

**TO: Members and Substitutes of the
Development Control Committee**

**(Copy to recipients of Development
Control Committee Papers)**

Our reference DL/
Your reference

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27 November 2015

Dear Councillor

**ST EDMUNDSBURY DEVELOPMENT CONTROL COMMITTEE - THURSDAY 3
DECEMBER 2015**

I am now able to enclose, for consideration on the Thursday 3 December 2015 meeting of the St Edmundsbury Development Control Committee, the following reports that were unavailable when the agenda was printed.

**Agenda
No** **Item**

5. **Planning Application DC/15/1936/FUL (Pages 1 - 2)**

Change of use from 1 no. former dwelling and 1 no. hotel (as consented under LPA reference E/86/2066/P) to a mixed use, restaurant and small hotel to provide 9 guest bedrooms and 2 staff bedrooms in the basement (Class C1); (ii) single storey rear extension (following demolition of existing extension and garage); and (iii) new car park and landscaped gardens to the rear of the property providing 13 car parking spaces for customer use and alterations to parking at the front of the property to provide 5 parking spaces at Ounce House, 13-14 Northgate Street, Bury St. Edmunds for the Chestnut Group.

Report No. DEV/SE/15/68

8. **Tree Preservation Order Application DC/15/2166/TPO (Pages 3 - 4)**

Tree Preservation Order 106 (1986) 11 – 2 no. Quercus Ilex (01449 and 01451 on plan) : Crown reduction by 10% and overall reshaping at 26, Bullen Close, Bury St. Edmunds for St. Edmundsbury Borough Council.

Report No. DEV/SE/15/71

9. **Planning Application - Cross Boundary - DC/15/1557/FUL (Pages 5 - 6)**

Installation of 33 KV underground electricity cable from solar farm site at Avenue Farm, Icklingham (Reference F/2013/O258/ESF) to the proposed solar farm site at West Farm, Barnham (Reference DC/13/0801/FUL) for Elveden Farms Ltd.

Report No. DEV/SE/15/72

David Long
Committee Administrator
for Head of HR, Legal and Democratic Services

Development Control Committee

3 December 2015

Committee Update Report

Item 5 – Ounce House, Northgate Street, Bury St Edmunds – DC/15/1936/FUL

1. As stated at paragraphs 11 and 12 of the report, a full reconsultation has taken place in relation to the amended description. A number of representations have now been received since the committee report was finalised.
2. Representations have been received from residents of 15, 16 & 17 Northgate Street, Garland Lodge, 62 Garland Street, Durley Lodge and 33 York Road. In addition to the issues/concerns already covered by the committee report, the following points are raised:
 - Isn't Bury St Edmunds already saturated with hotels, guest houses, bed and breakfast establishments and restaurants?
 - Won't the development, if allowed, only dilute the existing market?
 - Closing times for the restaurant are excessive
 - No closing times are proposed for the bar
 - Exhaust fumes and noise from daily pedestrian and vehicular traffic movements in and out of the site will take away the quiet, safety and security presently enjoyed.
 - Proposals fail to consider the biodiversity impact on this existing tranquil environment
3. Cllr Diane Hind (Northgate Ward Member) has raised objections to the proposals. The concerns raised are already covered in the report.
4. Public Health and Housing confirm their position, raising no objections as set out in the report.
5. In response to the concerns raised above, it is not for the planning system to determine the saturation, or not, on any particular industry within the town. The market will decide on the suitability of a scheme and if the applicant did not think there was a market for the development proposed they would not have invested time and money in the applications submitted.

6. Public Health and Housing have been consulted regarding the closing time of the restaurant. The hours proposed are considered reasonable. Condition 11 within the report states the proposed hours. It is suggested that this is amended to include the bar and reworded as follows:

The restaurant use (including the use of the ancillary bar area) hereby approved shall be restricted as follows:

- *Sunday to Thursday – last orders in the restaurant no later than 9.30pm (except resident guests) and restaurant and ancillary bar to be closed by 11.30pm (except for resident guests)*
- *Friday and Saturday – last orders in the restaurant no later than 10.00pm (except resident guests) and restaurant and ancillary bar to be closed by 12.00pm (except for resident guests)*

Reason: To protect the amenity of neighbouring residential occupiers.

7. In terms of impact on biodiversity, this is not considered to be significant. Only three trees are proposed to be removed, but the proposed landscaping scheme (details to be secured under condition 9) will enhance the range planting (including trees) on the site.
8. An additional condition is also proposed in relation to securing hard landscaping details for the site:

Within 2 months of commencement of development, details of a hard landscaping scheme for the site shall be 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, refuse and/or other storage units, signs, lighting and similar 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).

Reason: To enhance the appearance of the development.



St Edmundsbury
BOROUGH COUNCIL

Development Control Committee

3 December 2015

Committee Update Report

Item 8 – 26 Bullen Close, Bury St. Edmunds, Suffolk, IP33 3JP – DC/15/2166/FUL

1. In meeting with the tree officer on Thursday 19 November no further comments were received in relation to the application, the Committee Report issued to Members stands.

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Development Control Committee

3 December 2015

Committee Update Report

Item 9 – Avenue Farm, Icklingham to West Farm, Barnham, Suffolk – DC/15/1557/FUL

1. Officers, in discussion with the Legal Department, have given further consideration to this recommendation since the report was published. Central Government's Planning Practice Guidance advises that Local Planning Authority delegation arrangements may include conditions or limitations as to the extent of the delegation, or the circumstances in which it may be exercised.
2. Given that SEBC are being asked to delegate powers here it would seem logical that SEBC should be able to caveat any such delegation in order to ensure that SEBC are not exposed to unnecessary risk. In theory at least FHDC could issue a refusal of the proposal leaving SEBC thereafter vulnerable to costs against it on the basis of the decision taken by FHDC on SEBC's behalf. Obviously this is hypothetical and Officers consider that the risk is almost non-existent.
3. Nonetheless, Officers consider there is merit in caveating any grant of delegation, such that it only applies in the event that FHDC are in a position to approve, and that a further consideration of such delegation would be necessary if FHDC consider, in the course of assessing on behalf of SEBC, that the scheme merits refusal.
4. Accordingly, the recommendation on this item is accordingly amended, as follows:

It is **RECOMMENDED** that St. Edmundsbury Borough Council gives delegated authority to Forest Heath District Council to enable Forest Heath District Council to formally determine all planning matters within both Council areas in relation to the proposed underground electricity cable between Avenue Farm, Icklingham and West Farm, Barnham, presently submitted for consideration under planning application reference DC/15/1557/FUL. This delegation, which only applies in the event that FHDC are to approve the application (whether subject to conditions or not), shall extend to any potential discharge of condition applications plus consideration of any potential variation of condition or

non material amendment applications thereafter relating to the same development.