

Development Control Committee



St Edmundsbury
BOROUGH COUNCIL

Minutes of a meeting of the **Development Control Committee** held on **Thursday 7 December 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 David Roach

John Burns
Jason Crooks
Susan Glossop
Ian Houlder
David Nettleton

Alaric Pugh
Andrew Smith
Peter Stevens
Julia Wakelam

352. **Apologies for Absence**

Apologies for absence were received from Councillors Terry Clements, Robert Everitt, Paula Fox and Ivor McLatchy.

353. **Substitutes**

No substitutes were declared at the meeting.

354. **Minutes**

The Chairman drew attention to the two sets of minutes attached to the agenda for Members' consideration:

2 November 2017 (Special Meeting):

The minutes of the Special Development Control Committee meeting held on 2 November 2017 at 10.00 am were confirmed as a correct record and were signed by the Chairman

2 November 2017:

The minutes of the meeting held on 2 November 2017 at 2.00 pm were confirmed as a correct record and were signed by the Chairman.

(At this point there was a short unintentional adjournment as the presentation equipment had failed. A member of staff attended to resolve the issue and the meeting reconvened).

355. **Planning Application DC/17/1765/RM - Western Part of the Suffolk Business Park Extension, Bury St Edmunds**

Reserved Matters Application – Submission of details under DC/16/2825/OUT – the means of appearance, layout, scale and landscaping for 2no. industrial/logistics buildings (B8 with ancillary B1a offices), together with associated car parking, service yard and landscaping as amended by plans and details received.

The application had been referred to the Development Control Committee because the Council had a financial interest in the land.

The Reserved Matters application sought consent for layout, scale and appearance and on plot landscaping. The application also sought consent for two large storage and distribution buildings (B8) that would have ancillary B1 offices to serve the principle B8 use, with car parking, cycle storage, yard space and Heavy Goods Vehicle (HGV) parking, turning and unloading areas. The description of the two buildings were listed in paragraph 2 and 3 of the report.

The two proposed units would operate in isolation from each other and would be served by separate accesses which were approved as part of the new internal road that was being constructed. Each unit would have an entrance for the main car park and pedestrian access and there would be a separate entrance for HGV vehicles.

The application had been amended since submission as outlined in paragraph 5 of the report.

Representations had been received from Bury St Edmunds Town Council and Rushbrooke with Rougham Parish Council who were both in support of the application.

Speakers: Mr Neil Osborne (Agent) spoke in support of the application.

Members commended the Case Officer for producing a clear and high quality report.

Given that the application was considered a signature development along the A14 that would showcase the entire business park, it was suggested that Members would have liked to have seen elevations that would be visible from the A14 in order to obtain an understanding of what it would look like from the view of travelling down the highway.

Whilst Members' were generally in support of the application, the following concerns were raised:

- The applicant had submitted a Building Research Establishment Environmental Assessment Method (BREEAM) statement and achieved

a standard of 'Very Good', however Members would have liked to have seen a standard of 'Excellent' achieved.

- The amount of light pollution that was generally produced from industrial estates.
- The amount of on-site parking available to manage the loading and unloading of multiple HGVs to ensure that they do not have to park off-site.

The case officer responded to the comments and concerns raised:

- The achievement of 'Excellent' for the BREEAM statement was deemed as unrealistic by the applicant due to the speculative nature of the proposal and other factors outside of their control. The developer had proposed that they would include other enhancements included in the BREEAM statement.
- An environmental statement was submitted at the application's outline stage that included conditions that future occupiers of the site would have to comply with to reduce the impact of light pollution.
- A sufficient amount of on-site parking had been provided for HGVs as well as electrical charging points that would allow the vehicles to be loaded and unloaded without having to have the engine switched on.
- A 30 metre landscape buffer had been included in the application to soften the visual impact of the development from the A14.

