

Development Control Committee



St Edmundsbury
BOROUGH COUNCIL

Minutes of a meeting of the **Development Control Committee** held on
Thursday 5 January 2017 at **10.00 am** at the **Conference Chamber, West
Suffolk House**, Western Way, Bury St Edmunds

Present: **Councillors**

Chairman Jim Thorndyke
Vice-Chairman Carol Bull

John Burns
Terry Clements
Jason Crooks
Paula Fox
Susan Glossop
Ian Houlder

Ivor Mclatchy
Alaric Pugh
David Roach
Peter Stevens
Julia Wakelam

Substitutes attending:
Sara Mildmay-White

Andrew Smith

By Invitation:
David Nettleton (for item 284)

275. **Apologies for Absence**

Apologies for absence were received from Councillors Robert Everitt, Angela Rushen and Patsy Warby.

276. **Substitutes**

The following substitutions were announced :

Councillor Sara Mildmay-White for Councillor Patsy Warby and
Councillor Andrew Smith for Councillor Angela Rushen.

277. **Minutes**

The minutes of the meeting held 3 November 2016 were confirmed as a correct record and signed by the Chairman.

278. **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/17/01 to DEV/SE/17/07) 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.

279. **Outline Planning Application DC/15/2483/OUT (Means of access onto Rougham Hill and Sicklesmere Road to be considered)**

To include up to 1,250 dwellings (Use Class C3), local centre comprising retail floor space (A1,A2,A3,A4 and A5), a community hall (D2), land for primary school (D1) and car parking, a relief road, vehicular access and associated works including bridge over the River Lark, sustainable transport links, open space (including children’s play areas), sustainable drainage (SuDS), sports playing fields, allotments and associated ancillary works at Land south of Rougham Hill, Rougham Hill, Bury St. Edmunds/Nowton (application site also abuts the parish boundary of Rushbrooke with Rougham)

The Committee had visited the application site on 3 January 2017.

Officers in presenting the written report advised that the applicants in carrying out a flood risk assessment had received two sets of data from the Environment Agency over a passage of time which provided conflicting information about where the flood zones actually were. The original data had indicated that the area within the application site identified for the proposed primary school and playing field was in Flood Zone 1 and not liable to flooding. However, the most recent dataset, sent by the Environment Agency to the Local Education Authority, had indicated that the school playing field would be situated in Flood Zones 2 and 3 and potentially at risk from flooding. Officers informed the Committee that from a planning viewpoint recreational and school playing field uses were, in principle, appropriate in a flood risk area. The education authority had, however, raised a concern that this might pose increased build and management costs for the new school facility and an ongoing operational difficulty for the school during periods of inclement

weather. The situation remained that the County Council could raise a formal objection to the application on these grounds and if this was the case the application would be referred back to the Committee for further consideration. However, Officers were confident that a solution would be found to obviate this potential problem.

Officers corrected an error on A 3) of the recommendation on page 70 of the report. The first recommended condition on Time limit should have afterwards:

` (3 years for submission of first Reserved Matters and 2 years following formal approval of first Reserved Matters for commencement of development). '

The following persons spoke on the application :

- (a) Objectors - John Corrie and Simon Harding
- (b) Rushbrooke with Rougham Parish Council - Councillor Ian Steel, Chairman
- (c) Ward Member (Rougham Ward) - Councillor Sara Mildmay-White
- (d) Applicants - Clive Harridge, agent

The Committee acknowledged that the application was in respect of a site allocated for development in the Development Plan and that it had been informed by the South East Bury St. Edmunds Strategic Development Site Masterplan. Members were informed that the application was in outline form with only details of the proposed means of access to the site being included for approval at this stage. Details of all other aspects of proposed development would be for consideration at the later Approval of Reserved Matters stage.

