
Development Control Committee



St Edmundsbury
BOROUGH COUNCIL

Minutes of a meeting of the **Development Control Committee** held on
Thursday 1 October 2015 at **10.00 am** at the **Conference Chamber,**
West Suffolk House, Western Way, Bury St Edmunds

Present: **Councillors**

Chairman Jim Thorndyke
Vice-Chairman Angela Rushen

John Burns
Carol Bull
Tony Brown
Robert Everitt
Paula Fox

Susan Glossop
Ivor Mclatchy
Alaric Pugh
David Roach
Julia Wakelam

Substitutes attending:
John Griffiths

Betty Mclatchy

111. **Apologies for Absence**

Apologies for absence were received from Councillors Ian Houlder, Tim Marks, Peter Stevens and Patsy Warby.

112. **Substitutes**

The following substitutions were announced :

Councillor John Griffiths for Councillor Peter Stevens
Councillor Betty Mclatchy for Councillor Ian Houlder.

113. **Minutes**

The minutes of the meeting held 3 September 2015 were confirmed as a correct record and signed by the Chairman.

114. **Planning Applications**

The Committee considered Reports DEV/SE/15/53 to DEV/SE/15/61 (previously circulated).

RESOLVED – That:

- (1) subject to the full consultation procedure, including notification to Parish Councils/Meetings and reference to Suffolk County Council, decisions regarding applications for planning permission, listed building consent, conservation area consent and approval to carry out works to trees covered by a preservation order be made as listed below;
- (2) approved applications be subject to the conditions outlined in the written reports (DEV/SE/15/53 to DEV/SE/15/61) and any additional conditions imposed by the Committee and specified in the relevant decisions;
- (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.

115. Planning Application DC/15/0087/FUL

(i) Change of use from Class B2 (General Industrial) to Class A1 (Retail) including side and rear extensions (following partial demolition of existing and associated refurbishment and alterations; and (ii) provision of accesses and car parks at Haldo House, Western Way, Bury St Edmunds for Western Way Retail LLP

The Committee had visited the application site on 24 September 2015.

A Committee Update Report had been previously circulated after the agenda and papers for this meeting had been distributed. This contained an updated site plan and representations from the applicants requesting that the proposed Conditions 13 to 16 be amended. In response to the request Officers had put forward in the Update Report proposed amendments to Conditions 15 (Range and type of goods to be sold from Unit 2a/2b) and 16 (Submission of a floor plan showing how Unit 2a/2b will be occupied either as a single unit or by a subdivision into two units). Officers advised that, if planning permission was granted, the precise wording of these conditions could be the subject of further discussion with the applicants to satisfy their concerns as far as was possible. In view of these circumstances Officers suggested that the decision be delegated to the Head of Planning and Growth.

Officers reported that the applicants had submitted information in relation to a sequential test as to whether there were other sites available in the town for this type of retail outlet. This had demonstrated that there were no other suitable sites available. Members were advised that the allocated site in Tayfen Road could not be considered 'available' within the meaning of the National Planning Policy Framework as there were currently no extant planning permissions for retail uses in this location.

The following person spoke on this application:

- (a) Applicants - Michael Haslam, agent.

In discussing the application Members acknowledged that the proposed use would not maximise potential employment and that the building had been empty since 2012 with no apparent market interest in utilising it within the General Industrial Use Class. The concerns from the occupiers of properties in Newmarket Road about the impact of the proposal on residential amenity were also acknowledged and it was requested that particular regard be taken of these when the landscaping scheme required by Condition 19 was being considered. An observation was made that the car park for the retail unit(s) might become a short cut between Olding Road and Western Way. It was suggested, however, that this would be a matter within the remit of the applicants to control.

Decision

The Head of Planning and Growth be authorised to grant planning permission upon the conditions as listed in the report, including Conditions 15 and 16 in amended form as to be agreed by him, and subject to the completion of a Section 106 Agreement in relation to Travel Plan monitoring

116. **Outline Planning Application DC/15/1147/OUT**

Construction of up to 7 dwellings at Flint Cottage, 21 Bumpstead Road, Haverhill for Mr Kenneth Dobinson

The Committee had visited the application site on 24 September 2015.

