

Development Control Committee

Minutes of a meeting of the **Development Control Committee** held on
Wednesday 8 July 2020 at **10.00am** via MS Teams video conferencing

Present: **Councillors**

Chair Andrew Smith

Vice Chairs Mike Chester and Jim Thorndyke

Richard Alecock

David Palmer

John Burns

David Roach

Jason Crooks

David Smith

Roger Dicker

Peter Stevens

Andy Drummond

Don Waldron

Susan Glossop

Ann Williamson

Ian Houlder

In attendance:

Beccy Hopfensperger – Ward Member: The Fornhams & Great Barton

20. **Welcome**

The Chair formally commenced the meeting and jointly welcomed all present and those externally viewing the Development Control Committee which was to be operated in two parts with a scheduled interval.

A number of housekeeping matters and remote meeting guidance were highlighted to all by the Chair and he also advised that Agenda Item 5 had been withdrawn from the agenda in order to allow Officers time in which to carry out necessary consultation on the application.

21. **Apologies for Absence**

No apologies for absence were received.

22. **Substitutes**

No substitutions were declared.

Following which, the Democratic Services Officer verbally outlined all Members of the Committee who were present, together with any attending Councillors and the names of the Officers supporting the meeting.

23. **Minutes**

The minutes of the meeting held on 3 June 2020 were unanimously confirmed as a correct record, subject to it being noted that the meeting had been held virtually via video conference and not in the Conference Chamber as had been indicated.

24. **Planning Application DC/20/0420/FUL - 35 St Andrews Street North, Bury St Edmunds (Report No: DEV/WS/20/026)**

(Councillor Peter Stevens declared a non-pecuniary interest in this item in view of being the relevant Portfolio Holder under which the application in question fell. He stated that he would not take part in the item and would abstain from the voting thereon.)

Planning Application - (i) change of use from guest house (Class C1) to house of multiple occupancy (Sui Generis) (ii) conversion of outbuilding to additional self-contained unit of living accommodation

This application was referred to the Development Control Committee in view of it having been submitted by West Suffolk Council.

Bury St Edmunds Town Council had raised no objections to the scheme and the Officer was recommending that the application be approved, subject to conditions as set out in Paragraph 66 of Report No DEV/WS/20/026.

Prior to the Planning Officer making his presentation the Service Manager (Planning – Development) addressed the Committee in response to an email that had been sent to Members on the evening prior, from a third party who objected to the application.

The Committee were advised that there were no new material factors raised in the correspondence that prevented Members determining the application before them.

As part of his presentation the Planning Officer included videos of the site which he took the Committee through by way of a virtual 'site visit'.

Attention was drawn to Paragraph 21 of the report where objections from a neighbouring resident had been summarised. The Planning Officer responded to each of the points and offered further explanation where necessary.

Speaker: Tony McCourt (supporter) spoke in support of the application

Councillor John Burns raised some highways related concerns with the scheme. In response to which, the Planning Officer drew attention to the section of his report where he set out in detail correspondence from Suffolk County Council Highway Authority.

Councillor Roger Dicker proposed that the application be approved, as per the Officer recommendation. This was duly seconded by Councillor Ian Houlder.

Before being put to the vote the Service Manager (Planning – Development) advised the Committee that the National Planning Casework Unit (NPCU) had received a third party request for the Secretary of State to consider calling in the planning application and to consider whether this is appropriate or not.

Accordingly, whilst the Committee could resolve that the application be approved a decision could not be issued until the Secretary of State had decided whether to call in the planning application.

Upon being put to the vote and with 12 voting for the motion, 2 against and with 2 abstentions, it was resolved that

Decision

Subject to the Secretary of State confirming whether or not to call in the planning application, planning permission be **GRANTED** subject to the following conditions:

1. Time Limit - 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.
No occupation of the site shall commence until details in respect of the following has been submitted to and approved in writing by the Local Planning Authority:
 - i) Details of the development that demonstrate that for each dwelling and its associated sound insulation that noise levels with windows closed shall not exceed a daytime level of 35 dB (16hrs) within living rooms between 07.00 and 23.00 hours, and a night-time level of 30 dB LAeq (8hrs) within bedrooms between 23.00 and 07.00 hours, using the methodology advocated within BS 8233:2014 Guidance on sound insulation and noise reduction for buildings (2014). The development shall adopt the proposed sound insulation measures as stated.
3. The wall frontage enclosure for one metre either side of the vehicle access shall be reduced to one metre above the level of the adjacent footway. Notwithstanding the provisions of the Town & Country (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) the wall as altered shall be retained thereafter at or below that height.
4. Refuse/recycling bins - The areas to be provided for storage of Refuse/Recycling bins as shown on Drawing No. 10914/PA/002 shall be provided in its entirety before the development is brought into use and shall be retained thereafter for no other purpose.
5. Parking and Manoeuvring - The use shall not commence until the areas within the site shown on Drawing No. 10914/PA/002 for the purposes of manoeuvring and parking of vehicles and for the purposes of cycle storage have been provided and thereafter that those areas shall be retained and used for no other purposes.

25. **Planning Application DC/20/0094/RM - Land adj Haverhill Business Park, Bumpstead Road, Haverhill (Report No: DEV/WS/20/027)**
****WITHDRAWN FROM AGENDA****

The Chair advised earlier in the meeting that this item had been **WITHDRAWN** from the agenda.

26. **Planning Application DC/17/1093/FUL - Stanton Community Primary School, Bury Lane, Stanton (Report No: DEV/WS/20/028)**

(i) Conversion and change of use of redundant school building to form 3no. residential units and; (ii) new vehicular access and associated parking

This application was referred to the Development Control Committee following consideration at the Delegation Panel.

The Principal Planning Officer – Major Projects drew attention to the following item on the agenda which set out a separate, but related planning application (DC/17/1087/FUL) for determination, which proposed the construction of 7 dwellings on the site of the former primary school (excluding its playing field) and would involve the demolition of the former school building.

As part of his presentation the Officer included videos of the site which he took the Committee through by way of a virtual 'site visit'.

Officers were recommending that the application be approved subject to the completion of a S106 Agreement and conditions, as set out in Paragraph 120 of Report No DEV/WS/20/028.

Speaker: Councillor Jim Thorndyke (Ward Member: Stanton) spoke on the application

Considerable discussion on the application took place by the Committee, following which the Case Officer responded on the following points:

Hedgerow – it was confirmed that the hedgerow in question was not a designated ancient hedgerow. Members were also provided with an explanation in respect of the Hedgerow Regulations and informed that any planning permission superseded these regulations;

Access Gradients – had largely been responsible for the time that had passed since original submission of the application in light of the Highways Authority initially raising concerns on the gradients first proposed within the scheme; and

Grass Bank Stability – it was clarified that the stability of the grass bank would be the responsibility of the owner and was not a material planning consideration.

Following further comments the Service Manager (Planning – Development) clarified that the Planning Authority could not dictate how applicants managed multiple applications/sites. It was highlighted that irrespective of the two separate applications Officers had considered the two schemes collectively in relation to S106 Obligation requirements.

The Committee were also advised that the lack of affordable housing from the scheme was purely due to Vacant Building Credit having been applied.

A number of points were raised with regard to potential overlooking from the first-floor windows at the rear of the existing building. In response, the Principal Planning Officer – Major Projects advised that Members could, if they

wished, include an additional condition to stipulate that obscure glaze was used in the lower half of the sash window in question.

Councillor David Roach proposed that the application be approved as per the Officer recommendation and inclusive of the additional condition with regard to obscure glazing. This was duly seconded by Councillor Roger Dicker.

Upon being put to the vote and with 14 voting for the motion, 1 against and with 1 abstention it was resolved that

Decision

Planning permission be **GRANTED** subject to:

The completion of an Agreement (or equivalent) under S106 of the Town and Country Planning Act 1990 (as amended) to secure the following from this planning application (in combination with the related proposals for three dwellings reference DC/17/1087/OUT):

- Education contribution (as set out at Paragraph 12 of the report)
- Libraries contribution (as set out at Paragraph 12 of the report)

And subject to conditions, including:

- Development to commence within 3 years of the date of the permission
- Compliance with approved plans
- Materials (bricks to be re-used in the door and window alterations insofar as is practicable)
- Full details of any replacement windows/doors to the front of the building (during the conversion or following occupation)
- Removal of permitted development rights for alterations to the frontage of the building
- Removal of permitted development rights for provision of means of enclosure in front of the dwellings.
- Approval of details of means of enclosure to the rear of the building
- As recommended by the Highway Authority (conditions are summarised at Paragraph 10 of the report)
- Details of any hard or soft landscaping proposals to site frontage
- Retention and protection of trees to be retained.
- To secure the ecological enhancement measures recommended in the bat report.
- Compliance with Building Control Requirements for reduced water consumption
- Surface water drainage scheme, including future management and maintenance (to be submitted with the reserved matters)
- Bat survey results (and any mitigation requirements arising) to be submitted and approved before any development in the buildings commences
- Lighting strategy (including no external lighting to be provided on the dwellings or their gardens unless agreed following consideration of a bat impact report)

- Rear first floor window to include obscure glaze in the lower half of the sash

(On conclusion of this item the Chair permitted a short comfort break and asked that an adjournment slide be displayed in the live stream, before reconvening the virtual meeting and taking a roll-call of those present.)

27. **Planning Application DC/17/1087/OUT - Stanton Community Primary School, Bury Lane, Stanton (Report No: DEV/WS/20/029)**

Outline Planning Application (Means of Access to be considered) - (i) 7no. dwellings (demolition of school building) (ii) Formation of new vehicular access from Bury Lane and associated on-site parking

This application was referred to the Development Control Committee following consideration at the Delegation Panel.

The Principal Planning Officer – Major Projects drew attention to the previous item on the agenda which concerned a separate, but related planning application.

Officers were recommending that the application be approved subject to the completion of a S106 Agreement and conditions, as set out in Paragraph 129 of Report No DEV/WS/20/029.

Speaker: Councillor Jim Thorndyke (Ward Member: Stanton) spoke on the application

Considerable discussion took place with regard to the trees/hedges to be retained and questions were raised in relation to replacement planting.

In response, the Principal Planning Officer – Major Projects explained that landscaping would be addressed by condition at Reserved Matters stage; the application before the Committee was in outline form.

A number of comments were made in relation to space standards and the number of electric charging points to be included within the scheme.

The Principal Planning Officer – Major Projects explained that the levels proposed within the application were considered reasonable, however, in order to address these points, he suggested that 'informatives' could be appended to a permission, if granted.

Councillor David Roach proposed that the application be approved, as per the Officer recommendation and inclusive of the informatives as suggested. This was duly seconded by Councillor Mike Chester.

Upon being put to the vote and with 14 voting for the motion and with 2 against, it was resolved that

Decision

Planning permission be **GRANTED** subject to:

The completion of an Agreement (or equivalent) under S106 of the Town and Country Planning Act 1990 (as amended) to secure the following from this planning application (in combination with the related proposals for three dwellings reference DC/17/1093/FUL):

- Education contribution (as set out at Paragraph 19 of the report)
- Libraries contribution (as set out at Paragraph 19 of the report)

And subject to conditions, including:

- Submission of the reserved matters within three years and commencement of development within 2 years of the approval of the final reserved matter.
- Compliance with approved plans (noting that the access is included for consideration at this outline stage)
- Materials (details to be submitted with the Reserved Matters)
- As recommended by the Highway Authority (conditions are summarised at Paragraph 16 of the report)
- Landscaping details provided at reserved matters to include provision of a replacement hedgerow to be planted behind the access visibility splays (and maintained outside of those areas)
- Retention and protection of those trees and other planting to be retained.
- To secure the ecological enhancement measures proposed recommended in the bat report.
- Construction management plan (to include waste minimisation and recycling, deliveries management, dust management, working hours, lighting details (if any) site compound/storage/construction staff parking provision.
- Means of enclosure (to be submitted with reserved matters)
- Compliance with Building Control Requirements for reduced water consumption
- Surface water drainage scheme, including future management and maintenance (to be submitted with the reserved matters)
- Overall floorspace cap for the dwellings not to exceed the floorspace of the existing vacant building (to allow the vacant building credit to be applied whilst protecting the affordable housing policy position should there be an increase in floorspace)
- Bat survey results (and any mitigation requirements arising) to be submitted with the first submission of the reserved matters.
- Strategy for provision of charging points for electric vehicles (to be submitted with the reserved matters).
- Lighting strategy (including no external lighting to be provided on the dwellings or their gardens unless agreed following consideration of a bat impact report)
- INFORMATIVES in respect of spaces standards and electric charging points

(On conclusion of this item and Part A of the meeting the Chair asked that a slide be displayed in the live stream to indicate that the meeting was observing an interval and would recommence at 1.00pm for Part B, and a roll-call of those present would be taken.

