
Development Control Committee



St Edmundsbury
BOROUGH COUNCIL

Minutes of a meeting of the **Development Control Committee** held on
Thursday 7 January 2016 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
Peter Stevens
Julia Wakelam
Patricia Warby

By Invitation:

David Nettleton (for item 158)

146. **Apologies for Absence**

An apology for lateness was received from Councillor Alaric Pugh.

147. **Substitutes**

No substitutions were declared.

148. **Minutes**

The minutes of the meeting held 3 December 2015 were confirmed as a correct record and signed by the Chairman.

149. **Councillor Tim Marks**

The Chairman referred with sadness to the death of Councillor Tim Marks on 4 January 2016 which had occurred whilst Councillor Marks was attending the tour of site inspections. He paid tribute to Councillor Marks' work as a Councillor and as Vice-Chairman and a Member of the Committee. On behalf of the Committee he extended sympathy to the widow, Councillor Mrs Margaret Marks, and family.

The meeting observed a minute's silence in memory of Councillor Marks.

150. Planning Applications

The Committee considered Reports DEV/SE/16/01 and DEV/SE/05 to DEV/SE/16/11. Reports DEV/SE/16/02 to DEV/SE/16/04 were not considered as it had not been possible because of the sad circumstances which had occurred on Monday 4 January 2016 to carry out the proposed site visits planned in respect of the applications relating to these reports. The Chairman advised that the site visits would be re-arranged and that with the agreement of the applicants in each case consideration of the applications involved stood deferred until the next meeting of the Committee on 4 February 2016.

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/16/01 and DEV/SE/16/05 to DEV/SE/16/11) 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.

151. Planning Application DC/15/1697/FUL

13 no. apartments, comprising 10 no. two bed apartments and 3 no. one bed apartments, together with associated off-street parking and external works at Phase C, Burton Hill, Haverhill for Havebury Housing Partnership.

(Councillor Pugh arrived at the meeting during the presentation by Officers on this application)

Officers in presenting this application advised that an earlier application in respect of this site (reference DC/14/1813/FUL) for 9 no. two bed flats and 6 no. one bed flats had been refused by the Committee on 5 February 2015. The reasons for refusal had been on points of detail regarding the scale and design of the proposed building and its impact on adjacent residential amenity. This refused application was now the subject of an appeal which was still in the process of being considered and it was not relevant to the application under consideration at this meeting. The applicants were proposing in the case of the current application a scaled back building in terms of size and height and the provision of additional landscaping to filter views of the proposal from existing residential developments at Howard Close and Old Rope Walk.

In discussing the application Haverhill Members drew attention to concerns about existing traffic problems along the approach road to the application site which was reduced to a single carriageway chicane at one point and suggested that this situation stood to be aggravated by additional traffic which would be generated by the proposal. Reference was also made to surface water flows along this stretch of highway which in freezing conditions formed an icy surface to the road. Officers in response advised that the Environment Agency, Anglian Water and the County Council, as the lead Local Flood Authority, had not raised objections subject to the imposition of a condition (listed as Condition 8 in the report) requiring details of a sustainable drainage system being submitted for approval. In relation to the traffic issue, the Highway Authority had not raised any objection or requested contributions towards additional highway works. The pedestrian crossing had been upgraded in 2011 and was considered to be working well and the street lighting was in the process of being upgraded. Since matters of highway maintenance and traffic management were not within the remit of the Borough Council the Chairman suggested that they be taken up separately with the Highway Authority.

Decision

Subject to completion of a Section 106 Agreement to secure affordable dwellings and a contribution of £15,000 towards maintenance and improvement of open space, permission be granted.

152. **Planning Application DC/15/1629/FUL**

(i) Extension to front and rear of existing apartment block to create 4 no. additional apartments; and (ii) alterations to 3 no. existing apartments (Re-submission of DC/15/0881/FUL) at Kevor House, 62 Out Westgate, Bury St Edmunds for Thingoe Ltd.

For the reason explained at the beginning of the meeting consideration of this application stood deferred until the next meeting of the Committee on 4 February 2016.

