
Development Control Committee



St Edmundsbury
BOROUGH COUNCIL

Minutes of a meeting of the **Development Control Committee** held on **Thursday 4 August 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
Susan Glossop
Ian Houlder

Ivor Mclatchy
Alaric Pugh
David Roach
Julia Wakelam
Patricia Warby

Substitutes attending:

Betty Mclatchy

Frank Warby

By Invitation:

David Nettleton (for item 244)

233. **Apologies for Absence**

Apologies for absence were received from Councillors Robert Everitt, Paula Fox and Peter Stevens.

234. **Substitutes**

The following substitutions were declared :

Councillor Betty Mclatchy for Councillor Peter Stevens and
Councillor Frank Warby for Councillor Robert Everitt.

235. **Minutes**

The minutes of the meeting held 7 July 2016 were confirmed as a correct record and signed by the Chairman.

236. **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/16/52 and DEV/SE/16/53 and DEV/SE/16/55 to DEV/SE/16/60) 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.

(The item relating to Report DEV/SE/16/54 was withdrawn from the agenda)

237. **Planning Application DC/15/0662/VAR**

(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 SE/05/02293 to enable occupation of holiday lets without bring golf course into use at Fornham Park, Fornham St. Genevieve for Dream Lodge Group.

Consideration of this application had been deferred at the meeting of the Committee on 7 July 2016 to facilitate discussion with the applicants about whether :

- (i) a more direct new road could be constructed within the site in preference to the long route around the perimeter put forward by the application;
- (ii) improvements to the safety of the proposed pedestrian/cyclist link could be made; and
- (iii) the proposed landscaping scheme was in character with the historic parkland.

A Committee Update Report had been previously circulated after the agenda and papers for the meeting had been distributed. This contained details of further representations received from the Parish Council and two local residents following re-consultation on the latest amendments to the application. The update also advised that a planning application, reference DC/16/1500/FUL, for a proposed new access road along the route suggested at the last meeting had been registered and this was now the subject of consultation with an expiry date of 15 August 2016. It also informed

Members that the legality of the proposed Conditions 19 and 20 was being checked in accordance with the National Planning Practice Guidance.

Officers reported that in response to a locally raised concern that the lodges might be used for permanent accommodation the agent had advised that the applicants intended to abide entirely by the proposed Condition 5 which restricted occupation of the lodges to holiday use. None of the holiday accommodation would therefore be let on a permanent basis.

With the agreement of the Chairman, an amended Officers' recommendation was tabled at the meeting which contained a full list of proposed conditions and included a re-wording of Conditions 20 and 21 which related to the means of access to the holiday lodges as revised following the submission of Application DC/16/1500/FUL. Additionally, this document recommended that a Condition 22 relating to the provision of the proposed new cycle route and a Condition 23 about the approval of roofing materials for the holiday lodges be attached to any permission granted.

The following persons spoke on the application :

- (a) Objector - Mrs Martin
- (b) Supporter - Colin Hilder (the support he expressed being conditional)
- (c) Applicant - Nick Laister, agent.

During the public speaking session the objector raised concerns that no Traffic Assessment and Road Safety Audit had been carried out in respect of the proposal. The supporter similarly felt that these assessments should be a condition of any permission and also that there should be a condition prohibiting construction traffic movements along North Lodge Drive. The applicants agent gave assurances that the proposed new road would be used for vehicular access and that any other entrance/exit would only be utilised in the event of emergency vehicles being required at the site. He also advised that research had been carried out with the help of the historical records relating to Fornham Park which indicated that the proposed landscaping scheme would restore the woodland appearance which had existed hitherto in this part of the former estate.

The Committee also noted that the proposed landscaping scheme had been amended so as to include a pedestrian/cyclist link from the main access to North Lodge Drive and that this was a permissive path.

In discussing the application a Member asked whether it would be possible to impose a condition which would control the movements of construction traffic. Officers responded by advising that a condition requiring the submission of a Construction Management Plan was considered to be good practice and therefore this could be attached to any grant of permission in this case. Officers further informed the Committee that because the application merely sought to vary conditions imposed by earlier permissions it was not considered reasonable to require the applicants to submit a Transport Assessment or Road Safety Audit. A member pointed out that the proposed Conditions 20 and 21 both referred to the completion of the new access road which was the subject of a new planning application which at present had not

yet been determined and questioned whether these could be applied to the application under consideration at this moment in time. Officers responded by advising that a decision notice on Application DC/15/0662/VAR would not be issued until after the application relating to the new access road had been determined. A member also expressed concern about the status of the proposed footpath/cycleway link referred to in Condition 22 since as a permissive path this did not give an assurance that it would be permanent. The Committee was of the view that the wording of this condition should be strengthened so as to ensure that the footpath/ cycleway would be maintained in perpetuity. Officers confirmed that they would seek legal advice on the appropriate wording for this condition to ensure that it is lawful.