A Committee Update Report had been previously circulated after the agenda and papers for this meeting had been distributed. This contained information on the Local Listing of Buildings of Historic Interest and a reply from the Suffolk Wildlife Trust. In response to the latter-mentioned matter Officers had suggested an update to the proposed Condition 9 (bat boxes) and an additional proposed Condition 12 (no external lighting unless first agreed). Officers reported that as the response from the Suffolk Wildlife Trust had now been received the delegated authority referred to in the recommendation contained in Report DEV/SE/15/54 did not have relevance any longer. Officers also reported late comments from Anglian Water that confirmed that there was no objection to the application, subject to the imposition of a drainage condition (that had already been suggested in the report) and that they were currently considering possible solutions to prevent risk of future occurrences of surface water flooding in the vicinity.

The following persons spoke on the application:

- (a) Objector - Mr Bill Taylor
- (b) Town Council - Councillor Pat Hanlon
- (c) Applicant - George Machin, agent.

Members noted that the application was in outline form and was seeking to establish the principle of development of the site. Details of how the site was to be developed including the means of vehicular access did not form part of the submission and, if outline permission was to be granted, would be dealt at a later stage by an application for approval of Reserved Matters. Notwithstanding this situation, Members expressed fears that because of the evident difficulties in gaining access to the site the historic Flint Cottage would be demolished to overcome these. Members also expressed concerns that a development of 7 dwellings would be excessive and would constitute overdevelopment and adversely affect neighbouring property. Other reservations relating to the flooding potential of the site and the absence of pedestrian footways along Bumpstead Road were referred to. In proposing a motion that planning permission be refused the mover requested that an investigation be also carried out with a view to Flint Cottage being locally listed as being of historic interest. Officers advised that this was a separate matter from determining the application and would have resource implications for the Specialist Services and as such would require further discussion with the Planning Policy Service Manager

Decision

Permission be refused for the following reason:

Vision 2031 highlights the need to ensure that large gardens are not developed to the detriment of the overall character of the area and Policy HV2 states that housing development within the Settlement Boundary will be permitted. However, this must not be contrary to other planning policies. Policy DM2 of the Joint Development Management Policies document requires that proposals for development should not involve the loss of gardens that make a contribution to the appearance of the settlement and requires development proposals to recognise the key features and characteristics of an area and to maintain a sense of place whilst also protecting amenity. This is supported by Policy DM22 and by the general provisions of the National Planning Policy Framework (NPPF) in relation to good design.

This part of Bumpstead Road is characterised by long gardens which extend some distance beyond the residential dwellings which front Bumpstead Road. These form part of a wider wildlife corridor and green infrastructure which incorporates the former railway walk. The development of this individual plot by up to seven dwellings, in whatever form, is considered to lead to a material erosion of the spaciousness of the site, to its intrinsic detriment and also to the detriment of the wider character of the area, which is characterised presently by low density spacious development set generally facing Bumpstead Road. It is also considered that the provision of development in depth within the site, including the need for access, parking and circulation areas, will lead to a materially detrimental impact upon the reasonable residential amenities presently experienced by the residents of adjacent properties by reason of noise and general disturbance in close proximity to private gardens.

It is therefore considered that in depth residential development in this location would be detrimental to the wider character of the area and to reasonable residential amenities, contrary to Policies DM2, DM22 and HV2

and Paragraph 53 of the NPPF. It is not considered that the provision of up to seven dwellings in an otherwise sustainable location outweighs this harm.

117. **Planning Application DC/15/0873/FUL**

Introduction of right turn ghost island junction on the A1088 to provide vehicular access at Land for new access road, A1088, Ixworth for Persimmon Homes (Anglia)

(Councillor John Griffiths indicated that as he had previously spoken against this proposal publicly he wished to avoid any perception of bias or predetermination at this meeting and therefore whilst he would participate in the debate he would not be voting)

Further consideration of this application had been deferred by the Committee at its meeting on 3 September 2015 when additional information had been requested. Report DEV/SE/15/55 contained an Update Report in line with this request and also a Risk Assessment Report in view of the situation that some Members were of a mind to refuse the application at the last meeting. The report also contained as appendices technical information supplied by Suffolk County Council, Highways regarding the assessment of the proposal in road safety terms and a letter from the applicants which provided further information in support of the proposal.

