

Development Control Committee



St Edmundsbury
BOROUGH COUNCIL

Minutes of a meeting of the **Development Control Committee** held on
Thursday 1 February 2018 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

John Burns

Terry Clements

Robert Everitt

Paula Fox

Susan Glossop

Ian Houlder

David Nettleton

Alaric Pugh

Andrew Smith

Peter Stevens

Julia Wakelam

By Invitation:

Mike Chester

Patrick Chung

Sarah Stamp

359. **Apologies for Absence**

Apologies for absence were received from Councillor Ivor Mclatchy.

The Democratic Services Officer also explained that since publication of the agenda Councillor Jason Crooks had lost his seat on the Committee as a result of the UKIP Group ceasing to exist on the Borough Council, in light of recent resignations from said Group. This seat was, therefore, now a 'vacancy' and appointment to the Committee would be addressed at the meeting of full Council on 20 February 2018.

360. **Substitutes**

There were no substitutes present at the meeting.

361. **Introductions**

The Service Manager (Planning – Development) introduced Members to the two Legal Officers in attendance who were imminently due to qualify in their profession; following which they would be providing legal support to future meetings of the Development Control Committee. She also introduced Matthew Harmsworth; a Planning Officer who had recently joined the team.

362. **Minutes**

The minutes of the meeting held on 7 December 2017 were unanimously received by the Committee as a correct record and were signed by the Chairman.

363. **Planning Applications DC/17/1763/FUL & DC/17/2606/VAR - Nunwick Farm, Rede Road, Wkepstead (Report No: DEV/SE/18/002)**

(Councillor David Nettleton declared a non-pecuniary interest in this item, in that one of the objectors, who was representing family members that were neighbours to the applications' site, was his next door neighbour.)

DC/17/1763/FUL - Planning Application - Construction and part retention of a single storey outbuilding to provide garaging and storage associated with the residential occupation of the site

DC/17/2606/VAR - Planning Application - Variation of Condition 9 of DC/15/0426/FUL (Planning Application - Change of use of land from agriculture to domestic use) to read "The change of use hereby approved shall not be implemented unless and until the development approved under DC/15/0029/PMBPA2 has been implemented and the dwelling (shown as 'proposed house number one' on drawing 3A dated February 2015) occupied"

Planning Application DC/17/1763/FUL had been referred to the Development Control Committee following consideration by the Delegation Panel. The application had been referred to the Delegation Panel at the request of Ward Member (Chedburgh) Councillor Mike Chester.

Accordingly, related Planning Application DC/17/2606/VAR was also presented to the Committee for determination as it concerned the same site.

The Parish Council had no objection to either application, letters of representation had been received from a number of third parties; some in support of the applications and others objecting to both.

A Member site visit was held prior to the meeting. Officers were recommending that both applications be approved subject to conditions, as set out in Paragraph 64 of Report No DEV/SE/18/002.

The Principal Planning Officer drew attention to the supplementary papers that had been circulated in connection with the applications, following publication of the agenda.

The Officer also advised that since agenda publication one further letter of representation had been received citing support, in general terms, for both applications. Furthermore, Officers were aware that Members had been contacted directly by an objector and he reminded the Committee to consider the applications before them on their own merits, irrespective of previous enforcement action on the site, which had no bearing on the determination of the schemes.

It was also highlighted to Members that previously approved Planning Application DC/17/2606/VAR was not be revisited in terms of the issue of principle, which was already established. The matter seeking determination was purely permission to vary the wording of a condition in connection with a previous approval.

Speakers: Mr Bill Hill (on behalf of family members who were neighbours to the applications' site) spoke against the application
Mr Brian Morron (agent) spoke in support of the application

Councillor Peter Stevens thanked the Case Officer for the clarity of report and presentation. He also made reference to the changes in planning legislation that had occurred over time. Councillor Stevens stated that he was satisfied with the Officer recommendations and moved that the applications be approved as per the report.

Councillor Carol Bull echoed this satisfaction and seconded the motion.

On conclusion of further remarks made by Members of the Committee, the motion was put to the vote and with 13 voting for the motion and with 1 abstention, it was resolved that

Decisions

DC/17/1763/FUL

Planning permission be **GRANTED** subject to the following conditions:

1. Time limit.
2. Compliance with plans.
3. Building to be used for purposes incidental to the enjoyment of the dwelling under construction within the large' barn on the site.