Decision

Permission be granted subject to:

(a) the amended list of conditions tabled at the meeting which includes the following amended conditions :

20. Upon the completion of the access road approved under planning permission, reference DC/16/1500/FUL, access via North Lodge Drive to the holiday lodges pursuant to this application shall be for emergency use only. Details of how the access onto North lodge Drive shall be controlled shall be submitted for approval in writing to the Local Planning Authority and implemented in accordance with the approved details prior to the occupation of the lodges; and

21. The holiday lodges hereby permitted shall not be occupied until the access road approved under planning permission reference DC/16/1500/FUL has been constructed and made available for use ;

and the following additional conditions :

22. A further amended condition relating to the proposed new cyclist/pedestrian route, the wording of which is to be agreed by the Head of Planning and Growth in consultation with the Chairman and Vice-Chairmen of the Committee and to have the intention that the status of this facility would be permanent rather than permissive; and

23. Prior to their first use on the site, details of roofing materials shall be submitted and agreed in writing with the Local Planning Authority. The development shall be completed in accordance with the approved details;

and

(b) the following additional condition :

24. Prior to the commencement of the development a Construction Management Plan shall be submitted in writing for approval by the Local Planning Authority.

(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, as amended by plans and information received 3 March 2016, at Village Hall, Thelnetham Road, Hopton for Pigeon Investment Management.

The Committee had visited the application site on 28 July 2016.

A Committee Update Report had been previously circulated after the agenda and papers had been distributed for the meeting. This advised Members that the proposed conditions had been amended to allow for phasing of the development. A list of the proposed conditions, as amended, had been included with the Update Report. The update also reported that a local representation had been received highlighting concerns about the capacity of the sewerage network and corrected minor typographical errors contained in the main written report.

Officers reported on a that a concern had been expressed during the processing of the application that the proposed enhancement of the village hall might lead to its overuse which would cause noise and disturbance outside its normal opening times. Officers advised that it was understood that the Village Hall Management Committee limited the use of the facilities up to midnight and after this time they were not available.

The following persons spoke on the application:

- (a) Parish Council - Councillor June Plackett, Chairman
- (b) Ward Member - Councillor Carol Bull
- (c) Applicant - Simon Butler-Finbow, agent

During the presentation by Officers reference had been made that it had not been possible to achieve the extent of landscaping along the southern boundary as had been envisaged by the Development Brief adopted by the Council in respect of the site. In response to a Member's question as to the reasons why this had not been possible Officers advised that whilst full details of the landscaping proposed were not yet available it had been recognised that because of constraints which would be imposed by drainage and other works associated with the development of the site it would not be possible to accommodate the same extent of landscaping outlined in the Development Brief. Nonetheless the amount of landscaping indicated for the southern boundary was felt to be adequate.

In discussing the proposals the Committee commended the developers and the Parish Council for the engagement and co-operation which had taken place between them from an early stage and which had culminated in the current scheme which, following consultation, had received the full support of the local community.

Decision

Subject to the completion of a Section 106 Agreement , permission be granted with conditions imposed as listed in the Committee Update Report.

239. **Planning Application DC/16/0103/FUL**

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

The Committee had visited the application site on 28 July 2016.

At the request of Officers this item had been withdrawn from the agenda.

240. **Outline Planning Application DC/16/0473/OUT**

(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.

This application had been deferred at the last meeting for a site visit. The Committee had inspected the application site on 28 July 2016.

Officers reported receipt of four late representations from local residents which raised objections to the proposal principally because of a lack of car parking and concerns about road safety. Photographs showing the extent of existing on-street parking problems in the locality passed to Councillor John Burns by a local resident were displayed as well as those taken by Councillor Burns himself showing the extent of this parking during the early evening.

The following person spoke on the application :

(a) Applicant - Jonathan Friel, agent.

During the public speaking session the applicant's agent had requested that the proposed Condition 3 be removed on the ground that the requirement for development of the application site not to be commenced until works on constructing the Relief Road had begun would effectively sterilise the site for longer than necessary. In discussing the proposal Members acknowledged the existing on-street parking problems along Hales Barn Road and that there would be potential traffic movement issues in respect of the junction of the proposed access road for the development with Hales Barn Road. Concerns were expressed about the impact traffic construction vehicles would have on the amenity of the existing residential properties in the locality. Members were of the view that it was essential that the requirement imposed by Condition 3 should remain in relation to any development of the application site and that some other means for construction traffic, alternative to the existing estate roads, to gain access to and egress from the site should be sought by the applicants.