One Member queried whether there would be a sufficient amount of on-site facilities available for HGV drivers to which the Case Officer explained that the internal layout was yet to be confirmed, however they would raise the point with the developer in an effort to ensure that these would be provided.

Councillor Peter Stevens proposed that the application be approved, as per the Officer recommendation, and this was duly seconded by Councillor David Nettleton.

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

Decision

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

1. List of approved plans
2. Building SP205 to be limited to a gross floor area of 19,122m²
3. Building SP150 to be limited to a gross floor area of 13,617m²
4. Details of the internal layout for building SP205 to be submitted and approved in writing by the Local Planning Authority (LPA) before the building is first brought into operation. The approved details shall be implemented.
5. Details of the internal layout for building SP150 to be submitted and approved in writing by the LPA before the building is first brought into operation. The approved details shall be implemented.
6. No storage of materials or waste shall occur on land north of the front elevation (car park) of either building hereby approved unless otherwise agreed in writing with the LPA.

7. Details of the finished floor level of the yard area, including the gradients for the docking areas shall be submitted to and approved in writing by the LPA before building SP205 is first brought into operation. The approved details shall be implemented.
8. Details of the finished floor level of the yard area including the gradients for the docking areas shall be submitted to and approved in writing by the LPA before building SP150 is first brought into operation.
9. Details of all fences, gates and walls as shown on the submitted details shall be submitted to and approved in writing by the LPA before the building SP205 is first brought into operation. The agreed details shall be implemented.
10. Details of all fences, gates and walls as shown on the submitted details shall be submitted to and approved in writing by the LPA before the building SP150 is first brought into operation. The agreed details shall be implemented.
11. Prior to either building being first brought into use, details of two cycle stands that will serve each unit hereby approved (four in total) that will be available to visitors shall be submitted to and approved in writing. The agreed details shall be implemented before the building they serve is first brought into use.
12. Details of the external materials to be used on building SP150 shall be submitted to and approved in writing by the LPA prior to development commencing on site. The approved details shall be implemented.
13. Details of the external materials to be used on building SP205 shall be submitted to and approved in writing by the LPA prior to development commencing on site. The approved details shall be implemented.
14. A certificate of demonstrating that building SP150 has gained a BREEAM 'Very Good' status to be submitted.
15. A certificate of demonstrating that building SP205 has gained a BREEAM 'Very Good' status to be submitted.
16. Landscape details hereby approved to be implemented within the first planting season after building SP205 is first brought into use.
17. Landscape details hereby approved to be implemented within the first planting season after building SP150 is first brought into use.
18. The hereby approved tree protection fencing shall be implemented prior to construction starting on either building hereby approved or at such time that shall be previously approved in writing by the LPA.
19. The measures detailed in section 4 of the Biodiversity Survey, James Blake November 2017, JBA16_181 ECO 13, shall be implemented in their entirety.
20. The aftercare and management plan, which includes management prescription for the landscaping, shall be implemented.
21. Parking, manoeuvring and unloading areas to be made available for building SP205 before the building is first brought into use.
22. Parking, manoeuvring and unloading areas to be made available for building SP150 before the building is first brought into use.

356. **Planning Application DC/17/1047/OUT - Former Howard Community Primary School, St Olaves Road, Bury St Edmunds**

Outline Planning Application (Means of Access to be considered) – Redevelopment of site to provide up to a maximum 79 no. residential units (Class C3) and a new community centre also incorporating a replacement Carousel Children’s Centre (Class D1) with associated parking, open space, landscaping and infrastructure.

The application was referred to the Development Control Committee because St Edmundsbury Borough Council were one of the applicants and owned part of the site.

The application site included the former Howard Community Primary School and the Newbury Community Centre. The school had closed in August 2016 as part of the wider implementation of Suffolk County Council’s School Organisation Review and became surplus to education requirements as the children had been transferred to the larger Howard Middle School site. The site had been earmarked by Suffolk County Council for residential development that would help forward-fund the implementation of other essential education projects in the County and improve the quality of infrastructure and meeting an increased demand for places.

