

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

Our reference DL/
Your reference

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

Contact David Long
Direct Dial 01284 757120
Email david.long@westsuffolk.gov.uk

29 January 2016

Dear Councillor

**ST EDMUNDSBURY DEVELOPMENT CONTROL COMMITTEE - THURSDAY 4
FEBRUARY 2016**

I am now able to enclose, for consideration on the Thursday 4 February 2016 meeting of the St Edmundsbury Development Control Committee, the following late papers that were unavailable when the agenda was printed.

**Agenda
No** **Item**

5. **Planning Application DC/15/1629/FUL (Pages 1 - 2)**

(i) Extension to front and rear of existing apartment block to create additional 4 no. apartments; and (ii) alteration to 3 no. existing apartments (Re-submission of DC/15/0881/FUL) at Kevor House, 62 Out Westgate, Bury St. Edmunds for Thingoe Ltd.

Report No. DEV/SE/16/12

6. **Planning Application DC/15/1975/FUL (Pages 3 - 8)**

1 no. two storey dwelling following demolition of existing garage and fence at Land west of 63 Victoria Street, Bury St. Edmunds for Mr Barney Walker.

Report No. DEV/SE/16/13

10. **Quarterly Monitoring Report (Pages 9 - 18)**

Report No. DEV/SE/16/17

David Long
Committee Administrator

This page is intentionally left blank



St Edmundsbury
BOROUGH COUNCIL

Development Control Committee

4 February 2016

Late Papers

Item 5 – Kevor House, 62 Out Westgate, Bury St Edmunds – DC/15/1629/FUL

1. The agent has submitted an amended landscaping plan (received on 25.01.2016). This now shows the Root Protection Area (RPA) of the protected Walnut Tree at the rear of the site. An adjustment has also been made to the arboricultural method statement to require hand digging within the RPA. The Tree & Landscape Officer has been consulted on the amendments made. Whilst this does address some of the concerns, the development proposed is still likely to have a detrimental impact on the tree. It is therefore necessary to amend the wording of refusal reason 3 within the report to read as follows:

The proposals include hard landscaping beneath the existing walnut tree located in the neighbouring garden (5 Hospital Road). This tree is protected by a Tree Preservation Order. The proposals include car parking beneath the tree canopy which will contribute to future pressure to continually reduce, crown lift and prune it back. The development is therefore contrary to policy DM2 which seeks to ensure that development proposals do not adversely affect important landscape features.

This page is intentionally left blank



St Edmundsbury
BOROUGH COUNCIL

Development Control Committee

4 February 2016

Late Papers

Item 6 – Land rear of 63 Victoria Street, Bury St Edmunds – DC/15/1975/FUL

1. Attached at Appendix 1 are representations received from Cllr David Nettleton. This includes 2 parking surveys he has completed and the Zone H Neighbourhood Parking Permit Scheme.

This page is intentionally left blank

DC/15/1975/FUL – rear of 63 Victoria Street Bury St Edmunds

Parking survey Sunday 03 January 2016 – 7.40am to 8.35am

Any accurate survey of parking spaces in a permit parking zone is best done early on a Sunday morning because this is when most residents are at home and their cars are close by, and there are no restrictions on outsider parking. If there are spaces early Sunday morning there will be spaces at all other times of the day and night. Unless there was a clear space between cars of around six metres I didn't count it. Any vehicle parked outside a marked bay counted as -1. Only Kings Road returned a minus figure and this is some distance from the application site. Kings Road is a bus route so for highway safety reasons the number of legitimate bays is restricted. There is a preponderance of terraced housing and this leads some residents to park illegally on double yellow lines overnight. Meanwhile, the nearby Parkway Surface car park, which backs on to Chalk Road and closes at 6.30pm, lies empty and there are over 150 spaces. Crazy, isn't it?

A copy of the Zone H map is attached for your information. Please note that within the next three months Zone H will be extended to cover the western halves of York Road and Queen's Road up to their junctions with West Road. Since the introduction of Zone L on 01 December 2014 many West Suffolk College students and staff who previously parked in Grove, Springfield and Cornfield roads have relocated to this area and this caused residents to ask me for a consultation on extending Zone H. The result was a 2:1 vote in favour. A TRO is currently close to completion, much to the delight of a clear majority of my electors in this area.

