

Development Control Committee



St Edmundsbury
BOROUGH COUNCIL

Minutes of a meeting of the **Development Control Committee** held on
Thursday 5 November 2015 at **10.00 am** at the **Conference Chamber,**
West Suffolk House, Western Way, Bury St Edmunds

Present: **Councillors**

Chairman Jim Thorndyke
Vice -Chairman Angela Rushen

John Burns
Carol Bull
Tony Brown
Robert Everitt
Paula Fox
Susan Glossop

Ian Houlder
Ivor Mclatchy
Alaric Pugh
David Roach
Julia Wakelam

Substitute attending:
Betty Mclatchy

125. **Apologies for Absence**

Apologies for absence were received from Councillors Tim Marks, Peter Stevens and Patsy Warby.

126. **Substitutes**

The following substitution was announced:

Councillor Betty Mclatchy for Councillor Patsy Warby.

127. **Minutes**

The minutes of the meeting held 1 October 2015 were confirmed as a correct record and signed by the Chairman.

128. **Planning Applications**

The Committee considered Reports DEV/SE/15/63 to DEV/SE/15/66 (previously circulated).

RESOLVED – That:

- (1) subject to the full consultation procedure, including notification to Parish Councils/Meetings and reference to Suffolk County Council, decisions regarding applications for planning permission, listed building consent, conservation area consent and approval to carry out works to trees covered by a preservation order be made as listed below;
- (2) approved applications be subject to the conditions outlined in the written reports (DEV/SE/15/63 to DEV/SE/15/66) and any additional conditions imposed by the Committee and specified in the relevant decisions: and
- (3) refusal reasons be based on the grounds outlined in the written reports and any reasons specified by the Committee and indicated in the relevant decisions.

129. **Reserved Matters Application DC/15/1308/RM - Submission of details under Outline Planning Permission DC/13/0520/OUT**

The appearance, landscaping, scale and layout for 20 dwellings with associated service road and access, as amended by plans received 14 October 2015 revising the mix and layout and as amended by plans received 19 October 2015 revising landscaping, at Land South of School Road, Risby for Fleur Developments Ltd.

(Councillor Robert Everitt declared a local non-pecuniary interest as he knew the owner of land adjacent to the application site although there had been no contact between them regarding the proposal. Councillor Everitt remained within the meeting)

Officers in presenting the report referred to the objection received from Risby Parish Council and the occupiers of residential properties at Quay's Barn which adjoined the application site to the north. This related to loss of residential amenity to these occupiers and in response the applicants had submitted amended plans indicating supplementary planting along the northern boundary to obviate overlooking from the proposed development into the gardens of properties at Quay's Barn.

The following person spoke on this application.

- (a) Applicants - Jamie Bird, Director, Fleur Developments Ltd

In response to Members' questions Officers advised as follows:

- (i) the applicants had obtained the agreement of the owner of the existing access serving Quay's Barn, a private roadway, for this to be used by construction traffic in connection with the proposed development;
- (ii) Condition 5 of the Outline Permission provided restrictions on movements of construction traffic between 8.00am and 6.00pm. Condition 6 required a Construction Method Statement to be submitted for approval;
- (iii) an issue relating to the re-positioning of Plot 1 in relation to the footpath/trackway running along the rear garden had not required resolution as the window which would be within view was a ground floor bathroom window and not a primary living room window;
- (iv) in relation to the stated position of Suffolk County Council, Highways that the highway authority would not be adopting the access roads, footways, verges, drainage and street lighting relating to the development there was no provision in Planning Law for the County Council to be compelled to assume these responsibilities. In general terms it was open to developers to seek an agreement under Section 38 of the Highways Act 1980 with the highway authority for roads etc. within developments to be adopted. If proposed roadworks did not meet the County Council's standards this agreement would not be forthcoming and in such circumstances an alternative mechanism for providing for the future upkeep of roads would be implemented. In such situations it was usual for the developers to provide a fund for a Management Company to take responsibility for future maintenance works with the owners of properties within the development also being contractually obliged to make financial contributions to the fund;
- (v) it was not intended that the supplementary planting would contain large trees but would be of appropriate species which would provide adequate screening but which would not overshadow the existing adjoining gardens; and
- (vi) details of highways drainage and surface water disposal had not yet been approved but Conditions 11 and 21 of the Outline Permission required these to be submitted for approval before the commencement of development.

