

Development Control Committee



St Edmundsbury
BOROUGH COUNCIL

Minutes of a meeting of the **Development Control Committee** held on **Thursday 3 November 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

Terry Clements
Jason Crooks
Robert Everitt
Paula Fox

Susan Glossop
Ivor Mclatchy
Alaric Pugh

Substitutes attending:

Betty Mclatchy
David Nettleton

Barry Robbins

268. **Apologies for Absence**

Apologies for absence were received from Councillors John Burns, Ian Houlder, David Roach, Peter Stevens, Julia Wakelam and Patsy Warby.

269. **Substitutes**

The following substitutions were declared :

Councillor Betty Mclatchy for Councillor Peter Stevens
Councillor David Nettleton for Councillor Julia Wakelam
Councillor Barry Robbins for Councillor John Burns

270. **Minutes**

The minutes of the meeting held 6 October 2016 were confirmed as a correct record and signed by the Chairman.

271. **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/16/75 to DEV/SE/16/77) and any additional conditions imposed by the Committee and specified in the relevant decisions; and
- (3) refusal reasons be based on the grounds in the written reports and any reasons specified by the Committee and indicated in the relevant decisions.

272. Planning Applications DC/16/1589/VAR, DC/16/1590/VAR and DC/1591/VAR :

(i) DC/16/1589/VAR – Variation of Condition 2 of DC/15/1573/FUL, retention of modification and change of use of former agricultural building to storage (Class B8), to enable amendment to opening hours, as amended by wording in planning statement of 21 July 2016, at Building C ;

(ii) DC/16/1590/VAR – Variation of Condition 2 of DC/15/1754/FUL, retention of modification and change of use of former agricultural building to storage (Class B8), to enable amendment to opening hours, as amended by wording in planning statement of 21 July 2016, at Building D ; and

(iii) DC/16/1591/VAR – Variation of Condition 2 of DC/15/1759/FUL, retention of change of use from former agricultural storage to use for open storage (Class B8) for caravans and motor homes (10 maximum), horse boxes (5 maximum) and containers (20 maximum) to enable amendment to opening hours at Area H

at Lark’s Pool Farm, Mill Road, Fornham St. Genevieve for C J Volkert Ltd.

(Councillor Robert Everitt declared a non-pecuniary interest because he was an acquaintance of the applicant and remained present within the meeting but did not vote)

The following persons spoke on the applications :

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|-----|----------------|---|---|
| (a) | Objectors | - | Colin Hilder and Mrs Jenny Bradin, Ramblers’ Association representative |
| (b) | Parish Council | - | Councillor Michael Collier |
| (c) | Applicant | - | Leslie Short, agent |

A Member referred to paragraphs 11 and 12 of the report and sought clarification as to what the views of Suffolk County Council, Rights of Way Section, were as two separate sets of comments had been submitted which were in conflict with one another. Officers advised that the views reported in Paragraph 11 had been submitted in error and had subsequently been withdrawn and that the Rights of Way Section was objecting to the applications for the reasons put forward in Paragraph 12.

In discussing the proposals Members acknowledged that there were conflicting considerations relating to the use of Mill Lane to be taken into account in determining the applications. On the one hand this roadway was the only means of access/egress for vehicular traffic using the business/commercial areas within Lark's Pool Farm and whilst the use of the lane by such traffic was already restricted by conditions attached to the permissions granted in May 2016 there was a factor to be taken into account in relation to the promotion of economic prosperity locally by the relaxation of the conditions to permit more extensive use of the three sites involved. Conversely, there were considerations to be borne in mind that the lane was widely used for leisure purposes in connection with the well established local footpath network of the Lark Valley Path and St. Edmunds Way and that the roadway was narrow and without footways to provide safe passage along it by walkers or horse riders. The Committee noted that the proposals sought to vary the current conditions to allow greater use of the three business/commercial units at weekends and Public Holidays which were days when there was greater use of Mill Lane as a leisure facility and was of the view that the latter-mentioned consideration outweighed any others.

Decision

Applications DC/16/1589/VAR, DC/16/1590/VAR and DC/1591/VAR be refused for the following reason :

Policy DM2 of the Joint Development Management Policies Local Plan requires that proposals for all development should, as appropriate, not affect adversely the amenities of adjacent areas, not least by reason of volume or type of vehicular activity generated. The applications to vary Condition 2 of DC/15/1589, 90 and 91/VAR by extending the hours of access to Building C, Building D and Area H by three hours in the evening (to 21.00) on Monday to Friday, five hours (to 18.00) on a Saturday and an additional 10 hours (08.00 to 18.00) on a Sunday and Public Holidays would give rise to an adverse impact on the amenity currently enjoyed by users of the adjacent Lark Valley Path. The presence of vehicles serving these uses, and associated on-site activities, at time when pedestrians and other path users might otherwise reasonably expect to be enjoying the tranquillity of the nearby footpath route is considered to adversely affect the enjoyment of users of the recreational route. This impact is exacerbated significantly by the fact that the extended hours sought are at precisely the times when recreational demand for the footpath will be at its highest.

As such, this proposal is considered to conflict with the provisions of Policy DM2 of the Forest Heath and St. Edmundsbury Local Plan Joint Development Management Policies Document (February 2015) and the National Planning

Policy Framework which seek to create a high quality environment and which at Paragraph 17 of the last-mentioned document seeks to protect amenity.

273. **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.

This application had been deferred at the meeting on 6 October 2016 as the Committee was minded to grant permission contrary to the Officers' recommendation of refusal which was based on Suffolk County Council, Highway's objection of lack of on-site parking provision. Subsequently Officers had negotiated with the applicant's agent a solution to the difficulty about parking provision whereby the existing vehicular access to the property would be stopped up and two on-street parking places provided in Albert Street. This parking provision would be secured by conditions which the applicant had agreed to accept and would be safeguarded by the making of a Traffic Regulation Order by Suffolk County Council which would impose a yellow line restriction. Under the circumstances no Risk Assessment Report required in accordance with the Decision Making Protocol had been produced.

The following person spoke on the application :

(a) Applicant - Tom Stebbing, agent.

The Committee commended the Officers in finding a solution to the issue about parking provision in relation to the application site. It was noted that by virtue of the proposed condition the dwelling could not be occupied until the scheme for the provision of the on-street parking bays had been fully implemented and a concern was expressed that there might be some delay between completion of the dwelling and the carrying out of works by the County Council to delineate the parking bays within the highway. Officers responded by advising that such matters were dealt with by way of application to the County Council and the likely length time involved in this process was not known. It would be up to the applicant's agent to endeavour to achieve a timely implementation of the parking provision element of the scheme but it was noted that all parties, including the applicant, had agreed the draft wording of the condition.

Decision

Permission be granted.

274. **Householder Planning Application DC/16/1578/HH**

(i) Single storey front and rear extensions; and (ii) garage conversion at 14 Hepworth Avenue, Bury St. Edmunds for Mr and Mrs Henthorn

This application was before the Committee because one of the applicants was a member of the Borough Council's staff.

Decision

Permission be granted.

The meeting concluded at 11.30am

Signed by:

Chairman
