

Development Control Committee



St Edmundsbury
BOROUGH COUNCIL

Minutes of a meeting of the **Development Control Committee** held on **Thursday 6 April 2017** at **10.00 am** at the **Conference Chamber, West Suffolk House**, Western Way, Bury St Edmunds IP33 3YU

Present: **Councillors**

Chairman Jim Thorndyke

Vice Chairman Carol Bull and Angela Rushen

John Burns

Ivor Mclatchy

Terry Clements

Alaric Pugh

Jason Crooks

Andrew Smith

Robert Everitt

Peter Stevens

Susan Glossop

Julia Wakelam

Ian Houlder

Substitutes attending:

Sara Mildmay-White

299. **Apologies for Absence**

Apologies for absence were received from Councillors Paula Fox and David Roach.

300. **Substitutes**

Councillor Sara Mildmay-White attended the meeting as substitute for Councillor Paula Fox.

301. **Minutes**

The minutes of the meeting held on 2 March 2017 were confirmed as a correct record and were signed by the Chairman.

302. **Planning Application DC/16/2837/RM - Development Zones G and H, Marham Park, Tut Hill, Fornham All Saints (Report No: DEV/SE/17/013)**

Reserved Matters Application – Submission of details under Planning Permission DC/13/0932/HYB – the means of access, appearance, landscaping, layout, parking, and scale for Development Zones G and H.

This application was referred to the Development Control Committee because it was an application for a major development and because both Bury St

Edmunds Town Council and Fornham All Saints Parish Council raised objections to the scheme.

The Committee was advised that as a result of Parish boundary changes that came into effect on 1 April 2017 the application site now fell within Bury St Edmunds, when previously it came under Fornham All Saints. Accordingly, as both Parish Councils had been consulted on the application the Chairman had permitted both to address the meeting.

The development proposal was considered to comply with the relevant policies of the development plan and Officers were recommending that the application be approved, subject to conditions, as set out in Paragraph 53 of Report No: DEV/SE/17/013.

The Principal Planning Officer advised the Committee that planning permission was sought for the approval of details submitted in pursuance of outline planning permission DC/13/0932/HYB and reference was made to the significant number of conditions that were agreed in connection with that approval.

As part of his presentation the Officer drew attention to amended plans that had been submitted by the applicant which demonstrated the cycle lanes to be included as part of the scheme. Members were informed that an additional condition was to be added to the report's recommendation to require further plans which set out how the cycle lanes would connect to the existing cycle-ways within the green corridor.

The Committee was also advised that the Council's Strategy and Enabling Officer had raised concerns with the size of the two-bed properties within the original scheme, accordingly amended plans had been submitted which increased the size of these properties and the Officer no longer had any concerns in that respect.

Speakers: Councillor Diane Hind (Bury St Edmunds Town Council) spoke against the application
Councillor Howard Quayle (Fornham All Saints Parish Council) spoke against the application
Nicky Parsons (agent) spoke in support of the application

A number of reservations with the development were voiced by Members of the Committee, these primarily related to; the size of the properties, the density, the degree of open space, the level of parking provision and concern with regard to the width of the roads within the scheme.

The Case Officer reminded the Committee that the public open space for the development was approved as part of the outline planning permission, and that the Highways Authority was satisfied that sufficient parking was provided within the scheme.

The Acting Head of Planning also responded to the concerns raised and outlined the 'golden thread' that related to the planning application before Members, this being; Vision 2031 – the agreed Masterplan – the approved outline planning application.

Councillor Peter Stevens stated that he did not consider the issues voiced by some Members of the Committee to be sufficiently robust enough to warrant a refusal. Accordingly, he proposed that the application be granted, as per the Officer recommendation. This was duly seconded by Councillor Ian Houlder.

However, following further debate by Members and considerable discussion with regard to potentially deferring the application, Councillor Stevens withdrew his motion.

Councillor Terry Clements moved that the application be deferred, in light of Members' concerns, to enable Officers to work with the applicant to seek improvements to the scheme where possible. This was duly seconded by Councillor Robert Everitt.

Prior to the motion being put to the vote and further to the issues raised during the debate, some Members of the Committee asked that Officers give specific consideration to the following:

- The emergency services be re-consulted with regard to the width/access of roads within the development;
- A response be sought from the Police Architectural Liaison Officer (no comments were received on the amended plans); and
- The sizes of the garages be confirmed to establish if they were fit for purpose and if disabled access was considered.

