

Development Control Committee



St Edmundsbury
BOROUGH COUNCIL

Minutes of a meeting of the **Development Control Committee** held on
Thursday 2 June 2016 at **10.00 am** at the **Conference Chamber, West
Suffolk House**, Western Way, Bury St Edmunds

Present: **Councillors**

Chairman Jim Thorndyke

Vice-Chairmen Carol Bull and Angela Rushen

John Burns

Terry Clements

Jason Crooks

Paula Fox

Susan Glossop

Ian Houlder

Alaric Pugh

Peter Stevens

Patricia Warby

Substitutes attending:

David Nettleton

Frank Warby

By Invitation:

Sara Mildmay-White (for item 218)

212. **Substitutes**

The following substitutions were announced :

Councillor David Nettleton for Councillor Julia Wakelam

Councillor Frank Warby for Councillor Robert Everitt.

213. **Election of Chairman**

It was proposed, seconded and

RESOLVED – That Councillor Jim Thorndyke be
elected Chairman of the Committee.

214. **Apologies for Absence**

Apologies for absence were received from Councillors Robert Everitt, Ivor Mclatchy, David Roach and Julia Wakelam.

215. **Appointment of Vice-Chairmen**

The Chairman suggested that it was preferable to continue with the previous arrangement whereby the Committee appointed two Vice-Chairmen as this would assist the Delegation Panel to carry out its functions.

Three nominations for two Vice-Chairman appointments were each proposed and seconded. A paper ballot was requested and Members were asked to indicate their preferences for two of the nominees. The totals of the votes cast resulted as follows:

Councillor Angela Rushen	11 votes
Councillor Carol Bull	9 votes
Councillor David Roach	7 votes

RESOLVED – That Councillors Carol Bull and Angela Rushen be appointed Vice-Chairmen of the Committee.

216. **Minutes**

Arising on Minute 202 (7 applications at Lark's Pool Farm, Mill Road, Fornham St. Genevieve) of the meeting held 4 May 2016 Officers reported that the objector had raised an issue about disparities between the minutes and the decision notices issued. This matter was being investigated with Legal Officers in conjunction with the applicant's agent and Members of the Committee would be informed of the outcome in due course. The accuracy of minute 202 was not being disputed by the objector.

The minutes of the meeting held 4 May 2016 were confirmed as a correct record and signed by the Chairman.

217. **Planning Applications**

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/16/41 to DEV/SE/16/45) 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.

218. **Planning Application DC/16/0093/FUL**

Change of use from residential dwelling (C3) to residential care home (C2) and day centre (D1) and associated alterations including works to outbuildings at The Chimneys, New Road, Rougham for The Chimneys Healthcare Partnership.

The Committee had visited the application site on 26 May 2016.

A Committee Update Report had been circulated after the agenda and papers for this meeting had been distributed. This informed that a further 8 letters of support had been received but none of these raised any issues that had not already been addressed in the written report. Officers advised that subsequent to the publication of the Update Report further representations from the Parish Council had been received which questioned whether the provision of 12 parking spaces was adequate and also drew attention to problems of flooding on the highway in the vicinity of the site. A further 3 letters from private individuals had also been received which whilst expressing support raised no additional matters.

The following persons spoke on the application :

- (a) Objector - Jack Shreeve, Clapham & Collins, Solicitors on behalf of Martin Crack

- (b) Ward Member - Councillor Sara Mildmay-White

The Committee noted the concerns of the objector as expressed by his representative. Whilst a new vehicular access was proposed to the application site there was an existing access to the property of The Chimneys from the farm track to the north which was in the ownership of the objector. The objector's concern was that this existing access would be used as an alternative or additional means of access to the application site to the detriment of his own use of the farm track. In response to Members' questions as to whether use of this existing access could be prohibited by condition Officers advised that this was not possible in Planning Law although a positively framed condition could be imposed that only the new main entrance was to be used in connection with the proposed development. It was also pointed out that use of the farm track by persons other than the owner was a matter of Private Law and was generally dealt with by the granting an easement. Use of the farm track was therefore within the objector's control.

In relation to the flooding issue Councillor Terry Clements reported that he had taken this matter up with the County Council as Rougham was within his Electoral Division as a County Councillor. The response he had received was that the problem in this location was known and Highway Officers were investigating it with a view to providing a solution. With reference to road safety concerns posed by flooding of the highway Officers advised that Suffolk County Council, Highways had accepted the methodology of and the data provided by the traffic speed survey carried out and were also satisfied that the proposed visibility splays for the new vehicular access were adequate and as a consequence had raised no objections to the proposal.

Decision

Permission be granted subject to an additional condition :

12. The vehicular access to be created shall be the sole means of access to the development hereby permitted.

219. Planning Application DC/16/0456/FUL

Earth sheltered dwelling, re-submission of DC/15/0760/FUL, at The Chestnuts, Brockley Road, Whepstead for Mrs Sally Tolhurst.

