

Development Control Committee



St Edmundsbury
BOROUGH COUNCIL

Title:	Agenda														
Date:	Thursday 6 August 2015														
Time:	10.00 am														
Venue:	Conference Chamber West Suffolk House Western Way Bury St Edmunds IP33 3YU														
Full Members:	<p style="text-align: center;">Chairman Jim Thorndyke</p> <p style="text-align: center;">Vice-Chairman Tim Marks and Angela Rushen</p> <p><u>Conservative Members (13)</u></p> <table style="width: 100%; border: none;"> <tr> <td style="width: 33%;">Carol Bull</td> <td style="width: 33%;">Ivor Mclatchy</td> </tr> <tr> <td>Robert Everitt</td> <td>Alaric Pugh</td> </tr> <tr> <td>Paula Fox</td> <td>David Roach</td> </tr> <tr> <td>Susan Glossop</td> <td>Peter Stevens</td> </tr> <tr> <td>Ian Houlder</td> <td>Patricia Warby</td> </tr> </table> <p><u>UKIP Group Members (2)</u></p> <table style="width: 100%; border: none;"> <tr> <td style="width: 33%;">Tony Brown</td> <td style="width: 33%;">John Burns</td> </tr> </table> <p><u>Charter Group Member (1)</u></p> <table style="width: 100%; border: none;"> <tr> <td style="width: 33%;">Julia Wakelam</td> <td style="width: 33%;"></td> </tr> </table>	Carol Bull	Ivor Mclatchy	Robert Everitt	Alaric Pugh	Paula Fox	David Roach	Susan Glossop	Peter Stevens	Ian Houlder	Patricia Warby	Tony Brown	John Burns	Julia Wakelam	
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Substitutes:	<p><u>Conservative Members (6)</u></p> <table style="width: 100%; border: none;"> <tr> <td style="width: 33%;">Terry Buckle</td> <td style="width: 33%;">Betty Mclatchy</td> </tr> <tr> <td>Terry Clements</td> <td>Frank Warby</td> </tr> <tr> <td>John Griffiths</td> <td></td> </tr> </table> <p><u>UKIP Group Member (1)</u></p> <table style="width: 100%; border: none;"> <tr> <td style="width: 33%;">Jason Crooks</td> <td style="width: 33%;"></td> </tr> </table> <p><u>Charter Group Member (1)</u></p> <table style="width: 100%; border: none;"> <tr> <td style="width: 33%;">David Nettleton</td> <td style="width: 33%;"></td> </tr> </table>	Terry Buckle	Betty Mclatchy	Terry Clements	Frank Warby	John Griffiths		Jason Crooks		David Nettleton					
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<p>A Site Visit will be held on Thursday 30 July at 9.45am in respect of Planning Application DC/13/0906 Station Hill, Bury St Edmunds. No coach has been arranged. Members requiring a lift please meet at West Suffolk House for 9.30am</p>															

Interests – Declaration and Restriction on Participation:	Members are reminded of their responsibility to declare any disclosable pecuniary interest not entered in the Authority's register or local non pecuniary interest which they have in any item of business on the agenda (subject to the exception for sensitive information) and to leave the meeting prior to
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	discussion and voting on an item in which they have a disclosable pecuniary interest.
Quorum:	Six Members
Committee administrator:	David Long Committee Administrator & SEBC Scrutiny Support Tel: 01284 757120 Email: david.long@westsuffolk.gov.uk

Agenda

Procedural Matters

Page No

1. Apologies for Absence

2. Substitutes

Any Member who is substituting for another Member should so indicate together with the name of the relevant absent Member.

3. Minutes

1 - 4

To confirm the minutes of the meeting held on 2 July 2015 (copy attached).

Part 1 - Public

**4. Application for Approval of Reserved Matters
DC/15/0553/RM**

5 - 22

Submission of details under outline planning permission DC/13/0932/HYB – means of access, appearance, landscaping, layout and scale for 126 residential units and associated accesses, landscaping, open space, attenuation pond and infrastructure at Parcel C, Land North West of Bury St Edmunds Tut Hill, Fornham All Saints for Countryside Properties (UK) Ltd.

Report No. **DEV/SE/15/43**

5. Planning Application DC/13/0906

23 - 76

Erection of 133 no. 1 and 2 bedroom flats and 2 no. Class A1, A2 or A3 retail units with associated access, car parking, landscaping, and bin & cycle storage (following demolition of existing buildings), as amended, at Land at Station Hill, Bury St Edmunds for Peal Estate LLP

Report No. **DEV/SE/15/44**

Exempt Appendices to this report are referred to at Item 12 below.

