Development Control Committee

St Edmundsbury BOROUGH COUNCIL

Minutes of a special meeting of the **Development Control Committee** held on **Wednesday 19 July 2017** at **10.00 am** in 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	Ivor Mclatchy
Terry Clements	David Nettleton
Jason Crooks	Alaric Pugh
Paula Fox	Andrew Smith
Susan Glossop	Julia Wakelam
Ian Houlder	

Substitutes attending:

Betty Mclatchy	Frank Warby

In attendance:

Sarah Broughton and	Ward Member for Great Barton
Beccy Hopfensperger	Ward Member for Fornham

332. **Apologies for Absence**

Apologies for absence were received from Councillors Robert Everitt and Peter Stevens.

333. **Substitutes**

The following substitutions were declared:

Councillor Betty McLatchy substituting for Councillor Peter Stevens; and Councillor Frank Warby substituting for Councillor Robert Everitt.

(Councillor Peter Stevens had previously indicated that to avoid the perception of pre-determination and bias due to his close association with the applicant in his capacity as Portfolio Holder for Operations, he would not be present during the consideration of Planning Application No: DC/17/0521/FUL).

334. **Planning Application DC/17/0521/FUL - Land North of Hollow Road Farm, Hollow Road, Fornham St Martin (Report No: DEV/SE/17/031)**

(Councillors Paula Fox, David Nettleton and David Roach declared local non-pecuniary interests as Members of Suffolk County Council and remained in the meeting for the consideration of this item.)

Planning Application DC/17/0521/FUL - Creation of a municipal operational hub comprising waste transfer station (WTS), household waste recycling centre (HWRC) (including reuse building), fleet depot (including offices), public realm maintenance depot and associated infrastructure accesses, internal roads, parking, weighbridges, landscaping scheme and shared use path to connect the existing footway on Barton Hill to proposed accesses.

This application had been referred to the Development Control Committee because it was a Major Development, the Parish Council had objected, and because the applicant was the Council.

Full planning permission was sought for the above and the application had been amended since submission to include amendments to the surface water drainage scheme; landscaping scheme; and to provide additional information regarding fuel storage and pollution prevention. A Member site visit had also been held prior to the meeting.

Following the publication of the agenda and papers for this meeting, the Case Officer advised of the following matters:

(a) A further letter of objection had been received from the Chairmen of Fornham St Martin cum St Genevieve Parish Council; Fornham All Saints Parish Council; and Great Barton Parish Council, who wished to reiterate their concerns regarding:

- the scope of the Transport Assessment (TA);
- the Highway Authority's (Suffolk County Council) response to the application;
- congestion;
- safety; and
- the cumulative impact of the development in association with planned growth in the area.

(b) A letter of representation had been received from the occupants of 'Sharon', Livermere Road, Great Barton, who expressed concern regarding, in their opinion:

- the conflict with local planning policies;
- the use of a greenfield site;
- the inappropriate site selection process;
- a precedent would be set for future development in the countryside; and
- residents' views were not adequately accounted for.

Due to a technical system error, this response had been submitted as a result of consultation letters being sent to three households after the consultation period had expired. Each household had previously commented on the application and the occupants were advised that their previous comments would be taken into account. Members were therefore advised that this error would not prejudice the consideration of the application, as proposed.

(c) An additional condition was proposed, which would require details regarding the handling of foul water to be submitted for approval by the Local Planning Authority (LPA) to provide flexibility for the development to connect to the mains sewer, if achievable.

(d) Proposed condition 24, should be amended to state:

"Within a 12 month period a maximum of 106,496 tonnes waste and *material for recycling* may be accepted at the Waste Transfer Station. *The operator shall keep a record of all imported material which shall be made available to the Local Planning Authority upon request."*

(e) That if the Committee resolved to approve the application (subject to conditions), officers would write to the Secretary of State advising him of the Committee's intention to approve and give him the opportunity to call-in the application within 21 days for determination.

(f) Paragraph 6: the figures quoted in this paragraph referred to annual estimates.

(g) Paragraph 9: The site was bounded to the north by the C735 Fornham Road and not the B1106, as quoted.

(h) Paragraph 29: Reference to the Fornham Road junction on Barton Hill, should read A134 and not A143, as quoted.

(i) Proposed condition 11: the final sentence which referred to *'…..until further notice'* should be deleted and replaced with *'…..for a period of five years'.*

(j) Proposed condition 26: the text, *'This scheme shall include provision'* be deleted as this was a typographical error.

