

# Development Control Committee



*St Edmundsbury*  
BOROUGH COUNCIL

**Minutes** of a meeting of the **Development Control Committee** held on **Thursday 7 April 2016** at **10.00 am** at the **Conference Chamber, West Suffolk House**, Western Way, Bury St Edmunds IP33 3YU

Present: **Councillors**

**Chairman** Jim Thorndyke  
**Vice Chairman** Angela Rushen

John Burns  
Carol Bull  
Tony Brown  
Robert Everitt  
Terry Clements  
Paula Fox  
Susan Glossop

Ian Houlder  
Ivor Mclatchy  
Alaric Pugh  
David Roach  
Peter Stevens  
Julia Wakelam

**Substitutes attending:**  
Betty Mclatchy

**By Invitation:**  
David Nettleton (for Item 195)

## 183. **Apologies for Absence**

An apology for absence was received from Councillor Patsy Warby.

## 184. **Substitutes**

The following substitution was declared:

Councillor Betty McLatchy substituting for Councillor Patsy Warby.

## 185. **Minutes**

Subject to the following amendments, the minutes of the meeting held on 3 March 2016 were confirmed as a correct record and signed by the Chairman:

- **Minute 179:** That, where reference was made to a representation received from the occupants of the Post Office and Village Stores, it be amended to include the word 'security' before the word 'privacy' so the

sentence read *'Main concern was security, privacy and boundary treatment between the site and their property.....'*

- **Minute 180:** That this be amended to replace the word *'pecuniary'* with *'non-pecuniary'* in respect of the interest declared for reasons of openness and transparency by Councillor Julia Wakelam.

## 186. **Planning Applications**

With the exception of Report No: DEV/SE/16/030, which had previously been withdrawn from consideration by the officers, the Committee considered Report Nos: DEV/SE/16/023 to DEV/SE/16/031 (previously circulated).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/16/023 to DEV/SE/16/031 (excluding DEV/SE/16/030) 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.

## 187. **Hybrid Planning Application: DC/15/2277/HYB**

- (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 Whelnetham for the Havebury Housing Partnership.**

*(Councillor Terry Clements declared a local non-pecuniary interest as a Life President of Havebury Housing Partnership. Councillor Robert Everitt declared a local non-pecuniary interest as a Board Member of Havebury Housing Partnership. Both Members remained in the meeting for the consideration of this item.)*

This item had been deferred by the Development Control Committee on 3 March 2016 to allow an outstanding period of consultation to be completed. A site visit had been undertaken on 25 February 2016.

The application had been submitted in a 'hybrid' form as detailed above, and was divided in to Phase 1 (full application for 23 affordable dwellings) and Phase 2 (outline application for up to 35 dwellings) and amounted to up 58 dwellings in total. A Development Brief for up to 60 dwellings on the allocated housing site at Erskine Lodge had been adopted by the Borough Council on 15 December 2015.

The Case Officer reported the following additions/amendments to the report:

- (a) Suffolk County Council (SCC) (Flood and Water Management) had confirmed that it was now content with the surface water drainage system proposed for both Phases 1 and 2; however it had recommended an additional condition for the approved scheme to be implemented as part of any planning permission. The Committee noted that this condition had been covered in the list of proposed conditions recommended by the officers.
- (b) A representation had been received from the applicant, which had been previously circulated directly by the applicant to Members and Substitutes of the Committee prior to the meeting.
- (c) An additional letter of objection had been received from a local resident located in the vicinity of the proposed development, which had expressed the following concerns (briefly):
  - the proposed shop was not a suitable size for the expansion of the village;
  - the primary school was already at capacity;
  - the roads would not cope with the additional traffic;
  - flooding concerns;
  - loss of private views for the properties located adjacent to the site;
  - loss of wildlife habitat through the proposed development; and
  - the impact on archaeology.

Several references had also been made to the adopted Rural Vision 2031 planning policy document and how they considered the development proposals contravened policies contained within it.

- (d) With reference to the officers' recommendations contained in paragraphs 147 to 151 inclusive, these be amended where applicable to:
  - **Paragraph 147:** delete reference to (iii) as this had been addressed in (a) above; and
  - **Paragraph 151:** delete reference to the words '*pre-school*' in (a), so that the sentence read '*...Unsustainable form of development not mitigating its impact upon, education provision (primary), open space.....*'

The following persons spoke on this application:

- (a) Objector - Mrs Tonie Armstrong, spokesperson for the following other objectors:
- Tess Murdoch;
  - Michael Lye;
  - Linda Lye;
  - Glenn Morris; and
  - Elsie Collier.
- (b) Great and Little Whelnetham Parish Council - Councillors June Attwood and Peter Royce (Chairman)
- (c) Ward Member – Councillor Terry Clements
- (d) Agent for the Applicant – Andy Butcher

In response to a question of the Chairman, the Committee was informed that as the site was not an exception site, the affordable housing units proposed would not automatically be earmarked for existing residents of Great Whelnetham and future applications for occupancy would be assessed on their level of housing need.