Twenty years ago I was the first chairman of the Brackland Residents Group and we ushered in permit parking Zone A (Brackland) and Zone B (Northgate Street). These were so successful that other areas now have their own schemes. We are now up to 12 in Bury and I have always found that supporting permit parking zones has benefitted me electorally. Since I first became a councillor in 2003 I have campaigned successfully to extend Zone H to the eastern halves of York Road and Queen's Road, York Close, Queen's Close, Out Risbygate and Shillitoe Close. On each occasion, the highway authority took great care to check that a clear majority of residents wanted permit parking; the county council has no wish to impose permit parking on unwilling residents.

Please read the figures in conjunction with the Zone H map. I started in Out Risbygate and finished in Queen's Close.

Out Risbygate zero: York Road +7: York Close zero: Albert Street +3: Princes Street +1: Victoria Street (north) 9: Chalk Road North 2: Chalk Road South zero: Kings Road -5: Victoria Street (south) +4: Albert Crescent +10: Shillitoe Close zero: Queen's Road +7: Queen's Close zero.

The net total of empty parking bays was 38. This is much higher during the working day as residents leave for work. The hours of operation in Zone H are 9am to 5pm Monday to Saturday. Albert Street is part of the Victoria Street Conservation Area lying between Parkway and West Road. Both this and most of Zone H is best

described as inner suburbs rather than town centre. Most residents have one car but some have two. The scheme allows for two permits per property. It's one of our most successful and popular schemes but it would be unreasonable for residents to expect to park directly outside their homes. This I fear is what some of the objectors are expecting. My objection is simply about design. The proposed dwelling is an 'ugly duckling' amidst a row of attractive housing. I do however sympathise with Mr Stebbing as he had a perfectly acceptable design refused on spurious grounds (ref: DC/13/0855/FUL).

*David Nettleton
05 January 2016*

DC/15/1975/FUL – rear of 63 Victoria Street Bury St Edmunds

Parking Survey Update Sunday 24 January 2016 – 6.55am to 8.00am

Following my initial survey on 03 January 2016 I thought it might be a good idea to repeat the exercise. This I did three weeks later. Due to the earlier sunrise time I was able to start a little earlier. I followed the same route.

Out Risbygate +1: York Road +6: York Close +3: Albert Street zero: Princes Street zero: Victoria Street** (north) +1: Chalk Road North +1: Chalk Road South +1: Kings Road -1: Victoria Street (south) zero: Albert Crescent +1: Shillitoe Close +4: Queen's Road +7: Queen's Close +1.*

The net total of empty bays was 25 compared to 38 three weeks earlier. I haven't got a satisfactory explanation for this difference of 13 spaces. It could be that the earlier start time was a factor but I doubt it. More likely is that some people were still away visiting friends or relatives at New Year at the time of the first survey on Sunday 03 January 2016.

The other significant difference is that on 24 January, 6 bays in Albert Street were protected by cones and were therefore vacant. There didn't seem any obvious reason why. Five were on the eastern side and one on the western side. Had I counted them it would have raised the total to 31 empty bays. Comparative figures suggest that displaced Albert Street cars had moved temporarily to nearby Victoria Street – but I am summarised rather than knowing.