The Officers considered the main issues required to determine the application were as follows:

- The Applicant's Case
- The Principle of Development
- Highway Safety and Impact on the Highway Network
- Landscape/Visual Impact
- Noise, Odour and Air Quality
- Sustainable Drainage and Protection of Groundwater
- Impact on Residential Amenity and Adjacent Land Uses
- Ecology
- Heritage Assets

- Travel Planning
- Sustainable Construction

The Chairman then invited the following registered public speakers to speak in turn. He firstly explained that due to the level of public interest in this application, he had varied the Committee's protocol for public speaking on this occasion. To be fair and equitable to all interested parties, each category of public speaking had been extended to allow a total time allocation of 12 minutes instead of the usual three:

(a) **Objector** – Mr Adrian Graves of Great Barton, on behalf of The Villages Community Forum;

(b) **Objecto**r – Mrs Sarah Bartram, a resident of Great Barton and former resident of Fornham St Martin;

(c) **Objector** – Mr Bernard Grimshaw, a resident of Fornham All Saints;

(d) **Objector** – Mr Mark Aston, a resident of Fornham St Genevieve;

(e) **Supporter** – Mr Steve Lumley, occupier of an immediate neighbouring business at Hollow Road Farm;

(f) **Fornham St Martin cum St Genevieve Parish Council** – Councillor Mike Collier, Chairman;

(g) **Fornham All Saints Parish Council** – Councillor Howard Quayle, Chairman;

(h) **Great Barton Parish Council** – Councillor Philip Reeve, Chairman;

(i) **Bury St Edmunds Town Council** – Councillor Andrew Speed, Chairman;

(j) **Ward Member** – Councillor Beccy Hopfensperger, Fornham Ward;

(k) **Ward Member** – Councillor Sarah Broughton, Great Barton Ward; and

(l) **Applicant/Agent** – Richard Sykes-Popham, agent for the applicant.

(At the end of the public speaking, the Chairman adjourned the meeting for a short comfort break. The meeting resumed at 11.57 am.)

A detailed debate was held where some Members expressed a number of concerns, including:

(a) the potential impact on the adjacent highway network in terms of the perceived increase in traffic generation and congestion of both HGVs and private vehicles accessing the proposed HWRC;

(b) the location of the proposed vehicular accesses to the site on the C735 Fornham Road following the approach from the A134 / Fornham Road /

Barton Hill roundabout and whether access from the southern roundabout at the A143 Compiegne Way had been considered;

(c) the justification for the proposal to provide a shared pedestrian footway and cyclepath to the north of the site to continue onto Barton Hill to provide a complete connection to the existing bus stop. Some Members considered access to the site was unlikely to be undertaken on foot, but if the footway was required, mitigation measures would need to be required to protect the safety of pedestrians crossing the A134;

(d) the proposed departure from the St Edmundsbury Development Plan, principally in respect of development in the countryside;

(e) the loss of a category A Oak to the north-east corner to provide the proposed operational access, and the loss of other trees to provide the proposed shared path and road widening;

(f) that the proposed landscaping scheme was expected to take 15-20 years to reach full maturity;

(g) the need for more electric charging points to future-proof and promote sustainability;

(h) the potential for flooding during periods of heavy rain and the potential risk to water quality on site;

(i) the impact of the development during construction and operation on air quality, which may exacerbate the existing poor air quality on the A143 in Great Barton;

(j) the impact on residential amenity as the scheme was considered to be overdevelopment in the countryside, which would adversely affect the character of neighbouring villages and the rural landscape;

(k) the potential for light pollution emanating from the site at night.

In response to the above concerns, the Committee was informed that:

(a) Neither Highways England (responsible for the A14) nor the Highway Authority had objected to the proposals, subject to conditions. The impact on the highway network had been assessed at considerable length as detailed in the Transport Assessment that accompanied the planning application, as summarised in the report. The National Planning Policy Framework (NPPF) stated that development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development were 'severe'; however, the Highway Authority had not considered that the proposal to be unacceptable in terms of highway safety or the satisfactory functioning of the highway network. The Suffolk County Council (SCC) Highways Officers in attendance expanded on what would constitute 'severe', including that whilst there was no single definition, the potential impact

was assessed through the consideration of issues such as capacity (determined by modelling), safety records, accident data and previously published Local Development Framework guidance.

(b) The Transport Assessment undertaken was considered to be proportional to the application, which included an assessment of the perceived routes and number of private vehicle trips to the HWRC, lorry movements, numbers of staff to be located in the site etc. The TA had also identified that the impact on each of the junctions leading to the site during peak periods would not be significant to warrant refusal of the application. The roundabout located to the south of the site at Compiegne Way had been ruled out as an access point given the higher rate of accidents data available at the time when this was originally assessed.

(c) The NPPF required developments to promote more sustainable forms of transportation. As bus services were limited in this location, the provision of the shared path had been proposed in discussions with SCC's Rights of Way Officers, which supported potential links to existing public footpaths in the area. The site was considered to be within reasonable cycling distance to Bury St Edmunds, which may make this a viable option for staff travel. The provision of a 'push button' pedestrian crossing over the A134 would not be possible due to the speed limit in this location; however other measures could be introduced to promote pedestrian safety.