Councillor Terry Clements, Ward Member, expressed the following concerns:

- (a) that the total number of up to 58 dwellings proposed for this site was far in excess of that identified as being required to meet the village's housing need in the Rural Vision 2031 Local Plan document;
- (b) the potential risk of flooding caused by hard surface run-off;
- (c) the impact the proposed development would have on the old railway line walk and the Conservation Area; and
- (d) the proposed height of some of the buildings intended to be built on a higher level and their impact on the residential amenity of existing dwellings, a view also expressed by some other Members.

Other concerns expressed by some other Members included:

- (a) the potential for increased traffic movements and the impact on the A134/Stanningfield junction;
- (b) whether sufficient car parking spaces as proposed for Phase 1 of the development would be provided;
- (c) whether changes should be made to the presently unmarked bus stops close to the application site, as proposed in paragraph 143 of the report;
- (d) whether the proposed energy efficiency measures outlined in paragraph 120 were sufficient;

- (e) whether the proposed conditions sufficiently addressed the potential impact on all wildlife; and
- (f) the sustainability of the proposed scheme.

The Case Officer duly responded to each of the concerns raised above and reiterated matters contained in the report where applicable, including that:

- (i) the proposal was compliant with Rural Vision 2031, which had identified a site allocation and this proposal was not in exceedance of that. It also accorded with other planning policies including the recently adopted Erskine Lodge Development Brief and the National Planning Policy Framework;
- (ii) the traffic impact assessment had concluded that the vehicular demands arising from the development would have minimal impact on the capacity and safety of the highway network. This had been accepted by the Highway Authority, who had raised no objections subject to conditions;
- (iii) the energy efficiency measures met those required by Building Control and there was no longer a planning requirement to request measures that were above Building Control standards, with the exception of water efficiency measures which could be addressed by a condition; and
- (iv) the height of the proposed buildings on the higher level of the application site had been assessed and was considered by officers not to impact on the character of the Conservation Area or the existing dwellings that could potentially have been affected by Phase 1 of the scheme.

In response to a question regarding the provision of play equipment on proposed areas of public open space, the Committee was informed that if the scheme was deliverable and subject to the views of the Parish Council, this would form part of the negotiations of the s106 Agreement.

Whilst a degree of sympathy was had for the local residents objecting to the proposals, the majority of Members acknowledged the need for affordable housing in this location and that the application suitably accorded with planning policy. Particular consideration was given to the representations of the Highway Authority and SCC's Flood and Water Management Team, who had raised no objections (subject to conditions). In addition, it was considered that the three existing dwellings potentially affected by Phase 1 of the scheme were considered to be situated a satisfactory distance away from the new development which meant the separation was sufficient enough not to impact on the residential amenity of the occupants.

Decision:

That, subject to:

- (i) receipt of satisfactory archaeological information from the applicants and subsequent withdrawal of objections by the Archaeological Unit at Suffolk County Council; and
- (ii) satisfactory amendments being received to replace currently proposed UPVC door and window details with suitable alternative materials,

Part full and part outline permission be granted subject to the matters raised in paragraphs 148, 149, 150 and 151 of the officer report (as amended to delete reference to the words '*and pre-school*' as outlined above).

*(At this point, the meeting was adjourned for a short comfort break. The meeting resumed at 11.24 am.)*

**188. Planning Application: DC/15/1794/FUL**

**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**

This application was recommended by the Case Officer for refusal. A site inspection had been undertaken on 31 March 2016.

The following persons spoke on this application:

- (a) Objector – Rosemary Phillips, speaking on behalf of ParkLife Nowton Group
- (b) Nowton Parish Council – Councillor Carol Perry (Chairman)
- (c) Ward Member – Councillor Terry Clements
- (d) Planning Consultant for the Applicant – John Popham

Councillor Terry Clements, Ward Member firstly considered the potential impact on the adjacent trees could be addressed through the applicant's proposed Tree Management Plan and supported the need for residential care in this location. However, he raised significant concern regarding the size, scale, bulk and massing of the proposed building, and its adverse impact on the setting of the adjoining Nowton Park. The potential increase in traffic generation was an additional concern.