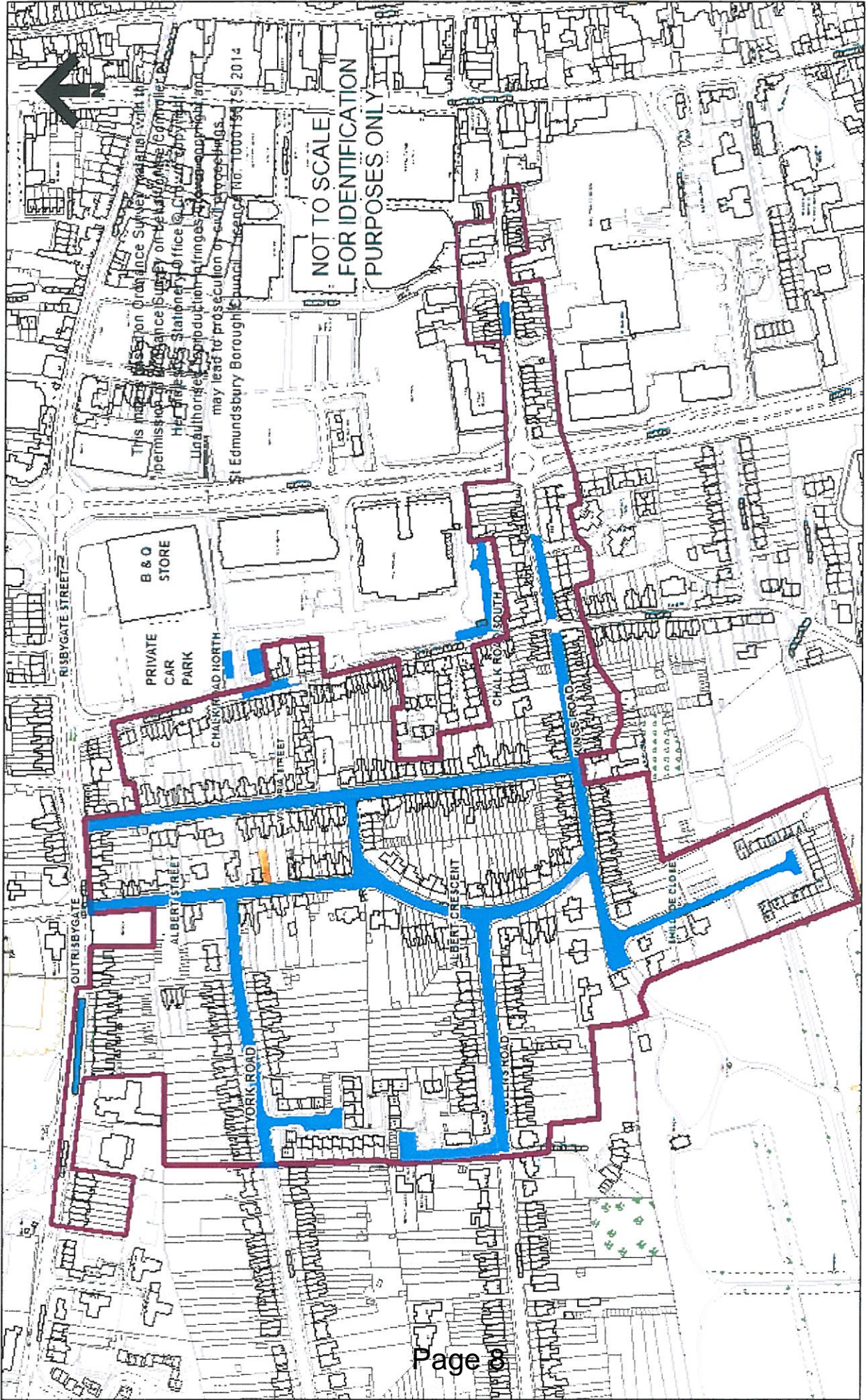
My overall conclusion is that claims of a parking bays shortage in Zone H is at best an urban myth. If there are plenty of spaces early on Sunday morning when the vast majority of residents are at home, there will be even more spaces during each day during the rest of the week.

The other questionable claim is that the junction of Albert Street and York Road is dangerous. The highway authority clearly disagrees as this junction is protected by only a single not a double yellow line. Even so, on neither Sunday morning was a car parked here, despite it being lawful to do so.

I repeat that the previous application DC/13/0855/FUL was refused on incorrect claims about parking. However, I ask the committee to reject the current application on design grounds. This isn't an argument between 'modern' and 'traditional' architecture but the setting into which this dwelling will fit in with the street scene.