The Committee had visited the application site on 26 May 2016.

In presenting the written report Officers displayed some additional drawings showing from different viewpoints the appearance of the proposed development in completed form.

The following persons spoke on this application :

(a) Ward Member - Councillor Angela Rushen

(b) Applicant - Richard Scales, agent.

The Committee in considering the proposal acknowledged that any grant permission was dependent on an interpretation of Policy DM 27 which, amongst other things, stated that permission would not be granted where a proposal harmed or undermined a visually important gap that contributed to the character and distinctiveness of the rural scene. Members referred to the impressions gained by them at the site visit that the proposed dwelling would not cause any visual harm or undermine the amenity of neighbouring property or be of any detriment to the street scene. Members were of the view that because of the design of the dwelling was imaginative and of high quality and the fact that part of the dwelling would be underground it would only be visible from limited aspects and this mitigated against any suggestions that it would cause harm. It was therefore concluded that there was sufficient flexibility within Policy DM27 and the National Planning Policy Framework for planning permission to be granted.

Decision

Permission be granted.

220. Planning Application DC/16/0163/FUL

2 no. dwellings with car ports and parking at Land south of Bobby's Way, Stanton for M & D Developments.

This application had been deferred at the meeting of the Committee on 4 May 2016 following the Decision Making Protocol being invoked because Members had indicated that they were mindful of granting planning permission contrary to the Officers' recommendation. In accordance with the protocol a Risk Assessment Report had been produced as Report DEV/SE/16/043.

The following person spoke on this application :

(a) Applicant - Lionel Thurlow, agent.

Members in considering the Risk Assessment Report reiterated views expressed at the last meeting that there was irrefutable evidence that two dwellings had existed on the site previously and that these had formed part of a cluster and a consequence of granting of planning permission in respect of the proposal would be to form a recognisable end to this existing arm of the Bobby's Way housing estate. It was not accepted that the granting of permission would create a precedent for development in The Countryside since the circumstances of this particular application site were very unlikely to be replicated elsewhere in the Borough and the boundary with adjoining agricultural land was distinct. The case that the proposed development was unsustainable was also not shared by Members since the site was within a short walk of Stanton village where there were a variety of services available, including shops, surgery and planned primary school provision, which would be supported by the proposed development. Additionally the Bobby's Way/Goldsmith Way estates were being served by public transport. In relation to the highway safety objection it was pointed out that the existing development was in a cul-de-sac and therefore such a reason for refusal was not readily understood. Whilst it was acknowledged by the Committee that the proposal did not constitute infill development members were of the view that there was flexibility within Policy DM 27 for it to be permitted since it would cause no harm to and would not undermine the rural character of the locality.

Decision

Permission be granted.

221. **Planning Application DC/16/0548/FUL**

**(i) 1 no. dwelling (following demolition of existing dwelling); and
(ii) siting of temporary mobile home (Re-submission of DC/15/1849)
at Ponderosa, Fen Road, Pakenham for Mr & Mrs J & L Parker.**

The following person spoke on this application:

(a) Applicant - John Stebbing, agent.

In considering the application the Committee noted that : (i) the total floor area by the current proposal had been reduced from that put forward in the previous application, and (ii) the applicants had Permitted Development Rights to substantially increase the size of the existing bungalow if they chose this as an alternative to the proposal.

A Member questioned why the proposed Condition 4 was being recommended. This sought to remove Permitted Development Rights in respect of the proposed dwelling and it was suggested that this would be unduly restrictive in the light of the situation that other nearby dwellings were not fettered in this way. Officers responded by advising that the intention of the proposed condition was not to deny the applicants any

increase to the size of the dwelling but to require in the event of any proposals involving additions or extensions arising that these would be the subject of the submission of planning applications which depending on the circumstances involved might be allowed.

Officers also clarified the position in relation to the proposed Condition 3 which would require the removal of the temporary mobile home by advising that the applicants had 28 days after the completion of the main dwelling to comply with this.

Decision

Permission be granted subject to the deletion of Condition 4.

222. **Non -Material Amendment NMA(A)/15/2071/HH**

Change of roofing material on top of dormer window 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.

Decision

Approval be granted.

223. **Development Management - Update**

After the conclusion of the formal business for the meeting the Development Manager advised Members on matters relating to the work of the Committee. She gave an outline of developments including the Housing & Planning Act 2016 which had recently come into force, on-line sources of information relating to Planning Law and Practice, a change in the rules about affordable housing on small sites, progress on the introduction of charges for pre-application advice, a West Suffolk Accredited Agents scheme, a proposal to carry out statutory consultation with Parish Councils by electronic means and staff development proposals aimed at improving efficiency and effecting savings. The Development Manager answered Members' questions and undertook to circulate Councillors with this update which would provide links to other websites where appropriate.

The meeting concluded at 12.10pm

Signed by:

Chairman