153. **Planning Application DC/15/1975/FUL**

1 no. two storey dwelling following demolition of existing garage and fence at Land west of 63 Victoria Street, Bury St Edmunds for Mr Barney Walker.

For the reason explained at the beginning of the meeting consideration of this application stood deferred until the next meeting of the Committee on 4 February 2016.

154. **Planning Application DC/15/1899/FUL**

Provision of 100 pitch touring caravan and camping site including reception building, utility block, access off highway, inner roads and hard standings, ancillary services and landscaping (Re-submission of DC/15/0556/FUL) at West Stow Anglo-Saxon Village and Country Park, Icklingham Road, West Stow for St Edmundsbury Borough Council.

For the reason explained at the beginning of the meeting consideration of this application stood deferred until the next meeting of the Committee on 4 February 2016.

155. **House Holder Application DC/15/0258/HH**

Two storey rear extension at 2 Croft Rise, Bury St Edmunds for Mr & Mrs P Ivory.

Officers in presenting this proposal advised that whilst this site visit on 4 January 2016 had not been fully carried out the applicants had requested that the application be determined at this meeting if possible. Following consultation with the Chairman and Councillor Angela Rushen as Vice-Chairman it had been agreed to keep the matter on the agenda although the Committee had the option of a further site visit if it wished. The Committee was advised that a shadow assessment document had been provided by the applicant's agent in support of the proposal.

The following persons spoke on the application:

- (a) Objector - Mrs Nicola Lawrence
- (b) Applicants - Lara Turner, agent

Members whilst acknowledging the concerns of neighbours noted that the analyses provided by the shadow assessment indicated that 4 Croft Close, the neighbouring property, was already partly shaded by the existing dwelling of 2 Croft Close and that the proposed extension would not significantly increase this.

Decision

Permission be granted.

156. **Advertisement Application DC/15/1656/ADV**

Retention of: (i) 6 no. non-illuminated wall mounted signs; (ii) 2 no. swing boards; (iii) 2 no. non-illuminated house mounted signs; and (iv) 2 no. directional signs at Land at Hepworth Road, Stanton for Abbey Developments.

In presenting this application Officers advised that 7 free standing flag pole signs which had been refused permission by the Committee (along with 19 other signs including those the subject of the current application)

were now the subject of ongoing appeal proceedings. The Chairman advised that the flagpoles were the cause of concern amongst local residents because of the noise nuisance associated with them.

Gary Tarpley had registered to speak as an objector to this application but was not present at the meeting. The Chairman in his capacity as Ward Member advised that good progress was being made on the construction of the 101 dwellings involved in this development as 65 houses were already being occupied. He suggested therefore that completion of the development could be sooner than 1 January 2020 envisaged in the proposed Condition 2 which required the ultimate removal of the advertisements. A motion that this condition be amended whereby there would be a specific requirement for the advertisements to be removed on or before 1 January 2017 was carried.

Decision

Consent be granted subject to the amendment of Condition 2 as follows:

'The advertisements hereby permitted shall be removed from the site on or by 1 January 2017'.

(At this point the meeting was adjourned to allow members a short comfort break)

**157. Planning Appeal - Application Reference DC/14/1667/FUL
Change of use of woodland to Gypsy/Traveller site consisting of 5 pitches at Rougham Hill, Bury St Edmunds for Mr Kevin Delaney**

The documents mentioned below had been circulated to Members of the Committee as additional information after the agenda and papers for the meeting had been distributed (in the case of the e-mails referred to these had been recirculated as hard copies) :

An e-mail from Officers responding to points raised in relation to the appeal proceedings via two joint e-mails, dated 1 and 4 January 2016, from Messrs. J. Corrie, A. Williams and M. Schultz which had been sent directly to Members of the Committee. The Officers' response also enclosed:

- (1) a copy of a letter, dated 13 September 2015, sent to the Planning Inspectorate by the appellant's agent clarifying specific matters in relation to the Statement of Case submitted in respect of the appeal;
- (2) the appellant's Statement of Case document which included confidential personal information about the appellants and their extended family; and
- (3) Department for Communities and Local Government publication 'Planning Policy for traveller sites' August 2015 to be read in conjunction with the National Planning Policy Framework;

