

Development Control Committee



St Edmundsbury
BOROUGH COUNCIL

Minutes of a meeting of the **Development Control Committee** held on **Thursday 5 July 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 Chairmen David Roach and Andrew Smith

Carol Bull

John Burns

Mike Chester

Terry Clements

Paula Fox

Susan Glossop

Ian Houlder

David Nettleton

Alaric Pugh

Julia Wakelam

32. **Apologies for Absence**

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

33. **Substitutes**

There were no substitutes present at the meeting.

34. **Minutes**

Councillor David Nettleton made reference to Minute No 31 and the reference therein to the "Lawyer" who provided legal advice to the June meeting.

The Lawyer who was in attendance advised Councillor Nettleton that the job title was indeed correct and outlined the reasoning for this.

The minutes of the meeting held on 7 June 2018 were then received by the Committee as an accurate record, with 12 voting for the motion and with 1 abstention, and were signed by the Chairman.

35. **Planning Application DC/18/0561/VAR - Land North West of Haverhill, Ann Sucklings Road, Little Wratting (Report No: DEV/SE/18/026)**

Planning Application - Variation of condition 1 of DC/16/2836/RM to enable drawing PH-125-03C to be replaced with 040/P/102 and PH-125-04C to be replaced with 040/P/101 and add plan 040/T/152A for the additional 24no. garages for the Reserved Matters Application

- Submission of details under outline planning permission SE/09/1283/OUT - The appearance, layout, scale, access and landscaping for 200 dwellings, together with associated private amenity space, means of enclosure, car parking, vehicle and access arrangements together with proposed areas of landscaping and areas of open space for a phase of residential development known as Phase 1

This application had been deferred from consideration at the Development Control Committee on 7 June 2018 in light of the concerns raised by Members with regard to the garages proposed; with particular regard to the internal dimensions, which fell below the minimum width allowed in the Suffolk Guidance for Parking.

The item was deferred in order to allow Officers additional time in which to work with the applicant in order to clarify the garage provision.

The application had been originally referred to the Development Control Committee because Haverhill Town Council objected.

The Principal Planning Officer advised that following the June meeting amended plans for the garages had been submitted by the applicant. The garages were now designed to have an internal width of 3000mm at the narrowest point between the brick piers and 3225mm for the remainder of the width. The width between the door-frame was 2428mm and the internal length 6000mm.

Officers were continuing to recommend that the application be approved, subject to conditions as set out in Paragraph 31 of Report No DEV/SE/18/026. The Committee were advised that the conditions listed within the report were the full conditions stipulated as part of the scheme's previously granted approval, with a minor amendment to reflect the Section 73 application seeking determination.

Speaker: Mr Stuart McAdam (applicant) spoke in support of the application

Councillor Julia Wakelam expressed disappointment that it had not been possible to include electrical vehicle charging points as part of the scheme.

The Case Officer explained that this would have needed to have been secured at the outline stage of the application and, indeed, for future applications this would be the case. The Officer also remarked that as time moved on the market was likely to start to dictate this provision, in the same way that prospective purchasers had requested garages from the developer.

Councillor Carol Bull pointed out that future owners of the properties would have been able to have constructed garages as part of the Permitted Development rights associated with the properties. As such, she considered it an advantage for the garages to be constructed en bloc by the developer as this would ensure a uniform of design.

Councillor John Burns expressed a degree of satisfaction at the amendments which had been made to the garages' internal dimensions.

Henceforth, he proposed that the application be approved as per the Officer recommendation.

This was duly seconded by Councillor Alaric Pugh and with 12 voting for the motion and with 1 abstention, it was resolved that

Decision

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

1. Approved Plans and documents

The development hereby permitted shall not be carried out except in complete accordance with the details shown on the approved plans and documents.

2. Phasing – Pre-commencement

Prior to the commencement of development (excluding clearance, ground investigation, remediation, archaeological and ecology works) within Phase 1, details of phasing of development of Phase 1 shall be submitted to and agreed in writing with the Local Planning Authority. Such details shall include, but not limited to, the phased delivery of roads and footways, including the re-alignment of Haverhill Road and associated roundabout, and their connections to the surrounding highway network in relation to the phasing for the delivery of homes within Phase 1. Development shall be undertaken in accordance with the Phasing details agreed, unless a variation to the approved details is first agreed in writing with the Local Planning Authority.

