car port. Land to rear of 18 High Street, Clare for Mrs Pawsey**

The following people spoke on both applications:-

- (a) Objector – Mr Peter Loup. Mr Loup circulated photographs of the application site.
- (b) Ward Member – Councillor Mrs Bone, who was concerned at the development and did not support the application. She suggested that a

site visit be undertaken; and

(c) Agent – Mr Lee Frere.

The officers informed the Committee that Clare Parish Council had now indicated its support for the application and that a resident of number 16 High Street had again written and reiterated previous objections. The officers also informed the Committee that the plan on page 21 incorrectly included the statement 'shared parking/entrance courtyard for new Nos 17, 18, 19 and new dwelling' and that it should not have referred to number 19.

The officers further informed the Committee that the report had not included their recommendation in respect of Listed Building Consent, which was being recommended for approval with the conditions that:-

- (1) the development to commence within 3 years;
- (2) detailed drawings of the boundary wall at a scale of not less than 1:20 to be submitted and agreed;
- (3) samples of the bricks and copings for the wall to be submitted and agreed;
- (4) details of the brick bond and mortar mix to be submitted and agreed; and
- (5) the colour and finish of the fence to be submitted and agreed.

Members requested that, because of statements made during the brief discussion, the officers produce a statement confirming that the application was in accordance with the Clare Conservation Area Appraisal and Management Plan and that an appraisal of the previous history of the site also be produced, including why permission was refused previously.

Decision:

Further consideration of these applications be deferred to enable the Committee to inspect the site.

4. **SE/09/0439 – Planning Application – (i) Erection of two detached houses with associated garaging (revised siting to that approved under SE/06/2778) and (ii) widening of existing vehicular access. Land adjacent to The Green, Barrow for Mr M Kelly**

Following the distribution of the agenda and papers a representation from Councillor Houlder, the Ward Member, had been previously circulated.

The following person spoke on this application:-

- (a) Ward Member – Councillor Houlder, who raised several issues including the apparent lack of compliance with conditions especially that associated with land contamination. However, the officers informed the Committee that this condition would not be discharged until after the construction had been completed and a final soil test undertaken. This process would involve officers from the Environmental Health section.

In response to a question, officers informed the Committee as to the minor changes between the current application and that previously approved. In response to a further question, relating to the wording of condition number 3, it was agreed that the condition should have read 'all other means of vehicular

access within the frontage of the application site shall be permanently and effectively 'stopped up' in a manner which previously shall have been approved in writing by the Local Planning Authority'.

Decision:

Permission be granted.

5. **SE/09/0514 – Planning Application – Erection of first floor rear extension (ii) erection of side porch (following demolition of existing). 150 Sowley Green, Great Thurlow, Haverhill for Mr & Mrs G Cattle.**

The following person spoke on this application:-

- (a) Ward Member – Councillor Clifton-Brown, who informed the Committee in detail of the proposal and that he supported the application.

Decision:

Permission be granted.

(At this point the meeting was adjourned to allow Members a comfort break.)

6. **SE/09/0289 – Planning Application – Erection of (i) 5 no. dwellings (2 no. houses and 3 no. flats); (ii) garage block; (iii) alterations to existing vehicular access; (iv) provision of bin and cycle stores and (v) landscaping, following removal of 4 no. trees protected by a Tree Preservation Order as amended by plan 08010-04/A proposing access improvements on land adjacent to 128 Newmarket Road, Bury St Edmunds for Lynxcourt Ltd**

The following people spoke on this application:-

- (a) Ward Members – Councillors Mrs Charlesworth and Everitt. Both Members supported the application.

In response to a question, the Committee was informed that although no objections to the application had been received, it was the Council's policy that any development over 5 units had to be considered by the Committee.

A discussion was held as to the necessity to fell the trees that were subject to a Tree Preservation Order. It was recognised that there would have to be a compromise between protecting the trees and the residential amenity of the nearby residents. The Committee was also informed that it was often preferential to fell a tree because any work to the tree could lead to future problems. It was also recognised that one of the conditions stated that *'landscaping and replacement tree details to be submitted'* to the planning authority.

