

Development Control Committee

Minutes of a meeting of the **Development Control Committee** held on **Wednesday 1 June 2022** at **10.00 am** in the **Conference Chamber, West Suffolk House**, Western Way, Bury St Edmunds IP33 3YU

Present

Councillors

Trevor Beckwith
John Burns
Jason Crooks
Susan Glossop
Brian Harvey
Ian Houlder
David Palmer

Sara Mildmay-White
Andy Neal
David Palmer
Andrew Smith
David Smith
Peter Stevens
Jim Thorndyke

In attendance

Birgitte Mager (Ward Member: Moreton Hall)
Sarah Pugh (Ward Member: Whepstead & Wickhambrook)

237. Election of Chair 2022/2023

This being the first meeting of the Development Control Committee since the Authority's Annual Meeting in May 2022, the Lawyer opened the meeting and asked for nominations for the Chair of the Committee for 2022/2023.

Councillor Peter Stevens nominated Councillor Andrew Smith as Chair and this was seconded by Councillor Brian Harvey.

There being no other nominations and with the vote being unanimous, it was

RESOLVED:

That Councillor Andrew Smith be elected Chair for 2022/2023.

Councillor Smith then took the Chair for the remainder of the meeting.

238. Election of Vice Chairs 2022/2023

The Chair then sought nominations for the two positions of Vice Chair.

Councillor Susan Glossop nominated Councillor Mike Chester and this was seconded by Councillor Brian Harvey.

Councillor Peter Stevens nominated Councillor Jim Thorndyke and this was seconded by Councillor David Palmer.

There being no other nominations and with the votes both being unanimous, it was

RESOLVED:

That Councillors Mike Chester and Jim Thorndyke be elected Vice Chairs for 2022/2023.

239. **Apologies for absence**

Apologies for absence were received from Councillors Carol Bull, Roger Dicker and Andy Drummond.

The Democratic Services Officer also advised the meeting that since the agenda was published the Independent Group had appointed Councillor Phil Wittam to their group's vacancy on the Committee. However, Councillor Wittam was unable to attend the meeting this month and had asked that his apologies also be noted.

240. **Substitutes**

The following substitutions were declared:

Councillor Trevor Beckwith substituting for Councillor Roger Dicker; and Councillor Sara Mildmay-White substituting for Councillor Carol Bull.

241. **Minutes**

The minutes of the meeting held on 4 May 2022 were confirmed as a correct record, with 13 voting for the motion and 1 abstention, and were signed by the Chair.

242. **Declarations of interest**

Members' declarations of interest are recorded under the item to which the declaration relates.

243. **Planning Application DC/19/2456/HYB - Land North East of Bury St Edmunds, Bury Road, Great Barton (Report No: DEV/WS/22/016)**

Hybrid Application - i) Outline application (with all matters reserved except for access) - for up to 1375 dwellings, access (including two new roundabouts onto A143 and creation of new foot and cycleway links into the site which would include new cycle/pedestrian crossings of the A143 and cycle/pedestrian link through the existing railway underpass), public open space (including buffer to Cattishall and Great Barton) and landscaping; new local centre (which could include the following uses A1; A2; A3; A4; A5; B1; D1; or D2); primary school; and associated infrastructure and works (including access roads, drainage infrastructure and substations), and ii) Planning Application - Full details for Phase 1 of the outline application for 287 dwellings (which are part of the overall up to 1375 dwelling proposal), garages, access roads, parking, open space, drainage infrastructure and associated infrastructure and works

The Committee was advised that this application was submitted to West Suffolk Council in December 2019 and was validated in January 2020. It relates to a major strategic development site within the town of Bury St Edmunds and formed one of the five residential sites identified for growth in the St Edmundsbury Core Strategy 2010 and Bury St Edmunds Vision 2031.

The application had been subject to extensive scrutiny and lengthy discussions between the applicant, the Local Planning Authority and consultees, in particular the Local Highway Authority. The application was accompanied by a Transport Assessment and a number of subsequent detailed technical notes and a comprehensive walking and cycling strategy. The technical notes and walking and cycling strategy were submitted by the applicant during the course of the application as a direct result of discussions with the Local Highway Authority.

The Local Highway Authority, supported by National Highways, had reached the conclusion that the development would be contrary to Paragraph 111 of the National Planning Policy Framework which states that 'development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'. The applicant had provisionally agreed a package of highway mitigation measures in order to address the highway impacts of the scheme, however, the local Highway Authority did not consider that the package was sufficient to fully mitigate the impacts of the development and as such both the Local Highway Authority and National Highways object to the application.