6. Planning Application DC/14/0470/FUL, Outline Planning Application DC/14/0507/OUT and Planning Application DC/14/0474/FUL

77 - 146

- (a) DC/14/0470/FUL – Change of use of agricultural land to Amenity/Recreational village use (Re-submission of SE/13/0820/FUL) , as amended by revised plans received 11 September 2014 reducing the overall extent of proposed amenity space and as further amended by revised plan received 4 June 2015 to include the provision of a new access and

car parking area from Livermere Road;

- (b) DC/14/0474/FUL – Erection of: (i) a pair of semi-detached two storey dwellings; and (ii) garage , as amended by site layout plans received 20 May 2014 and as further amended by revised plans received 11 September 2014
- (c) DC/14/0507/OUT – (i) Erection of 8 no. dwellings ; and (ii) construction of new access (means of access, landscaping and layout under consideration), as amended by revised plans received 11 September 2014 altering the indicative position of the dwellings and the location of the proposed amenity space and as further amended by revised plan received 4 June 2015 indicating the layout of the proposed junior children’s play area; and

at Land at South West of and East of The Bull, The Street, Troston for Greene King

Report No. **DEV/SE/15/45**

7. Planning Application DC/14/1361/VAR 147 - 166

Erection of 91 dwellings together with drainage, access on to Hamlet Road, garaging, parking, landscaping and all ancillary works (following demolition of existing football club facilities) without compliance with Conditions 4, 5, 6, 9 and 10 of SE/11/1443 to enable alterations to landscaping and boundary treatment at Land East of Hamlet Road, Haverhill for Bloor Homes Eastern

Report No. **DEV/SE/15/46**

8. Planning Application DC/15/1283/FUL 167 - 174

Retention of single storey annexe to continue use as a separate dwelling at The Annexe, 120 Horringer Road, Bury St Edmunds for Mr and Mrs Goodspeed

Report No. **DEV/SE/15/47**

9. Application DC/15/0957/TPO Works to trees the subject of a Tree Preservation Order 175 - 182

Tree Preservation Order 442 (2006) 1 – Taxus (T1 - T16 on plan) – (i) crown raise to 3 metres from ground level; and (ii) reduce crown spread by 2 metres on most extreme tree and reduce remaining tree at rear of 2 to 6 Cherry Tree Close, northern boundary of cemetery, Bury St Edmunds for St Edmundsbury Borough Council.

Report No. **DEV/SE/15/48**

10. Update on Planning Enforcement Cases

183 - 186

Report No. **DEV/SE/15/49**

11. Exclusion of public and press

To consider whether the press and public should be excluded during the consideration of the following item because it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during the item, there would be disclosure to them of exempt categories of information as prescribed in Part 1 of Schedule 12A of the Local Government Act 1972, as indicated against the item and, in all circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

Part 2 – Exempt

12. Planning Application DC/13/0906

187 - 224

Erection of 133.no. 1 and 2 bedroom flats and 2 no. Class A1, A2 or A3 retail units etc. at Land at Station Hill, Bury St Edmunds

EXEMPT APPENDICES to Report No. DEV/SE/15/44

Agenda Notes - Version for Publication

**DEVELOPMENT CONTROL COMMITTEE
 AGENDA NOTES**

Notes

Subject to the provisions of the Local Government (Access to Information) Act 1985, all the files itemised in this Schedule, together with the consultation replies, documents and letters referred to (which form the background papers) are available for public inspection.

All applications and other matters have been considered having regard to the Human Rights Act 1998 and the rights which it guarantees.

Material Planning Considerations

1. **It must be noted that when considering planning applications (and related matters) only relevant planning considerations can be taken into account. Councillors and their Officers must adhere to this important principle which is set out in legislation and Central Government Guidance.**
2. **Material Planning Considerations include:**
 - Statutory provisions contained in Planning Acts and Statutory regulations and Planning Case Law
 - Central Government planning policy and advice as contained in Circulars and the National Planning Policy Framework (NPPF)
 - The following Planning Local Plan Documents

Forest Heath District Council	St Edmundsbury Borough Council
Forest Heath Local Plan 1995	St Edmundsbury Borough Local Plan 1998 and the Replacement St Edmundsbury Borough Local Plan 2016
The Forest Heath Core Strategy 2010, as amended by the High Court Order (2011)	St Edmundsbury Borough Council Core Strategy 2010
Emerging Policy documents	Emerging Policy documents
Joint Development Management Policies	Joint Development Management Policies
Core Strategy – Single Issue review	Vision 2031
Site Specific Allocations	

- Supplementary Planning Guidance/Documents eg. Affordable Housing SPD
- Master Plans, Development Briefs
- Site specific issues such as availability of infrastructure, density, car parking
- Environmental; effects such as effect on light, noise overlooking, effect on street scene

- The need to preserve or enhance the special character or appearance of designated Conservation Areas and protect Listed Buildings
 - Previous planning decisions, including appeal decisions
 - Desire to retain and promote certain uses e.g. stables in Newmarket.
3. The following are **not** Material Planning Considerations and such matters must not be taken into account when determining planning applications and related matters:
 - Moral and religious issues
 - Competition (unless in relation to adverse effects on a town centre as a whole)
 - Breach of private covenants or other private property / access rights
 - Devaluation of property
 - Protection of a private view
 - Council interests such as land ownership or contractual issues
 - Identity or motives of an applicant or occupier
 4. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that an application for planning permission shall be determined in accordance with the Development Plan (see table above) unless material planning considerations indicate otherwise.
 5. A key role of the planning system is to enable the provision of homes, buildings and jobs in a way that is consistent with the principles of sustainable development. It needs to be positive in promoting competition while being protective towards the environment and amenity. The policies that underpin the planning system both nationally and locally seek to balance these aims.