Other Members shared Councillor Clements' view regarding the size of the proposed three storey building. Emphasis was placed on the potential detrimental impact the excessively scaled building would have on the character and appearance of the landscape, given its close proximity to Nowton Park.

Concern was also expressed regarding the following:

- (a) the loss of mature, protected trees, which would lead to a compromise of the historic setting of a well-established arboretum; and

- (b) the safety of the proposed access to the development via the existing vehicular access point from Nowton Road, however Members noted that the Highway Authority had not objected to the scheme, subject to conditions.

Having inspected the site, some Members considered the development was acceptable. They felt the applicants had sensitively and sympathetically achieved a design that suitably complemented the landscape and particular recognition was given to the darkened windows. The economic benefits of the scheme was also acknowledged and gave weight to the application. Their support for the scheme was not the majority view however, and the application was refused for the reasons provided in the report.

Decision:

Permission be refused.

**189. Planning Application: DC/15/1915/FUL**

**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.**

On 4 February 2016, this application had been deferred from consideration by the Committee and was subsequently withdrawn by the officers from consideration on 3 March 2016, for the reasons stated in the report.

The following persons spoke on this application:

- (a) Objector – Eric Cantillon (neighbour)
- (b) Supporter – Tom Stebbing (*Mr Stebbing was the architect for Application Nos: DC/16/0207/FUL and DC/16/0208/FUL, but was not the architect/agent for this application*)
- (c) Ward Member – Councillor Angela Rushen

The objector referred to in (a) above made reference to veterinary advice he had received from the Vice Chairman of the Newmarket Stud Association. The advice had supported the objector's view regarding the perceived poor siting of the barn due to the potential increased risk of infectious disease cases occurring. The advice had recommended that the barn should be sited at least 100 metres from the boundary and the objector stated that it was presently only 15 metres away.

Councillor Angela Rushen, Ward Member, sought clarification on the representation received from the Parish Council on this application and on the

two applications due to be considered during the next agenda item, as the report for that item had stated that no comments had been received.

A proposal for a site visit to cover all three application sites was moved and seconded and upon being put to the vote, was carried unanimously. The Committee requested that at the meeting following the site inspection, clarification be given as to whether the above veterinary advice should be considered as a material planning consideration, and that all comments received from the Parish Council be included in the reports.

Decision:

- (1) Consideration of this application be deferred to enable the Committee to inspect the site; and
- (2) the additional information required by the Committee as outlined above be provided at the meeting following the site inspection.

*(At this point, the meeting was adjourned to allow a short comfort break. Councillor Robert Everitt left the meeting and did not return. The meeting resumed at 12.41 pm.)*

190. **Planning Applications: DC/16/0207/FUL and DC/16/0208/FUL**

**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**

No public speaking was held on these applications as the Committee had previously resolved during the consideration of Application No: DC/15/1915/FUL at Agenda Item 6, that a site visit be undertaken to cover all three application sites.

Decision:

- (1) Consideration of these applications be deferred to enable the Committee to inspect the site; and
- (2) the additional information required by the Committee as outlined in Minute 189 above be provided at the meeting following the site inspection.

191. **Planning Application: DC/16/0172/FUL**



**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**

This application was recommended by the Case Officer for refusal. A site inspection had been undertaken on 31 March 2016.

The following person spoke on this application:

(a) Agent for the Applicant – Dean Pearce

Councillor Alaric Pugh, Ward Member, informed the Committee that Clare Town Council had supported this application. He too considered this application to be acceptable as he felt the design displayed architectural merit and sensitivity to the character and appearance of the neighbouring properties. He added that he considered the design respected the existing form of development and was sympathetic to the street scene.

The majority of other Members supported Councillor Pugh's comments adding that the site inspection was particularly useful to ascertain the anticipated adverse impact of the proposal; however these Members considered the detrimental impact would be minimal and the proposal would not compromise the integrity of the existing buildings.

Some Members supported the officers' recommendation for refusal and agreed the proposed dwelling would be an inappropriate deviation from the prevailing pattern of development. The extension to one pair of dwellings was considered to be excessive and uncharacteristic for the locality. Concern regarding car parking provision was also expressed.

A proposal for approval was moved and seconded, and upon being put to the vote was carried.