*David Nettleton
27 January 2016*

NEIGHBOURHOOD PARKING PERMIT SCHEME - ZONE H



Streets with permit parking bays (parking in signed and marked bays only)



Area of eligibility to purchase Zone H permits & daily use vouchers



Development Control Committee



St Edmundsbury
BOROUGH COUNCIL

Title of Report:	Quarterly Monitoring Report of Development Management Services	
Report No:	DEV/SE/16/17	
Report to and date:	Development Control Committee	4 February 2016
Portfolio holder:	Alaric Pugh Portfolio Holder for Planning and Growth Tel: 07930 460899 Email: alaric.pugh@stedsbc.gov.uk	
Lead officer:	Rachel Almond Service Manager (Planning-Development) Tel: 01638 719455 Email: rachel.almond@westsuffolk.gov.uk	
Purpose of report:	To update the Development Control Committee with regard to performance and key trends relating to Development Management, Planning Enforcement and Appeals on a quarterly basis.	
Recommendation:	It is <u>RECOMMENDED</u> that the update on performance and key trends contained in the Quarterly Monitoring Report of Development Management Services be noted.	
Consultation:	• N/A	
Alternative option(s):	• N/A	
Implications:		
Are there any financial implications? If yes, please give details	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Are there any staffing implications? If yes, please give details	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Are there any ICT implications? If yes, please give details	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Are there any legal and/or policy implications? If yes, please give details	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Are there any equality implications? If yes, please give details	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

Risk/opportunity assessment:		<i>(potential hazards or opportunities affecting corporate, service or project objectives)</i>	
Risk area	Inherent level of risk (before controls)	Controls	Residual risk (after controls)
	Update to note only		Update to note only
Ward(s) affected:		all Ward/s	
Background papers: <i>(all background papers are to be published on the website and a link included)</i>		None	
Documents attached:		Appendix A - performance against key indicators for Quarters 1, 2 and 3 of 2015/2016 Appendix B - update on appeal decisions	

1. Key issues and reasons for recommendation

1.1 Introduction

1.1.1 This report will provide headline information on the performance of Development Management, Planning Enforcement and Appeals. It will also provide service improvement updates and an analysis of key trends in the service. Please note that whilst the report will provide updates on notable cases in Enforcement and Appeals, any site specific questions relating to ongoing cases should be directed to the relevant case officer or manager outside of the consideration of this performance report.

2. Performance Updates

2.1 Development Management:

2.1.1 Performance: Development Control Committee is an integral part of the development management process, and plays a key role in determining applications. It is therefore important that the Committee is aware of how the service is performing against the Key Performance Indicators agreed by the Council. This performance is also reported to Performance and Audit Committee.

2.1.2 Appendix A shows performance against key indicators for Quarters 1, 2 and 3 of 2015/2016

2.1.3 The performance targets for planning applications are based on the statutory expiry date for applications being determined as follows:

- Majors – no less than 60% of applications determined in 13 weeks
- Minors – no less than 65% of applications determined in 8 weeks
- Others – no less than 80% of applications determined in 8 weeks

2.1.4 The figures in Appendix A illustrate that there has been a sustained improvement in overall performance for St Edmundsbury looking at the 3 Quarters of 2015/16. Quarters 2 and 3 have seen all three determination targets exceeded. The total number of applications on hand (live applications still being considered) has risen slightly from Q2 from 211 to 238. There has been a concerted effort from officers to maintain a lower figure for on hand applications and there has been a massive effort from the team to meet and exceed these performance targets – this has only been achieved through officers working significant additional hours and doing overtime. Finally, the percentage of applications which are able to be registered “clean” (ie. all the information required to validate the application was available at the time the application was first submitted, without technicians seeking further information from the applicant/agent) has improved slightly from Q2 at 35%. This is one of the issues which will be tackled in forthcoming service improvements.

2.1.5 In autumn 2015, Forest Heath District Council received a letter from the Department of Communities and Local Government (DCLG) warning that the Authority was close to being designated as a poorly performing authority because the two year rolling average performance for Majors was close to the designation rate of 50%. The target had recently been increased from 40% to

50% for the percentage of major decisions made in 13 weeks and it had been applied retrospectively against performance over the previous two years. The DCLG have now confirmed that the Forest Heath performance for the previous 2 years is 53%. This is the same position that St Edmundsbury was in at the end of 2014. The two year rolling average for Majors in St Edmundsbury has been confirmed recently at 57% of Majors determined in time. The Planning Advisory Service will be working with the DM team shortly to look at how we can improve and sustain improved performance moving forward.

