
Development Control Committee



St Edmundsbury
BOROUGH COUNCIL

Minutes of a meeting of the **Development Control Committee** held on
Wednesday 4 May 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
Terry Clements
Paula Fox
Susan Glossop

Ian Houlder
Ivor Mclatchy
Alaric Pugh
David Roach
Peter Stevens
Julia Wakelam
Patricia Warby

By Invitation:
Jeremy Farthing and
Sara Mildmay-White(for item 205)

198. **Apologies for Absence**

No apologies for absence were received.

199. **Substitutes**

No substitutions were declared.

200. **Minutes**

The minutes of the meeting held 7 April were confirmed as a correct record and signed by the Chairman.

201. **Planning Applications**

The Committee considered Reports DEV/SE/16/31 to DEV/SE/16/40 (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/16/31 to DEV/SE/16/40) 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.

202. Planning Applications DC/15/1752 FUL, DC/15/1753/FUL, DC/15/1754/FUL, DC/15/1758/FUL, DC/15/1759, DC/15/1760/FUL and DC/15/1761/FUL

Application DC/15/1752/FUL – Retention of modification and change of use of former agricultural building to part offices (Class B1(a)) and part storage (Class B8) (Building B);

Application DC/15/1753/FUL – Retention of modification and change of use of former agricultural building to storage (Class B8) (Building C);

Application DC/15/1754/FUL – Retention of modification and change of use of former agricultural building to storage use (Class B8) (Building D);

Application DC/15/1758/FUL – Retention of modification and change of use of former agricultural building to Class B1(a), offices, or B1(b), research, or B1(c), industrial, or B8, storage, or sui generis use (Building F)

Application DC/15/1759/FUL – Retention of change of use of former agricultural land to use for open storage (Class B8) for caravans and motor homes (10 max.), horse boxes (5 max.), and containers (20 max.) (Area H);

Application DC/15/1760/FUL – Retention of modification and change of use of former agricultural building to Class B8, storage. (Building I) ; and

Application DC/15/1761/FUL – Retention of modification and change of, use of former agricultural building to Class B8, storage, (Building J)

at Lark’s Pool Farm, Mill Road, Fornham St Genevieve for C J Volkert Ltd.

The Committee was advised by the written report that whilst these seven applications had been the subject of a resolution to approve them all at the Committee’s meeting on 3 March 2016 a Pre-Application Protocol Letter had been received subsequently from an aggrieved third party which was

threatening a Judicial Review of the decisions. The applications had not therefore been formally determined. For the matter to be presented to the Committee's following meeting on 7 April for affirmation of the decisions the Members sitting would have to be the same as those who were present at the March meeting. As this was impractical the advice of Legal Officers was that the applications should be re-presented for a fresh determination at this meeting.

Officers in presenting the report drew attention to an error in paragraph 15 wherein the last reference to '18.00' hours should read '06.00'. Officers advised the Committee that the uses of Buildings A and G, were not within the proposals being considered at this meeting as an application for a Certificate of Lawfulness was pending in both cases. An application in respect of Building E (reference DC/15/1757/FUL) had been withdrawn by the agent before the March meeting.

Prior to the outset of the debate the Chairman expressed the view that because the Committee's consideration of the proposals was beginning anew each of the applications should be considered individually rather than en bloc.

The following persons spoke on the applications on the basis that they would be allowed up to 21 minutes (7 x 3 minutes) to address the Committee:

- (a) Objector - Colin Hilder
- (b) Parish Council - Councillor Michael Collier, Chairman
- (c) Applicant - Leslie Short, agent.

The Chairman invited the Committee to make comments on the proposals generally before any discussion of the applications on an individual basis took place. Members asked for clarification on various points and Officers responded as follows:

- (i) the traffic count figures of 162 vehicular movements recorded during a 24 hour period had been provided by Suffolk County Council, Highways and Planning Officers had not carried out any traffic surveys themselves. Following consideration of this data and the Traffic Statement submitted by the applicant the County Council had raised no objections;
- (ii) as the Committee had been apprised of the overall site and the applications previously a member suggested that the applications be dealt with en bloc. As the proposals had been considered individually at the March meeting the Officers' view was that the same approach should be adopted at this meeting;
- (iii) during the public speaking session the objectors and the Parish Council Chairman had referred to documents/letters which had been submitted since 1989 when the first use of the site had commenced and complaints had arisen. A member asked why these were not available to the Committee as the only documents contained on the Council's website were dated post-December 2015. Officers advised that all the documentation provided related solely to the current proposals under

consideration and that they were satisfied that Members had all the information they needed for determination of the applications;