Samantha Bye, Suffolk County Council Highways present at the meeting, in response to the concerns raised advised that parking provision within the site would be required to meet new standards which were higher than those which had existed hitherto, the issue relating to construction traffic could be resolved by a condition requiring a Construction Management Plan to be submitted and that the problem of turning movements at the proposed junction might be overcome by physical works e.g. build outs and bollards.

As the Committee had before it a motion that the application be refused the decision Making Protocol was invoked as such a decision would be contrary to the Officers' recommendation.

Decision

Further consideration be deferred for a Risk Assessment Report to be submitted in accordance with the Decision Making Protocol.

(At this point the meeting was adjourned to allow Members a short comfort break. Councillor David Roach left the meeting and did not return)

241. **Planning Application DC/16/1001/FUL**

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.

The Committee had visited the application site on 28 July 2016.

Officers reported on two late representations one of which was from Councillor Jane Midwood, the Ward Member and which was read out. The other was from a local resident which raised similar objections.

In considering the proposal Members sought clarification as to why the applicant was seeking to create a new dwelling in the way proposed which would leave the other side dwelling, 2 New England Cottages, which was empty and for sale, with its party walls exposed as a gable end. In response Officers explained that there was an extant permission to extend the dwelling the subject of the application but the applicant preferred the method he was proposing to create a new dwelling and that the design of this attempted to be sympathetic with the other side dwelling.

A member expressed concern that the proposal would have a detrimental effect on the residential amenity of the other dwelling and questioned why, given the large size of the garden plot, there had been no discussion about creating a new dwelling within this area thus leaving the pair of semi-detached dwellings intact. Officers responded by advising that there would be a presumption against the creation of a new dwelling within the garden in policy terms unless the grant of permission could be justified under Paragraph 55 of the National Planning Policy Framework which supported new dwellings of exceptional high quality and innovation although this was a very high test to meet. The majority of Members were of the view that the proposed method of creating a new dwelling was unacceptable and that an alternative approach was warranted.

Decision

Permission be refused on the grounds of the impact on the character and appearance of the remaining dwelling and the unneighbourly nature of the development which would lead to a loss of residential amenity to the adjoining property of 2 New England Cottages.

242. **Planning Application DC/16/0340/FUL**

Conversion of existing barn to residential dwelling and construction of new vehicular access at Mount Farm, Upthorpe Road, Stanton for Mr Clack.

The following person spoke on the application:

(a) Applicant - David Porter, agent.

In considering this application the Committee noted that there was an alternative method of achieving this conversion using Permitted Development Rights via the Prior Approval process.

Decision

Permission be granted.

243. **Outline Planning Application DC/15/2245/OUT**

(All Matters Reserved) 7 no. dwellings at Land between 4 and 8 Norfolk Road, Bury St. Edmunds for Mr John George.

The Committee noted that whilst this application had previously been granted permission subject to a Section 106 agreement relating to a contribution for affordable housing a change made to the Planning Practice Guidance subsequently meant that such contributions could no longer be sought on schemes of less than 10 units where the total floor area was also below 1,000 square metres. Negotiations on the Section 106 Agreement had been progressed since the Committee's decision on 3 March 2016 but Members accepted that the application now required re-determination in view of the changed circumstances.

Decision

Permission be granted (without a Section 106 Agreement)

244. **Planning Application DC/13/0906/FUL**

Erection of 133 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.

Officers advised that the description of the application on the agenda was incorrect and should be stated as the heading above and that the application reference in the heading of Report DEV/SE/16/59 should read DC/13/0906/FUL and not DC/14/0906/FUL.

The Committee noted that the resolution of the Committee at its meeting on 3 December 2015 included an expectation that the Section 106 Agreement for this development would contain a clause to allow a review of viability with respect to the proportion of affordable housing units to be provided. Subsequent to the Committee's decision on this application in December 2015 it had become apparent to Officers from an appeal decision outside the Borough that, in this particular case, such a clause would not be lawful.

The following person spoke on the application :

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

Decision

That the review of viability clause relating to the provision of affordable housing be removed from the Section 106 Agreement to be completed in respect of Application DC/13/0906/FUL.

245. **House Holder Application DC/16/0920/HH**

(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.

This application was before the Committee as the applicant was an Elected Member of the Borough Council.

Officers reported receipt of a late representation which raised concerns about the proximity of the cart lodge to the boundary of Orchard Cottage which was adjacent to the application site. As a consequence of the objection the applicant had the previous day discussed re-siting the building 1.5 metres away from the boundary which position was the original siting proposed before the amended scheme was submitted.

The revised design was to be retained.

Decision

Subject to the receipt of an amended plan showing the building in its original position and to no objections being received during a 7 day consultation period on this further revision of the proposal, the Head of Planning and Growth be authorised to grant permission.

The meeting concluded at 1.00pm

Signed by:

Chairman
