

Development Control Committee



St Edmundsbury
BOROUGH COUNCIL

Minutes of a meeting of the **Development Control Committee** held on
Thursday 3 December 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

Ian Houlder
Ivor Mclatchy
David Roach
Peter Stevens
Julia Wakelam
Patricia Warby

Substitute attending:

Terry Clements

By Invitation:

David Nettleton (for items 138 and
141)

134. **Apologies for Absence**

Apologies for absence were received from Councillors Tim Marks and Alaric Pugh.

135. **Substitutes**

The following substitution was announced :

Councillor Terry Clements for Councillor Tim Marks.

136. **Minutes**

The minutes of the meeting held 5 November were confirmed as a correct record and signed by the Chairman. Arising on the last paragraph 4 of Minute 130, Members to be supplied with an unabbreviated list of Standard Conditions, Officers advised that this information would be circulated shortly.

137. **Planning Applications**

The Committee considered Reports DEV/SE/15/68 to DEV/SE/15/71 (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/15/68 to DEV/SE/15/71) and any additional conditions imposed by the Committee and specified in the relevant decisions; and
- (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.

138. Planning Application DC/13/0906/FUL

Erection of 135 no. one and two bedroom flats 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.

(Councillor Julia Wakelam declared a local non-pecuniary interest as her husband's firm had been involved in drawing up plans for the proposal at a pre-application stage but at the present time it was no longer engaged as an agent for the applicants. She remained within the meeting)

This application had been considered by the Committee at its meeting on 6 August 2015 when Members had been mindful of granting planning permission. A further report on Section 106 matters had been requested before a final decision was made and the Committee also needed to consider a Risk Assessment given that such a decision would be contrary to the Officers' recommendation. This information was provided in paragraphs 7 and 51 to 54 of Report DEV/SE/15/67. A report on Development Viability commissioned by the applicants was contained as Exempt Appendix B to this report. Further exempt information provided by the Council's appointed viability consultant had been previously circulated as a Committee Update Report after the agenda and papers for this meeting had been distributed. The Committee agreed that it did not wish to discuss the content and detail of the viability issues as referred to in Appendix B and the Update Report. In presenting the report Officers drew attention to an amendment of the application whereby, because of objections from the highway authority, the proposed two retail units had been withdrawn and substituted with two dwellings thus reverting to the original total of proposed dwellings involved of 135.

The following person spoke on this application:

- (a) One of the Ward Members - Councillor David Nettleton.

In response to Members' questions Officers advised as follows:

- (i) the site was not within an Air Quality Action Area and therefore there was not a need to pay close regard to pollution issues. Officers dealing with Air Quality matters had been consulted about the application and no concerns had been raised in response;
- (ii) there could be no requirement for the dwellings to be constructed to level 4 of the Code for Sustainable Homes as the Government had recently abolished these standards. The advice of Government contained in the National Planning Policy Guidance was that local planning authorities would need to provide evidence of a localised need for sustainability measures in support of any planning policy requirement to build at standards above those prescribed by the Building Regulations. Policy DM74 of the Joint Development Management Policies reflected the latest changes regarding the consideration of sustainable construction issues relating to planning proposals. The Council, as local planning authority, could require Water Efficiency measures but other matters relating to sustainable construction were to be resolved under the Building Regulations;
- (iii) the amount of affordable housing agreed with the applicants was 10% of the total although a review mechanism (as recommended by the Council's viability consultant) had also been accepted by them. This would ensure that enhancements in the market could be captured with potentially more affordable housing contributions being received. Whilst it may not result in a greater number of affordable homes being built on the application site it may require a contribution to be made towards the provision of such dwellings elsewhere in the town;
- (iv) the impact on the historic railway station buildings had been the principal reason for the Officers' recommendation that the application be refused;
- (v) there was no scope for requesting the layout of the scheme now under consideration to be amended and if Members wished for changes to be made this could only be achieved by refusing the current application;
- (vi) the local planning authority could not control the manufacture or type of paint to be used although it could stipulate colour schemes and this was part of one of the conditions being recommended in the report;
- (vii) there would be no requirement for a commuted sum to be paid to the Council by the applicants in respect of the maintenance of open spaces since it was not intended that the authority would take over such areas. The probability therefore was that a management company would be engaged by the developers to carry out this and other maintenance work at the application site; and

- (viii) the need for trees of appropriate species to be planted would be taken into account when details of the landscaping scheme were being considered. These were required to be submitted under a proposed planning condition.

In discussing the application some Members expressed concern about the impact the height of the proposed buildings would have on the street scene along Station Hill but it was acknowledged that the form of the development had been set to a large extent by the design of the blocks of flats in Forum Court opposite the application site. The Committee also acknowledged that re-development of the area of the application site was needed in view of its untidy and neglected state.

Decision

Subject to the completion of the Section 106 Agreement, the imposition of planning conditions and the resolution of objections received from the Travel Plan Co-ordinator, Suffolk County Council, permission be granted.

139. **Planning Application DC/15/1936/FUL**

(i) Change of use from 1 no. former dwelling and 1 no. hotel (as consented under Local Planning Authority 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, 14 Northgate Street, Bury St. Edmunds for the Chestnut Group.

(Councillor Patsy Warby declared a local non-pecuniary interest as a Member of Bury St Edmunds Town Council and advised that, previous to this meeting, she had voted on the proposal at a meeting of that body. She spoke on the proposal as Ward Member during the public speaking session to represent the views of persons in her ward who had contacted her but she withdrew from the meeting for the remainder of the consideration of the item.)

The Committee had visited the site on 26 November 2015.