DC/17/2606/VAR

Planning permission be **GRANTED** subject to the following conditions:

1. The development hereby permitted shall be begun not later than 28th April 2018.
2. The soft landscaping shown on drawing 2276/102 Revision D shall be implemented not later than the first planting season following commencement of the development (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.
3. The hard landscaping shown on drawing 2276/102 Revision D shall be implemented within six months from first occupation (or within such extended period as may first be agreed in writing with the Local Planning Authority).

4. The development shall proceed in accordance with the contents of the letter dated 20th April 2015 (ref KO/46348) and The Remediation Method Statement dated November 2015 (ref 46348), both documents produced by Richard Jackson Ltd.
No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the remediation method statement referred to above has been submitted to and approved in writing by the Local Planning Authority.
If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.
5. The bin storage area shown on drawing 2276/102 Revision D shall be implemented before first occupation and thereafter retained.
6. Gates shall be set back a minimum distance of 5 metres from the edge of the carriageway and shall open only into the site and not over any area of the highway.
7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order) no development permitted by Article 3 and Part 1 Class E and Part 2 Class A - B of Schedule 2 to the Order shall be erected/carried out within the site other than any expressly authorised by this permission.
8. The change of use hereby approved shall not be implemented unless and until the development approved under DC/15/0029/PMBPA2 has been implemented and the dwelling (shown as 'proposed house number one' on drawing 3A dated February 2015) occupied.

364. **Planning Application DC/17/1487/FUL - Station Yard, Station Road, Barnham (Report No: DEV/SE/18/003)**

Planning Application - 1no. industrial storage building (B8)

This application had been referred to the Development Control Committee in light of it being a major development and because the Parish Council objected to the proposal which was contrary to the Officer recommendation.

A Member site visit was held prior to the meeting. Officers were recommending that the application be approved, subject to conditions as set out in Paragraph 71 of Report No DEV/SE/18/003.

As part of her presentation the Senior Planning Officer drew attention to conditions 7, 8 and 9 which concerned HGV movements. Since publication of the agenda, and following further consultation with Suffolk County Council Highways, amendments had been made to these conditions as outlined to the meeting.

Speakers: Councillor Ed Wyer (Chairman, Barnham Parish Council) spoke against the application

Councillor Andrew Smith (Ward Member: Bardwell) spoke against the application
Mr James Tanner (agent) spoke in support of the application

Prior to the Chairman opening the item up for debate by the Committee, the Lawyer advising the meeting reminded Councillor Smith of the importance of not having a closed mind in respect of the proposal before Members that was seeking determination. Councillor Smith acknowledged this.

In response to a question with regard to vehicle charging points the Case Officer confirmed that the conditions in respect of this had been guided by the Council's Environment Team and 5% of the parking would include electrical car charging points, but this did not include provision for HGV charging.

A number of Members made comment with regard to the facility operating on Sundays and Bank Holidays. The Officer explained that construction on these days was restricted via conditions but not the operation of the facility; which had a need to open on these days in order to meet demand.

Councillor David Nettleton moved that the application be approved, as per the Officer recommendation and inclusive of the amendments to conditions 7 – 9 as outlined. This was duly seconded by Councillor Terry Clements.

Upon being put to the vote and with 11 voting for the motion and with 3 against, it was resolved that

Decision

Planning permission be **GRANTED** subject to the following conditions:

- 1 The development hereby permitted shall be begun not later than 3 years from the date of this permission.
- 2 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the approved plans and documents.
- 3 Prior to the installation of any water supply to the building a foul water strategy shall be submitted to and approved in writing by the Local Planning Authority. The use of any water installations shall not commence until the works have been carried out in accordance with the foul water strategy so approved unless otherwise approved in writing by the Local Planning Authority.
- 4 The strategy for the disposal of surface water (dated October 2017, ref: 22050/802 by Plandescil) and the Flood Risk Assessment (FRA) (dated Oct 17, ref: 22050/FRA&SWDS/Rev0/CS) shall be implemented as approved in writing by the local planning authority. The strategy shall thereafter be managed and maintained in accordance with the approved strategy.
- 5 The building hereby permitted shall not be occupied until details of all Sustainable Urban Drainage System components and piped networks have been submitted, in an approved form, to and approved in writing by the Local Planning Authority for inclusion on the Lead Local Flood Authority's Flood Risk Asset Register.
- 6 No development shall commence until details of a construction

surface water management plan detailing how surface water and storm water will be managed on the site during construction is submitted to and agreed in writing by the local planning authority. The construction surface water management plan shall be implemented and thereafter managed and maintained in accordance with the approved plan.