3. Surface Water Drainage – Pre-commencement

No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 100 year +CC storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved FRA and will include the following:-

- i) Dimensioned plans illustrating all aspects of the surface water drainage scheme (including an impermeable areas plan).
- ii) Modelling shall be submitted to demonstrate that the surface water discharge to the receiving watercourse, up to the 1 in 100yr +CC rainfall event, will be restricted to Q_{bar} or 2l/s/ha for the critical storm duration.
- iii) Modelling of the surface water drainage scheme to show that the attenuation features will contain the 1 in 100yr+CC rainfall event. Proposed open basins within POS will not exceed a max water depth of 0.5m during same event.
- iv) Modelling of conveyance networks showing no above ground flooding in 1 in 30 year event, plus any potential volumes of above ground flooding during the 1 in 100 year rainfall + CC.
- v) Topographic plans shall be submitted depicting all safe exceedance flow paths in case of a blockage within the main SW system and/or flows in excess of a 1 in 100 year rainfall event. These flow paths will demonstrate that the risks to people and property are kept to a minimum.
- vi) Proposals for water quality control – A SuDS management train with adequate treatment stages should be demonstrated which allows compliance

with water quality objectives, especially if discharging to a watercourse. Interception Storage will be required within the open SuDS.

vii) A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime.

viii) Arrangements to enable any Surface water drainage within any private properties to be accessible and maintained including information and advice on responsibilities to be supplied to future owners.

4. Surface Water Drainage management – Pre-above ground construction

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.

5. Materials – Pre-above ground construction

Notwithstanding the details previously submitted, no above ground construction of the dwellings hereby approved shall take place until details of the facing and roofing materials to be used in respect of each plot have been submitted to and approved in writing by the Local Planning Authority. All work shall be carried out in accordance with the approved details.

6. Design Detailing – Pre-above ground construction

Prior to any above ground construction taking place, details of the windows, door reveals, sills and headers and bargeboards for each plot shall be submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed with the Local Planning Authority the details shall be in the form of elevations drawn to a scale of not less than 1:10 and horizontal and vertical cross-section drawings to a scale of 1:2. The works shall be carried out in complete accordance with the approved details.

7. Boundary Treatments – Pre-above ground construction

No above ground construction shall take place until details of the siting, design, height and materials of boundary walls and fences have been submitted to and approved in writing by the Local Planning Authority. The approved walling and/or fencing shall be constructed or erected before the first occupation of the dwelling to which it relates is first occupied and thereafter retained in the form and manner installed.

8. Parking – Prior to occupation

The space/spaces shown for the purpose of garaging and/or car parking shall be provided and available for the intended purpose prior to the first occupation of the dwelling to which it relates is first occupied.

For plots 3, 4, 40, 80 and 101 the additional hard standing area shown on the approved plans and associated 6 x 4 ft shed shall be provided prior to the first occupation of those dwellings.

9. Retention of Parking Spaces and Garages

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) the space shown within the curtilage of any dwelling for the purpose of garaging and/or car parking shall be retained solely for the garaging and/or parking of private motor vehicles and for ancillary domestic storage incidental to the enjoyment of the associated dwelling and shall be used for no other purpose. No development shall be carried out in such a position as to preclude vehicular access to those car parking spaces

10. Cycle storage – Prior to first occupation

Secure, covered and accessible cycle storage shall be provided and available for use prior to the first occupation of the dwelling to which it relates is first occupied. The storage shall be provided in accordance with details previously submitted to and agreed in writing by the local planning authority.

11. Visibility Splays - internal access roads

Before any 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 2.4 metres from the nearside edge of the metalled carriageway at the centre line of the access point (X dimension) and a distance of 43 metres in each 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.

12. Visibility Splays - junctions with main roads

Before any 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 4.5 metres from the nearside edge of the metalled carriageway at the centre line of the access point (X dimension) and a distance of 43 metres in each 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.

13. Bin Storage

Appropriate areas shall be provided for storage of Refuse/Recycling bins shall be provided, in accordance with details submitted to and agreed in writing with the local planning authority, before the first occupation of any of the dwellings to which it relates is first occupied and thereafter retained in the form and manner installed.

14. Estate Road Layout - details

Prior to any above-ground construction, details of the estate roads and footpaths, (including layout, levels, gradients, surfacing and means of surface water drainage), shall be submitted to and approved in writing by the Local Planning Authority.

15. Estate Road layout implementation

No dwelling shall be occupied until the carriageways and footways serving that dwelling have been constructed to at least Binder course level or better in accordance with the approved details except with the written agreement of the Local Planning Authority.