Officers in presenting the report outlined the proposal which had been the subject of the refusal of planning permission by the Committee on 5 February

2015. Reason 1 of this refusal had been that the application was premature to the adoption of a Masterplan for the South-East Bury St Edmunds Strategic Site which was a requirement of the St. Edmundsbury Core Strategy 2010. The Committee was informed of the subsequent timeline of events which included material changes of circumstances relative to the appeal against refusal which was currently lodged as follows:

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|---------------------|--|
| May/early June 2015 | Public consultation had been carried out on the draft Masterplan prepared by the developers. |
| July 2015 | Masterplan had been submitted to the Borough Council. |
| August 2015 | the applicants had submitted the appeal. Amended policy on Gypsy and Traveller sites published. |
| 3 September 2015 | Sustainable Development Working Party recommended approval of the draft Masterplan subject to the reinstatement of the Gypsy and Traveller site as put forward by Application DC/14/1667/FUL as this had been omitted from the document. |
| 8 September 2015 | Cabinet endorses recommendation of the Working Party. |
| 22 September 2015 | Full Council adopts the Masterplan with the amendment to re-instate the Gypsy and Traveller site. |
| October 2015 | Appeal registered by the Planning Inspectorate |
| December 2015 | Planning application submitted by the developers which related to the bulk of the Strategic Site , areas being excluded relating to the lorry park, the Gypsy and Traveller site and the few existing residential properties. The proposal in its submitted form contained provision for landscaping and public open space with footway links. Officers advised that whilst the application was not yet approved the inclusion of these features would compensate for the loss of trees in the woodland and the footpath involved in the development of the Gypsy and Traveller site. This loss formed the basis of Reason 2 relating to the refusal of planning permission. |

In the view of Officers, because of the changes in material circumstances which had taken place since February of last year, both reasons for refusal could not be sustained at the appeal.

The Committee in considering the options referred to in the report regarding the appeal concluded that the grounds of refusal were no longer tenable. It was accepted that because of the adoption of the South-East Bury St.

Edmunds Strategic Area Masterplan, and the submission of the planning application in line with this, that this part of the town would be changing substantially with the creation of areas of high quality landscaping and public open space being an integral part of this.

Consequently the Committee concluded that Option (i) was the only one available to it but Members sought clarification as to whether it would be preferable to request the Planning Inspectorate to arrange for the appeal to proceed by way of a public hearing rather than via written representations since this would give members of the public who were objecting to the proposal a means of expressing their views which would be more acceptable to them. Clarification was also sought as to how the mitigation measures in respect of the site which would be imposed by conditions could be assured if the appeal was not to be the subject of a hearing. Officers responded by advising that it would be for the Inspector to determine the method by which the appeal would be dealt with although the views of all parties would be obtained beforehand. The written representations procedure was more often used if there were not issues of detail involved. There were greater costs involved with a public hearing which would have to be borne by the parties but if it was found that unreasonable behaviour on the part of the Council could be demonstrated then there could be an award of the appellant's costs against the Council. If a hearing was to be fixed then the Council would be represented but only to respond to any questions asked and to put forward the case for the mitigation measures. If the Inspector upheld the appeal with the consequential grant of permission this would likely be with attached conditions. The retention of the mature trees which would provide screening of the site would be one such matter to be taken into account by the Inspector as a possible condition and it was understood that the appellant had no objection to such a requirement.

Decision

Option (i) be pursued in relation to the appeal, i.e. it be confirmed that provided the mitigation measures recommended through the suggested conditions summarised below:

- (a) details of mature trees on the site and the measures for their protection and maintenance;
- (b) an assessment of the trees to be removed for their potential to house bats;
- (c) implementation of mitigation measures as set out in the ecological report submitted as part of the application; and
- (d) a management plan for hedgerows and mature trees retained adjacent to the Public Right of Way to mitigate the loss of canopy cover from within the site,

are put forward to the Inspectorate, the Council no longer intends to pursue the defence of the appeal as both reasons for refusal have been superseded/overcome. The Inspectorate to be informed of this decision by 12 January 2016 (Deadline for submission of Statement of Case) along with a request for the appeal to continue via the written representations process rather than by a hearing and Officers be asked to highlight to the

Inspectorate the concerns of third parties when considering the appropriate vehicle for this appeal.