- 2.1.6 **Capacity:** There is currently one vacancy within the team – Senior Planning Officer (Maternity Leave). An agency planner has been retained to fill this gap in resources. Two Planning Technicians have recently been appointed as Planning Assistants within the DM Team, this follows on from repeated failures to recruit a Planning Officer and the recent promotion of the Planning Trainee to the post of Planning Officer. Recent information received from the Planning Advisory Service shows that officers' caseloads are higher than the national average and that both authorities deal with a proportionally higher percentage of major applications compared to other similar authorities nationally.
- 2.1.7 Projections for application numbers received at end of 2015/2016 are slightly higher still than 2014/2015. Against the backdrop of capacity the performance improvements detailed above are not insignificant.
- 2.1.8 **Service Improvement:** The Development Management Team is working through a Planning Improvement Plan devised following the work undertaken last year through Business Process Re-engineering (BPR) and the PAS Resource Review. There is much to be done including maximising the use of our software systems, improvements to our web pages, transferring the Planning Helpdesk to Customer Services, paperless files and e-consultation, along with the introduction of pre-application charging and a drive to improve the quality of submissions from agents with an Accredited Agents Scheme for those that meet the required standards. There will be updates on this work moving forward.

2.2 **Planning Enforcement:**

Caseload and Performance:

- 2.2.1 On 1 September 2015 there were 211 St Edmundsbury Borough Council (SEBC) cases outstanding (West Suffolk total 298.) In the 3 months ending 30 November 2015, 55 new cases were raised for investigation and in the same period 86 cases were closed. Therefore as at 30 November 2015, 180 SEBC cases were outstanding, out of a total of 257 for West Suffolk as a whole. This represents a welcome reduction in the caseload outstanding, despite receiving close to 400 new cases across West Suffolk in 2015.

Updates

- 2.2.2 Up to 60 historic West Suffolk cases have been targeted and the Enforcement Team is working through these to determine whether or not there are still any outstanding matters. The monthly enforcement case list has been useful in this respect, as several cases have been closed on updates and information supplied by Members.

- 2.2.3 There were 90 responses to the Enforcement Survey which was undertaken to assist in the development of a West Suffolk Local Enforcement Plan. The plan will set a list of priorities, performance standards and procedures to implement proactive working. The first draft of this will be completed early in the New Year and will be distributed at that time.
- 2.2.4 Work continues in developing the Procurement framework with evaluation criteria agreed and tender documents now checked and approved by Legal Services. The next step will be to get expressions of interest from contractors and this will follow in the next few weeks.
- 2.2.5 Works continue to provide an electronic version of the Enforcement Register. The majority of this work has now been done with the last few historic cases having to be manually plotted from old paper copies to an electronic format.

Cases and Initiatives

- 2.2.6 Summonses have been served in relation to sites at Meadow Farm, Horringer and The Croft, Bowbeck, Bardwell. These relate to non-compliance with Enforcement Notices and are a result of the Enforcement Team addressing the backlog of old cases.
- 2.2.7 A complaint has been investigated by the Local Government Ombudsman in relation to a site in Thurston. The complaint was not upheld and the Ombudsman found no fault with the enforcement investigation. Work is progressing to address issues regarding various A Boards in Bury. An informal approach is being planned working with the traders concerned. This will be reviewed after 3 months and if successful will be trialled at other locations where there is a similar issue.

2.3 Appeals:

- 2.3.1 Appendix B gives an update on appeal decisions received since the last report in October 2015 and appeals where a decision is still outstanding. The table below highlights all appeals determined and received since 1 January 2015:

	SEBC
No of Appeals received 01/01/2015 - 31/12/2015	27
Appeals determined 01/01/2015 - 31/12/2015	27
Allowed	9
Dismissed	16
Split Decision	2
Appeal Allowed - Application refused contrary to Officer recommendation	2
Appeal Dismissed - Application refused contrary to Officer recommendation	2
No. of appeal decisions where LPA decision was delegated	23
Delegated appeals allowed	7
Delegated appeals dismissed	14
Split Decision	2

Appeal Type for decisions received	
Written Representation	25
Informal Hearing	2
Public Inquiry	0
No of Enforcement appeals received	0
Enforcement Dismissed	0
Enforcement Varied Decision	1
No of TPO appeals received	0
TPO Allowed - Delegated Refusal	1
TPO Dismissed - Delegated Refusal	0

The overall number of appeals allowed so far this year has dropped to 30%.