- 7 The total number of HGVs to and from the building shall not exceed 42 per day.
- 8 HGV movements to and from the building hereby approved will only take place between 7am - 7pm daily.
- 9 On commencement of the use of the building hereby approved, the owners/operators of the site shall keep an up-to-date log of all HGVs movements associated with the building which shall include the times and registration of the vehicles entering/leaving the site each day. The Register shall be made available for inspection by the Local Planning Authority within 24 hours of request.
- 10 The site preparation and construction works shall be carried out between the hours of 08:00 to 18:00 Mondays to Fridays and between the hours of 08:00 to 13:30 Saturdays and at no time on Sundays or Bank Holidays without the prior written consent of the Local Planning Authority.
- 11 No security lights or floodlights shall be erected on site without the submission of details to, and written approval from, the Local Planning Authority to ensure a lighting environment of low district brightness at residential properties.
- 12 The vehicular access hereby permitted shall be a minimum width of 7.3 metres for a distance of 15m metres measures from the nearby edge of the carriageway.
- 13 Before the use of the building hereby approved commences details of the areas to be provided for storage of Refuse/Recycling bins shall be submitted to and approved in writing by the Local Planning Authority.
The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter for no other purpose.
- 14 Before the development is commenced details shall be submitted to and approved in writing by the Local Planning Authority showing the means to prevent the discharge of surface water from the development onto the highway. The approved scheme shall be carried out in its entirety before the access is first used and shall be retained thereafter in its approved form.
- 15 Gates shall be set back a minimum distance of 15m metres from the edge of the carriageway and shall open only into the site and not over any area of the highway.
- 16 The use shall not commence until the area(s) within the site shown on drawing 1733 1 I for the purposes of loading, unloading, manoeuvring and parking of vehicles for both existing and proposed units and the secure storage of cycles has been provided and thereafter that area(s) shall be retained and used for no other purposes.
- 17 Before the access is first used clear visibility at a height of 0.6 metres above the carriageway level shall be provided and thereafter permanently maintained in that area between the nearside edge of

the metalled carriageway and a line 4.5m metres from the nearside edge of the metalled carriageway at the centre line of the access point (X dimension) and a distance of 153 metres in a westerly direction and 164m in an easterly direction along the edge of the metalled carriageway from the centre of the access (Y dimension). Notwithstanding the provisions of Part 2 Class A of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no obstruction over 0.6 metres high shall be erected, constructed, planted or permitted to grow within the areas of the visibility splays.

- 18 The carriageway shall be widened to at least 6.5m for at least 50m from the access in a easterly direction.
- 19 Construction works must not take place within the stone curlew breeding season (March to the end of August). If it is proposed to carry out works during this period, an assessment of the effects of the proposals which must include review of RSPB nest records up to 500m from the site to assess whether birds are likely to be nesting within the distance where they may be disturbed. The assessment should be submitted and agreed in writing prior to commencement of development and any mitigation measures provided in full.
- 20 Prior to commencement of the building hereby permitted details for precautionary site clearance and management of the site including a method statement shall be submitted to and approved in writing by the local planning authority. The approved details shall be implemented as approved in writing by the local planning authority.
- 21 The works shall be carried out in accordance with the details contained in the Biodiversity Survey by Framlingham Environmental dated 29th June 2017 as submitted and agreed in principle with the Local Planning Authority prior to determination. The enhancement measures shall be implemented prior to the occupation of the building hereby approved.
- 22 The works shall be carried out and the building operated in accordance with the details contained in the SUSTAINABLE DESIGN AND CONSTRUCTION STATEMENT received on 19 Dec 2017. The agreed electric vehicle charge points for staff and/or visitor use shall be provided prior to first operational use of the site. The Electric Vehicle Charge Points shall be retained thereafter.
- 23 A Travel Plan as detailed in the said statement shall be submitted to and agreed in writing with the Local Planning Authority prior to its first occupation. The approved details of the travel plan shall be implemented prior to the first use of the building and the development shall be operated in accordance with the travel plan thereafter unless otherwise approved in writing by the Local Planning Authority.

365. Planning Application DC/17/2235/HH - 29 Thistledown Drive, Ixworth (Report No: DEV/SE/18/004)

Householder Planning Application - Two storey rear extension (following demolition of existing conservatory)

This application was referred to the Development Control Committee following consideration by the Delegation Panel. The matter was referred to the Delegation Panel because the Parish Council had submitted objections.

A Member site visit took place prior to the meeting. Officers were recommending that the application be approved, subject to conditions as set out in Paragraph 22 of Report No DEV/SE/18/004.

As part of his presentation the Planning Officer drew attention to updated plans which reflected the amendments that had been made to the application since original submission (as made reference to in Paragraph 3 of the report). He also clarified that the decking shown on the plans would be at ground level.

