

Development Control Committee



St Edmundsbury
BOROUGH COUNCIL

Minutes of a meeting of the **Development Control Committee** held on **Thursday 7 September 2017** at **10.00 am** at the **Conference Chamber, West Suffolk House, Western Way, Bury St Edmunds IP33 3YU**

Present: **Councillors**

Chairman Jim Thorndyke

Vice Chairman Carol Bull and David Roach

Terry Clements

Ian Houlder

Jason Crooks

Ivor Mclatchy

Robert Everitt

David Nettleton

Paula Fox

Andrew Smith

Susan Glossop

Substitutes attending:

John Griffiths

Barry Robbins

By Invitation:

Richard Rout

343. **Apologies for Absence**

Apologies for absence were received from Councillor John Burns, Alaric Pugh, Peter Stevens and Julia Wakelam.

344. **Substitutes**

Councillor Barry Robbins attended the meeting as substitute for Councillor John Burns and Councillor John Griffiths attended as a substitute for Councillor Alaric Pugh.

345. **Minutes**

The Chairman drew attention to the two sets of minutes attached to the agenda for Members' consideration:

19 July 2017

Councillor David Nettleton spoke on the minutes of 19 July 2017 and made reference to being aware of concerns from a third party in relation to the content of the minutes, however, he did not personally dispute them.

The Chairman advised the meeting that the minutes in question had been circulated in draft mode prior to inclusion on an agenda, which was not the normal process.

The minutes of the meeting held on 19 July 2017 were then confirmed as a correct record and were signed by the Chairman.

3 August 2017

Councillor Nettleton also spoke on the minutes of 3 August 2017 and made reference to Minute No 340 (Planning Application DC/16/1050 & Listed Building Consent Application 16/1051/LB – 6 Lower Baxter Street, Bury St Edmunds).

At the meeting in August Councillor Nettleton had spoken against the application in question on the grounds of design and had believed that he had asked that his objection was recorded in the minutes, however, on investigation the recording of the meeting had not shown this.

Councillor Nettleton, therefore, asked that his objection be formally recorded and the Chairman agreed for it to be noted.

The minutes of the meeting held on 3 August 2017 were then confirmed as a correct record and were signed by the Chairman.

346. **Planning Application DC/17/0595/RM - Development Zones I, K and L, Marham Park, Bury St Edmunds (Report No: DEV/SE/17/036)**

Reserved Matters Application - Submission of details under DC/13/0932/HYB for details of access, scale, layout, appearance, landscaping and parking for Development Zones I, K and L for 180 dwellings Including Details Reserved by Conditions C19, C20, C21, C22, C23, C30, C31, C35, C36 and C37 of application DC/13/0932/HYB

This application was referred to the Development Control Committee as it was a major application and the Parish Councils concerned raised objections, which was contrary to the Officer recommendation of approval, subject to a condition, as set out in Paragraph 69 of Report No: DEV/SE/17/036.

The Principal Planning Officer explained that the application before the Committee sought Reserved Matters approval (access, scale, layout, appearance, landscaping and parking) following the Hybrid planning application granted in 2014 subject to a number of detailed conditions.

The Case Officer spoke on other related applications in respect of the Marham Park development and made reference to the overall Masterplan.

As part of his presentation the Officer made reference to:

- The 'late papers' which were circulated after the agenda was published; within which attention was drawn to the representation received from Suffolk County Council's Flood and Water Engineer who confirmed that their holding objection to the application could be removed;

- The approved Density Parameter Plan; which demonstrated that the scheme before Members was at the top of the permitted range, but within the specified limits, in light of which Officers considered the density proposed to be acceptable;
- The Road Hierarchy and Parking Plan which Highways had confirmed was acceptable (including access for emergency vehicles) and the size of the garages proposed was in accordance with the County's parking guidelines; and
- The landscape masterplan.

The Committee was advised that as a result of Parish boundary changes that came into effect on 1 April 2017 the application site now fell within Bury St Edmunds, when previously it came under Fornham All Saints. Accordingly, as both Parish Councils had been consulted on the related hybrid application the Chairman had permitted both to address the meeting.

Speakers: Councillor Tom Murray (Bury St Edmunds Town Council) spoke against the application
 Councillor Howard Quayle (Fornham All Saints Parish Council) spoke against the application
 Sean Marten (applicant) spoke in support of the application

During discussion, questions were raised with regard to; road widths, space standards and the management of the open space.

In answering these questions the Case Officer clarified that:

- The width of the proposed roads complied with the Suffolk Design Guide;
- The Nationally Described spaces Standards could only be applied if they were part of a Local Plan. As these were currently not part of the St Edmundsbury Development Plan they could not be applied to the application. The Officer explained that planning colleagues were currently working on this matter and Members of the Committee asked that this be progressed as quickly as possible; and
- The Committee were advised that the management arrangements for open space varied across the schemes within Marham Park as different developers often chose different management mechanisms. Members were assured that in all cases Officers worked closely with the developers.

