

Development Control Committee



St Edmundsbury
BOROUGH COUNCIL

Minutes of a meeting of the **Development Control Committee** held on **Thursday 6 October 2016** at **10.00 am** in 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
Robert Everitt
Paula Fox
Susan Glossop

Ian Houlder
Ivor Mclatchy
Alaric Pugh
Peter Stevens
Julia Wakelam
Patricia Warby

Substitute attending:

Betty Mclatchy

By Invitation:

David Nettleton and Barry Robbins

256. **Apologies for Absence**

An apology for absence was received from Councillor David Roach.

257. **Substitutes**

The following substitution was announced :

Councillor Betty Mclatchy for Councillor David Roach.

258. **Minutes**

The minutes of the meeting held 1 September 2016 were confirmed as a correct record and signed by the Chairman.

259. **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/16/68 to DEV/SE/16/74) 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(The item relating to Report DEV/SE/16/67 was withdrawn from the agenda)

260. **Planning Applications DC/16/1589/VAR, DC/16/1590/VAR and DC/16/1591/VAR**

Variation of Condition 2 to enable amendment to opening hours at Buildings C & D and Area H at Larks Pool Farm, Mill Road, Fornham St. Genevieve for C J Volkert Ltd.

At the request of Officers these items were withdrawn from the agenda. The Chairman advised that following clarification being obtained on various points the applications would be submitted to the meeting of the Committee on 3 November 2016.

261. **Planning Application DC/16/1618/FUL**

1 no. two storey dwelling following demolition of existing garage and boundary fence (Revised scheme of DC/15/1975) at Rowan House, Albert Street, Bury St. Edmunds for Mr Barney Walker.

Officers referred to paragraph 15 of the written report and advised that a further letter of representation had been received making a total of 7 letters of objection submitted by the occupiers of nearby properties.

The following persons spoke on this application :

- (a) Objector - Mr Tom Soper
- (b) Supporter - Councillor David Nettleton
- (c) Applicant - Mr Tom Stebbing, Agent.

In discussing this proposal the Committee noted that the extant planning permission (reference DC/15/1975/FUL) was for a dwelling of modern design with a single on-site car parking space whereas the current application was for a more traditional style dwelling but with no off-street parking facility. The lack of parking provision within the site was being referred to by Suffolk

County Council, as the highway authority, as a reason for recommending that the application be refused. During the public speaking session the applicant's agent had referred to a survey carried out by Transport Planning Associates on the applicant's behalf which had identified that there was spare on-street parking capacity in the vicinity of the application site which made on-site parking provision unnecessary. It had also been suggested by Councillor Nettleton that the applicant would have the opportunity to purchase car parking permits for the Zone H on-street parking area which had recently been extended. Members acknowledged that illegal on-street parking was a problem in parts of the town and that enforcement action appeared to be ineffective in dealing with this. Samantha Bye, Suffolk County Council Highways, present at the meeting informed Members that whilst the County Council's document *Suffolk Advisory Parking Standards* was advisory it laid down principles which the highway authority endeavoured to adhere to. She advised that everyone had the right of passage along the highway and illustrated by way of photographs taken the previous evening various obstructions and road safety hazards being caused by illegally parked vehicles in the locality of the application site. Officers reaffirmed that the issue of parking provision in respect of the proposal was a material planning consideration and that the effect of a potential increase in illegal parking upon matters of highway safety was also material. A motion that the application be refused was lost.

As it was then apparent that the Committee was mindful of granting permission the Decision-making Protocol was invoked. It was requested that the Risk Assessment Report which would be produced for the further consideration of the application at the next meeting include information about responsibilities for enforcement action in respect of illegal on-street parking.

Decision

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

262. **Planning Application DC/16/1261/FUL**

New access road for farm and domestic use at Green Farm, Brandon Road, Culford for Green Farm Nursery.

The following person spoke on this application :

- (a) Applicant - Samantha Reynolds (daughter of the applicant, Christina Warren, and co-owner)

Officers in presenting the report on this application explained that the proposal was part of an intention to rationalise the means of access to the nursery site and to the domestic premises at Green Farm. It was intended to retain two existing accesses one of which was shared with the neighbouring property and to stop up a link which branched from the southernmost existing access and as an alternative to create a new access to serve the domestic premises, the subject of this application, at a point midway between the two existing accesses. The Parish Council had objected to the proposal because it involved the creation of another access onto the B1106 which in its view would have potential for causing accidents. Councillor Susan Glossop,

as Ward Member, endorsed the Parish Council comments and referred to the fast speed of traffic along the stretch of road fronting the site. Samantha Bye, Suffolk County Council Highways, advised that the proposal was a much safer arrangement and only involved transferring vehicular movements from one point to another which were satisfactory distances apart. The creation of the new access would, furthermore, involve it being constructed to meet higher visibility standards.

Decision

Permission be granted.

263. **Tree Preservation Order Application DC/16/1276/TPO**

Tree Preservation Order 218 (1972) 45 – 1 no. sycamore (1 on plan within Area G5 on order) fell at 71 Raynham Road, Bury St. Edmunds for Mr Palmer.