The applicant had declined to negotiate further with the local Highway Authority and on 27 April 2022 the applicant formally notified the Local Planning Authority that it had submitted an appeal to the Planning Inspectorate in respect of the non-determination of the application. Members were verbally informed that the Local Planning Authority had received a formal 'start letter' from the Planning Inspectorate for the appeal to start on 13 September 2022.

In the light of the continuing objections from the Local Highway Authority and National Highways, Officers had taken the view that the application could not be supported and had it come before the Committee for determination it would have been with a recommendation of refusal.

This application was now being presented to the Committee to seek endorsement of the reasons for refusal that Officers would have been recommending had the Local Planning Authority been able to determine the application. The reasons for refusal would form the basis of the Local Planning Authority's defence of the appeal and were set out in Paragraph 23 of Report No DEV/WS/22/016.

The Principal Planning Officer explained that since the agenda was published three further representations had been received in objection to the scheme which were verbally summarised to the meeting, none of which raised any new issues not previously covered by earlier representations.

A Member site visit had been held prior to the meeting. The Committee was informed that Luke Barber, Strategic Transport and Policy Manager, was in attendance in order to respond to any questions on behalf of Suffolk County Council Highways.

Speakers: Councillor Maggie Dunn (Chair, Great Barton Parish Council) spoke against the application
Councillor Birgitte Mager (Ward Member, Moreton Hall) spoke against the application
Steven Sensecall (Agent) spoke in support of the application

Whilst some Members voiced support for the principle of development on the allocated site and acknowledged the developer's efforts to reach agreement with the Local Highway Authority, they also endorsed the objection made by the Highways Authority and stressed the need for the highways impact to be thoroughly mitigated.

A number of comments were made in relation to the historical traffic issues in the area, especially at peak times; with particular reference given to the improvements needed at the Orttewell bridge.

Councillor Trevor Beckwith addressed the meeting as Ward Member for Moreton Hall and also raised concerns in relation to existing flooding at Compeigne Way and the need for this to be addressed.

Other Councillors posed questions in relation to the building programme/timetable, heating methods and highways matters. All of which were responded to by the Principal Planning Officer and the Strategic Transport and Policy Manager.

In response to comments made regarding the appeals process the Service Manager (Planning – Development) reminded the Committee that the financial implications of an appeal was not a material planning considerations relevant to the determination of an application and they should concentrate their deliberations on the matters outlined in the report including planning policy and comments from statutory consultees.

Councillor Peter Stevens proposed that the Officer's recommendation at Paragraph 23 be endorsed and, had the Local Planning Authority been able to determine the application, that it should be refused for the reasons set out in the report. This was duly seconded by Councillor Jim Thorndyke.

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

Decision

Had the Local Planning Authority been able to determine the application, planning permission would have been **REFUSED** for the following reasons, and the matters raised within them be pursued by the Local Planning Authority through the appeal process:

1. The proposed development has been assessed as having an unacceptable impact on highway safety and will result in residual cumulative severe impacts on the local and strategic transport network. The proposal is therefore contrary to Paragraph 111 of the National Planning Policy Framework (July 2021). The proposal is also considered to be contrary to Policies CS3, CS7, CS8, CS11 and CS14 of the St Edmundsbury Core Strategy (December 2010) and Policy DM45 of the Forest Heath and St Edmundsbury Joint Development Management Policies Document, which seek to ensure that all development fully addresses access and transport considerations and ensures that they deliver an appropriate level of infrastructure to fully mitigate the highway impacts of the proposal; and
2. The absence of a signed section 106 Agreement leaves the Local Planning Authority unable to secure the infrastructure improvements and enhancements, as well as the financial contributions necessary to monitor and maintain such that are considered necessary to render this development satisfactory. The result of this would be an unsustainable development contrary to the requirements of Policy CS14 of the St. Edmundsbury Core Strategy (2010) and guidance contained within the National Planning Policy Framework 2021.

244. Planning Application DC/21/2328/FUL - Sentinel Works, Northgate Avenue, Bury St Edmunds (Report No: DEV/WS/22/017)

Planning application - nine dwellings

This application was referred to the Development Control Committee following consideration by the Delegation Panel, having been called-in by the Ward Members (Tollgate).

Bury St Edmunds Town Council objected to the scheme which was contrary to the Officer recommendation of approval, subject to conditions, as set out in Paragraph 91 of Report No DEV/WS/22/017, inclusive of an amendment to No 18 and four additional conditions as outlined in the Officer presentation.

A Member site visit was held prior to the meeting.

