

Development Control Committee



St Edmundsbury
BOROUGH COUNCIL

Title:	Agenda																		
Date:	Thursday 7 April 2016																		
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 Vice Chairman 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>Terry Clements</td> <td>David Roach</td> </tr> <tr> <td>Paula Fox</td> <td>Peter Stevens</td> </tr> <tr> <td>Susan Glossop</td> <td>Patricia Warby</td> </tr> <tr> <td>Ian Houlder</td> <td></td> </tr> </table> <p><u>UKIP Group Members (2)</u></p> <table style="width: 100%; border: none;"> <tr> <td style="width: 33%;">John Burns</td> <td style="width: 33%;">Tony Brown</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	Terry Clements	David Roach	Paula Fox	Peter Stevens	Susan Glossop	Patricia Warby	Ian Houlder		John Burns	Tony Brown	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>John Griffiths</td> <td>Frank Warby</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	John Griffiths	Frank Warby	Jason Crooks		David Nettleton									
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<p>SITE VISITS WILL BE HELD ON THURSDAY 31 MARCH 2016. Coach to depart West Suffolk House at 9.30am. Sites to be visited as follows:</p> <ol style="list-style-type: none"> 1. DC/15/1794/FUL Nowton Court Residential Home, Bury Road, Nowton 2. DC/16/0172/FUL 69 Highfield, Clare 																			

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:	Claire Skoyles Democratic Services Officer Tel: 01284 757176 Email: claire.skoyles@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 - 8

To confirm the minutes of the meeting held on 3 March 2016 (copy attached).

Part 1 - Public

4. Hybrid Planning Application: DC/15/2277/HYB

9 - 46

(i) Full application for 23 affordable dwellings with associated open space, landscaping and parking served by existing access from Stanningfield Road and demolition of existing sheltered housing units; and

(ii) Outline Application for up to 35 dwellings served by continuation of access of full application

at Erskine Lodge and land adjoining, Stanningfield Road, Great Whelmetham for the Havebury Housing Partnership.

Report No: **DEV/SE/16/023**

5. Planning Application: DC/15/1794/FUL

47 - 68

60 bedroom nursing home with parking, as amended by plans received on 11 February 2016 partially reducing the height of the building and amending the external appearance at Nowton Court Residential Home, Bury Road, Nowton, for Euronite Ltd Heritage Manor Ltd

Report No: **DEV/SE/16/024**

6. Planning Application: DC/15/1915/FUL

69 - 86

Erection of (i) proposed stables, barn, office, yard, horse walker, and lunge ring; and (ii) associated landscaping and access road, as amended by plans and details received 16 December 2015, at Pattles Grove, Chedburgh Road, Whepstead for Pattles Grove Stud Limited.

Report No: **DEV/SE/16/025**

- 7. Planning Applications: DC/16/0207/FUL and DC/16/0208/FUL** **87 - 100**
- Application DC/16/0207/FUL – Retention of (i) menage (ii) 2 no. field shelters (iii) 2 no. cart lodges (iv) barn, rebuilt to include office, studio and home gym
- Application DC/16/0208/FUL –
- (1) Erection of (i) metal framed horse walker (ii) single storey side extension to existing barn; and
 - (2) Retention of metal framed lunge ring
- at Pattles Grove, Chedburgh Road, Whepstead, Suffolk for Mr Gaywood
- Report No: **DEV/SE/16/026**
- 8. Planning Application: DC/16/0172/FUL** **101 - 110**
- Construction of 1 no. two-storey dwelling (demolition of existing single storey attached out-house) at 69 Highfield, Clare for Mr and Mrs M Wimpress
- Report No: **DEV/SE/16/027**
- 9. Householder Planning Application: DC/15/2590/HH** **111 - 120**
- First floor side and rear extension together with single storey front extension (resubmission of DC/15/2017/HH) at 4 Drury Cottages, Brockley, Bury St Edmunds for Mr Lee
- Report No: **DEV/SE/16/028**
- 10. Householder Planning Application: DC/16/0232/HH** **121 - 130**
- Erection of (i) single storey rear extension (following demolition of the existing conservatory and lean-to) and (ii) demolition of existing garage and installation of gate 20 West Road, Bury St Edmunds, Suffolk for Mr Angus Barnard.
- Report No: **DEV/SE/16/029**
- 11. Planning Applications: DC/15/1752/FUL; DC/15/1753/FUL; DC/15/1754/FUL; DC/15/1758/FUL; DC/15/1759/FUL; DC/15/1759/FUL; DC/15/1761/FUL** **131 - 136**
- Application DC/15/1752/FUL - Retention of modification and Change of use of former agricultural building to part offices (Class B1(a)) and part storage (Class B8). (Building B).
- Application DC/15/1753/FUL - Retention of modification and change of use of former agricultural building to storage (Class B8). (Building C).

Application DC/15/1754/FUL - retention of modification and change of use of former agricultural building to storage use (Class B8) (Building D).

Application DC/15/1758/FUL - retention of modification and change of use of former agricultural building to Class B1 (a) offices or B1(b) research or B1 (c) industrial or B8 Storage or Sui Generis use. (Building F).

Application DC/15/1759/FUL - Retention of change of use of former agricultural land to use for open storage (Class B8) for caravans and motorhomes, (10 max), horseboxes (5 max) and containers (20 max).

Application DC/15/1760/FUL - retention of modification and change of use of former agricultural building to Class (B8) storage use. (Building I).

Application DC/15/1761/FUL - retention of modification and change of use of former agricultural building to Class (B8) storage use. (Building J).

At Larks Pool Farm, Mill Road, Fornham St Genevieve, Suffolk for C J Volkert Limited.

Report No: **DEV/SE/16/030**

12. Tree Preservation Order Application DC/15/2196/TPO

137 - 146

Tree Preservation Order 218 (1972) 42: Fell 1 no. Lime at 11 Northgate Avenue, Bury St Edmunds for Mrs Julia Hadley.

Report No: **DEV/SE/16/031**

13. Exclusion of Press and Public

To consider whether the press and public should be excluded during the consideration of the following items 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 items, 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, and indicated against each 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

14. Exempt Appendix: Tree Preservation Order Application: DC/15/2196/TPO (para 7) 147 - 190

Tree Preservation Order 218 (1972) 42: Fell 1 no. Lime at 11 Northgate Avenue, Bury St Edmunds for Mrs Julia Hadley.

Exempt Appendix A to Report No: **DEV/SE/16/031**

(This exempt appendix is to be considered in private under paragraph 7 of Schedule 12A of the Local Government Act 1972, as it contains information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.)

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/altered, 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/altered, 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.