(d) Whilst a departure from the Development Plan, the report provided detailed reasons why the Plan was considered to be 'silent' under the definitions of the NPPF, in this case. The NPPF was a material consideration, and it stated that *"where the development plan is silent, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the polices in this Framework taken as a whole or specific policies in the Framework indicate development should be restricted".* The Case Officer had provided details in his presentation regarding the benefits and dis-benefits of the scheme, and as detailed in the report. He had identified that the benefits had significantly outweighed the dis-benefits and taken collectively, the economic, social and environmental benefits of the proposal outweighed any harm identified and justified a departure from the Development Plan.

(e) Whilst the loss of the category A Oak to the north east of the site would have an adverse landscape impact, and there would be a loss of other trees to provide road widening and the proposed shared path, the applicants' proposed an extensive landscaping scheme, including replacement trees throughout the site in addition to a replacement Oak adjacent to the Category A tree to be removed, which would be conditioned under a landscape management plan.

(f) Whilst it would take between approximately 15-20 years for the landscaping scheme to fully mature, the Landscape and Ecology Officer explained that growth would be substantial year on year. By planting less mature trees and plants, these were more likely to survive as roots

would take a better hold. Mature trees were expensive and required significant after care, which was not a reasonable or proportionate expectation for this application.

(g) The number of electric charging points proposed to be installed accorded with acceptable requirements of the NPPF.

(h) The matters of sustainable drainage and protection of groundwater had been carefully considered, and following the submission of further information, neither the Environment Agency nor SCC's Flood and Water Engineer had objected to the scheme, subject to conditions.

(i) The Council's Environmental Health Officer had considered the Air Quality Assessment that accompanied the application to be acceptable and had raised no objections in respect of the impact on air quality.

(j) The development would result in the loss of countryside and would impact on the character and appearance of the area; however, it was considered to be well related to the urban area being adjacent to commercial development and was seen against the backdrop of the sugar beet factory.

(k) The site was required to be lit at night, but its impact was not considered to be significant. Light already emanated from the neighbouring British Sugar factory at night, and this proposal would not significantly add to that.

A motion to refuse the application was proposed by Councillor David Nettleton on the grounds of overdevelopment in the countryside and increased pressure on the highway network, which was duly seconded by Councillor Terry Clements.

The Committee was informed that the motion to refuse would be on a 'minded to refuse' basis as because this was a Major Development application, including complex issues, a risk assessment report would need to be produced addressing the robustness of the reasons for refusal and brought back to Committee for further consideration.

Upon being put to the vote, with 6 voting for the motion, 8 votes against and 2 abstentions, this motion was defeated.

A discussion was then held on whether the provision of the shared path as referred to in (c) above could be removed from the application, as it was considered its usage would be minimal and its benefit did not appear to outweigh the loss of trees to facilitate its construction. In response, the Committee was informed that determination was required on the application before them. Any variations, such as the removal of the footway, would require separate consideration by the Committee.

A discussion was held on the merits of the application with some recognition given to the extensive number of benefits detailed in paragraph 142 of the report and how these far outweighed the dis-benefits and any harm identified.

A motion to approve the application, subject to conditions, was proposed by Councillor Alaric Pugh and duly seconded by Councillor Paula Fox. Upon being put to the vote, with 6 voting for the motion, 8 votes against and 2 abstentions, this motion was defeated.

A motion to defer the application to enable officers to source further information on the following matters for reporting back to the Committee was proposed by Councillor John Burns, and duly seconded by Councillor David Nettleton:

(1) whether provision of the proposed shared cycle/foot path could be removed from the application;

(2) whether vehicular access to the proposed development could be facilitated from the southern roundabout at Compiegne Way; and

(3) whether in the interests of pedestrian and highway safety, any traffic calming measures could be introduced along the A134 and C735 Fornham Road.

Upon being put to the vote and with 13 voting for the motion, 3 against and no abstentions, it was

RESOLVED:

That Planning Application DC/17/0521/FUL – Land North of Hollow Road Farm, Hollow Road, Fornham St Martin, as contained in Report No: DEV/SE/17/031, be deferred to enable officers to source further information on the following matters for reporting back to the Committee:

(1) whether provision of the proposed shared cycle/foot path could be removed from the application;

(2) whether vehicular access to the proposed development could be facilitated from the southern roundabout at Compiegne Way; and

(3) whether in the interests of pedestrian and highway safety, any traffic calming measures could be introduced along the A134 and C735 Fornham Road.

The meeting concluded at 1.48 pm

Signed by:

Chairman