

Development Control Committee



St Edmundsbury
BOROUGH COUNCIL

Title:	Agenda														
Date:	Thursday 4 August 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</p> <p style="text-align: center;">Vice-Chairman Carol Bull and Angela Rushen</p> <p><u>Conservative Members (13)</u></p> <table style="width: 100%; border: none;"> <tr> <td style="width: 33%;">Terry Clements</td> <td style="width: 33%;">Ivor Mclatchy</td> </tr> <tr> <td>Robert Everitt</td> <td>Alaric Pugh</td> </tr> <tr> <td>Paula Fox</td> <td>David Roach</td> </tr> <tr> <td>Susan Glossop</td> <td>Peter Stevens</td> </tr> <tr> <td>Ian Houlder</td> <td>Patricia Warby</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%;">Jason Crooks</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>	Terry Clements	Ivor Mclatchy	Robert Everitt	Alaric Pugh	Paula Fox	David Roach	Susan Glossop	Peter Stevens	Ian Houlder	Patricia Warby	John Burns	Jason Crooks	Julia Wakelam	
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<p>SITE VISITS WILL BE HELD ON THURSDAY 28 JULY 2016. Transport to depart West Suffolk House at 9.30am. Sites to be visited in the following sequence :</p> <ol style="list-style-type: none"> 1. Planning Application DC/16/0103/FUL – Clare Antiques 2. Outline Planning Application DC/16/0473/OUT – Brickfields Drive, Haverhill (Stop at West Suffolk House en route to final visit to allow for a comfort break) 3. Planning Application DC/15/2298/FUL – Village Hall, Hopton 															

Interests – Declaration and	Members are reminded of their responsibility to declare any disclosable pecuniary interest not entered in the Authority's
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Restriction on Participation:	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 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 - 8

To confirm the minutes of the meeting held on 7 July 2016 (copy attached).

Part 1 - Public

4. Planning Application DC/15/0662/VAR

9 - 38

(i) Change of use of land to 9 hole pay and play golf course with changing room facilities and associated landscaping; (ii) erection of 26 timber lodges, manager's lodge and associated landscaping; and (iii) non-compliance with Condition 17 of planning permission E/89/2307/P and Condition 20 of planning permission E/97/2470/P relating to retention of existing vehicular access and without compliance with Condition 6 of planning permission SE/05/02293 to enable occupation of the holiday lets without bringing the golf course into use at Fornham Park, Fornham St. Genevieve for Dream Lodge Group.

Report **DEV/SE/16/52**

5. Planning Application DC/15/2298/FUL

39 - 84

(i) Extension and alteration to Hopton Village Hall; (ii) Doctors' Surgery and associated car parking and the modification of the existing vehicular access onto Thelnetham Road; and (iii) residential development of 37 dwellings (including 11 affordable housing units) and associated public open space, including new village green, landscaping, ancillary works and creation of new vehicular access onto Bury Road at Village Hall, Thelnetham Road, Hopton for Pigeon Investment Management.

Report **DEV/SE/16/53**

6. Planning Application DC/16/0103/FUL

85 - 98

Change of use from antiques centre (A1) to 9 no. self-contained flats (C3) at Clare Antiques, Malting Lane, Clare for Mr Christopher Marchant.

Report **DEV/SE/16/54**

- 7. Outline Planning Application DC/16/0473/OUT 99 - 118**
(Means of access to be considered) – Residential development of up to 30 dwellings, associated garages, ancillary development, public open space and landscaping at development Land, Brickfields Drive, Haverhill for the Trustees of The Vestey 1993 Settlement.
Report **DEV/SE/16/55**
- 8. Planning Application DC/16/1001/FUL 119 - 132**
Replacement of semi-detached dwelling with new dwelling including new access and bio-digester unit at 1 New England Cottages, New England Lane, Cowlinge for Mr Peter Robson.
Report **DEV/SE/16/56**
- 9. Planning Application DC/16/0340/FUL 133 - 144**
Conversion of existing barn to residential dwelling and construction of new vehicular access at Mount Farm, Uphorpe Road, Stanton for Mr Clack.
Report **DEV/SE/16/57**
- 10. Outline Planning Application DC/15/2245/OUT 145 - 152**
(All Matters Reserved) – 7 no. dwellings at Land between 4 and 8 Norfolk Road, Bury St. Edmunds for Mr John George.
Report **DEV/SE/16/58**
- 11. Planning Application DC/13/0906/FUL 153 - 228**
Erection of 133 no. one and two bedroom flats and 2 no. 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 **DEV/SE/16/59**
- 12. House Holder Application DC/16/0920/HH 229 - 238**
(i) 3 no. bay cart lodge with attached garage and store; and (ii) first floor play room over cart lodge, as amended by drawing no. 666 005 Rev C reducing scale and revising design at Flempton House, Bury Road, Flempton for Mr Andrew Speed.
Report **DEV/SE/16/60**

Part 2 – Exempt

NONE

Agenda Notes - Version for Publication

**DEVELOPMENT CONTROL COMMITTEE:
 AGENDA 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
Joint Development Management Policies 2015	Joint Development Management Policies 2015
	Vision 2031 (2014)
Emerging Policy documents	
Core Strategy – Single Issue review	
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 must 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.