

Development Control Committee



St Edmundsbury
BOROUGH COUNCIL

Minutes of a meeting of the **Development Control Committee** held on **Thursday 5 April 2018** 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

Paula Fox

Susan Glossop

Ian Houlder

David Nettleton

Alaric Pugh

Andrew Smith

Peter Stevens

Julia Wakelam

By Invitation:

John Griffiths

Jane Midwood

8. **Apologies for Absence**

Apologies for absence were received from Councillors Terry Clements and Robert Everitt.

9. **Substitutes**

There were no substitutes present at the meeting.

(It was announced at the start of the meeting that Councillor John Griffiths was to act as substitute for Councillor Terry Clements, but would be joining the meeting part-way through. However, on his arrival it transpired that the Chairman and Officers had been misinformed and the meeting was subsequently advised that Councillor Griffiths was not acting as substitute; he was purely attending the meeting to speak on the one planning application for which he had registered to do so as Ward Member.)

10. **Minutes**

The minutes of the meeting held on 12 March 2018 were unanimously received by the Committee as a correct record and were signed by the Chairman.

11. **Planning Application DC/17/2429/VAR - Haverhill Research Park, Hanchett End, Haverhill (Report No: DEV/SE/18/014)**

Variation of condition 8 of DC/14/2087/OUT to remove use class restrictions limiting B1 (c) light industry to ancillary areas of individual buildings only, allowing for a general B1 (a) (b) (c) light industrial use across the whole site

This application had been referred to the Development Control Committee on 12 March 2018 as it related to a major development and because objections had been received from both Withersfield Parish Council and Haverhill Town Council, along with the Ward Member (Withersfield) and a number of local residents.

At the meeting on 12 March 2018 Members resolved that they were minded to refuse permission, contrary to the Officer recommendation, due to concerns relating to the impact on residential amenity.

Accordingly, the Decision Making Protocol was invoked which required a risk assessment report to be produced for consideration by the Committee prior to a final decision being made on the application.

In addition to the risk assessment report before Members, a site visit had also been held prior to the meeting.

Officers were continuing to recommended approval of the application as per Paragraph 20 of Report No DEV/SE/18/014.

Speakers: Councillor Jane Midwood (Ward Member: Withersfield) spoke against the application
Mr Paul Sutton (agent) spoke in support of the application

Prior to opening the debate, the Chairman reminded the Committee that the application before Members was purely seeking the variation of a condition for the entire application site. The extant permission for the development was not up for debate.

In response to comments made by Councillor Midwood in her address to the meeting the Service Manager (Planning – Development) explained that whilst the aerial photograph used in the presentation did not show the residential properties adjacent to the application site other photographs used by the Case Officer did. Furthermore, Members undertook a site visit and viewed the proximity of the properties in question to the application site.

Councillor Julia Wakelam asked if it would be possible to condition the application to require further tree planting on the application boundary that bordered the residential properties, in order to reduce the impact on residents. The Principal Planning Officer explained that this would be possible, in principle.

In response to a number of further comments from Members of the Committee, the Service Manager (Planning – Development):

- Reiterated the linkage of the site's application history to the Borough's Vision 2031 Development Plan and Policy HV10;
- Advised that the Council's Economic Development & Growth Team had worked alongside the applicant for some time in order to assist with the marketing of the site and did not question the voracity of the marketing undertaken thus far;
- Stressed that the requested variation of Condition 8 would not prevent research based companies from occupying the site; and
- Explained that if an application was received for residential development on the site it would be contrary to the Development Plan and would need to be considered in light of this along with policies in the National Planning Policy Framework.

Councillor Peter Stevens spoke in support of the application and moved that it be approved as per the Officer recommendation, this was duly seconded by Councillor David Roach.

Upon being put to the vote and with 7 voting for the motion, 2 against and with 4 abstentions, it was resolved that

Decision

Planning permission be **GRANTED** subject to the conditions as per outline permission DC/14/2087/OUT except:

Condition 2 to read:

- (a) Application for approval of the reserved matters shall be made to the Local Planning Authority not later than 22 Dec 2024 (this being 10 years from the date of outline permission DC/14/2087/OUT).
- (b) The development hereby permitted shall be begun not later than the expiration of 2 years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Condition 8 to read:

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended (or any Order revoking and re-enacting that Order), the site and all buildings erected thereon shall be used for Class B1 (Business) purposes only and a single hotel (Class C1) as defined in the Town and Country Planning (Use Classes) Order 1987 as amended, or in any legislation revoking or re-enacting that class.