Upon the Chairman putting the motion to the vote and with 14 voting for and with 1 abstention, it was resolved that

Decision

The application be **DEFERRED** in light of Members' concerns, to enable Officers to work with the applicant to seek improvements to the scheme where possible.

On conclusion of this item at 11.30am the Chairman adjourned the meeting for a short comfort break.

303. **Outline Planning Application DC/16/2825/OUT - Western Part Of The Suffolk Business Park Extension, Bury St Edmunds (Report No: DEV/SE/17/014)**

Outline Planning Application (Means of Access and Structural Landscaping to be considered) - Employment Uses Classes B1 and B8 (An element of the site (4.05 hectares) is proposed in outline form for a B1/B2 and B8 Use) with all matters reserved except for access (including vehicular, pedestrian, and cycle links) and framework landscaping, with provision for the installation of drainage and services infrastructure as amended by the plans and details submitted on 31st January 2017 which altered the Footpath/Cycle link alignment to the south west corner of the site, provided additional planting details, additional landscaping assessment and landscaping details to explain the context of the proposal; provided

amended Parameter Plans and application drawings and other minor updates to provide additional information and clarifications to explain the proposals in full - As amended by details received 7/3/2017 which propose additional mitigation.

This application was referred to the Development Control Committee because the Borough Council had a financial interest in the land concerned.

The Committee was advised that as a result of Parish boundary changes that came into effect on 1 April 2017 one small part of the application site now fell within Bury St Edmunds, with the majority still being in Rushbrooke with Rougham.

A Member site visit was held prior to the meeting. Officers were recommending that the application be approved, subject to conditions, as set out in Paragraph 63 of Report No: DEV/SE/17/014.

As part of his presentation the Principal Planning Officer – Major Projects drew attention to the following updates/amendments:

- The footpath along Lady Miriam Way was to be shared as an adopted cycle-way and would link to the existing pedestrian/cycle routes at the A14 underpass;
- Further mitigation had been agreed to reduce the impact on the landscape and the surrounding area, which included graded colour buildings and barrelled roofs;
- The small square pocket of land adjacent to the A14 that was not included as part of the scheme was subject to a currently undetermined planning application for a garage, submitted by BP;
- Since publication of the agenda, as result of discussion between the Case Officer and the applicant, the conditions listed in the report had been subject to some reordering/amalgamation; and
- Two additional conditions were to be added to the recommendation: (i.) to restrict businesses opening and operating prior to the Eastern Relief Road being in place; and (ii.) if Treatt failed to relocate to the Suffolk Business Park then the employment Uses Classes for the entire scheme would revert to B1 and B8.

Speaker: Neil Osborn (agent) spoke in support of the application.

The Committee, as a whole, spoke very favourably of and in support of the application.

Councillor Robert Everitt made specific reference to the 'lagoon' that was adjacent to the site and raised concern at its unsightliness due to the large amount of debris that had accumulated in the area. The Planning Officer explained that it was owned/controlled by Taylor Wimpy via a management company and in view of these comments he would raise this matter with them directly.

Councillor Alaric Pugh proposed that that the application be granted, as per the Officer recommendation and inclusive of the amendments/additions to the conditions as outlined, this was duly seconded by Councillor Angela Rushen.

Upon being put to the vote and with the vote being unanimous, it was resolved that

Decision

Planning permission be **GRANTED** subject to the following conditions:

Conditions relating to the new internal road, two road stubs and submitted structural landscaping

1. Commence within 3 years
2. Accesses to be complete ahead of any other part of the development
3. Visibility splays agreed and made available prior to the access first being used
4. Full details of the estate roads, agreed before development commences
5. No business unit occupied before the new internal road is complete to at least binder course
6. The new estate road served from lady Miriam way south and ERR to have cleared sight splays being materials are delivered
7. Submit and agree a construction deliver plan with LPA
8. Submit and agree lighting column locations
9. Submit and agree a remediation strategy
10. Agree a further remediation strategy if unexpected land contamination is discovered during construction
11. No piling or other foundation designs using penetrative methods
12. Submit and agree a materials management plan
13. Submit and agree location of fire hydrants
14. Submit and agree location and details of the markings of the old airfield perimeter track
15. Submit and agree the details of the information boards relating to the old airfield perimeter track
16. Standard 2 part Archaeology condition
17. Submit and agree a surface water drainage scheme
18. Submit and agree construction surface water management plan
19. Submit and agree details of all Sustainable Urban Drainage System components and piped networks
20. Submit and agree a foul sewerage strategy
21. Submit and agree a construction management plan
22. Implement the detailed submitted landscaping scheme
23. Submit and agree an aftercare/management plan for the submitted landscaping
24. Submit and agree a phasing plan
25. Submit and agree breeding bird survey, mitigation and implementation
26. Lighting strategy for construction phase
27. Site clearance restrictions
28. Pre commencement badger survey and implementation of any recommendations
29. Ecology mitigation measures during construction
30. Biodiversity enhancement measures as identified to be implemented
31. Submit and agree a construction deliver plan with LPA
32. Submit and agree a remediation strategy