Members in considering the application raised a series of matters to which Planning Officers and Luke Barber, Suffolk County Council Highways present at the meeting, responded to as follows:

(i) clarification was sought as to the apparent intention that the main road within the development would serve as a relief road for traffic to and from the A14 since the route of this would be through residential areas with potential adverse effects from pollution and noise from such traffic on the occupiers. The proposed main road would be to a higher specification, yet to be determined, which would take into account projected traffic flows including usage by agricultural vehicles. There would be a choice for motorists of either Sicklesmere Road or the new highway and the intention was to make the latter a more attractive option and thus provide some relief for the existing road;

(ii) clarification was sought about the proposed stopping up of Rushbrooke Lane and how this would operate. The lane would be stopped up at a point which would form cul-de-sacs. Two way access to the proposed relief road would be provided from both sides of the severed Rushbrooke Lane and thus preserve access and egress to existing residential properties served by it;

(iii) an assurance was sought that traffic impact assessments would be carried out on the effect of the development on minor roads in Rougham and

the wider area in view of the expressed concern that these would become 'rat runs' as alternatives to designated routes. These assessments it was suggested should include consideration of the use of these lanes by agricultural traffic in connection with a potato storage and distribution business. Whilst it was inevitable that motorists would seek alternatives via minor roads to reduce journey times there was often no benefit to be had from this practice. In the Officers' view by making the new road an attractive route as a link to the A14 it would reduce the impact on minor roads. There was no method available of assessing at this stage what the impact might be in respect of minor roads and no means of dealing with a perceived adverse situation other than stopping up or severing such roads. If in the longer term problems occurred the County Council would assess these and address them as appropriate;

(iv) whilst the proposed cycleway link was welcomed it was felt that the provision of this should be made a definite proposal since at present it was dependent on Suffolk County Council having funds available for these works. It was also pointed out that surface of the existing cycleway was in need of cleaning up in the vicinity of the underpass of the A14. A question was raised as to whether there would be separate dedicated routes for cyclists for sections of highways which intersected the cycleway route. The County Council had funds in place for the cycleway link to the A14 pedestrian underpass and was keen to see other links provided to the town centre, West Suffolk Hospital, the proposed school and existing and proposed employment areas and the developer would make available rights of access to facilitate cycle routes. Provision of the cycleway could, however, be secured under a Section 106 Agreement if the County Council did not have funding available. There would be separate routes for cyclists at junctions/roundabouts and push button crossing facilities;

(v) there were concerns about the effect of traffic from the development upon other main junctions and roundabouts in the town. It was suggested that there should be a comprehensive and enforceable traffic management plan for the whole of Bury St Edmunds as a means of dealing with this. Contributions from developers of each of the Strategic Development sites would be sought specifically to improve key junctions and corridors leading to the town centre. In the case of this development it was intended to obtain funds for work on the entire corridor via a Section 106 Agreement and the use of powers under Section 278 of the Highways Act rather than waiting for funds to accrue from the other developments;

(vi) the concerns of the Suffolk Wildlife Trust about the impact of the development upon 'Priority Species' and the assessment of these by Officers set out in the report were noted;

(vii) a question was also raised as to whether the County Council would, within a specified period, adopt the roads within the proposed development. The County Council's intention was that it would adopt the new highway network with the exception of small cul-de-sac developments served by a private drive;

(viii) clarification was sought as what the situation would be if no bus operator was willing to provide the bus services envisaged as part of the

sustainable transport system which would support the development. It was also noted that the Transport Co-ordinator post proposed would be in being for a period of 35 years and a question was raised as to whether this would be necessary for this length of time. The situation regarding bus services was that there was sufficient capacity within existing operations for these to be provided and incentives could be offered to establish services for the development. The development was large enough to make services viable. Generally developments of 500 to 1,000 dwellings were sufficient to generate enough passengers for a service to be feasible. In the view of Officers the Travel Plan relating to the development would be effective and whilst it was likely that the development might be completed sooner than the 35 years period referred to it was felt that the co-ordinator post should be available as a resource during the build out of the project; and

(ix) reference was made to the proposed means of access to the site from the junction with the proposed new roundabout onto Sicklesmere Road and an observation was made by a Member that there appeared to be very little offset in the layout of this. The proposed layout of this junction was indicative only at this stage and more detailed work would follow under the Highways Act but Officers would ensure that new and amended junctions would be appropriately designed and safety audited.