The Officer also made reference to the applicant's fall-back position in respect of Permitted Development Rights. The Committee was advised that should the scheme be amended by a 10cm reduction (relative to No. 27) and 30cm (relative to No. 31) then it would not require planning permission.

Speaker: Mr Jeff Laidlaw (neighbour) spoke against the application

A number of Members commented on the potential loss of light the application would have on No. 27. The Case Officer explained that any loss of light was considered to be minimal and restricted to the first part of the day as the rear gardens in question were North facing. In response to comments made by the neighbour in this regard the Planning Officer had requested shadow plans from the agent, however, these had been unable to have been provided prior to the meeting of the Committee.

Some Members remarked on the dissatisfaction at not having shadow plans to refer to, when they had been specifically requested. As such, Councillor John Burns proposed that the application be deferred for consideration at a later meeting inclusive of shadow plans. This was duly seconded by Councillor David Nettleton, who suggested that there could be value in a repeat site visit held in the early part of the day.

Upon being put to the vote, and with 13 voting for the motion and with 1 against, it was resolved that

Decision

The application be **DEFERRED** for consideration at future meeting of the Development Control Committee inclusive of shadow plans.

366. **Planning Application DC/17/2276/FUL - 11 Hardwick Lane, Bury St Edmunds (Report No: DEV/SE/18/005)**

Planning Application - 1no. dwelling

This application was referred to the Development Control Committee following consideration by the Delegation Panel. The matter was referred to the Delegation Panel because the Town Council had no objection to the proposal,

which was contrary to the Officer recommendation of refusal, for the reason set out in Paragraph 23 of Report No DEV/SE/18/005.

The Planning Officer advised that since publication of the agenda one further letter of representation had been received in support of the scheme.

Speakers: Councillor Sarah Stamp (Ward Member: Southgate) spoke in support of the application
Mr Ben Elvin (agent) spoke in support of the application

Councillor Alaric Pugh spoke in support of the scheme and proposed that the application be approved, contrary to the Officer recommendation of refusal. This was duly seconded by Councillor David Nettleton who also spoke in support.

The motion for approval was verbally supported by a number of other Members, in light of which the Case Officer read out a number of conditions that would be applied to the application if approved. Officers did not consider a risk assessment to be necessary.

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

Decision

Planning permission be **GRANTED, CONTRARY TO THE OFFICER RECOMMENDATION OF REFUSAL** subject to the following conditions:

- 1 The development hereby permitted shall be begun not later than 3 years from the date of this permission.
- 2 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the approved plans and documents.
- 3 The dwelling hereby approved shall not be occupied until the optional requirement for water consumption (110 litres use per person per day) in Part G of the Building Regulations has been complied with.
- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking and re-enacting that Order) no development permitted by Article 3 and Part 1 Class A, B and C of Schedule 2 to the Order shall be erected/carried out within the site other than any expressly authorised by this permission.
- 5 The site preparation and construction works shall be carried out between the hours of 08:00 to 18:00 Mondays to Fridays and between the hours of 08:00 to 13:30 Saturdays and at no time on Sundays or Bank Holidays without the prior written consent of the Local Planning Authority.
- 6 Any waste material arising from the site preparation and construction works shall not be burnt on site but shall be kept securely in containers for removal to prevent escape into the environment.
- 7 No security lights or floodlights shall be erected on site without the submission of details to, and written approval

from, the Local Planning Authority to ensure a lighting environment of low district brightness at residential properties.

- 8 The use shall not commence until the area(s) within the site shown on Drawing No. 54-17 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.
- 9 The areas to be provided for storage of Refuse/Recycling bins as shown on drawing number 54-17 shall be provided in its entirety before the development is brought into use and shall be retained thereafter for no other purpose.
- 10 Before the development is commenced details shall be submitted to and approved in writing by the Local Planning Authority showing the means to prevent the discharge of surface water from the development onto the highway. The approved scheme shall be carried out in its entirety before the access is first used and shall be retained thereafter in its approved form.

367. Planning Application DC/17/2482/FUL - Land North of Willow Tree Farm, Mill Road, Brockley (Report No: DEV/SE/18/006)

Planning Application - 2no. dwellings with associated vehicular access and copse area

This application was referred to the Development Control Committee following consideration by the Delegation Panel. The matter had been referred to the Delegation Panel at the request of Councillor Peter Stevens (Ward Member: Cavendish) and because the Parish Council had no objection to the proposal, which was contrary to the Officer recommendation of refusal, for the reason set out in Paragraph 35 of Report No DEV/SE/18/006.

The Planning Officer drew attention to the plan within 'late papers' that had been circulated in connection with the application, as a result of the version included within the agenda having been printed incompletely.