The following persons spoke on the application:

- (a) Parish Council - County Councillor Joanna Spicer (in the absence of a Parish Council representative speaker);
- (b) Ward Member - Councillor John Griffiths;
- (c) Applicants - Jerry Bullard, Highway Consultant for Persimmon Homes (Anglia).

In discussing the proposal Members reiterated strong concerns that the proposed ghost island junction arrangement would not be the best solution in road safety terms. The arrangement, it was felt, was unacceptable in view of the number of dwellings, currently unknown, it would serve when land allocated in the Ixworth Concept Statement and Masterplan for residential purposes was developed. In addition to the number of vehicular movements to and from the residential development site there would be potential traffic using the junction in connection with the proposed primary school. Concerns were expressed that, in view of the potential volume of traffic, there would be tailback queues from within the estate and that traffic egressing the estate to take a right hand turn onto the A1088 would have to negotiate oncoming traffic in two directions.

Samantha Bye, Suffolk County Council Highways, present at the meeting, referred to the situation that the land between the A143 and the village identified for residential development was in two separate ownerships. Whilst it might be envisaged that the southern part of the site might be served by a spine road extended from the northern development, the County Council would require for overall developments in excess of 250 dwellings a

secondary means of vehicular access. If this could not be achieved it would cap the total number of dwellings which could be built on the allocated site. Such a secondary means of access would not be permitted from the A143.

Members were of the view that the proposal under consideration would exacerbate existing problems of traffic movements in and around the village of Ixworth and that an overview was needed of the current roundabout and junction arrangements in relation to future development proposals and that this investigation should involve both developers of the land allocated for residential development and the highway authority.

Decision

Planning permission be refused for the reasons stated in Paragraph 22 of Report DEV/SE/15/55 with the number of dwellings amended from 400 to 475 to reflect the number referred to in the report.

118. **House Holder Application DC/15/1441/HH**

Single storey side extension, two storey rear extension and garage conversion including extension to form 'granny annexe' at 3 Clopton Park, Wickhambrook for Mr and Mrs Keith Dailey

This application was before the Committee in the interests of openness and transparency because Councillor Clive Pollington, had objected to the proposal in his capacity as the neighbour occupying 2 Clopton Park.

The following person spoke on the application:

(a) Objector - Mike Kemp.

In considering the proposal Members acknowledged that there were visual aspects to be taken into account which would be easier to assess if a site visit was carried out.

Decision

Further consideration be deferred to enable the Committee to carry out a site visit.

(Note: Items 119 to 123 below were required to be considered by the Committee by virtue of the Framework for the Shared Planning Service as the applicant each case was the Borough Council.)

119. **Tree Preservation Order Application DC/15/1696/TPO**

Tree Preservation Order 388 (2004) 2 - 1 no. Sycamore reduce lateral spread up to 4 metres to south at 139 King's Road, Bury St Edmunds for St Edmundsbury Borough Council

Decision

Approval be granted

120. **Tree Preservation Order Application DC/15/1689/TPO**

Tree Preservation Order 261 (1998) – (i) 1 no. Alder (01726 on plan within Area A1 of order); (ii) 1 no. Ash (01302 on plan) coppice; (iii) 1 no. Hazel (01346 on plan) crown lift to 3 metres; (iv) 9 no. Willow (01349 on plan) and 1 no. Goat Willow (01727 on plan) re-pollard; (v) Willow and Alder (01349 on plan) reduce by 1 metre to clear garage at rear of 11 Corsbie Close (all within Area A2 of order) at 1 Corsbie Close, Bury St Edmunds for St Edmundsbury Borough Council

In considering this proposal a Member pointed out that as some of the overgrown trees involved were probably self seeded a more radical approach should be adopted in future by felling these and replacing them with a more appropriate species as this would reduce recurring maintenance costs to the Council.

Decision

Approval be granted

121. **Planning Application DC/15/1540/FUL**

Change of use of existing Bed and Breakfast establishment to House of Multiple Occupation at Abbott's House, 2 Newmarket Road, Bury St Edmunds for St Edmundsbury Borough Council

A Committee Update Report had been previously circulated after the agenda and papers for the meeting had been distributed. This contained amendments to paragraphs 12, 18 and 20 of Report DEV/SE/15/59 and reported on further representations received from the occupier of a neighbouring property.