The Committee remained concerned that the costs of future road maintenance would fall upon the owners of properties within the development and in particular those that would be occupying the affordable houses element of the scheme. The hope was therefore expressed by Members that the applicants would seek to secure a Section 38 Agreement whereby the County Council would adopt the estate roads etc. because of the proximity of the application site to the village school the Committee asked that the applicants take extra care that construction vehicle movements did not occur at daily opening and closing times for the school.

The Committee asked that in cases when applications for Approval of Reserved Matters were being considered details of conditions imposed under the outline permission be included in the written reports.

Decision

Approval of Reserved Matters be granted with the concerns of the Committee about future road maintenance and construction traffic movements, referred to above, being formally drawn to the applicants' attention.

130. **House Holder Application DC/15/1441/HH**

Single storey side extension, two storey rear extension and garage conversion including extension to form 'granny annexe' at 3 Clopton Park, Wickhambrook for Mr and Mrs Keith Dailey.

The Committee had visited the application site on 29 October 2015.

The following persons spoke on this application:

- (a) Objector - Michael Kemp
- (b) Applicants - Carolyn Dailey

The Committee noted the applicants' case of need, as stated during the public speaking session and in Appendix A of the report, which was to provide a measure of 'independent living' space for their son who had a disability and additional accommodation for elderly parents.

In discussing this proposal reference was made by Members to objections that had been raised that the application, if granted, would create a precedent for enlargement of other properties in Clopton Park and that the proposal constituted overdevelopment. Officers advised that in the event of other proposals coming forward in respect of other properties on the estate each of these would have to be judged on their merits and therefore, if Members were mindful of granting permission for the application under consideration, a precedent would not be created. Officers also suggested that, as the proposed additions were relatively small, the overall footprint of the property would only be increased by a minor extent in relation to the overall size of the plot.

Reference was made to the recommended conditions to be attached to any grant of permission contained in the ultimate paragraph of the written report which were in shortened form. Members asked to be supplied with an unabbreviated list of Standard Conditions as a reference document for future use. Officers confirmed that the proposed Condition 4 would require that the annexe could only be occupied in connection with the main dwelling.

Decision

Permission be granted.

131. House Holder Application DC/15/1901/HH

**(i) Single storey rear extension to existing building; and
(ii) replacement of front path and new gate at 77 Queen's Road, Bury St Edmunds for Mr Andrew Mills.**

The application was before the Committee because the applicant was the husband of a contracted employee of St Edmundsbury Borough Council.

A Member raised a question in relation to boundary treatments between terraced properties such as that relating to the application site and its immediate neighbours and asked whether there were controls over the height of hedges or greenery. Officers responded by advising that the High Hedges Law provided under the Anti-social Behaviour Act 2003 had introduced controls over the height of hedges and a mechanism for resolving disputes, e.g. in cases where it was alleged hedges were blocking out natural light to a neighbouring property. The legislation did not stipulate a maximum height for hedges and cases referred to Councils would be judged on their merits. If complaints were upheld a Remedial Notice would be served on the person responsible for the hedge specifying immediate works to be undertaken to the hedge. The notice could also stipulate requirements for future maintenance of the hedge.

Decision

Permission be granted.

132. Trees in Conservation Area Notification DC/15/1964/TCA

T1 – Apple tree – Fell and replace at Forge Cottage, The Street, Horringer

This notification had been received from a member of staff of St Edmundsbury Borough Council and therefore consideration was required to be given to it by the Committee. Officers confirmed that the intention was for the replacement tree to be of the same species.

Decision

No objections be raised.

133. Disposal of wood following tree surgery by the Council

Arising on a matter raised by a Member at the last meeting of the Committee regarding the disposal of wood after tree works had been carried out by the Council, Officers advised that similar question had arisen at Forest Heath DC's Development Control Committee. The following update was therefore given. In many cases contractors carrying out works to trees were required to remove material from sites and often this was of poor quality because of decay or disease. Where the timber involved was of good quality outlets were investigated, an example being where willow had been supplied for the manufacture of cricket bats. In other circumstances material was left on site to encourage biodiversity. The Councils' policy was available on the website.

Whether material was made available to the public for firewood was left to the discretion of contractors.

The Committee sought clarification about the procedure for notifying Members of intended works to trees in their wards. Officers advised that not all such works were subject to controls under Planning legislation. Applications in respect of those that required the approval of the Council as local planning authority were included in the weekly lists issued to Members. For works to trees scheduled by the Council which did not fall into this category the Committee's request that appropriate Ward Member(s) be given advance notice of these would be passed onto Parks Officers. Members also suggested that it would be helpful if relevant Town/Parish Councils were also informed at the same time.

The meeting concluded at 11.08am

Signed by:

Chairman