Decision

- (1) Outline planning permission be granted subject to :
 - (a) prior agreement being reached with the applicants and Local Education Authority with respect to a strategy for delivering a site for a new primary school as part of the development;
 - (b) the completion of a Section 106 Agreement to secure, unless the Head of Planning and Growth subsequently concludes a particular clause to be unlawful or considers any individual measure would be better secured by planning condition, those matters listed in recommendation A 2) of Report DEV/SE/17/01; and
 - (c) the conditions listed in recommendation A 3) of Report DEV/SE/17/01, subject to the amendment of the first mentioned condition to read ' Time limit – (3 years for submission of first Reserved Matters and 2 years following approval of the Reserved Matters for commencement of the development) ; and
- (2) should agreement not be reached with respect to the provision of a site for a new primary school or, for whatever reason, the Borough Council cannot secure a Section 106 Agreement with the applicants within a reasonable period, the application be referred back to this Committee for further consideration.

(At this point the meeting was adjourned to allow Members a short comfort break)

280. **Planning Application DC/16/1810/VAR**

Variation of Condition 10 of E/89/1085/P to allow working hours of 08.00 to 18.30 on Mondays, 06.00 to 18.30 on Tuesdays to Fridays inclusive and 06.00 to 16.00 on Saturdays; no work to take place at any time on Bank Holidays and Sundays at The Barn, Low Green Barn, Low Green, Nowton for The Friendly Loaf – Mr Mark D Proctor

The Committee had visited the application site on 3 January 2017.

The following persons spoke on the application:

- (a) Objector - Mr David Graham
- (b) Applicant - Mr David Barker, agent.

The Committee noted that the application site was an existing industrial premises situated at the Nowton Business Centre.

A Member questioned whether the increase in working hours constituted a change of use from the current B1 classification to B2. Officers responded by advising that an increase in working hours did not automatically place the same business activity into another Use Class category. This was a matter of fact and degree with the principal judgement relating to whether the use could be carried on without harming residential amenity. The local planning authority was able to re-assess the situation but in this particular case Officers were satisfied that the proposal would remain a B1 light industrial use of the premises. A point was also raised as to whether any grant of permission could be made personal to the applicant. In the circumstances under consideration Officers advised that this would not be justified, that Government guidelines advised that personal conditions were rarely reasonable or necessary and that they were satisfied that the recommended conditions would adequately control the development. In response to a question about whether the extractor fan proposed would give rise to any complaints about noise Officers advised that this had not yet been installed but an assessment would be carried out to ascertain there were adequate noise attenuation and odour control measures contained within the system. Officers also advised that the present extent of retail sales taking place from the premises were so small as to be ancillary to the main use and therefore they were satisfied that a material change of use had not taken place.

Decision

Permission be granted.

281. **Planning Application DC/16/1451/FUL**

Change of use of office (Class B1a) to nursery (Class D1), as amended by details received 14 October 2016 including parking layout plan, noise mitigation plan and travel plan at Ground Floor Office, Low Green Barn, Low Green, Nowton for Little Larks Day Nursery – Mrs Donna Cooper.

The Committee had visited the application site on 3 January 2017.

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

The following persons spoke on the application:

- (a) Objector - Mr David Graham
- (b) Applicant - Mrs Donna Cooper

In the absence of a plan showing the car parking and dropping off/collection point arrangements in respect of the proposal some Members expressed concern about safety issues, particularly because the frontage outside the application premises was narrow and constricted for the safe parking and manoeuvring of vehicles. Additionally this area was also used by walkers to gain access to the adjacent public footpath. Clarification was requested as to whether the proposed parking spaces were to be delineated clearly by white lining. Officers indicated that this requirement could be included within the parking management scheme. Officers advised that the number of car parking spaces (12) conformed with the County Council's parking standards but details of the dropping off/collection point and arrangements for cycle storage were still to be agreed. The location of the proposed car parking bays might therefore change to accommodate the dropping off and collection space. No conditions to be attached to any grant of permission had been recommended by the County Council as yet. Requirements for a car parking management scheme and a Travel Plan to be approved could be imposed by condition. In response to a question by a Member Officers advised that 10 of the proposed car parking spaces were intended for the staff the number of whom was equivalent to 9 full- time employees.