The following person spoke on the application:

(a) Objector - Michael Barker

With reference to complaints of anti-social behaviour being associated with the present use of the property as bed and breakfast accommodation for homeless persons Tony Hobby, Service Manager (Housing Options), present at the meeting, explained that the Borough Council had not been able to exercise overall control in relation to this issue since its involvement was limited as typically only 2 to 5 out of 11 units of accommodation were

occupied by residents nominated by the Council. The intention now was for the Council to purchase the property from the private owner and to carry out a conversion to create 7 units of temporary accommodation. Thereafter the property would be managed by a professional housing organisation and a different client group of families, single pregnant women and disabled persons would be catered for. Tenancy agreements would be tightly drawn, 24 hour CCTV would be in operation for external locations and staff would be on call. Contact points would be made available to neighbours in the event of complaints. There would thus be a marked difference to the operation of the premises. The objective would be to move the temporary residents to permanent accommodation in the fullness of time. The Committee acknowledged the concerns of neighbours and asked that there be full consultation with them regarding the development and operation of the facility.

Decision

Permission be granted.

122. Tree Preservation Order Application DC/15/1518/TPO

Tree Preservation Order 041 (1977) – (i) 1 no. Lime (122 on plan) pollard to 6 metres; (ii) 1 no. Lime (166 on plan) crown reduce by 20%; (iii) 1 no. Copper Beech (125 on plan) crown reduce by 20 %; (iv) 1 no. Horse Chestnut (126 on plan) crown reduce by 20% ; (v) 1 no. Oak (140 on plan) reduce lateral branches over cemetery by 4 metres; (vi) 1 no. Hornbeam (142 on plan) raise to 1.2 metres for formative pruning; (vii) 1 no. Pine (152 on plan) crown lift by 3 metres; (viii) 1 no. Scots Pine (153 on plan) crown lift by 3 metres ;and (ix) 1 no. Lawson Cypress (918 on plan) fell (all trees in G1 of Order) at Cemetery adjacent to Horace Eves Close, Withersfield Road, Haverhill for St Edmundsbury Borough Council

Decision

Approval be granted.

123. Tree Preservation Order Application DC/15/1688/TPO

Tree Preservation Order 106 (1986) 10 – (i) 1 no. Oak (565 on plan) reduce lateral spread up to 2 metres over car park; (ii) 1 no. Oak (566 on plan) reduce lateral spread up to 3 metres over garage; and (iii) 1 no Beech reduce height up to 4 metres and reduce lateral branches up to 2 metres and fell 5 small Yew and Holly trees around base (all trees within G1 of order) at 1 Bullen Close, Bury St Edmunds for St Edmundsbury Borough Council

A Committee Update Report had been previously circulated after the agenda and papers for the meeting had been distributed. This contained further consultation responses.

A Member asked whether or not it would be better to fell the Beech tree as it was suffering from disease. Officers advised that the tree was still considered

to be viable and that it would continue to provide amenity and wildlife values for the foreseeable future. Its decline was therefore being managed until such time it had to be felled.

Decision

Approval be granted.

124. **Quarterly Update Report**

The Committee received and noted Report DEV/SE/15/62 (previously circulated) which was a quarterly monitoring report giving Members information on performance in relation to Development Management and Planning Enforcement. In receiving the report the Committee expressed thanks to Gemma Pannell for her work as this was the last meeting she would be attending prior to taking up an appointment with another authority.

An updated list of Appeal cases was tabled at the meeting. Officers also gave further information on salient parts of the Report.

A member asked how many applications for Prior Approval there had been. Officers responded that there was no figure currently available but this matter would be looked at in the next report since the introduction of this procedure had resulted in a significant loss of planning fee income.

Councillor Alaric Pugh, Portfolio Holder for Planning and Growth, advised that a programme of visits in relation to development control across the Borough was being formulated for next Spring, the purpose of which would be look at examples of best practice.

The Committee welcomed the improvements in service provision and performance which had taken place and thanked Officers for their endeavours towards this end.

The meeting concluded at 1.20pm

Signed by:

Chairman