Decision:

Permission be granted, subject to the following conditions (briefly):

1. Standard time limit
2. Accordance with approved plans/drawings
3. Materials to match existing dwelling
4. Access laid out as standard highways drawing DM02
5. No other development to commence until access is laid out as drawing DM02
6. Access surfaced as per details to be submitted and approved by the Local Planning Authority (LPA)
7. Details of the bin/refuse storage to be submitted and approved by the LPA
8. Surface water discharge onto the highway details to be submitted and approved by the LPA
9. Loading, Unloading, Parking and Manoeuvring areas to be provided and retained on site
10. Working hours restricted Mon-Fri: 08:00 to 18:00, Sat 08:00 to 13:30 and not on Sun or Bank Hols

11.No waste to be burnt on site

192. **Householder Planning Application: DC/15/2590/HH**

**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**

This application was recommended by the Case Officer for refusal.

The following person spoke on this application:

(a) Applicant – Miss (*not 'Mr' as stated in the report*) Caron Lee

Councillor Peter Stevens, Ward Member, stated that no objections had been received from the Parish Council nor the occupants of the neighbouring properties. He considered there would be minimal detrimental impact on the residential amenity of the immediate neighbouring property as he considered the 45 degree angled roof height would not over dominate and their garden would continue to benefit from the sun.

Councillor Stevens' comments were unanimously supported and a subsequent motion for approval was carried.

Decision:

Permission be granted, subject to the following conditions (briefly):

1. Time limit detailed.
2. Development to accord with submitted plans.
3. Materials to match existing.
4. Obscure glazed window to side elevation at first floor level.

*(Councillor Ian Houlder left the meeting at the conclusion of this item.)*

193. **Householder Planning Application: DC/16/0232/HH**

**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.**

This application had been referred to the Committee for determination as the applicant was the husband of a contracted employee of St Edmundsbury Borough Council.

Decision:

Permission be granted.

194. **Planning Applications: DC/15/1752/FUL; DC/15/1753/FUL; DC/15/1754/FUL; DC/15/1758/FUL; DC/15/1759/FUL; DC/15/1760/FUL; DC/15/1761/FUL**

The Committee had previously been informed by email that this item had been withdrawn from consideration by the officers.

195. **Tree Preservation Order Application DC/15/2196/TPO**

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

*(Councillor Julia Wakelam declared a pecuniary interest as the occupier of the neighbouring property of 15 Northgate Avenue and following speaking as one of the Ward Members during the commencement of the Committee debate, she withdrew from the meeting for the remainder of the consideration of this item and did not return.)*

This application had been deferred from consideration by the Committee on 7 January 2016 to seek professional advice regarding the status of the Lime tree that was the proposed to be felled. Attached as Exempt Appendix 1 was the full arboricultural report containing that professional advice.

The following person spoke on this application:

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

Both Councillors Julia Wakelam and David Nettleton, Ward Members, agreed that due to the Honey Fungus disease suffered by the tree, it should be felled but recommended that, contrary to the Case Officer's recommendation, a replacement tree should be planted within the boundary of the property.

It was acknowledged that Honey Fungus spores could be present in the soil within several metres from the base of the infected tree and for many years into the future. For this reason, the Committee agreed that a replacement tree should preferably be planted in the front garden of the property (which was of considerable size and unlikely to impact on the foundations of the existing dwelling).

The discussion continued around amending the standard time limit of two years for exercising the yet to be approved permission. Consideration was given to imposing a reasonable maximum time limit in which the diseased tree should be removed to reduce the risk of infection to other adjacent trees; however, Members were not furnished with professional arboricultural advice regarding when this would seasonally be most appropriate. The Committee therefore considered that any condition should not be definitively time limiting but well within the standard time limit of two years, but should be subject to the officers' discretion upon receipt of internal specialist arboricultural advice on the most appropriate time to remove the tree.

Decision:

Permission be granted, subject to the following conditions (briefly):

1. The removal of the tree be undertaken as soon as practicably and seasonally possible in a botanically appropriate manner and well within the standard time limit of two years
2. In accordance with the latest arboricultural standards (as recommended by the Case Officer)
3. A replacement tree be provided, preferably in the front garden, to alleviate the loss of public amenity caused by the felling.

**196. Exclusion of Press and Public**

There was no requirement to exclude the press and public and move into private session for the reasons provided in Minute 197 below.

**197. Exempt Appendix: Tree Preservation Order Application: DC/15/2196/TPO (para 7)**

As no discussion was held on the specific content of this exempt appendix, this item was not held in private session.

The meeting concluded at 1.36pm

**Signed by:**

**Chairman**

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