Councillor Robert Everitt asked a specific question with regard to surface treatments within the scheme such as tactile paving. The Case Officer explained that the development met all county standards in this respect. In response to which Councillor Everitt encouraged the applicant to consider the inclusion of these elements wherever possible.

Councillor David Nettleton proposed that the application be approved, as per the Officer recommendation, and this was duly seconded by Councillor Robert Everitt.

Upon being put to the vote and with the vote being unanimous, it was resolved that

Decision

Planning permission be **APPROVED** subject to the following condition:

1. Plans and documents condition

347. **Planning Application DC/17/0232/FUL - 65 Horsecroft Road, Bury St Edmunds (Report No: DEV/SE/17/037)**

Planning Application - (i) 1no new dwelling with extension to existing access drive and (ii) Single storey side extension to No.65 Horsecroft Road and remaining works to new drive entrance

This application was referred to the Development Control Committee in order to ensure full openness of the application process and in light of the interest in the proposal.

A Member site visit was held prior to the meeting. Bury St Edmunds Town Council had withdrawn an earlier objection in relation to the application, however, representations had been received from neighbouring properties.

Officers were recommending that the application be refused, for the reason set out in Paragraph 7 of the 'late papers' which were circulated after the agenda had been published.

As part of his presentation the Planning Officer made reference to:

- The 'late papers' which contained an amendment to the wording of refusal reason 1 and explained the reasoning for removing refusal reason 2 (as a result of the applicant since proposing the repositioning of the existing fence a further 900mm back from its current position and to plant an evergreen Laurel hedge in front, fronting Horsecroft Road);
- An email that had been circulated to the Committee from the applicant which queried the Site Area (sqm) figures set out in the late papers within a table in Paragraph 5. The Officer confirmed that some of the figures in the late papers had unfortunately been included inaccurately and advised the Committee of the correct calculations.

The Case Officer spoke on the history of the site and related planning applications.

Attention was also drawn within the presentation to nearby residences which had been subject to similar 'infill' planning applications. The Officer explained that the site area and curtilage of the proposed dwellings within the application would be somewhat smaller than the others shown, which reinforced the Officer's concerns regarding the proposed impact of the development on the character and appearance of the area.

Speakers: Elizabeth Maine (neighbour) spoke against the application
Councillor Richard Rout (Ward Member: Westgate) spoke against the application
Trevor Grange (applicant) spoke in support of the application

Councillor David Nettleton proposed that the application be refused, as per the Officer recommendation and for the reason set out in the 'late papers', and this was duly seconded by Councillor Ian Houlder.

Upon being put to the vote and with 3 voting for the motion, 9 against and with 1 abstention the Chairman declared the motion lost.

Following further discussion on the application by the Committee, Councillor Terry Clements proposed that the application be deferred in light of Members' concerns, to enable Officers to work with the applicant to seek improvements to the scheme where possible. This was duly seconded by Councillor David Nettleton.

Upon being put to the vote and with 3 voting for the motion, 9 against and with 1 abstention the Chairman declared the motion lost.

Councillor Carol Bull then proposed that the application be approved, contrary to the Officer recommendation, and this was duly seconded by Councillor Susan Glossop.

The Lawyer then interjected and explained that in making the proposal for approval Members needed to give reasons as to why they were going against the Officer's recommendation.

Following deliberation and after receiving Officers' advice, Councillors Bull and Glossop determined the following reasons:

- Refusal reason 2 had been removed as no longer relevant, leaving just one reason in the Officer's recommendation;
- The impact on visual amenity was not as severe as originally thought, particularly given the reduction in height; and
- The plot sizes concerned were considered adequate.

The Case Officer then read out draft conditions which could be used if Members were minded to approve the application:

1. Standard time limit
2. Samples of materials
3. Access material details
4. Parking and manoeuvring details
5. Tree protection measures
6. Removal of permitted development rights
7. Details of boundary/screening treatment
8. Details of landscaping scheme
9. In accordance with approved plans

Councillor Glossop asked if the existing Leylandii trees could be conditioned in any way, however, the Assistant Director (Planning & Regulatory Services) advised against this specific condition as there were legal rights under antisocial behaviour legislation which can control the height of such hedges. A screening condition to be agreed with Officers was therefore recommended.