The Newbury Community Association had a longstanding objective to rebuild the adjoining Newbury Community Centre to overcome the deficiencies of the existing building and provide a range of flexible meeting space that was better suited to meeting current demand and would enable a greater range of activities and services to be offered.

The application had been amended to increase the maximum quantum of development from 70 dwellings to 79 dwellings, 30% of which would be classed as affordable housing.

Attention was drawn to the supplementary report that had been circulated in respect of this item which corrected a typo in paragraph 26 of the report and included an amendment to the Officer’s recommendation.

In addition to the supplementary report, the Case Officer informed Members of the following amendments that had also been made to the report:

- Reference to the replacement of the community centre in paragraph 64 of the report had been removed;
- Proposed condition two on page 52 of the report;- for clarification the reserved matters listed were in relation to the community centre and nursery building;
- Additional conditions were proposed related to vehicular access, surface treatments and phasing the construction of the community centre and nursery building.

Representations had been received from two local residents who were in support of the application, however did raise concerns related to potential noise and light disturbance from the proposed community centre. A request was also made to install lockable gates on the car park entrance.

Speakers: Mr Colin Ross (Agent) spoke in support of the application.

Members commended the scheme presented before them and stated that they would like to ensure that if approved, the developer would deliver no less, in terms of quality and the quantum of affordable housing, than what was proposed in the application. The Case Officer confirmed that planning conditions and the Section 106 agreement would secure what had been proposed in the application.

In response to a Member's query, the Case Officer explained that the replacement Carousel Children's Centre would be incorporated within phase one of the replacement Community Centre building.

A concern was raised in relation to the proposed vehicular access point located at the Eagle Walk end of the development as a Member considered it unsafe due to the reduced visibility associated with being located on a sharp bend. It was suggested by the Member that the vehicular access point could be re-located towards the centre of the proposed development where visibility would be improved and a raised pedestrian crossing would already be in place. It was acknowledged that the location of the car park within the layout could be reviewed at reserved matters stage but it was made clear that the location of the access points formed part of the consideration of the current outline application and Suffolk County Council as the Highways Authority had raised no objections to the application in terms of highway safety.

It was suggested by one Member that at the reserved matters stage of the application the developer could consider installing a sprinkler system in the proposed community centre building as a fire safety feature.

Councillor Julia Wakelam proposed that the application be approved, as per the amended Officer recommendation, and this was duly seconded by Councillor Alaric Pugh.

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

Decision

Planning permission be **APPROVED** as per the amended Officer recommendation of approval subject to Officers' agreeing the final wording/variation of the Section 106 Legal Agreement under delegated authority to secure financial contributions towards enhanced education and library provisions, improvements to existing playing fields in the area, and the provision of 30% affordable housing. This would be subject to the following conditions:

1. Application for the approval of the matters reserved by conditions of this permission shall be made to the Local Planning Authority (LPA) before the expiration of three years from the date of this permission. The development hereby permitted shall not be begun not later than whichever is the latest of the following dates:-
 - i. The expiration of three years from the date of this permission; or