33. Implement the detailed submitted landscaping scheme
34. Submit and agree an aftercare/management plan for the submitted landscaping
35. Submit and agree a phasing plan
36. Submit and agree a tree protection plan
37. Submit and agree a site wide landscape strategy
38. Submit and agree details of the bund and landscaping to the A14

Conditions relating to individual plots

1. Standard outline time limit. – first reserved matters within 3 years – commence within 2 years for that plot – all reserved matters within 10 years
 2. Submit and agree a construction deliver plan with LPA
 3. Submit and approve a cycle signage strategy with the LPA Agree a further
 4. Submit and approve an on plot walking and cycle strategy prior to the determination of the first reserved matters application
 5. Submit and agree a remediation strategy
 6. Agree a further remediation strategy if unexpected land contamination is discovered during construction
 7. No infiltration of surface water at the Treatt site
 8. No piling or other foundation designs using penetrative methods
 9. Submit and agree a materials management plan
 10. Submit and agree location of fire hydrants
 11. 5% of all parking plots shall be served by electrical charging points
 12. Standard 2 part Archaeology condition
 13. Submit and agree a surface water drainage scheme
 14. To restrict businesses opening and operating prior to the Eastern Relief Road being in place
 15. If Treatt failed to relocate to the Suffolk Business Park then the employment Uses Classes for the entire scheme would revert to B1 and B8.
304. **Planning Application DC/16/1050/FUL & Listed Building Consent Application 16/1051/LB - 6 Lower Baxter Street, Bury St Edmunds (Report No: DEV/SE/17/015)**

Planning Application - (i) Conversion of existing offices on first and second floors to 3 no. apartments (ii) Three storey extension, with link building, to comprise of 2 no. apartments; and

Listed Building Consent - (i) Repairs and alterations to enable conversion of first and second floors to 3 no. apartments (ii) Three storey extension, with link building, to Northern elevation to form 2no. apartments.

The applications were referred to the Development Control Committee due to the presence of two Member call-ins and in light of the level of public interest which raised balanced matters that Officers believed warranted consideration by the Committee.

The property concerned was a Grade II Listed building, hence, the proposed development was comprised of two applications to be jointly considered; a planning application and a listed building consent application.

A Member site visit was held prior to the meeting. Officers were recommending that the applications be approved subject to conditions, as set out in Paragraph 60 of Report No: DEV/SE/17/015, which was contrary to the views of Bury St Edmunds Town Council who had objected to the proposal.

The Senior Planning Officer explained that the Officer recommendation for approval was also subject to no objections being received from the National Amenities Societies and Historic England. Since publication of the agenda Historic England had confirmed that they had no comments to make in respect of the listed building application and stated that the Planning Authority should reply on the advice of the Council's Conservation Officer.

As part of her presentation the Officer drew attention to the following updates:

- A further letter of objection had been received from a resident who had previously made representation in respect of the application, and who reiterated their earlier comments; and
- Councillor Joanna Rayner, Ward Member for Abbeygate, had submitted comments via email which had also been copied to all Members of the Committee. Councillor Rayner echoed many of the concerns raised by the neighbours who had made representations, she also made reference to the issues with resident parking in the historic core of the town which had become increasingly saturated. Councillor Rayner had also stated that she would support a smaller development at the application site.

The Committee were advised that the scheme before them had been subject to a significant number of amendments in order to address some initial Officer concerns with the development.

Specific reference was made to the parking and manoeuvring arrangements for residents' motor vehicles, which was supported by the Highways Authority.

Attention was also drawn to the detailed shadow projection drawings which demonstrated the effect the development would have on the surrounding properties.