The Chairman then put the motion for approval to the vote, with 9 voting for, 3 against and with 1 abstention, it was resolved that

Decision

Planning permission be **GRANTED**, contrary to the Officer recommendation, for the following reasons:

- Refusal reason 2 had been removed as no longer relevant, leaving just one reason in the Officer's recommendation;
- The impact on visual amenity was not as severe as originally thought, particularly given the reduction in height; and
- The plot sizes concerned were considered adequate.

And subject to the following conditions:

1. Standard time limit
2. Samples of materials
3. Access material details
4. Parking and manoeuvring details
5. Tree protection measures
6. Removal of permitted development rights
7. Details of boundary/screening treatment
8. Details of landscaping scheme
9. In accordance with approved plans

348. **Planning Application DC/17/0995/VAR - Forge Cottage, Bowbeck, Bardwell (Report No: DEV/SE/17/038)**

Planning Application - Variation of Condition (2) of DC/16/1098/HH to enable re-orientation of the solar panels for the (i) conversion of open fronted car port (attached to converted outbuilding) into guest accommodation (ii) relocation of solar panels from the existing outbuilding to be floor mounted (iii) detached cart lodge (amended)

This application was referred to the Development Control Committee following consideration by the Delegation Panel and because the Parish Council did not object to the proposal, which was contrary to the Officer's recommendation of refusal, for the reasons set out in Paragraph 31 of Report No DEV/SE/17/038.

The Planning Officer drew attention to Paragraph 28 of the report which outlined efficiency information in respect of the solar panels. In light of which, Officers considered the reorientation of the panels to only result in a *marginal* benefit and were therefore recommending refusal of the application; as the harm caused by the proposal would outweigh the benefit.

Speakers: Ian Wilkinson (neighbour) spoke against the application
Councillor Andrew Smith (Bardwell Parish Council) spoke in support of the application*

David Tomlinson (applicant) spoke in support of the application

(*Whilst speaking as a member of and on behalf of the Parish Council, Councillor Smith clarified that when the Parish Council considered the application in question he personally abstained from the vote and stressed that he would maintain an open mind when considering the item.)

During his address to the meeting Councillor Smith had requested, on behalf of the Parish Council, that screening options be explored with the applicant to help mitigate the impact of the solar panel's re-siting.

Councillor David Roach spoke in support of the screening suggestion and questioned the degree of harm that would be caused by the panel's re-orientation, he moved that the application be approved, contrary to the Officer recommendation, and this was duly seconded by Councillor Carol Bull.

In response to a number of questions/comments with regard to the Officer's perception of 'harm' the Principal Conservation Officer addressed the meeting and provided additional explanation.

Councillor Terry Clements moved an amendment that the application be deferred in order to allow time for a Member site visit to be undertaken and for Officers to investigate appropriate screening options. However, this motion failed to be seconded.

The Chairman, therefore, put the motion for approval to the vote and with 8 voting for, 4 against and with 1 abstention it was resolved that

Decision

Planning permission be **GRANTED**, contrary to the Officer recommendation, for the following reason:

- The degree of harm was not considered to be significant when compared to the previously approved scheme

And subject to the following conditions:

1. Original time limit

The development to which this permission relates must be commenced not later than 12.01.2020.

2. Approved plans

The development hereby permitted shall be carried out in accordance with the approved plans and documents.

3. Screening details

Before the installation of the solar panels hereby approved details of soft landscaping screening shall be submitted to and approved in writing by the Local Planning Authority. The details shall include a planting plan; schedules of plants noting species, plant sizes and proposed numbers/ densities. The approved scheme shall be implemented not later than the first planting season following the installation of the solar panels (or within such extended period as may first be agreed in writing with the Local Planning Authority). Any planting removed, dying or becoming seriously damaged or diseased within five years of planting shall be replaced within the first available planting season thereafter with planting of similar size and species unless the Local Planning Authority gives written consent for any variation.

4. Removal of PV panels

The Solar Panels shall be removed within 3 month of the cessation of their use and the land shall be, as far as is reasonably practicable, restored to its condition before the development took place, or to such a condition as has been agreed with the Local Planning Authority.

5. Parking prior to first use

The use shall not commence until the area(s) within the site shown on Drawing No 3646-06B for the purposes of [LOADING, UNLOADING,]

manoeuvring and parking of vehicles has been provided and thereafter that area(s) shall be retained and used for no other purposes.

6. Materials

The development shall be carried out in full accordance with the details approved under DCON(A)/16/1098 unless otherwise subsequently approved in writing by the Local Planning Authority.

Informative:

This planning permission does not grant consent for any works to the curtilage listed building. Any works required to the listed building in association with the installation or subsequent removal of the solar panels, such as a connection to the electricity supply, may require Listed Building Consent. The applicant is advised to provide the Council with details of such work before it is carried out.

The meeting concluded at 12.16 pm

Signed by:

Chairman