Decision:

Permission be granted.

7. **SE/09/0271 – Planning Application – Continued use of building to provide beer recovery facility with associated storage tanks - without compliance with Condition 4 of SE/07/1560 (operations to be carried out on site only between the hours of 0600 and 2200 Mondays to Fridays and 0800 and 1800 on Saturdays with no work permitted on Sundays or Bank Holidays), to allow operations to be carried out on site 24 hours a day on Mondays to Fridays as supported by the**

highways impact report received 22/04/09. Hen Hall, Greene King Brewing & Retailing, Kempson Way, Bury St Edmunds for Greene King Plc; and

8. **SE/09/0272 – Planning Application – Continued use of building for Class B2 purposes permitting a beer recovery use and allowing an extension to the approved outside storage area - without compliance with Condition 3 of SE/07/1536 (operations to be carried out on site only between the hours of 0600 and 2200 Mondays to Fridays and 0800 and 1800 on Saturdays with no work permitted on Sundays or Bank Holidays), to allow operations to be carried out on site 24 hours a day on Mondays to Fridays as supported by the highways impact report received 22/04/09. Hen Hall, Greene King Brewing & Retailing, Kempson Way, Bury St Edmunds for Greene King Plc**

(Councillor Mrs Charlesworth declared a prejudicial interest as her son-in-law worked for Greene King plc and left the meeting for the consideration of these items. Councillor Clifton-Brown declared a prejudicial interest as a shareholder in Greene King plc and left the meeting for the consideration of this item. Councillor Houlder declared a prejudicial interest as an employee of Greene King plc and left the meeting for the consideration of these items and did not return to the meeting. Councillor Buckle declared a personal interest as a nearby resident to the application site and remained within the meeting for the consideration of these items. Councillor Mrs Levack declared a personal interest as her children held shares in Greene King Plc and remained within the meeting for the consideration of these items.)

The following people spoke in respect of these applications:-

- (a) Ward Member – Councillor Beckwith; and
- (b) Applicant – David Carr.

A discussion was held on traffic movements associated with the extended hours of operation of the business and the need for the local authority to be aware of the cumulative impact of increasing operational hours of businesses within an industrial estate. Discussions were also held on the impact of increased traffic movements on the Moreton Hall roundabout.

Decision:

Permission be granted for applications SE/09/0271 and SE/09/0272.

9. **SE/09/0422 – Planning Application – Use of land for the stationing of a temporary mobile home as dwelling to supervise a free range egg production unit (re-submission). Land part of Mere Farm, Pakenham Road, Great Barton (Parish of Pakenham) for Mr W Reed**

Following the distribution of the agenda and papers, a representation from Christian Stenderup and from A J Bridge had been previously circulated.

The following people spoke on this application:-

- (a) Objector – Nicola Bickerstaff;
- (b) Pakenham Parish Council – Councillor Painter, Chairman;
- (c) Ward Member – Councillor Spicer; and

(d) Agent – Brian Barrow.

In response to a question, the Committee was informed that the officers had received advice that it was necessary for someone to be on the site at all times and that there were no dwellings available within the vicinity.

Concerns were raised that the business had not proved that it was a viable business in a rural area as required by Planning Policy Statement (PPS) 7. Concerns were also expressed with regard to the layout of the site where the mobile home would be positioned.

In response to further questions, the Committee was informed that if permission was granted for the recommended three year period then in order for a dwelling to continue on the site it would need to be subject to further examination and meet the requirements of PPS7. The Committee was also informed that officers were not aware that the applicant's contracting business would move on to the site and if this was to be moved then planning permission was also required.

Decision:

The decision be deferred to the meeting scheduled for 18 June 2009 to enable further information to be collected:-

- (1) a block plan detailing layout of proposed hardstanding where mobile home would be sited;
- (2) details of properties in the locality which may possibly meet the functional need;
- (3) detailed analysis of reasons why it is essential for someone to live on site; and
- (4) clarification of the applicant's contracting business.

(Councillors Buckle and Clifton-Brown left at the end of the consideration of this item and Councillor Marks left during the consideration of this item.)

