

Development Control Committee



St Edmundsbury
BOROUGH COUNCIL

Minutes of a meeting of the **Development Control Committee** held on **Thursday 1 September 2016** at **10.00 am** at the **Conference Chamber, West Suffolk House, Western Way, Bury St Edmunds**

Present: **Councillors**

Chairman Jim Thorndyke

Vice-Chairmen Carol Bull and Angela Rushen

John Burns
Terry Clements
Jason Crooks
Paula Fox
Susan Glossop
Ian Houlder

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

By Invitation:

David Nettleton (for item 253)

246. **Apologies for Absence**

An apology for absence was received from Councillor Robert Everitt.

247. **Substitutes**

No substitutions were declared.

248. **Minutes**

The minutes of the meeting held 4 August 2016 were confirmed as a correct record and signed by the Chairman.

249. **Planning Applications**

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/16/61 to DEV/SE/16/65) 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.

(The item relating to Report DEV/SE/16/66 was withdrawn from the agenda)

250. **Planning Application DC/16/0103/FUL**

Change of use from antiques centre (A1) to 9 no. self-contained flats (C3) at Clare Antiques, Malting Lane, Clare for Mr Christopher Marchant.

(Councillor Alaric Pugh advised that he had been involved in negotiations between the applicant and the Trustees of Clare Castle Country Park over the possible use of some car parking spaces within the country park in connection with the proposal. After speaking as Ward Member during the public speaking session and to avoid any perception of bias or predetermination he therefore withdrew from the meeting for the remainder of the discussion of the item. Councillor Carol Bull arrived at the meeting immediately prior to the Officer's presentation of the report on this item)

The Committee had visited the application site on 28 July 2016 but the item had been withdrawn from the agenda for the meeting on 4 August 2016 to enable matters relating to car parking and refuse bin storage to be clarified.

Officers reported that further correspondence had been circulated directly to all Members of the Committee by Clare Town Council.

In relation to the proposed Condition 3, Officers advised that the reference to 'House of construction' should read 'Hours of construction'.

The following persons spoke on the application :

- (a) Objector - Geoffrey Bray, Chairman, Clare Castle Country Park Trust
- (b) Town Council - Cllr. Paul Bishop, Chairman
- (c) Ward Member - Cllr. Alaric Pugh
- (d) Applicant - Christopher Marchant.

In response to Members' questions Officers advised as follows:

(i) the shop area of the building would remain although with a slightly reduced frontage. The proportion of the shop use to be retained was small (less than 10%) in relation to the overall building which had three storeys;

(ii) it was proposed that cycle storage on racks would be provided off the lobby area within the building. Officers advised that the exact arrangements for cycle storage could be made the subject of a condition requiring detailed proposals to be submitted for prior approval;

(iii) a bin storage area would also be provided within the building and the Council's Waste Collection Officers were satisfied with the arrangement being proposed;

(iv) in view of concerns expressed by some Members about a single access serving 6 of the flats and as a consequence whether there would be a satisfactory means of fire escape Officers advised that this matter had been discussed with the Council's Building Control Officers who would deal with this aspect of the proposal. They had advised that no external fire exit staircase would be necessary; and

(v) whether, if permission was granted, the residents involved would be permitted to use the car parking spaces at the nearby country park for a fee was entirely a matter to be agreed by the parties concerned. A Member expressed the view that the issue of car parking might be self-regulatory since prospective owners of the flats would have knowledge in advance of the purchase that there was no allocated car parking space available within the application site and this facility would be something they would have to forego.

The Committee noted that Suffolk County Council, Highways had objected to the proposal on the grounds that there was no long term solution for residents' off-street parking. Officers advised, however, that this was insufficient reason for a refusal of the application in these particular circumstances and, furthermore, it was unlikely to be sustained on appeal.

The Committee acknowledged the local concern being expressed about the loss of retail space inherent in the proposal but was cognisant that there was a need for affordable homes for first time buyers in the town.