Decision

Subject to the receipt of a comprehensive and satisfactory plan, indicating how car parking and dropping off and collection of children is to be managed and how these areas are to be demarcated, which has been drawn up in consultation with the local highway authority, planning permission be granted.

282. **Planning Applications DC/16/2492/VAR, DC/16/2493/VAR and DC/16/2494/VAR**

(i) DC/16/2492/VAR – Variation of Condition 2 of DC/15/1753/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 revised wording in planning statement of 9 November 2016 at Building C;

(ii) DC/16/2493/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 revised wording in planning statement of 9 November 2016 at Building D; and

(iii) DC/16/2494/VAR – Variation of Condition 2 of DC/15/1579/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.

Officers corrected an error in Paragraph 6 of the report as the reference to the October Development Control Committee should have read the November Development Control Committee.

Officers gave an oral update as follows :

(i) in respect of Application DC/16/2494/VAR (Area H) the applicants had withdrawn the proposal to seek opening on a Sunday;

(ii) in relation to Paragraph 8 Officers advised that the statement that 'there are also ongoing enforcement investigations into a number of present unauthorised uses' had been superseded as the situation now was that Certificates of Lawfulness and applications for Discharge of Conditions had been received in respect of these;

(iii) with reference to Paragraph 11 the Ramblers' Association had reiterated its concerns expressed in relation to the previous applications and given a full statement of objections based on safety risks to walkers and horse riders and the devaluation of a local amenity;

(iv) a petition had been received from horse riders and dog walkers who used Mill Lane expressing support for the proposals; and

(v) a further letter from a private individual had been received which stated that the removal of opening on a Sunday was an attempt to persuade the Committee to grant permission for the remaining proposals and put forward detriment of local amenity as an objection.

The following persons spoke on the applications:

- (a) Objectors - Jenny Bradin, Ramblers' Association, and Colin Hilder
- (b) Fornham St. Martin cum Genevieve Parish Council - Councillor Michael Collier
- (c) Applicants - Clayton Volkert (owner) ref. 2492
Leslie Short (agent) ref. 2493
Janet Doman (tenant) ref. 2494

In response to a Member's question Officers advised that the proposed conditions in italics contained within the recommendation were under consideration and were not yet in final form. It was also reported that St Edmund's Way referred to by objectors was part of a wider network which Mill Lane led to.

Members after debating the applications had the same concerns regarding amenity and the impact on Rights of Way, as expressed by some of the public speakers, and were of the view that the same reasons for refusal applied at the Committee's meeting on 3 November 2016 remained valid.

Decision

Applications DC/16/2492/VAR, DC/16/2493/VAR and DC/16/2494/VAR be refused for the same reasons as set out in Minute 272 of the meeting of the Committee held 3 November 2016.

(At this point the meeting was adjourned to allow Members a short lunch break)

283. **Planning Application DC/16/1963/FUL**

(i) Conversion of outbuilding/garage (approved under SE/12/0053HH) to form separate dwelling including two storey and single storey extensions; (ii) new vehicular access to serve new dwelling; and (iii) 2 no. detached garages/outbuildings for use for new and existing dwellings at Ardrella, Freewood Street, Bradfield St. George for Mrs P A Prior

The Committee had visited the application site on 3 January 2017.

Officers reported orally that additional comments had been received from the occupier of Seaton Cottage expressing concern about the large scale of the proposed garage/outbuilding and the potential for this to cast shadow over his garden.

The following persons spoke on the application:

- (a) Ward Member - Councillor Sara Mildmay-White
- (b) Applicant - Dean Pearce, agent.

Councillor Sara Mildmay-White expressed objections to the proposal on the following grounds : need for the new dwelling could not be justified, the site

was in an unsustainable location, the proposal was effectively a new build rather than a garage conversion, the orientation of the dwelling was at odds with nearby properties, policy objections and the proposal was detrimental to the appearance and character of the locality.

Members whilst acknowledging the objections which had been lodged were of the view that the proposal conformed with Policy DM27 of the Development Management Policies document which gave a presumption in favour of granting permission to single or small groups of dwellings in appropriate rural locations. A concern expressed about potential light pollution was accepted and it was requested that an appropriate condition be attached to the planning permission in response to this.