Documentation Received after the Distribution of Committee Papers

Any papers, including plans and photographs, received relating to items on this Development Control Committee agenda, but which are received after the agenda has been circulated will be subject to the following arrangements:

- (a) Officers will prepare a single Committee Update Report summarising all representations that have been received up to 5pm on the **Thursday** before each Committee meeting. This report will identify each application and what representations, if any, have been received in the same way as representations are reported within the Committee report;
- (b) the Update Report will be sent out to Members by first class post and electronically by noon on the **Friday** before the Committee meeting and will be placed on the website next to the Committee report.

Any late representations received after 5pm on the **Thursday** before the Committee meeting will not be distributed but will be reported orally by officers at the meeting.

Public Speaking

Members of the public have the right to speak at the Development Control Committee, subject to certain restrictions. Further information is available on the Councils' websites.

Decision Making Protocol - Version for Publication

DEVELOPMENT CONTROL COMMITTEE DECISION MAKING PROTOCOL

The Development Control Committee usually sits once a month. The meeting is open to the general public and there are opportunities for members of the public to speak to the Committee prior to the debate.

Decision Making Protocol

This protocol sets out our normal practice for decision making on development control applications at Development Control Committee. It covers those circumstances where the officer recommendation for approval or refusal is to be deferred, altered or overturned. The protocol is based on the desirability of clarity and consistency in decision making and of minimising financial and reputational risk, and requires decisions to be based on material planning considerations and that conditions meet the tests of Circular 11/95: "The Use of Conditions in Planning Permissions." This protocol recognises and accepts that, on occasions, it may be advisable or necessary to defer determination of an application or for a recommendation to be amended and consequently for conditions or refusal reasons to be added, deleted or altered in any one of the circumstances below.

- Where an application is to be deferred, to facilitate further information or negotiation or at an applicant's request.
- Where a recommendation is to be altered as the result of consultation or negotiation:
 - The presenting Officer will clearly state the condition and its reason or the refusal reason to be added/deleted/changed, together with the material planning basis for that change.
 - In making any proposal to accept the Officer recommendation, a Member will clearly state whether the amended recommendation is proposed as stated, or whether the original recommendation in the agenda papers is proposed.
- Where a Member wishes to alter a recommendation:
 - In making a proposal, the Member will clearly state the condition and its reason or the refusal reason to be added/deleted/changed, together with the material planning basis for that change.
 - In the interest of clarity and accuracy and for the minutes, the presenting officer will restate the amendment before the final vote is taken.
 - Members can choose to

- delegate the detailed wording and reason to the Head of Planning and Regulatory Services;
 - delegate the detailed wording and reason to the Head of Planning and Regulatory Services following consultation with the Chair and Vice Chair(s) of Development Control Committee.
- Where Development Control Committee wishes to overturn a recommendation and the decision is considered to be significant in terms of overall impact; harm to the planning policy framework, having sought advice from the Head of Planning and Regulatory Services and the Head of Legal and Democratic Services (or Officers attending Committee on their behalf)
 - A final decision on the application will be deferred to allow associated risks to be clarified and conditions/refusal reasons to be properly drafted.
 - An additional officer report will be prepared and presented to the next Development Control Committee detailing the likely policy, financial and reputational etc risks resultant from overturning a recommendation, and also setting out the likely conditions (with reasons) or refusal reasons. This report should follow the Council's standard risk assessment practice and content.
 - In making a decision to overturn a recommendation, Members will clearly state the material planning reason(s) why an alternative decision is being made, and which will be minuted for clarity.
- In all other cases, where Development Control Committee wishes to overturn a recommendation:
 - Members will clearly state the material planning reason(s) why an alternative decision is being made, and which will be minuted for clarity.
 - In making a proposal, the Member will clearly state the condition and its reason or the refusal reason to be added/deleted/alterred, together with the material planning basis for that change.
 - Members can choose to
 - delegate the detailed wording and reason to the Head of Planning and Regulatory Services
 - delegate the detailed wording and reason to the Head of Planning and Regulatory Services following consultation with the Chair and Vice Chair(s) of Development Control Committee
- Member Training

- In order to ensure robust decision-making all members of Development Control Committee are required to attend annual Development Control training.

Notes

Planning Services (Development Control) maintains a catalogue of 'standard conditions' for use in determining applications and seeks to comply with Circular 11/95 "The Use of Conditions in Planning Permissions."

Members/Officers should have proper regard to probity considerations and relevant codes of conduct and best practice when considering and determining applications.