- ii. The expiration of two years from the final approval of the reserved matters; or,
 - iii. In the case of approval on different dates, the final approval of the last such matter to be approved.
2. Details of the appearance, landscaping, layout, and scale, (hereinafter called 'the reserved matters') shall be submitted to and approved in writing by the LPA before any development begins and the development shall be carried out as approved.
3. No development shall commence beyond slab level until samples of the facing and roofing materials to be used have been submitted to and approved in writing by the LPA.
4. Prior to the commencement of development application details of a surface water drainage scheme will be submitted to, and agreed in writing by, the LPA. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved outline drainage strategy by Rossi Long Consulting (ref:- SK02 Rev P3 dated 03/08/17). Details of the scheme will include:
 - i. Details of further infiltration testing on site in accordance with BRE 365 to verify the permeability of the site (trial pits to be located where soakaways are proposed and repeated runs for each trial hole). Borehole records should also be submitted in support of soakage testing.
 - ii. Dimensioned drawings of the main aspects of surface water drainage system (including an impermeable area plan).
 - iii. Modelling results (or similar method) to demonstrate that the infiltration device has been adequately sized to contain the critical 100yr+CC event for the catchment area they serve. Each device should be designed using the nearest tested infiltration rate to which they are located. A suitable factor of safety should be applied to the infiltration rate during design.
 - iv. Infiltration devices shall only be used where they do not pose a threat to groundwater. There shall be at least 1.2 metres of unsaturated ground between the base of the device and the groundwater table.
 - v. Proposals for water quality control – Demonstration of adequate treatment for surface water shall be submitted. SuDS features should demonstrate betterment to water quality due to the site being in a Source Protection Zone.
 - vi. If individual soakaways are being used they will be at least five metres away from any foundation (or more depending on strata).
 - vii. Infiltration devices should aim to have a half drain time of less than 24 hours.
 - viii. Modelling of any pipe network in the one in 30 year rainfall event to show no above ground flooding.
 - ix. Topographic plans shall be submitted depicting all safe exceedance flow paths in case of a blockage within the main SW system and/or flows in excess of a one in 100 year rainfall event. These flow paths will demonstrate that the risks to people and property are kept to a minimum.

- x. A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime.
 - xi. Arrangements to enable any surface water drainage within any private properties to be accessible and maintained including information and advice on responsibilities to be supplied to future owners.
5. The development hereby permitted shall not be occupied until details of all Sustainable Urban Drainage System components and piped networks have been submitted, in an approved form, to and approved in writing by the LPA for inclusion on the Lead Local Flood Authority's Flood Risk Asset Register.
 6. No development shall commence until details of a construction surface water management plan detailing how surface water and storm water will be managed on the site during construction is submitted to and agreed in writing by the LPA. The construction surface water management plan shall be implemented and thereafter managed and maintained in accordance with the approved plan.
 7. No development approved by this planning permission shall commence until the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the LPA:
 - i. A site investigation scheme (based on the approved Preliminary Risk Assessment (PRA) within the approved Desk Study), to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
 - ii. The results of a site investigation based on i. and a detailed risk assessment, including a revised Conceptual Site Model (CSM).
 - iii. Based on the risk assessment in ii., an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken. The strategy shall include a plan providing details of how the remediation works shall be judged to be complete and arrangements for contingency actions. The plan shall also detail a long term monitoring and maintenance plan as necessary.

No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the remediation strategy in iii. is submitted and approved, in writing, by the LPA. The long term monitoring and maintenance plan in iii. shall be updated and be implemented as approved.

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written

approval from the local planning authority. The remediation strategy shall be implemented as approved.