Decision

Permission be granted.

251. **Outline Planning Application DC/16/0473/OUT**

Residential development of up to 30 dwellings, associated garages, ancillary development, public open space and landscaping at development land, Brickfields Drive, Haverhill for the Trustees of The Vestey 1993 Settlement.

Consideration of this application had been deferred at the meeting on 4 August 2016 as the Committee was minded to refuse it because of the detrimental effect the proposal would have on road safety during the construction period. It was suggested at that time that alternative access solutions might be available for construction traffic. In accordance with the Decision Making Protocol, a Risk Assessment Report (DEV/SE/16/62) had been produced to enable further consideration to be given to the proposal by the Committee. This contained: (i) further information from the applicants in relation to the concerns previously raised; (ii) an assessment of the risks involved in refusing the application; and (iii) potential reasons for refusal if the Committee was still minded to take this decision. The report referred to a supporting statement provided by the applicants subsequent to the last meeting which outlined difficulties involved with three alternative access routes to the application site and which concluded by stating that the proposed access under consideration was their preferred option. In relation to Paragraph 6 and the first-mentioned clause of the proposed Construction Management Plan Officers advised that the stipulated days this restriction would apply to should be 'Monday to Friday' and not 'Monday and Friday' as stated. Officers also reported that three further letters of objection had been received since this matter was last considered. These raised concerns about the proposed vehicular access and expressed doubts that the proposed Construction Management Plan would overcome the road safety issues.

The following person spoke on the application:

(a) Applicants - Jonathan Friel, agent

During the public speaking session the applicants' agent reiterated a request that the proposed Condition 3 be deleted if permission was granted. This condition required that development on the application site be not commenced until work on constructing the Northern Relief Road had begun. The applicants were contending that this condition would sterilise the site for a period of 5 years which was the latest date for construction work on the Relief Road to be commenced. They felt that a start date which coincided with work beginning on the residential development for the North West Haverhill Strategic Site to be more reasonable and acceptable.

In discussing the application Members sought clarification as to the dates by which works on the Relief Road were to be commenced and completed. Officers advised that the Section 106 Agreement relating to the NW Haverhill Development Site required the road to be completed within 5 years of this development commencing (estimated to be in March 2018) or when the first 500 houses were finished. A Member questioned whether the proposal could be regarded as sustainable development in view of the lack of public transport and other services in this part of the town. Officers responded by advising they were satisfied that once the proposals for the adjoining NW Haverhill Development Site and the Relief Road had been implemented the proposed development of the application site could be regarded as sustainable since it would be well connected to the town.

The Committee was adamant that the proposed Condition 3 should remain if permission was granted. Members were of the view that for the proper planning of future development of this part of the town it was essential that

the Relief Road should be in place before any development of the application site was completed. It was noted that the current use of the land was agricultural and by the staged approach that would be necessary by virtue of Condition 3 this use would remain viable during the interim. Officers commented that there was a reasonable expectation that the Relief Road would be provided extraneously to the development of the application site.

Reference was made to an anomaly between the proposals for a Construction Management Plan contained in Paragraph 6 of the report and the proposed Conditions contained at the end of Working Paper 1. The Management Plan referred to restricting deliveries to Monday to Friday each week whereas the proposed Condition 5 whilst regulating work on those days also included Saturdays. Officers suggested that if permission was to be granted then Condition 5 be deleted and Condition 6 be amended to also require a detailed plan relating to construction management and associated matters to be submitted for prior approval.

Members remained concerned about the effect of increased traffic would have on local residents not only during the construction period but also subsequently when the dwellings were occupied. The view was expressed that the proposed Traffic Regulation Order should not operate to the detriment of the existing local residents in view of the current car parking difficulties and it was essential that there should be effective communication about the provisions of the order with residents. It was also suggested that Haverhill Town Council be encouraged to facilitate use of the public open space off Hales Barn Road to provide an off-street parking place.