158. **Tree Preservation Order Application DC/15/2196/TPO**

Tree Preservation Order 218 (1972) 42: Fell 1 no. Lime tree at 11 Northgate Avenue Bury St Edmunds for Mrs Julia Hadley.

(Councillor Julia Wakelam declared a pecuniary interest as the occupier of the neighbouring property of 15 Northgate Avenue and following speaking as an objector during the public speaking session she withdrew from the meeting for the remainder of the consideration of this item)

The following persons spoke on this application:

- (a) Objector - Councillor Julia Wakelam
- (b) One of the Ward Members - Councillor David Nettleton

During his address to the Committee Councillor Nettleton referred to previous arboricultural reports relating to the condition of this tree which the Committee had not been made aware of in the report currently before it.

Members raised a series of other matters in relation to the proposal and Officers responded as follows:

- (i) the applicant had submitted that the tree was suffering from Honey Fungus but the Arboricultural Officer of the Parks Section had advised the there were signs of White Rot. The health of a tree could be effected quite quickly and it was not straightforward in this case to establish the cause of the poor health of the tree since fungal infections were only evident during the Autumn and also part of the tree had been hidden behind a retaining wall. To ascertain the type of disease expert advice would be needed;
- (ii) the tree had been damaged in the past. This would be investigated by the Enforcement Team;
- (iii) there was a need to safeguard from contagion the 5 other Limes in the row the subject tree formed part of. These trees were on private property and this would require further investigation with the cooperation of the owners;
- (iv) the replacement tree required by the condition would not necessarily be a Lime since these grew to a large size. It might be more appropriate to require a species of tree which was suitable to a garden setting.

The Committee concluded that it needed more information to be able to determine the application.

Decision

Consideration be deferred to enable the Committee to visit the site and expert advice be obtained on the cause of the poor health of the tree and the further information referred to above be provided when the application is to be considered again.

159. **Tree Preservation Order Application DC/15/2241/TPO**

Tree Preservation Order 028 (1960) 66: Crown lift 2 no. Lime trees (1210 and 1211 on plan within Area A1 of Order) up to 4 metres at 18 Hardwick Park Gardens, Bury St Edmunds for St Edmundsbury Borough Council.

This application was before the Committee because the applicant was the Borough Council.

Decision

Approval be granted.

(Note: it was suggested that the opportunity be taken during the carrying out of the works for Ivy growth to be removed)

160. **House Holder Application DC/15/2426/HH**

Single storey rear extension and associated alterations at Hill Holme, The Street, Little Whelnetham for Mr & Mrs Frederick.

This application had been referred to the Committee because one of the applicants was a member of the Council's staff.

Decision

Permission be granted.

161. **Planning Application DC/15/1956/FUL**

Installation of metal sculpture on roundabout (Re-submission of DC/15/0003/FUL) at Roundabout, Lady Miriam Way, Bury St Edmunds for St Edmundsbury Borough Council/ Bury in Bloom.

(Councillor Patsy Warby declared a local non-pecuniary interest as a Member of Bury St. Edmunds Town Council. Whilst she had been involved in early discussions about the proposal she had not been involved in the latter stages of its formulation when the design of the sculpture had undergone a various changes. She remained within the meeting for the consideration of this item).

The design of the sculpture was presented to the Committee and this consisted of a stainless steel dove positioned on the corner of the tail fin of a B17 Flying Fortress aircraft which bore a capital letter A, the group identification letter of the 94th Bombardment Group (H) of the United States

Army Air Force which operated from Rougham Airfield during World War 2. The sculpture was to be mounted on a brickwork plinth. Some Members commented that the shape of the tail fin did not resemble that of the particular aircraft being depicted. Officers advised that Committee could not take such details of design into consideration when determining the application.

Decision

Permission be granted.

The meeting concluded at 12.22 pm

Signed by:

Chairman