16. Crossing Points

Prior to the commencement of development, details of two formal crossing points (to be either signals or zebra crossing) on main road running between the north and south parcels of development shall be submitted to and agreed in writing with the local planning authority. The crossing points shall be fully

implemented in accordance with the agreed details in accordance with a timetable agreed in writing with the local planning authority.

17. Noise Internal – prior to occupation

Prior to occupation of the proposed dwellings, the noise mitigation measures, as stated within the Noise Survey and Acoustic Design Advice Report, Issue No. 2, prepared by the FES Group and dated the 15 May 2017, shall be implemented to ensure that the internal ambient noise levels within each dwelling, with windows closed, do not exceed an LAeq (16hrs) of 35 dB(A) within bedrooms and living rooms between the hours of 07:00 to 23:00 and an LAeq (8hrs) of 30dB(A) within bedrooms and living rooms between the hours of 23:00 to 07:00, in accordance with the current guideline levels within BS8233:2014 – Guidance on sound insulation and noise reduction for buildings.

18. Noise External – Prior to occupation

Prior to occupation of the proposed dwellings, the noise mitigation measures, as stated within the Noise Survey and Acoustic Design Advice Report, Issue No. 2, prepared by the FES Group and dated the 15 May 2017, shall be implemented to ensure that the noise level within the external amenity areas of each dwelling do not exceed an LAeq of 50 dB (A), in accordance with the current guideline levels within BS8233:2014 – Guidance on sound insulation and noise reduction for buildings.

19. Tree Protection - pre-commencement

Notwithstanding the details previously submitted, no development shall commence until an updated Arboricultural Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Statement should include details of the following:

1. Measures for the protection of those trees and hedges on the application site that are to be retained,
2. Details of all construction measures within the 'Root Protection Area' (defined by a radius of $dbh \times 12$ where dbh is the diameter of the trunk measured at a height of 1.5m above ground level) of those trees on the application site which are to be retained specifying the position, depth, and method of construction/installation/excavation of service trenches, building foundations, hardstandings, roads and footpaths,
3. A schedule of proposed surgery works to be undertaken to those trees and hedges on the application site which are to be retained.

The development shall be carried out in accordance with the approved Method Statement unless the prior written consent of the Local Planning Authority is obtained for any variation.

20. Soft Landscaping – Pre-above ground construction

Notwithstanding the details previously submitted, no above ground construction shall take place until there has been submitted to and approved in writing by the Local Planning Authority a final scheme of soft landscaping for the site drawn to a scale of not less than 1:200, to include details of on plot planting and planting within the SUDS Basins. 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 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.

36. **Planning Application DC/18/0476/HH - 9 Darcy Close, Bury St Edmunds (Report No: DEV/SE/18/027)**

Householder Planning Application - First floor extensions to front and rear

This application was referred to the Development Control Committee as the applicant was employed by St Edmundsbury Borough Council.

Bury St Edmunds Town Council raised no objection, however, one of the Ward Members (Moreton Hall) raised concerns together with three neighbouring residents.

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 26 of Report No DEV/SE/18/027.

The Case Officer explained that Members had requested that a sunlight analysis be carried out whilst at the site visit. Henceforth, this had been undertaken and was included in the Officer's presentation and showed that the proposed scheme would have very little impact.

Speaker: Mr Lionel Thurlow (agent) spoke in support of the application

The Chairman advised the meeting that a number of Committee Members had received an email the evening prior to the meeting from a neighbouring resident at 8 Sutton Close who objected to the application. The comments within the email largely reiterated those made in previous submissions and which the Officer had summarised at Paragraphs 11 and 12 of the report.

It was established that not all of the Committee had received the email due to the lateness on which it was sent, accordingly, the Chairman agreed for it to be read out to the meeting by the Case Officer.

Councillor David Nettleton spoke upon the value of the site visit that was undertaken and voiced concern at the impact the application would have on neighbouring residents.

Accordingly, he moved that the application be refused, contrary to the Officer recommendation of approval, on the basis of the proposal being overbearing and the unneighbourly impact on residential amenity.

Councillor Carol Bull concurred with the reason for refusal and seconded the motion.

The Service Manager (Planning – Development) explained that the reason for refusal could have the relevant policy appended to it and the decision making protocol need not be invoked.

Upon being put to the vote and with 8 voting for the motion, 2 against and with 3 abstentions it was resolved that

Decision

Planning permission be **REFUSED CONTRARY TO THE OFFICER RECOMMENDATION OF APPROVAL** for the following reason: the scheme being overbearing and the unneighbourly impact on residential amenity.

The meeting concluded at 10.42am

Signed by:

Chairman