Decision

Permission be granted subject to the deletion of Conditions 5 and 6 and replacement of these by an all embracing condition which will require a Construction and Site Management and Delivery Plan, which excludes deliveries on Saturdays, to be submitted for prior approval.

(At this point the meeting was adjourned to allow Members a short comfort break. Councillor Angela Rushen left the meeting and did not return)

252. **Non-material Amendment NMA(B) 12 0461 to SE/12/0461/FULCA**

Amendment to landscaping around the lagoon areas and site frontage at Land East of The Granary, Clare for Charles Church Anglia.

This application sought amendment to an already approved application, SE/12/0461/FULCA, for the erection of 60 dwellings and the construction of new vehicular access. The original plans envisaged the erection of a post and chain link fence around the lagoons at the front of the site. Because of Health & Safety legislation considerations an amendment was now being proposed whereby black metal railings would be used. Whilst in the normal way consultation on non-material amendments was not required this had been undertaken and an objection had been received from Clare Town Council.

The following person spoke on the application:

(a) Objector - Julia Yeung

The Committee noted that during the public speaking session the objector had raised safety concerns as the proposed railings would be horizontal. She had referred to the ease with which children could climb over or through this type of railing and gain access to the water area beyond. She had expressed surprise that the Royal Society for the Prevention of Accidents (ROSPA) had endorsed the use of such railings and asked whether a Risk Assessment had been carried out by the applicants. Some Members shared these concerns and questioned whether vertical or some other arrangement of dual fencing could be utilised. It was also acknowledged that the objection received from the Town Council related to the detrimental effect the use of prominent railings would have on the setting of the residential development which was well designed and laid out. Officers advised that the form of this fencing had been the subject of long discussion with the applicants and they were requesting that the current proposal be determined. It was difficult to achieve a solution which would satisfy safety considerations and be ROSPA approved and yet would also be acceptable in aesthetic terms by not affecting the setting of the development adversely.

Decision

Approval be granted

253. Tree Preservation Order Application DC/16/1397/TPO

Tree Preservation Order 151 (1971) 6 – 1 no. sycamore (T1 on plan within A1 of order) fell at Victoria House, 112 Springfield Road, Bury St. Edmunds for Victoria House Management Co. Ltd.

The Committee had visited the application site on 25 August 2016.

The following persons spoke on the application :

- (a) Supporter - Margaret Ellis
- (b) One of the Ward Members - Cllr. David Nettleton

In discussion the application the Committee noted the recommendation of the Arboricultural Officer that consent be refused but it was sympathetic to the views of the supporter who lived in the adjoining property of 22 Chancery Mews who wished to see the tree felled. During the public speaking session the supporter had explained the adverse effects the tree was having on her residential amenity. Her concerns were endorsed by Councillor David Nettleton who suggested that if felling of the tree was to be allowed a condition could be imposed that a replacement tree of a suitable size and species be planted.

Decision

Consent be granted subject to the following conditions :

1. Two year time limit for the works to be carried out; and

2. A replacement tree of a suitable size and species to be planted.

254. Planning Application DC/16/1116/FUL

Two storey front extension at Gatehouse, Dettingen Way, Bury St. Edmunds for Gatehouse – Caring in East Anglia.

(Councillor Julia Wakelam declared a pecuniary interest in this item as she was acting as the agent for the applicant organisation and also was its Chairperson. After speaking on behalf of the applicants during the public speaking session she withdrew from the meeting for the remainder of the discussion of the proposal)

This application was before the Committee as the agent for the applicants was an elected member of the Borough Council.

The following person spoke on the application :

(a) Applicants - Julia Wakelam, agent

Decision

Permission be granted.

255. Planning Application DC/16/1180/FUL

Construction of storage barn at East Town Park, Coupal's Road, Haverhill for St. Edmundsbury Borough Council.

At the request of Officers this item was withdrawn from the agenda with the intention of it being considered at the next meeting.

The meeting concluded at 12.27pm

Signed by:

Chairman