A Committee Update Report had been previously circulated after the agenda and papers for this meeting had been distributed. This gave details of representations received following re-consultation on the proposal as a consequence of an amendment to its description and also from Councillor Diane Hind as Ward Member for Northgate. Responses to points raised by these representation were also included. An amendment to the proposed Condition 11, Restaurant Use, and an additional proposed condition relating to a Hard Landscaping Scheme were also detailed in the update. Officers in presenting the report proposed a further condition which would require the submission of building materials to be used for approval.

The following persons spoke on this application:

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| (a) | Objector | - | Michael Apichella |
| (b) | Supporter | - | Mr Simon Pott |
| (c) | Town Council | - | Councillor Tom Murray |
| (d) | Ward Member | - | Councillor Patsy Warby |
| (e) | Applicants | - | Philip Turner |

In discussing the application Members noted the views of the objectors and their perception that there would be loss of residential amenity for them, particularly in the rear gardens of neighbouring houses which had a relatively quiet ambience for a town centre location. However, it was acknowledged that Ounce House had been used as a hotel/bed & breakfast accommodation with a restaurant for a number of years previously, properties in Northgate Street contained a mix of commercial and residential uses and the extent of existing noise levels created by traffic use of this road, were all factors to be taken into account. Some Members expressed concern about the large amount of car parking to be provided and also the adequacy of the vehicular accesses, one of which was narrow and the other being shared with an adjoining property. In response to Members' questions Officers advised that:

- (i) the proposed car parking arrangement met the highway authority's standards and it was the applicants' wish to provide on-site parking for residents/diners; and
- (ii) the draft Operational Management Plan referred to in the written report was available as a background document on the Council's website.

Decision

Permission be granted subject to:

- (1) the amendment of Condition 11 (Closing times of the restaurant) as stated in Paragraph 6 of the Committee Update Report;
- (2) the addition of a further Condition 13 (Details of Hard Landscaping Scheme) as contained in Paragraph 8 of the Committee Update Report; and
- (3) the addition of a further standard condition requiring materials to be agreed.

140. Planning Application DC/15/1303/FUL

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

The Committee had visited the site on 26 November 2015.

Officers reported receipt of further representations from local residents which raised objections about: (i) the cumulative impact this proposal in would have on previously experienced problems of noise and light pollution and traffic generation; (ii) the lack of landscaping proposed between the proposed development and Sharpe's Barn; (iii) a situation that not all the equipment to

be used in connection with the proposal was shown on the plans; and (iv) the continued existence of an unauthorised barn. The applicant's agent had responded to the objections lodged by advising that there was no intensification of the equestrian facilities at the site intended. In presenting the report Officers proposed an additional condition which would prohibit use of the indoor equestrian school by the general public.

The following person spoke on this application:

(a) Objector - Conrad Bos.

Officers also informed the Committee about a meeting which had been held at the local level with the Parish Council and attended by Planning and Environmental Health Officers. This had facilitated discussion about various issues which were being dealt with under separate headings by the Council as follows:

- (i) Enforcement Action in respect of the unauthorised barn which was being pursued;
- (ii) action in respect of statutory nuisances being investigated by Environmental Health Officers under the Environmental Protection Act 1990; and
- (iii) the situation that conditions could not be attached to any permission granted in respect of the application under consideration at this meeting to control activities taking place outside the application site.

In discussing the proposal Members acknowledged that the purpose of the equestrian enterprise was restricted and intended to only train horses kept on the site and not any others brought to the facilities by visitors. The Committee recognised the objections of the Parish Council and local residents but were satisfied that these were being addressed by planning enforcement and other legislation and that the siting of the facilities currently being proposed would be further away from neighbouring residential properties.

Decision

Permission be granted, subject to an additional Condition 5 to prohibit the use of the indoor equestrian school by the general public with the Head of Planning and Growth being authorised to settle the precise wording of this.

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

Loft Conversion to form additional bedroom with dormer window to rear elevation at 77, Queen's Road, Bury St Edmunds for Mr Andrew Mills.

This application was before the Committee because the applicant was the husband of a contracted employee of the Borough Council.

The following person spoke on this application:

- (a) One of the Ward Members – Councillor David Nettleton.

Decision

Permission be granted.

142. Tree Preservation Order Application DC/15/2166/TPO

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

A Committee Update Report had been previously circulated after the agenda and papers for this meeting had been distributed. This advised that following a meeting with the Ecology, Tree and Landscape Officer there were no further matters to be drawn to the attention of the Committee. A member commented on the need to avoid planting trees of inappropriate species near Council property to obviate the requirement to carry out maintenance work in future years.

Decision

Approval be granted.

143. Planning Application - Cross Boundary - DC/15/1557/FUL

Installation of 33KV underground electricity cable from solar farm site at Avenue Farm, Icklingham (Reference F/2013/0258/ESF) to the proposed solar farm site at West Farm, Barnham (Reference DC/13/0801/FUL) for Elveden Farms Ltd.

At the request of Officers this item was withdrawn from the agenda.

144. Exempt Information - Exclusion of Public

RESOLVED:

That under Section 100(A)(4) of the Local Government Act 1972 the public and press be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 6 of Schedule 12(A) of the Act.

145. Planning Enforcement works in default of Enforcement Notice

The Committee considered Exempt Report DEV/SE/15/73 (previously circulated) which sought approval pursuant to Section 178 of the Town and Country Planning Act 1990 (as amended) for works to be undertaken by the Borough Council in default of an Enforcement Notice.

RESOLVED :

That pursuant to Section 178 of the Town and Country Planning Act 1990 (as amended) authority be granted for the Borough Council to undertake works in default of an Enforcement Notice as referred to in Exempt Report DEV/SE/15/73

The meeting concluded at 12.05pm

Signed by:

Chairman
