

Development Control Committee



St Edmundsbury
BOROUGH COUNCIL

Title:	Agenda		
Date:	Thursday 3 December 2015		
Time:	10.00 am		
Venue:	Conference Chamber West Suffolk House Western Way Bury St Edmunds IP33 3YU		
Full Members:	<div><div>Chairman Jim Thorndyke</div><div>Vice-Chairmen Tim Marks and Angela Rushen</div><div><div><u>Conservative Members (13)</u></div><div>Carol Bull Robert Everitt Paula Fox Susan Glossop Ian Houlder</div><div>Ivor Mclatchy Alaric Pugh David Roach Peter Stevens Patricia Warby</div></div><div><div><u>UKIP Group Members (2)</u></div><div>John Burns</div><div>Tony Brown</div></div><div><div><u>Charter Group Member (1)</u></div><div>Julia Wakelam</div><div></div></div></div>		
Substitutes:	<div><div><u>Conservative Members (6)</u></div><div>Terry Buckle Terry Clements John Griffiths</div><div>Betty Mclatchy Frank Warby</div></div> <div><div><u>UKIP Group Member (1)</u></div><div>Jason Crooks</div><div></div></div> <div><div><u>Charter Group Member (1)</u></div><div>David Nettleton</div><div></div></div>		
SITE VISITS WILL BE HELD ON THURSDAY 26 NOVEMBER 2015. Transport to leave West Suffolk House at 9.30am.			
Sites to be visited			
1. Planning Application DC/15/1303/FUL – Sharp’s Lane, Horringer			
2. Planning Application DC/15/1936/FUL – Ounce House, 13-14 Northgate Street, Bury St Edmunds			

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 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 - 6

To confirm the minutes of the meeting held on 5 November 2015 (copy attached).

Part 1 - Public

4. Planning Application DC/13/0906/FUL

7 - 74

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

Report No. DEV/SE/15/67

See also agenda item 10 below.

5. Planning Application DC/15/1936/FUL

75 - 90

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

6. Planning Application DC/15/1303/FUL

91 - 104

Indoor equestrian school and storage barn at Land at Sharp's Lane, Meadow Farm, Horringer for Mr Richard Ames.

Report No. DEV/SE/15/69

7. House Holder Application DC/15/2071/HH

105 - 114

Loft conversion to form additional bedroom with dormer window

to rear elevation at 77, Queen's Road, Bury St. Edmunds for Mr Andrew Mills

Report No. DEV/SE/15/70

8. Tree Preservation Order Application DC/15/2166/TPO 115 - 122

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 123 - 130

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

Part 2 – Exempt

10. Planning Application DC/13/0906/FUL 131 - 154

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

Exempt Appendix A to Report No. DEV/SE/15/67

11. Planning Enforcement works in default of Enforcement Notice 155 - 160

Exempt Report No. DEV/SE/15/73

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/alterd, 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.