8. Before any part of the development is occupied details of the areas to be provided for storage and presentation of Refuse/Recycling bins shall be submitted to and approved in writing by the LPA. The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter for no other purpose.
9. Before the development is commenced details shall be submitted to and approved in writing by the LPA showing the means to prevent the discharge of surface water from the development into the highway. The approved scheme shall be carried out in its entirety before the access is first used and shall be retained thereafter in its approved form.
10. No dwelling shall be occupied until the carriageways and footways serving that dwelling have been constructed to at least Binder course level or better in accordance with the approved details except with the written agreement of the LPA.
11. All HGV and construction traffic movements to and from the site over the duration of the construction period shall be subject to a Deliveries Management Plan which shall be submitted to the planning authority for approval a minimum of 28 days before any deliveries of materials commence. No HGV movements shall be permitted to and from the site other than in accordance with the routes defined in the Plan. The site operator shall maintain a register of complaints and record of actions taken to deal with such complaints at the site office as specified in the plan throughout the period of occupation of the site.
12. Before the access is first used clear visibility at a height of 0.6 metres above the carriageway level shall be provided and thereafter permanently maintained in that area between the nearside edge of the metalled carriageway and a line 2.4 metres from the nearside edge of the metalled carriageway at the centre line of the access point (X dimension) and a distance of 43 metres in each direction along the edge of the metalled carriageway from the centre of the access (Y dimension). Notwithstanding the provisions of part two class A of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no obstruction over 0.6 metres high shall be erected, constructed, planted or permitted to grow within the areas of the visibility splays.
13. No development shall take place within the area indicated (the whole site) until the implementation of a programme of archaeological work has been secured, in accordance with a Written Scheme of Investigation which has been submitted to and approved in writing by the LPA. The scheme of investigation shall include an assessment of significance and research questions; and:
 - i. The programme and methodology of site investigation and recording
 - ii. The programme for post investigation assessment
 - iii. Provision to be made for analysis of the site investigation and recording
 - iv. Provision to be made for publication and dissemination of the analysis and records of the site investigation
 - v. Provision to be made for archive deposition of the analysis and records of the site investigation

- vi. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation
 - vii. The site investigation shall be completed prior to development, or in such other phased arrangement, as agreed and approved in writing by the LPA.
- 14.No building shall be occupied until the site investigation and post investigation assessment has been completed, submitted to, and approved in writing by the LPA, in accordance with the programme set out in the Written Scheme of Investigation approved under condition one and the provision made for analysis, publication and dissemination of results and archive deposition.
- 15.Each dwelling proposed with dedicated off-street parking shall be provided with an electric vehicle charge equipment charge point prior to its first occupation. Details of the electric vehicle charge equipment to be installed at the site shall have first been agreed in writing with the LPA. All charge points shall be provided within at least two metres of the associated designated parking space.
- 16.The new vehicular accesses shall be laid out and completed in all respects in accordance with Drawing No. HBS-DR-A001 Rev. P4; and with an entrance width as shown and made available for use before the development is commenced. Thereafter the access shall be retained in the specified form.
- 17.Prior to the access hereby permitted being first used, the approved access onto St Olaves Road shall be properly surfaced with a bound material for a minimum distance of 10m metres from the edge of the metalled carriageway, in accordance with details previously submitted to and approved in writing by the local planning authority.
- 18.Prior to the demolition of the existing community centre building and Carousel Children’s Centre building, the replacement Community Centre hereby approved shall be completed and ready for occupation.

357. Planning Application DC/17/2237/HH - Tamarisk, 4 Barrow Hill, Barrow

Householder Planning Application – (i) Single storey side extension including attached garage (demolition of existing garage) and (ii) replacement of existing flat roof over rear extension with pitched roof.

(Councillor Ian Houlder declared a non-pecuniary interest as his daughter owned the property next door to the site. He remained in the meeting for the consideration of this item).

The application had been referred to the Development Control Committee because the applicant was an employee of St Edmundsbury Borough Council.

The application sought planning permission for the construction of a single storey side extension including attached garage, following the demolition of existing garage and the replacement of existing flat roof over single storey rear extension with a pitched roof. The proposed single storey side extension

would extend 5.5 metres from the side elevation of the existing dwelling and measure a maximum of 13.7 metres in length and 5.4 metres in height.

A query was raised as to whether the Council had any policy in place that stipulated that the height of an extension had to be subservient to the ridge height of the host property. The Service Manager (Planning – Development) confirmed that usually it was preferable for an extension to be subservient to the host property, however for this particular application it was considered acceptable by Officer's that the ridge height of the proposed extension would be level to that of the host property, particularly given the modest scale of the host dwelling.

One Member was particularly concerned about the extension of the bungalow when there was already a shortage of smaller bungalows suitable for older residents in the Borough. In response to this Members stated that the application should be determined on its own merit and it was considered that the proposal would significantly improve the design and quality of the existing property.