- (iv) also during the public speaking session the objector had suggested other specific conditions which might be attached additionally to any grant of permission. Officers responded firstly by advising that in relation to the proposed conditions listed in the report that these were intended to be generic and would be attached to all of any permissions granted. With reference to the specific matters raised by the objector they gave further advice. Whilst B8 storage use also normally covered distribution it had been suggested that the use should be restricted to storage only. The Committee was informed by Officers that this would be the intention in the case of the proposals involving such a use in any event. A suggested condition to prohibit the storage of vehicles of over 3.5 tons weight was considered reasonable if the Committee wished to apply it. A condition also put forward had been that no scrapped vehicles should be kept on site but Officers were of the view that this in itself would be a breach of planning control which would be dealt with through normal process. The storage of chemicals/toxic substances on site would require a Hazardous Substances Licence if over specified levels were involved but would not otherwise require planning permission and it therefore was not appropriate for such storage to be regulated by a planning condition. Issues of foul water and sewage disposal fell to be dealt with directly by the statutory undertaker and not by way of condition and Anglian Water had not raised any objections to the proposals but the Committee could impose such conditions as being reasonable if it so wished. Building Regulation matters would be dealt with separately by the Council's Building Control Officers; the need to obtain approval was a requirement at the point when works were about to be undertaken and any breaches would be dealt with by due process. A suggested condition about waste disposal arrangements and the burning of waste would not be necessary since these were matters covered by environmental control legislation. A condition proposed by the objector that there should be no external storage would be appropriate if the Committee so wished. The Committee in noting this advice accepted that it would be appropriate to consider imposing additional conditions on any grant of permission in respect of a particular proposal and therefore it agreed it would proceed by considering applications on an individual basis. In relation to Application DC/15/1758/FUL, Officers advised that the proposed Sui Generis Use was intended to cover activities which were closely related to the main uses but not so markedly different as to fall within another Use Class. In discussing this proposed use Members were of the view that it should be clarified in the light of concerns about the proliferation of activities there had been at the site.

Decisions

Application DC/15/1752/FUL - Permission be granted, subject to additional conditions:

12. No external storage to take place within the site;
13. No storage of vehicles of over 3.5 tons weight on the site
14. details of foul and surface water drainage to be submitted for approval.

Application DC/15/1753/FUL - Permission be granted subject to additional conditions:

12. No external storage to take place within the site;
13. No storage of vehicles of over 3.5 tons on the site
14. Details of foul and surface water drainage to be submitted for approval.

Application DC/15/1754/FUL - Permission subject to additional conditions:

12. No external storage to take place within the site
13. No storage of vehicles of over 3.5 tons on the site
14. Details of foul and surface water drainage to be submitted for approval.

Application DC/15/1758/FUL - Permission subject to clarification of the Sui Generis Use and additional conditions:

12. No external storage to take place within the site
13. No storage of vehicles of over 3.5 tons on the site
14. Details of foul and surface water drainage to be submitted for approval.

Application DC/15/1759/FUL – Permission subject to additional conditions:

12. No storage of vehicles of over 3.5 tons on the site
13. Details of surface water drainage to be submitted for approval.

Application DC/15/1760/FUL – Permission subject to additional conditions:

12. No external storage to take place within the site
13. No storage of vehicles of over 3.5 tons on the site
14. Details of foul and surface water drainage to be submitted for approval.

Application DC/15/1761/FUL – Permission subject to additional conditions:

12. No external storage to take place within the site
13. No storage of vehicles of over 3.5 tons on the site
14. Details of foul and surface water drainage to be submitted for approval.

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

203. Planning Application DC/15/1915/FUL

Erection of: (i) proposed stables, barn, office, yard, horse walker and lunge ring; and (ii) associated landscaping and access road, as amended by plans and details received 16 December 2015, at Pattles Grove, Chedburgh Road, Wepstead for Pattles Grove Stud Ltd.