(On conclusion of the Principal Planning Officer's presentation the Chair permitted a very short adjournment to allow a Member of the Committee to briefly step outside the meeting room. On their return the meeting was continued.)

The Committee undertook considerable discussion on the application, with a number of Members referencing the existing planning permission, which was granted for the site in 2019, for 8 dwellings and 2 cartlodges.

Concern was also raised in respect of the parking provision offered by the scheme, however, the Service Manager (Planning – Development) reminded the Committee that Suffolk County Council Highways had not objected on this basis.

Comments were also made in relation to waste collection, the contrived nature of the layout and impact on amenity.

Councillor Mike Chester moved that the application be refused, contrary to the Officer recommendation, due to overdevelopment, impact on amenity, the contrived nature of the layout including the waste collection arrangements (Policies DM2 and DM22). This was duly seconded by Councillor Sara Mildmay-White.

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

Decision

Planning permission be **REFUSED, CONTRARY TO THE OFFICER RECOMMENDATION**, for the following reasons:

Policy CS3 of the Core Strategy and policy DM2 and DM22 of the Joint Development Management Policies Policy together seek to produce designs that respect the character, scale, density and massing of the locality, to create coherent and legible places. DM22 states that residential development should be laid out to optimise amenity, with streets and parking facilitating this primary objective. Policy DM46 further requires all proposals for redevelopment, including changes of use, to provide appropriately designed and sited car and cycle parking, plus make provision for emergency, delivery and service vehicles.

The NPPF at para 135 advises that Local planning authorities should seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme.

The proposed redevelopment of nine new dwellings, on a site that is within the defined settlement boundary for Bury St Edmunds which benefits from permission for 8 dwellings, would result in overdevelopment which is demonstrated by the contrived and cramped layout of the site with excessive bin dragging distances and contrived tandem parking serving the rear plots, making manoeuvring difficult.

The dwellings positioning in proximity to the site boundaries would cause overbearing impacts on neighbouring properties to the detriment of residential amenity contrary to policy DM2g, which seeks to prevent all new developments from adversely affecting residential amenity.

It is therefore considered that the proposal would overall not represent good design, and would fail to create a coherent and legible place contrary to policies CS3 of the St Edmundsbury Local Development Framework Core Strategy (2010) and DM2 and DM22 of the Joint Development Management Policies Document (2015). The development would also be contrary to DM46 and guidance contained within the NPPF, which highlights the importance of good design as a key aspect of sustainable development and states that developments should add to the overall quality of an area and achieve high standard of amenity for existing and future users.

245. **Planning Application DC/22/0172/FUL - Land adjacent to 1 and 2, Park Garden, West Row (Report No: DEV/WS/22/018)**

Planning application - six dwellings with access, parking and associated site work

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

Ward Member (The Rows) Councillor Don Waldron had raised queries with regard to the commencement of a previous permission and subsequent fallback position.

West Row Parish Council objected to the scheme on highway safety grounds which was contrary to the Officer recommendation of approval, subject to conditions, as set out in Paragraph 58 of Report No DEV/WS/22/018, inclusive of amendment to Nos 5 and 9 plus an additional condition as outlined in the Officer presentation.

Attention was drawn to a supplementary paper which had been circulated the day prior in relation to the application. The Chair permitted Councillors a few minutes in which to read the documentation.

As part of her presentation the Principal Planning Officer showed videos of the site by way of a virtual 'site visit'.

Speakers: Anthony Knight (neighbouring objector) spoke against the application
Sarah Carter (neighbouring objector) spoke against the application
Councillor Don Waldron (Ward Member: The Rows) spoke against the application
Jamie Palmer (agent) spoke in support of the application
(Sarah Carter was not in attendance to personally address the Committee and, instead, the Democratic Services Officer read out a pre-prepared statement on her behalf.)

Considerable debate took place on the application; in response to the legalities surrounding the extant permission on the site, the Principal Planning Officer explained that legal advice had been sought and Officers had been informed that trenches having been dug on site, even if refilled, did constitute as commencement.

Councillor John Burns raised a specific query in relation to private waste collection arrangements. The Officer explained that she would suggest including an additional condition to reflect this, together with an informative in order to advise future purchasers.

Some concerns were raised in relation to Paragraph 43 of the report and the Highways Authority having stated that there was no recorded accident data in the past 10 years, when this conflicted with statements made by local residents, the Ward Member and the Parish Council.

Councillor Andy Neal made a statement on the benefits that a physical site visit would have afforded the Committee in determining the application.