On reconvening the meeting a Committee Member had technical difficulties and the Chair postponed commencement of Part B for a few minutes until this had been resolved.)

28. **Planning Application DC/20/0623/FUL - Milton House, Thurlow Road, Withersfield (Report No: DEV/WS/20/030)**

Planning Application - 6no. dwellings (following demolition of existing dwelling)

This application was referred to the Development Control Committee following consideration by the Delegation Panel and in light of Withersfield Parish Council having submitted objections to the scheme which was in conflict with the Officer's recommendation of approval, subject to conditions as set out in Paragraph 44 of Report No DEV/WS/20/030.

As part of his presentation the Principal Planning Officer included videos of the site which he took the Committee through by way of a virtual 'site visit'.

Members were advised that drainage details would be approved pre-commencement with the Highways Authority.

Speakers: Denis Elavia (neighbouring objector) spoke against the application
Councillor Terry Rich (Chairman, Withersfield Parish Council) spoke against the application
Lee Frere (architect) spoke in support of the application

(During the debate Councillor Andy Drummond lost connection to the meeting, on reconnecting he advised the Committee that he would abstain from voting.)

During discussion Members raised a number of concerns with regard to the application principally in relation to; flooding/drainage, overdevelopment and the impact it would have on neighbour amenity and the surrounding Conservation Area and nearby listed building.

As such, Councillor Waldron proposed that the application be refused, contrary to the Officer recommendation as the application was contrary to Policy (CS4) and therefore overdevelopment together with drainage and flood risk, harm to the conservation area, impact on the setting of a listed building, impact on biodiversity and impact on neighbouring amenity. This was duly seconded by Councillor John Burns.

The Service Manager (Planning – Development) addressed the meeting and advised the Committee that whilst the reason given for refusal was considered valid, the Decision Making Protocol would be invoked. Accordingly, a Risk Assessment would be produced for future consideration by the Committee; and an assessment of the other concerns raised by Members would also be addressed through that further report.

Upon being put to the vote and with 13 voting for the motion, 2 against and with 1 abstention, it was resolved that

Decision

MEMBERS BE MINDED TO REFUSE THE APPLICATION, CONTARY TO THE OFFICER RECOMMENDATION as the application was contrary to Policy CS4, drainage and flood risk, harm to the conservation area, impact on the setting of a listed building, impact on biodiversity and impact on neighbouring amenity. A Risk Assessment would therefore be produced for consideration by the Committee at a future meeting.

(On conclusion of this item Councillor Ian Houlder left the meeting at 2.22pm.)

29. **Planning Application DC/20/0682/FUL - Caravan Site South, Pigeon Lane, Fornham All Saints (Report No: DEV/WS/20/031)**

Planning Application - (i) Change of use of part of golf course for the siting of 35no. caravan holiday homes (ii) new access from A1101 (iii) construction of access roads, parking spaces and associated infrastructure (previous application DC/19/1700/FUL)

A previous application was originally referred to the Development Control Committee on 5 February 2020 because Fornham All Saints Parish Council had made comments in support of the application and Fornham St Martin cum St Genevieve Parish Council had objected.

Furthermore, one of the Ward Members for The Fornhams and Great Barton Ward had asked for the application to be considered by the Committee due to the number of representations received objecting to the proposal.

At the February Committee Members resolved to refuse planning permission on the grounds of the adverse impact on the landscape, visual amenity and potential for settlement coalescence of the two villages of Fornham All Saints and Fornham St Martin cum St Genevieve.

The application before Committee now was a re-submission of the scheme refused in February 2020.

The Senior Planning Officer explained that the application had now been submitted with the support of a visualisation, showing the expected views from Mildenhall Road, Pigeon Lane and from within the golf course when the proposed soft landscaping has reached maturity.

Furthermore, during the course of the application minor amendments had been made to the soft landscaping scheme to allow for the planned footpath widening along the A1101/ Mildenhall Road at the front of the application site.