(Councillor Angela Rushen advised that she had met with the applicant and the objector prior to this meeting to hear their views and to avoid any perception of predetermination or bias she withdrew from the meeting during the consideration of this item)

The Committee had visited the site on 28 April 2016.

Mr. Thomas Hobbs had registered to speak on behalf of the applicant but was not present at the meeting.

Decision

Permission be granted.

204. **Planning Applications DC/16/0207/FUL and DC/16/0208/FUL**

Application DC/16/0207/FUL – Retention of (i) menage. (ii) 2 no. field shelters, (iii) 2 no. cart lodges and (iv) barn, rebuilt to include office, studio and home gym; and

Application DC/16/0208/FUL – (i) Erection of: (a) metal-framed horse walker and (b) single storey extension to existing barn; and (ii) retention of metal-framed lunge ring

at Pattles Grove, Chedburgh Road, Whepstead for Mr Gaywood.

(Councillor Angela Rushen advised that she had met with the applicant and the objector prior to this meeting to hear their views but to avoid any perception of predetermination or bias she withdrew from the meeting for the consideration of these items)

The Committee had visited the site on 28 February 2016.

Mr. Thomas Hobbs had registered to speak on behalf of the applicant but was not present at the meeting.

The Chairman suggested that the applications be considered individually and a separate vote be taken on each and the committee agreed to proceed on this basis.

Decisions

Application DC/16/0207/FUL – Permission be granted

Application DC/16/0208/FUL – Permission be granted.

205. **Planning Application DC/15/2332/FUL**

Change of use from retail to a wellness centre with private living accommodation above and change of use of former letting rooms to beauticians/hairdressers/therapists at Solstice House, Felsham Road, Bradfield St George for Mrs Jefferys-Emrys.

A Committee Update Report had been circulated after the agenda and papers for this meeting had been distributed. This summarised a letter of support for the application from the Director of Human Givens College. Officers reported that subsequently 108 of letters had been received from individuals expressing support for the proposal. The grounds of support were that the proposed wellness centre would be beneficial for the local economy, fill a gap in the Human Givens network, make available classes for local people to

attend, take pressure off the National Health Service and be of great benefit to the community.

The following persons spoke on the application:

- (a) Objector - Iris Taylor, Fox and Hounds Supporters Group
- (b) Parish Council - Councillor Peter Squirrell, Chairman
- (c) Ward Member - Councillor Sara Mildmay-White
- (d) Applicant - Mr Emrys, the applicant's husband.

The Committee noted that the premises had been The Fox and Hounds, the village public house, until it ceased trading in October 2012 and that it had been purchased subsequently by the applicant who was currently operating it as a shop selling bric-a-brac. The building had been listed as an Asset of Community Value in 2014 which gave the local community the first opportunity to purchase it should it be for sale. The Ward Member, Parish Council and the lobby group had expressed concern about the loss of the pub as a community facility and were disputing the change of use from Class A4, public house, to Class A1, retail. They had pointed out that the shop had limited days and hours of opening and that it was not always open in accordance with these. Additionally there appeared to have been negligible change to the external physical appearance of the building. Officers advised that the legislation relating to the removal of Permitted Development Rights for changes in use in respect of Assets of Community Value had been introduced in 2015. The change in use that had occurred in respect of The Fox and Hounds had been in 2014 which pre-dated this amendment to the legislation and therefore it had taken place under Permitted Development Rights. The contention that the premises had not been effectively changed to a shop had been investigated by Officers who, on the evidence available, were satisfied that a Class A1, retail, use had been established. Whilst the business was being run in a minimal way this was sufficient to constitute a change of use. In response to Members' questions Officers advised that there had been no request for the accounts of the business to be submitted as a possible further means of ascertaining that a change of use had taken place. Additionally there was no requirement for a Business Plan to be provided as this was relevant to, for example, the proposed start up of a new rural business to prove its viability in order to support a new dwelling.

A motion that consideration of the application be deferred to enable further evidence to be obtained to substantiate that the premises was being used for retail purposes and to ascertain that the process for the initial sale of the premises had been in accordance with the legislation relating to the disposal of an Asset of Community Value was lost.

Decision

Permission be granted.

Construction of two storey building to provide a new reception, replacement classrooms and boarding accommodation (Demolition of existing temporary classrooms and outbuildings) at Cherry Trees, Flempton Road, Risby for Clear Space Buildings/Mr and Mrs Scott and Clare Horner.