Speakers: Lisa Siftar (neighbour) spoke against the application
Councillor Diane Hind (Bury St Edmunds Town Council) spoke against the application
David Barker (agent) spoke in support of the application

Members opened the debate by thanking the neighbouring residents for allowing Committee Members into their homes during the site visit.

Whilst some of the Committee praised the design of the scheme a number raised concern at the impact of the development on the natural light and

amenity of neighbouring properties. Reservations were also voiced with regard to the parking and manoeuvring arrangements.

Comments were also made with reference to ensuring that the design of any development within the historic core of the town was entirely appropriate and not compromised in any way.

The Council's Conservation Officer was invited to address the meeting and commented upon the scale, elevations and setting of the development. Following the amendments to the scheme (as made reference to by the Case Officer) she was now satisfied that it would not cause harm to the conservation area or neighbouring properties.

Bin storage was also raised as an issue by some Members. Whilst the Case Officer assured the Committee that this could be managed by way of conditions some Members still had reservations in this respect, not having the details set out in the scheme before them.

Councillor Peter Stevens spoke in support of the scheme, which he felt deserved merit, and moved that the application be approved, as per the Officer recommendation. This was duly seconded by Councillor Ian Houlder.

Upon being put to the vote and with 7 voting for the motion, 7 against and with 1 abstention, the Chairman exercised his casting vote against the motion and it was lost.

Councillor Susan Glossop then moved that the application be deferred, in light of Members' concerns, to enable Officers to work with the applicant to seek improvements to the scheme where possible. This was duly seconded by Councillor John Burns.

Upon being put to the vote and with 11 voting for the motion, 2 against and with 2 abstentions, it was resolved that

Decision

The application be **DEFERRED** in light of Members' concerns, to enable Officers to work with the applicant to seek improvements to the scheme where possible.

305. **Planning Application DC/17/0166/TPO - Apartment 10, Regency Place, Maynewater Lane, Bury St Edmunds (Report No: DEV/SE/17/016)**

TPO 235 (1973) - Tree Preservation Order - (i) Lime - T51 - Reduce by 7 metres (ii) Copper Beech - T52 - 1-2 metre lateral reduction all round.

This application was referred to the Development Control Committee in the interests of transparency as the applicant was a contracted member of staff employed by the Planning Authority.

Officers were recommending that the application be approved subject to conditions, as set out in Paragraph 11 of Report No: DEV/SE/17/016.

The Planning Officer advised that one letter of objection had been received from a resident on grounds of privacy and the impact on wildlife. He confirmed that neither of the issues raised were able to be taken into consideration in respect of TPO applications.

Councillor Susan Glossop raised a question with regard to the ivy that was on the tree in question. The Officer confirmed that this would be dealt with as part of the works and did not require specific approval.

It was moved by Councillor Angela Rushen that the application be approved, as per the Officer recommendation. This was duly seconded by Councillor John Burns.

Upon being put to the vote and with the vote being unanimous, it was resolved that

Decision

Planning permission be **GRANTED** subject to the following conditions:

1. Works to be carried out to the latest arboricultural standards
2. Works to be completed within 2 years

306. **Planning Application DC/17/0302/TPO - 7 Spring Lane, Bury St Edmunds (Report No: DEV/SE/17/017)**

TPO 452 (2007) - Tree Preservation Order - T2 - Lime - (i) Raise crown to give a 7 metre clearance from ground level to the first branch (ii) Reduce 1no. limb back from the road by 2 metres.

This application was referred to the Development Control Committee in the interests of transparency as the applicant was a contracted member of staff employed by the Planning Authority.

Officers were recommending that the application be approved subject to conditions, as set out in Paragraph 9 of Report No: DEV/SE/17/017.

The Planning Officer advised that no objections had been received in response to the application.

It was moved by Councillor Angela Rushen that the application be approved, as per the Officer recommendation. This was duly seconded by Councillor Sara Mildmay-White.

Upon being put to the vote and with the vote being unanimous, it was resolved that

Decision

Planning permission be **GRANTED** subject to standard arboricultural conditions:

1. The authorised works shall be carried out to the latest arboricultural standards (ref BS 3998:2010 Tree Works: recommendations); and
2. The works which are the subject of this consent shall be carried out within two years of the date of the decision notice.

The meeting concluded at 1.29 pm

Signed by:

Chairman