8. SE/04/2197/P: Redevelopment of Cattle Market Site, Bury St Edmunds: Revision to Details Previously Approved Under Condition 18 (Materials and Working Drawings) and Condition 20 (Hard and Soft Landscaping)

(Councillor Mrs Levack declared a prejudicial interest as a member of the Bury St Edmunds Area Working Party and the former Bury St Edmunds Town Centre and Cattle Market Working Party and left the meeting for the consideration of this item. Councillor Thorndyke, one of the Vice-Chairmen, took the Chair.)

The Committee considered Report A17 (previously circulated) which sought approval for elements of the scheme that had been constructed but were not in accord with the plans and specifications approved by the local planning authority to be retained.

The development of the former Cattle Market site was granted planning permission in June 2005, subject to conditions which required various aspects of the scheme to be approved by the local planning authority. Works had been completed on site that did not accord in every aspect with the approved plans and specifications. The report sought the Committee's consideration of the following:-

- (1) the approved materials schedule implied that there would be a consistent colour finish to the areas of rendering throughout the development. However, there was a distinct and noticeable difference between the colour finish of the ground

and first floor rendered areas. Furthermore, none of the rendering truly accorded with the approved silver grey/off white colour;

- (2) the approved working elevation drawings illustrated that a single length of timber would be used in each of the corner posts and sole plates. However, this was not the case and these timber elements had been formed from shorter lengths of wood that had been joined or which butted up against each other so that joints were visible;
- (3) the doors to the Debenhams department store were glazed and the area above the doors consisted of metal cladding that matched the colour of the curved walls of the building. The approved plans were not specific as to the materials for the infill area above the rear doors but the original architects for the project maintained that this was intended to be glass; and
- (4) there was a reduced area of paviers in Prospect Row as the area of tarmac surfacing at each end of the road had been extended.

The Committee was surprised that the contractors had proceeded with variations to the approved application without consulting with the local planning authority prior to undertaking the works.

The Committee held a wide ranging discussion on each of the variations between the approved plans and the actual construction. The Committee reluctantly concluded that the majority of the work that had been undertaken was acceptable except for the hard surface area in Prospect Row. The Committee considered it imperative that the existing area of paviers should be extended in accordance with the approved plans.

RESOLVED:- That

- (1) the following matters be approved as an amendment to the details previously approved under conditions 18 and 20 of Planning Permission SE/04/2197/B:-
 - (a) the retention of infill detailing to the rear entrance door to Building G;
 - (b) the retention of the sole plates and corner posts as constructed;
 - (c) the retention of the colouring to the areas of ground floor render subject to the ground floor render to Building A being coloured to match the blue grey colour elsewhere, this work to be carried out within 3 months; and
 - (d) no colouring be required to the areas of pargetted render in the scheme.
- (2) the developer be advised that the revisions to the hard landscaping along Prospect Row be refused and that the area of paviers in Prospect Row comply with the approved hard landscaping schedule and condition 20 of the approved planning permission.

(After this item, Mrs Levack returned to the meeting as Chairman.)

9. Trees in Conservation Area Notification TCA 09/1761: Beech Tree at Chapel Cottage, Ixworth Road, Bardwell

The Committee considered Report A18 (previously circulated) which sought approval for proposed works to trees within the Conservation Area.

Notification was received in respect of works to reduce the crown of one Beech tree. The location of the tree was shown on the map attached as Appendix 1 to the report. The reason for the works was to reduce the risk of the tree failing, given that it leaned towards the house and had some evidence of basal decay and to allow light into the garden. No objections had been received from the Parish Council and no other representations had been received.

RESOLVED:-

That a Tree Preservation Order be not made and the works be allowed to proceed as notified.

10. Appeals Lodged and Appeal Decisions

The Committee received and noted Report A19 (previously circulated) which informed Members of two appeals lodged and two appeal decisions received since the last meeting on 7 May 2009.

Both the appeals were dismissed by the Inspectors appointed by the Secretary of State.

The meeting concluded at 1.28 pm.

**MRS H M LEVACK
CHAIRMAN**