The Committee had visited the application site on 29 September 2016.

The following person spoke on this application :

- (a) One of the Ward Members - Councillor David Nettleton (also speaking on behalf of the applicant)

Members discussed the suggestion made by Officers to the applicant that works be carried out to reduce the size of the tree. A motion that the application be refused with a preference for such tree surgery to be carried out as an alternative was lost. The majority of Members accepted that the tree, a self-seeded and semi-mature specimen which would eventually grow even larger, was having a detrimental effect on the residential amenity of the applicant. A motion that the application be granted consent subject to a condition that a replacement tree of a suitable species and appropriate for the size of the applicant's garden be planted was carried.

Decision

Consent be granted, subject to the following conditions :

1. Two year time limit for the works to be carried out ; and
2. A replacement tree of suitable size and species be planted.

264. **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. D received on 8 August 2016 reducing scale and revising design and location, at Flempton House, Bury Road, Flempton for Mr Andrew Speed.

(Councillor Susan Glossop declared a non-pecuniary interest as she knew the applicant and the persons who lived in neighbouring properties and who had submitted written representations in respect of the proposal. After speaking

as Ward Member to represent the views of the objectors she withdrew from the meeting for the remainder of the consideration of this item)

The application was before the Committee as the applicant was an Elected Member of the Borough Council. The proposal had been considered previously by the Committee at its meeting on 4 August 2016 when a decision to grant permission had been delegated to the Head of Planning and Growth subject to the receipt of an amended plan, a seven day period for neighbours to be consulted and to no objections being received. Officers reported that the amended plan had been received on 8 August but the receipt of two letters of objection had resulted from the further neighbour consultation on the amended plans. The Committee had visited the application site on 29 September 2016.

The Chairman at his discretion allowed Councillor Susan Glossop to speak as Ward Member during the public speaking session. In doing so he reminded Councillors that they needed to register if they wished to address the Committee during the public speaking session and that the register closed at noon on the Wednesday preceding the Committee's meeting.

Members in discussing the proposal acknowledged the concern expressed by the objectors that there would be overlooking of their properties. However, it was noted that the rear of the proposed building faced a brick and flint wall and that fenestration was by way of three roof lights. It was also ascertained that this view would be over the rear garden of Flempton House and not the adjoining properties.

Decision

Permission be granted.

265. Revocation of Hazardous Substances Consent No. SE/01/2826/H

Continued storage of natural gas at Bury St. Edmunds Holder Station, Tayfen Road, Bury St. Edmunds.

In presenting this item Officers explained that the gas holder to which the Hazardous Substances Consent related had been dismantled and removed from the site by National Grid and replaced by a gas pressure reduction system. The consent had therefore become operationally redundant but it technically remained 'live' and unless revoked it had the consequence of blighting the re-development of the gas holder site and because of their proximity other areas of brown field land allocated for development by the Vision 2031 Development Plan document. Although the matter was not the subject of an application from an external party it was before the Committee because the Head of Planning and Growth had no delegated power to revoke Hazardous Substance Consents and revocation was necessary to facilitate the unfettered implementation of the development referred to in Vision 2031.

Decision

Hazardous Substances Consent SE/01/2826/H be revoked and the Revocation Order be submitted to the Secretary of State for confirmation.

266. **Planning Application DC/16/1180/FUL**

Construction of agricultural storage barn, as clarified by information received 13 September 2016, at East Town Park, Coupal's Road Haverhill for St. Edmundsbury Borough Council.

(Councillor John Burns advised that the late Tim Marks whilst serving as a County Councillor for the Haverhill Cangle Electoral Division had allocated monies from his Locality Budget towards this project. Councillor Burns had been elected to fill the vacancy caused by the death of Councillor Tim Marks but he had only become aware of this allocation within recent weeks. He did not believe that he was placed in any situation of pre-determination or bias regarding the planning application since he had not been party to the decision on funding and in any event as a member of this Committee he would be only considering the proposal from the viewpoint of its planning merits.)

A revised Block Plan has been previously circulated after the agenda and papers for this meeting had been distributed.

The Committee in considering this proposal noted that there had been no objections to it and that the proposed barn would not be visible from the highway and it was a necessity for the storage of timber and coppiced material generated from the adjoining woodland area.

Decision

Permission be granted.

267. **Trees in a Conservation Area Notification DC/16/1756/TCA**

(i) 1 no. willow (T1 on plan) fell ; (ii) 1 no. cherry (T2 on plan) overall crown reduction of 25% ; (iii) 1 no. cherry (T3 on plan) overall crown reduction of 30% ; and (iv) 1 no. cherry (T4 on plan) overall crown reduction of 25% at Sea Pictures Gallery, Well House, Well Lane, Clare for Mr & Mrs Pugh.

(Councillor Alaric Pugh declared a pecuniary interest in this item and remained present in the meeting but took no part in the discussion or voting thereon)

The Committee was required to consider this matter as one of the applicants was an Elected Member of the Borough Council.

Decision

No objections be raised in respect of the proposal and as a consequence no Tree Preservation Order be served.

The meeting concluded at 11.35am.

Signed by:

Chairman