Councillor David Nettleton proposed that the application be approved, as per the Officer recommendation, and this was duly seconded by Councillor Peter Stevens.

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

Decision

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

1. Time limit
2. Compliance with plans

358. **Planning Application DC/15/2151/OUT - Great Wilsey Park, Little Wrattling**

Outline Application (Means of Access to be considered) – Residential development of up to 2,500 units (within use classes C2/C3); two primary schools; two local centres including retail, community and employment uses (with use classes A1/A2/A3/A4/A5, B1 and D1/D2; open space; landscaping and associated infrastructure.

(Councillor John Burns declared a non-pecuniary interest as he lived in close proximity to the application site but remained in the meeting for the consideration of this item).

Planning application DC/15/2151/OUT had been considered by the Development Control Committee on 2 March 2017 and planning permission had been granted subject to the applicant entering a Section 106 agreement to secure essential infrastructure. Members were informed that progress towards signing the Section 106 agreement was proceeding well.

The application had been brought back to the Committee because the applicant sought permission to adjust the implementation period from three years to five years for commencement of development and from 10 years to 15 years for the submission of details. The reasoning behind the request was explained by the Case Officer as follows:

- The application site was still owned by a private individual and not a development company therefore the land would need to be marketed before any development could commence.
- The Officer's decision to suggest a period of submission of details to 10 years was made in line with smaller strategic sites previously considered around Bury St Edmunds and Haverhill, however given that the scale of the proposed development was much larger than those in comparison it was unlikely that all details would have been submitted by the 10 year time limit.

The Case Officer also reminded Members that at the Committee meeting on 2 March 2017, delegated authority had been given to Officers' to consider alternative access to the site from that which had been proposed from Chalkstone Way. The Officer explained that this had been difficult due to issues related to land ownership, however those issues had now been resolved and the amendment had been made. Some objections had been received, however they related primarily to the scale of development and not the details of the alternative access.

Speakers: Mrs Marion Farrant spoke on behalf of Kedington Parish Council on the application
Councillor John Burns spoke on the application as the Ward Member for Haverhill East

Members were generally in support of the request, however in light of recent requests from Central Government for Local Councils to build an increased amount of houses in a shorter period of time, a suggestion was made by one Member to hold at least one part of the development site to the original agreement to ensure the development does not delay the Council's obligation to build more houses.

The Case Officer responded to the suggestion and explained that if any part of the site was held to the original agreement of three years then a situation could arise similar to that had been experienced on the nearby North West Haverhill strategic site where development had to commence by March 2018. This proved difficult due to problems the developer had been facing in relation to the amount of time it had taken to complete the transfer of land ownership, the submission of details for the site and approval of Highways drawings from Suffolk County Council. If development did not commence within three years then the planning permission would expire and the developer would have to reapply, therefore extending the time period for commencement to five years would prevent that from happening and it was not considered that it would impinge on early development of the site.

Following on from the concern raised, clarity was sought as to whether approval of extending the implementation periods could be subject to any forthcoming legislation that would require the Council to support an accelerated delivery of housing. The Service Manager (Planning –

Development) explained that it would not be able to be included as a condition that the applicant would have to adhere to because it was not a material planning consideration. If any such legislation came into effect after approval had been granted it would not override the decision to extend the implementation periods.

Other Members sympathised with the concern that had been raised however stated that they would not want the quality of the proposed development to be compromised by the pressure of having to adhere to a short time scale for commencement.

In response to a Member query, the Service Manager informed the Committee that extending the implementation periods would not have any negative impact on the Council's five year land supply.

The Case Officer confirmed that the implementation period of five years for commencement of development would come into effect the day planning permission was issued and the Section 106 agreement was signed.

Councillor David Roach proposed that the amendment sought be approved, as per the Officer recommendation, and 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

The amendment sought be **APPROVED**.

The Meeting concluded at 11.40 am

Signed by:

Chairman