Accordingly, Councillor Trevor Beckwith moved that consideration of the application be deferred in order to allow Officers to liaise with Suffolk County Council in respect of accident data and to allow the Committee to undertake a physical site visit. This was duly seconded by Councillor Andy Neal.

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

Decision

Consideration of the application be **DEFERRED** in order to allow Officers to liaise with Suffolk County Council in respect of accident data and to allow the Committee to undertake a physical site visit.

246. **Planning Application DC/22/0199/FUL - White Gables, Stock Corner, Beck Row (Report No: DEV/WS/22/019)**

Planning application - a. two dwellings and associated works; b. access

This application was referred to the Development Control Committee because technically it represented a departure from the Development Plan.

The Parish Council had objected to the scheme on the grounds of inadequate access, which was contrary to the Officer's recommendation of approval, subject to conditions as set out in Paragraph 62 of Report No DEV/WS/22/019 and with an additional condition to secure implementation of the boundary treatment shown on the site plan as recommended in the Officer's presentation.

Members were advised that as the press notice did not expire until 10 June 2022 the recommendation was subject to no further material representations being received prior to that date; it was therefore recommended that the decision be delegated to the Director (Planning and Growth).

As part of her presentation the Principal Planning Officer also showed videos of the site by way of a virtual 'site visit'.

Councillor John Burns suggested that a further additional condition be included in respect of demolition/construction works permitted hours of operation. The Officer agreed that this would be reasonable and appropriate.

On this basis, Councillor Burns then proposed that the application be approved, as per the Officer recommendation, and this was duly seconded by Councillor Andy Neal.

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

Decision

On the basis of no further material representations being received prior to the expiration of the press notice, the decision be delegated to the Director

(Planning and Growth) and planning permission be **GRANTED** subject to the following conditions:

- 1 The development hereby permitted shall be begun not later than three 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 No development above slab level shall take place until details of the facing and roof materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 4 Prior to first occupation, all dwellings with off street parking shall be provided with an operational electric vehicle charge point at reasonably and practicably accessible locations, with an electric supply to the charge point capable of providing a 7kW charge.
- 5 The dwelling(s) hereby approved shall not be occupied until the requirement for water consumption (110 litres use per person per day) in part G of the Building Regulations has been complied with and evidence of compliance has been obtained.
- 6 All ecological measures and/or works shall be carried out in accordance with the details contained in the Arbtech Preliminary Ecology Report as already submitted with the planning application and agreed in principle with the Local Planning Authority prior to determination.
- 7 Prior to occupation details of biodiversity enhancement measures to be installed at the site, including details of the timescale for installation, shall be submitted to and approved in writing by the Local Planning Authority. Any such measures as may be agreed shall be installed in accordance with the agreed timescales and thereafter retained as so installed. There shall be no occupation unless and until details of the biodiversity enhancement measures to be installed have been agreed in writing by the Local Planning Authority.
- 8 The development hereby approved shall be implemented in accordance with the sound insulation measures set out in the 'Atspace Acoustic Design Assessment Report' received on 03.02.2022.
- 9 No other part of the development hereby permitted shall be commenced until the existing vehicular access has been improved, laid out and completed in all respects in accordance with drawing no. P-6475-02 and made available for use. Thereafter the access shall be retained in the specified form.
- 10 Prior to the development hereby permitted being first occupied, the existing access onto the highway shall be properly surfaced with a bound material for a minimum distance of 5 metres measured from the nearside edge of the metalled carriageway, in accordance with details that shall have previously been submitted to and approved in writing by the Local Planning Authority.
- 11 No development above ground shall take place until details have been 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.
- 12 Before the access is first used visibility splays shall be provided as

shown on Drawing No. P6475 - 02 with an X dimension of 2.4 metres and a Y dimension of 43 metres [tangential to the nearside edge of the carriageway] and thereafter retained in the specified form. 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 to visibility shall be erected, constructed, planted or permitted to grow over 0.6 metres high within the areas of the visibility splays.