Decision

Permission be granted subject to a further condition :

11. the form of any external lighting proposed to be agreed in writing with the local planning authority.

284. **Planning Application DC/16/2319/FUL**

2 no. dwellings (following demolition of existing office building) at Acorn Lodge, Sandy Lane, Bury St. Edmunds for Livens Property Care – Mr Mark Livens

The Committee had visited the application site on 3 January 2017.

The following persons spoke on the application:

- (a) Objector - Ross Taylor
- (b) Ward Member - Councillor Diane Hind – statement of her views read out by Councillor David Nettleton
- (c) Applicant - David Barker, agent

In considering the application the Committee acknowledged the extant Prior Approval (reference DC/15/2386/P3JPA) for a single dwelling on the site granted in January 2016. Whilst it was accepted that there would be a degree of overlooking from the application site in respect of the rear garden of 1 Norfolk Road it was noted that there were similar situations existing in respect of the established properties in the locality. Members referred to the narrowness of the access lane to the rear of the site but noted that the highway authority had not raised any objection to the proposal. Samantha Bye, Suffolk County Council Highways present at the meeting, advised that because this lane served the existing office building the proposal sought to replace there was no basis for recommending refusal. Any intensification in the use of the lane by future development would, however, be resisted by the highway authority.

Decision

Permission be granted.

285. **Planning Application DC/16/0876/FUL**

50 sheltered retirement apartments with communal facilities, parking, landscaping and access (following demolition of existing building) at Place Court, Camps Road, Haverhill for Churchill Retirement Living

(Councillor John Burns declared a non-pecuniary interest in this application as a Member of Suffolk County Council who were owners of the site. He remained within the meeting)

The applicants had lodged an appeal against the non-determination of the application; the time period for determination having expired on 23 August 2016. The Committee was no longer in a position to decide the application as the proposal would now be considered by an appointed Inspector. The matter had been referred to the Committee to seek its views as to what the decision might have been had it been in a position to determine the application. On paragraph 71 Officers corrected an error as in the second line 'excepted' should have read 'accepted'.

The following person spoke on the application :

(a) Objector - Nicola Turner, East of England Ambulance Trust.

Members in discussing the proposal referred to the situation that the application site was part of a larger area of land to be relinquished by the County Council and therefore a holistic approach to the development of the overall area of land to be available for re-development would have been appropriate. Officers advised that the adjoining area of land formerly housing the Social Services Department was the subject of a planning application by another company in the same group as Churchill Retirement Living and an appeal against non-determination had been similarly lodged in respect of this separate proposal. The objections of the Ambulance Service that if the appeal was allowed construction work in implementing the proposal would hamper access to the ambulance station and jeopardise response times was noted and it was agreed that this serious concern should be passed onto the Inspector. Concern was also expressed by the Committee that the proposal did not allow for affordable housing to be provided in the town.

Decision

That (1) had the Committee been in a position to determine the application it would have been refused on the basis of the reasons set out briefly in paragraphs 69 to 71 of Report DEV/SE/17/07 but these be strengthened in the Appeal Statement with the final form of this being agreed by the Head of Planning and Growth with the Chairman and Vice-Chairmen; and

(2) the Head of Planning and Growth be authorised to conduct the Council's case at the appeal as listed in paragraph 74 of Report DEV/SE/17/08.

286. **Tree Preservation Order 11 (2016) Land at Stockacre House, Thetford Road, Ixworth**

The Committee considered Report DEV/SE/17/08 (previously circulated) which sought confirmation of the above-numbered tree preservation order. A copy of the map relating to the order and the order itself were appended to the report. The Committee was shown photographic evidence that the infection of Ganoderma was an outgrowth on a stump of a Cherry tree immediately adjacent to the Beech tree the subject of the order.

RESOLVED – That Tree Preservation Order 11 2016, Land at Stockacre House, Thetford Road, Ixworth be confirmed without modification.

The meeting concluded at 3.35pm

Signed by:

Chairman
