



St Edmundsbury
BOROUGH COUNCIL

DEV/SE/16/58

Development Control Committee 4 August 2016

Planning Application DC/15/2245/OUT Land between 4 and 8 Norfolk Road, Bury St. Edmunds

Date	9 November	Expiry Date:	4 January 2016
Registered:	2015		
Case Officer:	Marianna Christian	Recommendation:	Grant
Parish:	Bury St Edmunds	Ward:	Northgate
Proposal:	Outline Planning Application (All Matters Reserved) - 7 no. dwellings.		
Site:	Land between 4 and 8 Norfolk Road, Bury St Edmunds, IP32 6AY		
Applicant:	Mr John George		

Synopsis:

Application under the Town and Country Planning Act 1990 and the (Listed Building and Conservation Areas) Act 1990 and Associated matters.

CONTACT CASE OFFICER:

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Background:

This application is referred back to the Development Control Committee for the purposes of clarification. It was originally presented to the Committee on 3 March 2016 when it was resolved to grant planning permission subject to the signing of a Section 106 Agreement.

Since that point in time negotiations have progressed on the Section 106 Agreement . However, changes to the National Planning Policy Framework since that time have meant that s106 contributions should no longer be sought on schemes of less than 10 units. Given that the Committee's resolution was to approve subject to the signing of a Section 106 Agreement in relation to affordable housing, and also that such is no longer possible as a result of the changed policy circumstances, Officers consider that to approve without the completion of a Section106 Agreement would take the decision outside of the scope of the previous Committee resolution.

Accordingly, it is referred back to the Committee for re-determination with a recommendation still for approval, albeit no longer with any requirement for a Section 106 Agreement.

Officer Comment:

1. For all matters in relation to this application Members are directed to the previous Committee report which is included as Working Paper 1. There are no updates or changes, and the recommendation stands for approval.
2. However, in respect of S106 obligations, following a recent High Court judgement and the subsequent re-introduction into National policy of this contributions threshold, s106 contributions should no longer be sought from developments of 10 units or less, and which have a maximum combined gross floor space of no more than 1000sqm. In this case the development is for seven dwellings with an unknown combined floor-space, but which is firmly anticipated to be less than 1000 square metres. Therefore, and as a consequence, no obligations, including those requiring affordable housing provision, can be requested. It is proposed to include an additional condition, suggested by the agent, to limit the total floorspace of any Reserved Matters submission below 1000 square metres to ensure compliance. This additional condition is included in the recommendation below.
3. Otherwise, the development remains as previously presented before Members. As advised however, it is considered that for Officers to issue a decision notice on this scheme without any s106 in relation to affordable housing would step outside the scope of the previous resolution, hence

why it is represented before the Committee for further determination in light of the changed policy context. There are no other material changes in circumstance that would cause any other element of this scheme to be reconsidered.

Recommendation:

It is **RECOMMENDED** that planning permission be granted subject to the following conditions:

- 1) 1B Time Limit Outline
- 2) 2A Reserved Matters – none submitted with outline
- 3) 4F Facing and Roofing Materials
- 4) 6B Archaeological Investigation
- 5) 12B Details of Boundary Treatment
- 6) 14A Levels and Roof Heights
- 7) 14F Compliance with Plans
- 8) 15A Contamination
- 9) 18(0)E Access to Accord with Drawing No. DM03 with entrance width of 4.5 metres
- 10) 18(0)H Access Gradient (amended to 1 in 12)
- 11) 18(0)I Access Gradient 1 in 8
- 12) 18(0)J Existing Access to be Surfaced
- 13) Details of areas for bin storage TBA
- 14) 18(0)N Means to Prevent Discharge of Surface Water
- 15) 18BB Details of Parking/Manoeuvring
- 16) 18(0)Q Clear Visibility to be Provided
- 17) 21A Foul Water Drainage
- 18) 21B Surface Water Drainage
- 19) Non standard condition – The total floorspace within this development shall not exceed 1000 square metres.

Documents:

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online:

<https://planning.westsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=NXDWI7PD LAX00>

Case Officer: Marianna Christian

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