The following person spoke on the application:

- (a) Applicants - James Cullingford, agent

Some members expressed concern about the loss of trees which had taken place and Officers advised that none of these were the subject of a tree preservation order and that some of the felling which had taken place had been on adjoining land. A Member suggested that by reason of residential accommodation being provided the ambient level of lighting at the site would increase and therefore a condition should be attached the grant of any permission requiring details of external lighting to be submitted for approval.

Decision

Permission subject to the imposition of an additional condition:

7. details of external lighting at the site to be submitted for approval.

207. Planning Application DC/16/0453/FUL

1 no. dwelling (following demolition of village hall) at former Village Hall, The Street, Stradishall for Mr E Hollingsworth

The Committee had visited the site on 28 February 2016.

The following person spoke on the application:

- (a) Applicant - Erica Whettingsteel, agent

The Committee noted that the former village hall was sited on land in private ownership and that the building was in poor condition. It was acknowledged that the community had the use of The Lodge as a meetings facility although this was a privately owned property and the use was on a temporary basis. Notwithstanding this the site of the former village hall was a non-designated heritage asset and currently the situation was such that there were no firm proposals to provide a permanent replacement village hall, either on this site or elsewhere. Some Members commented upon the elevated position of the site and the design of the proposed dwelling and the impact these would have on the adjoining listed building of Hoult's Mansions and the street scene generally. In view of these concerns the Committee was of the view that there needed to be further discussion with the applicant for them to be addressed.

Decision

Consideration be deferred to enable negotiation to take place regarding the above-mentioned points.

208. **Planning Application DC/16/0163/FUL**

2 no. dwellings with car ports and parking at Land south of Bobby's Way, Stanton for M & D Developments

The Committee had visited the site on 28 February 2016.

The following person spoke on the application:

(a) Applicant - Lionel Thurlow, agent.

Members commented on their observations at the site inspection which had been to recognise that there had been 2 dwellings on this site prior to their destruction as a result of a plane crash in 1962. The existence of footings and the relationship of the site with an isolated street lamp some distance away from the nearest residential properties and the turning head at the end of the road which served the former service personnel housing units were clear indicators that the destroyed dwellings had been part of a cluster. The Committee was of the view that to allow the proposed development would form a recognisable end to the existing housing estate and that it would not create a precedent since there was no case for extending the development beyond the application site into the area of open countryside. In view of the indication that the Committee was minded to approve the application contrary to the Officers' recommendation the Decision Making Protocol was invoked.

Decision

Consideration be deferred for a Risk Assessment Report to be submitted in accordance with the Decision Making Protocol.

209. **House Holder Application DC/16/0329/HH**

Part retrospective: 2 no. dormer windows in rear roof slope with new boundary wall to highway with electrically operated frontage gates at Beyka House, Tollgate Lane, Bury St Edmunds for Mr Bulent Celik.

The following person spoke on the application:

(a) Town Council - Councillor Tom Murray

Councillor Diane Hind, the Ward Member, had registered to speak but was not present at the meeting.

Decision

Permission be granted.

210. **Planning Application DC/15/2243/FUL**

Erection of 1 no. two storey dwelling and improvements to existing vehicular access, as amended by revised plans received 24 March 2016, at 1 Bristol Road, Bury St Edmunds for Mr Paul Goodspeed

This application was before the Committee because the applicant was a member of St Edmundsbury Borough Council staff.

Officers in presenting the application advised that there had been extensive discussion with the applicant's agent which had resulted in substantial amendments to the plans and that these had overcome original concerns about the proposal. A shadow assessment had also been provided which had indicated that there would be no adverse effects on neighbouring properties.

Decision

Permission be granted.

211. **Planning Application DC/16/0564/FUL**

Change of use of vacant space (formerly part of bus station waiting area and information desk) to mixed use A1 and A2 (plus each use in the alternative) at part of Bus Station, St Andrew's Street North, Bury St Edmunds for St Edmundsbury Borough Council

This application was required to be determined by the Committee as the Borough Council was the applicant.

Councillor David Nettleton had registered to speak as Ward Member but had subsequently withdrawn his request.

The Committee was advised that parking in connection with the proposed use could be accommodated in the adjacent car park.

Decision

Permission be granted.

The meeting concluded 1.55pm

Signed by:

Chairman