Members were advised that Fornham All Saints Parish Council had made no objections to the application and Fornham St Martin cum St Genevieve Parish Council had objected.

The Officer explained that one further objection had been received from a third party since publication of the agenda. However, it did not raise any new points not previously covered by earlier representations.

Officers were recommending that the application be approved, subject to conditions as set out in Paragraph 160 of Report No DEV/WS/20/031.

Speakers: Leon Jones (local resident) spoke against the application
Malcolm Johnson (local resident) spoke against the application
Frank Stennett (local resident) spoke against the application
(The three local residents had opted not to connect to the meeting to address the Committee and had instead asked the Democratic Services Officer to read out the statements on their behalf)
Councillor Beccy Hopfensperger (one of the Ward Members for The Fornhams and Great Barton ward) spoke against the application
Josh Harris (applicant) spoke in support of the application

Prior to the Chair opening up the debate on the application the Service Manager (Planning – Development) addressed the Committee to advise that they were to consider the application on its own merits irrespective of the previous determination made earlier in the year.

Considerable discussion took place with a number of Members voicing concern at the impact the scheme would have on the valley meadowlands landscape.

In response, the Principal Planning Officer explained that, given the time it would take for the proposed landscaping to mature, short term adverse harm was recognised.

The Officer also responded to questions posed in relation to Caravan Act requirements and proposed conditions in respect of occupancy and the materials to be used.

Councillor Peter Stevens proposed that the application be refused, contrary to the Officer recommendation for the reasons cited by the Committee in February 2020 plus the impact the scheme would have on the valley meadowlands landscape. This was duly seconded by Councillor Mike Chester.

The Service Manager (Planning – Development) addressed the meeting and advised the Committee that the Decision Making Protocol would not be invoked in this instance as a Risk Assessment was not considered necessary.

Upon being put to the vote and with 10 voting for the motion and 5 against it was resolved that

Decision

Planning permission be **REFUSED CONTRARY TO THE OFFICER RECOMMENDATION** on the grounds of the adverse impact on the valley meadowlands landscape, visual amenity and potential for settlement

coalescence of the two villages of Fornham All Saints and Fornham St Martin cum St Genevieve.

30. **Planning Application DC/20/0600/TPO - 52 Street Farm Lane, Ixworth (Report No: DEV/WS/20/032)**

TPO 429 (2006) Tree Preservation Order - 1no. Maple (T1 on plan and T5 on order) fell

This application was referred to the Development Control Committee following consideration by the Delegation Panel and in view of Ixworth Parish Council and the Ward Member supporting removal of the tree, which was in conflict with the Officer's recommendation of refusal for the reason set out in Paragraph 24 of Report No DEV/WS/20/032.

The Planning Officer drew attention to a typographical error in the report; in the description of the application the tree was listed as T5 in error and it should have read T2.

As part of his presentation the Officer included videos of the site which he took the Committee through by way of a virtual 'site visit'.

Speakers: Councillor John Griffiths (Ward Member: Ixworth) spoke in support of the application
(Due to a diary conflict Councillor Griffiths was unable to connect to the meeting and had requested that the Democratic Services Officer read out his statement on his behalf)
Debbie Scott (applicant) spoke in support of the application

A large number of Members spoke in support of felling the tree in question, remarking on the local support for the application and the fact that other trees originally covered by the TPO had also been removed.

Members largely considered that the amenity value of the tree was outweighed by the justification for felling put forward by the applicant and the local community.

In response to questions posed with regard to replacement planting, the Committee were advised that the Council's Tree Officer had suggested a pear tree to be planted within 4m of the felled tree.

Members voiced concern at the proposed replacement tree being within 4m and instead suggested that it should be planted within the Parish of Ixworth at an appropriate location agreed with the Parish Council.

Accordingly, Councillor Jim Thorndyke proposed that the application be approved, contrary to the Officer recommendation, and with the location of a replacement tree to be agreed under negotiation with the applicant. This was duly seconded by Councillor David Roach.

Upon being put to the vote and with 14 voting for the motion and 1 against, it was resolved that

Decision

Consent for the works be **GRANTED CONTRARY TO THE OFFICER RECOMMENDATION** with the location of a replacement tree to be agreed under negotiation with the applicant.

The meeting concluded at 3.44pm

Signed by:

Chair