- 13 The areas to be provided for the storage and presentation for collection/emptying of refuse and recycling bins as shown on Drawing No.P- 6477 - 01 shall be provided in their entirety before the development is brought into use and shall be retained thereafter for no other purpose.
- 14 Prior to first use of the development hereby permitted, the area(s) within the site shown on drawing No. P- 6477 - 1 for the purpose of loading, unloading, manoeuvring and parking of vehicles shall be provided. Thereafter the area(s) shall be retained and used for no other purpose.
- 15 The use shall not commence until the area(s) within the site shown on Drawing No. P- 6477 - 01 for the purposes of secure cycle storage has been provided and thereafter the area(s) shall be retained, maintained and used for no other purposes.
- 16 No development above ground level shall take place until a scheme of soft landscaping for the site drawn to a scale of not less than 1:200, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include accurate indications of the position, species, girth, canopy spread and height of all existing trees and hedgerows on and adjacent to the site and details of any to be retained, together with measures for their protection during the course of development. Any retained trees removed, dying or becoming seriously damaged or diseased within five years of commencement 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. The works shall be completed in accordance with the approved plans and in accordance with a timetable to be agreed with the Local Planning Authority.
- 17 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, public holidays or bank holidays.
- 18 The screen fencing shown on the approved plan drawing no. P- 6477 - 01 shall be installed prior to the dwellings being first occupied and thereafter retained in the form and manner installed.

247. Planning Application DC/21/2320/FUL - Pattles Grove Stud, Pattles Grove House, Chedburgh Road, Whepstead (Report No: DEV/WS/22/020)

Planning application - a. partial change of use to a timber supplies business (sui generis); b. stable block; c. office building; d. timber store; e. workshop; f. open fronted storage barn; g. open fronted timber store and; h. associated ancillary development

This application was referred to the Development Control Committee following consideration by the Delegation Panel, as a result of call-in by Ward Member (Whepstead & Wickhambrook) Councillor Sarah Pugh.

The Parish Council objected to the scheme which was contrary to the Officer's recommendation of approval, subject to conditions as set out in Paragraph 46 of Report No DEV/WS/22/020, inclusive of an amendment to the wording of No 2 as referenced in the Officer's presentation.

A Member site visit was held prior to the meeting.

Speakers: Councillor Garry Corcoran (Whepstead Parish Council) spoke against the application
Councillor Sarah Pugh (Ward Member: Whepstead & Wickhambrook) spoke against the application
Lucy Smith (Agent) spoke in support of the application

A number of questions were posed in relation to the stud operation at the premises and the Senior Planning Officer explained that the business offered seasonal grazing and there were around 13 horses on site when it was visited by the Council. However, Members were reminded that the equine use of the site was outside the planning application before them.

The Officer also confirmed, in response to other related questions, that the workshop in question was soundproofed and it existed in its current form when the noise assessment referenced in the report was undertaken. There were also separate mechanisms in which noise related concerns could be raised with the Council.

Lastly, in response to questions regarding restricting the routing of traffic to the site the Committee was advised that it was not possible to restrict this via condition as the Highways Authority had not requested this and it was not considered to be an enforceable condition.

Councillor Peter Stevens proposed that the application be approved, as per the Officer recommendation, this was duly seconded by Councillor Jim Thorndyke.

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

Decision

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

1. The development hereby approved is defined by the approved plans and documents and no alterations or extensions shall take place without the prior written consent of the Local Planning Authority.
2. No deliveries to or from the timber supplies business shall be taken or despatched outside the hours of 08:00 - 17:00 Mondays to Saturdays and no deliveries shall be taken or despatched on Sundays and Bank Holidays unless agreed in writing with the Local Planning Authority.

(On conclusion of this item the Chair permitted a short comfort break during which Councillors Trevor Beckwith, Brian Harvey and Sara Mildmay-White left the meeting at 1.35pm.)

248. **Planning Application DC/22/0579/FUL - Mildenhall Library, Chestnut Close, Mildenhall (Report No: DEV/WS/22/021)**

Planning application - Installation of two metre high security fencing to external boundary (previous application DC/21/1536/FUL)

This application was referred to the Development Control Committee as West Suffolk Council is the applicant.

The application represented an extension to the provision of security fencing previously approved by the Committee on 1 September 2021 under planning reference DC/21/1536/FUL.

Officers were recommending that the application be approved, subject to conditions as set out in Paragraph 26 of Report No DEV/WS/22/21.

As part of his presentation the Senior Planning Officer showed videos of the site by way of a virtual 'site visit'.

Councillor Jim Thorndyke proposed that the application be approved, as per the Officer recommendation, and this was duly seconded by Councillor Peter Stevens.

Upon being put to the vote and with the vote being unanimous, 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 three 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 following approved plans and documents, unless otherwise stated.
3. The development shall be carried out strictly in accordance with the Arboricultural Method Statement (AMS) submitted 01 April 2022, drawing no. P4291.2.0 dated 15 November 2021. The protective measures contained within the scheme shall be implemented, maintained and retained until the development is completed. The development shall be carried out in accordance with the approved AMS unless agreed in writing by the Local Planning Authority.

The meeting concluded at 1.52pm

Signed by:

DEV.WS.01.06.2022

Chair