The Officer also highlighted Paragraph 32 of the report in which it explained the position with regard to a neighbouring approved application site that fell partly within the remit of Babergh District Council.

Speaker: Mr Dean Pearce (agent) spoke in support of the application

Councillor Peter Stevens spoke in support of the scheme and proposed that the application be approved, contrary to the Officer recommendation of refusal. This was duly seconded by Councillor David Roach.

The motion for approval was verbally supported by a number of other Members, in light of which the Case Officer read out a number of conditions that would be applied to the application if approved.

The Service Manager (Planning – Development) explained that whilst the proposed development did not accord with Policy DM27, Members clearly considered that it was a sensitive and modest development which would

contribute to the Council's housing supply. In this case Officers, therefore, did not consider a risk assessment to be necessary. She also advised the Committee that there had been a number of recent appeal decisions made in relation to Policy DM27 and she would look to arrange a Member seminar on this topic in the near future.

Upon being put to the vote, and with 13 voting for the motion and with 1 against, it was resolved that

Decision

Planning permission be **GRANTED, CONTRARY TO THE OFFICER RECOMMENDATION OF REFUSAL** subject to the following conditions:

- 1 The development hereby permitted shall be begun not later than 3 years from the date of this permission.
- 2 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the approved plans and documents.
- 3 Demolition or construction works shall not take place outside 08:00 hours to 18:00 hours Mondays to Fridays and 08:00 hours to 13:00 hours on Saturdays and at no time on Sundays or Bank Holidays.
- 4 The acoustic insulation of each dwelling shall be such to ensure noise levels, with windows closed, do not exceed an LAeq (16hrs) of 35dB(A) within bedrooms and living rooms between the hours of 07:00 to 23:00, and an LAeq (8hrs) of 30dB(A) within bedrooms between the hours of 23:00 to 07:00.
- 5 The new vehicular access shall be laid out and completed in all respects in accordance with Drawing No. 17/79/06 as per DM01 (SCC - Domestic Vehicular Access Layout); with an entrance width of 4.5m and made available for use prior to occupation. Thereafter the access shall be retained in the specified form.
- 6 The access driveway shall be constructed at a gradient not steeper than 1 in 8.
- 7 Prior to the development hereby permitted being first occupied, the access onto Mill Road shall be properly surfaced with a bound material for a minimum distance of 5 metres from the edge of the metalled carriageway, in accordance with details previously submitted to and approved in writing by the local planning authority.
- 8 The use shall not commence until the areas within the site shown on Drawing No. 17/79/06 for the purposes of loading, unloading, manoeuvring and parking of vehicles has been provided and thereafter those areas shall be retained and used for no other purposes.
- 9 Prior to the access being constructed the ditch beneath the proposed access shall be piped or bridged in accordance with details which previously shall have been submitted to and approved in writing by the Local Planning Authority and shall be retained thereafter in its approved form.
- 10 Before construction of the access is first commenced details shall be submitted to and approved in writing by the Local Planning Authority showing the means to prevent the discharge of surface water from the development onto the highway. The approved scheme shall be

- carried out in its entirety before the access is first used and shall be retained thereafter in its approved form.
- 11 Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no means of frontage enclosure shall exceed 0.6 metres in height above the level of the carriageway of the adjacent highway.
 - 12 The recommendations expressed in section 5 of the submitted Great Crested Newt Assessment prepared by Skilled Ecology Consultancy Ltd. (dated November 2017, received 1st December 2017) shall be implemented in full.
 - 13 The dwellings hereby permitted shall not be occupied until there has been submitted to and approved in writing by the Local Planning Authority a scheme of soft landscaping for the site drawn to a scale of not less than 1:200. The soft landscaping details shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants noting species, plant sizes and proposed numbers/ densities. The approved scheme of soft landscaping works shall be implemented prior to occupation (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 ten 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.
 - 14 No individual dwelling hereby approved shall be occupied until the optional requirement for water consumption (110 litres use per person per day) in Part G of the Building Regulations has been complied with for that dwelling.

On conclusion of this item the Service Manager (Planning – Development) advised Members that it was to be the Planning Officer’s last meeting in attendance at the Development Control Committee, in light of him leaving the West Suffolk Councils later in the month in order to take up a Senior Planning Officer post at South Cambridgeshire District Council. All Members wished the Officer well in his future endeavours.

368. **Announcement**

Prior to closing the meeting, the Chairman reminded all Members that they were to receive a training seminar immediately following the Committee.

The meeting concluded at 12.20pm

Signed by:

Chairman