- 2.3.2 Looking at Committee overturns, two appeals have been allowed where Committee refused the application contrary to the report recommendation and two appeals were dismissed where Committee refused contrary to the report recommendation. It is worth exploring further whether there are any lessons to learn from these appeal decisions, indeed, any allowed appeals, to ensure decisions are made taking into account local and national policy as well as current appeal decisions and relevant case law. Details of appeals for Members to note will be presented orally at the Committee meeting.

2.4 **Conclusions:**

- 2.4.1 Whilst the service continues to face significant challenges in terms of capacity and service delivery there has been a sustained improvement in performance as outlined above. Service Improvements are now top of the agenda and the team are making effective in-roads for delivery.

APPENDIX A

St Edmundsbury Development Management Performance 2015/16

	TARGET %	% IN TIME	TOTAL APPS	No. IN TIME	ON TARGET
Quarter 1 2015/16					
MAJORS 13 WEEKS	60	40	5	2	NO
MINORS 8 WEEKS	65	73	96	70	YES
OTHERS 8 WEEKS	80	77	216	168	ALMOST
APPS ON HAND			217		
% CLEAN APPS			40%		
Quarter 2 2015/16					
MAJORS 13 WEEKS	60	100	4	4	YES
MINORS 8 WEEKS	65	78	79	62	YES
OTHERS 8 WEEKS	80	83	209	173	YES
APPS ON HAND			211		DOWN
% CLEAN APPS			29%		DOWN
Quarter 3 2015/16					
MAJORS 13 WEEKS	60	100	8	8	YES
MINORS 8 WEEKS	65	83	60	50	YES
OTHERS 8 WEEKS	80	86	192	166	YES
APPS ON HAND (WS)			238		UP
% CLEAN APPS (WS)			35%		UP

This page is intentionally left blank

Type	Location	Appeal Ref - Application no.	Start Date	Appeal Decision	Decision Date	Delegated - Refuse	Off Rec. Refuse and Comm Decision Refuse	Off Rec. Approve - Comm Decision Refuse	Other Off/Comm Decision
Hearing	Land West of West Farm, Dukes Ride, Barnham	DC/13/0801/FUL	02/02/15	Dismissed	06 January 2016			Yes	
Written Representations	Burnham Lodge, The Street, Stanton	DC/14/2421/FUL	18/.05./2015	Dismissed	29 September 2015	Yes			
Written Representations	Ringers Farm, North Common, Hepworth	DC/15/0312/P3MPA	15/07/15	Allowed	26 October 2015	Yes			
Written Representations	Block C, Burton End, Haverhill	DC/14/1813/FUL	26/08/15	Dismissed	25 January 2016		Yes		
Written Representations	1 Russell Baron Rd, FSM	DC/15/0079/FUL	19/11/15	Dismissed	11 January 2016	Yes			
Written Representations	Land at Hepworth Rd, Stanton	DC/15/0431/ADV	22/09/15	Dismissed	11 jJanuary 2016	Yes			
Written Representations	M2m Flooring Ltd 29 St Johns Place Bury St Edmunds	DC/15/0742/PIAPA	27/07/15	Allowed with conditions	02 November 2015	Yes			
Hearing December 2015	The Willows, Bury Rd, Ixworth	DC/14/0999/LB	01/05/15	Pending		Yes			

Hearing December 2015	The Willows, Bury Rd, Ixworth	DC/15/0872/LB	01/09/15	Pending		Yes			
Written Representations	Flint Cottage, 21 Bumpstead Rd, Haverhill	DC/15/1147/OUT	27.11.15	Pending				Yes	
Written Representations	Land at The Street, Horringer	DC/15/1479/FUL	19/11/15	Pending		Yes			
Confirmation Awaited from Inspectorate	Land South Of Rougham Hill Rougham Hill Bury St Edmunds Suffolk	DC/14/1667/FUL	27/10/15	Pending				Yes	
Written Representations	65 Horsecroft Rd, BSE	DC/14/2281/FUL	11/08/15	Pending			Yes		
Confirmation Awaited from Inspectorate	Stanton Road, Ixworth	DC/15/0873/FUL	Pending	Pending				Yes	