12. **Planning Application DC/17/0688/FUL - 46 to 47, St Andrews Street South, Bury St Edmunds (Report No: DEV/SE/18/015)**

Planning Application - 3 storey building with basement level to comprise 16 no. residential apartments (following demolition of existing buildings). As amended by revised plans and documents received on 25 September 2017

This application was referred to the Development Control Committee at the request of the Ward Members (Abbeygate) and because the Town Council objected to the proposal which was contrary to the Officer recommendation of approval, subject to the completion of a S106 Agreement, as set out in Paragraph 83 of Report No DEV/SE/18/015.

The Senior Planner advised that since publication of the agenda Ward Members (Abbeygate) Councillors Jo Rayner and Andrew Speed had further reiterated their objection and concerns with regard to the scheme.

In presenting the application the Case Officer made reference to the objection from Suffolk County Council Highways and stressed that the concerns raised by the Highways Authority had to be taken on balance alongside all other factors in respect of the application.

Speakers: Mr Tom Stebbing (resident) spoke against the application
Councillor Kevin Hind (Bury St Edmunds Town Council) spoke against the application
Mr Rob MacKay (developer for the scheme) spoke in support of the application

Councillor Julia Wakelam voiced objection to the application; raising concerns with regard to insufficient parking, the design and the lack of affordable housing provided by the scheme. She proposed that the application be refused, contrary to the Officer recommendation of approval. This was duly seconded by Councillor John Burns.

Further discussion then took place particularly with regard to the subterranean single aspect basement accommodation proposed as part of the development.

The Principal Conservation Officer addressed the meeting at this point and informed Members that she had objected to the original scheme submitted by the applicants due to the height and scale of the proposed building, which she considered to be overbearing in respect of the immediate surroundings. Accordingly, the applicant had amended the scheme to remove a storey and they had, therefore, included basement accommodation in replacement of this in order to continue to deliver a viable project.

Councillor Alaric Pugh voiced dissatisfaction at the proposed basement accommodation and expressed a wish for the Committee to consider an alternative scheme for a taller building which would negate the need for basement accommodation. Accordingly, he proposed that the application be deferred in order to allow Officers time in which to explore this with the applicant. This was duly seconded by Councillor David Nettleton.

Councillor Wakelam, as proposer of the original motion of refusal, stated that she supported the alternative motion of deferment and would therefore withdraw her motion for refusal.

Councillor John Burns, as seconder of the original motion, also agreed and was content to withdraw.

Councillor Burns and Councillor Andrew Smith asked Officers as part of the deferment to consider the points raised by Suffolk County Council as Highways Authority in connection with the application; specifically in relation to their comments in their correspondence dated 2 March 2018 and their request for £15,000 to alleviate parking provision concerns.

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

Decision

The application be **DEFERRED** in order to allow Officers time in which to engage with the applicant with regard to the scheme proposed, in light of Members' specific concerns with the basement accommodation element.

(On conclusion of this item the Chairman permitted a short comfort break before continuing with the remaining items of business on the agenda.)

13. **Planning Application DC/17/2389/FUL - EMG Used Cars, Tayfen Road, Bury St Edmunds (Report No: DEV/SE/18/016)**

(Councillor Andrew Smith declared a local non pecuniary interest in this item as he had been party to the appointment of the architect for this application for an unrelated scheme, in a capacity unrelated to the Borough Council. He would therefore remain in the meeting and take part in consideration of the application.)

Planning Application - 46 no. apartments and 1 no. commercial unit (Class A1/A2/A3/B1(a) use) (Re-submission of DC/16/0730/FUL)

This application was referred to the Development Control Committee because the Town Council objected to the proposal which was contrary to the Officer recommendation of approval.

The Senior Planner advised that the scheme before Members was an identical one to that which was approved by the Planning Inspectorate on 1 February 2018 under Application No DC/16/0730/FUL.

The application seeking determination by the Committee (DC/17/2389/FUL) had been submitted in the alternative whilst the appeal in relation to DC/16/0730/FUL was ongoing. The applicant's intention had been to withdraw the appeal had DC/17/2389/FUL been determined positively prior to the appeal process being concluded. However, this had not been possible due to the objection received from the Town Council.

Accordingly, the purpose of the report before Members was to consider the comments received from consultees and third parties whilst noting that this was an identical scheme to that recently allowed by the Planning Inspectorate, as per the appeal Inspector's decision letter attached as Working Paper 1 to Report No DEV/SE/18/016.

Speakers: Dr Maggie Exon (resident) spoke against the application
Councillor Kevin Hind (Bury St Edmunds Town Council) spoke against the application

Councillor Alaric Pugh proposed that the application be approved, as per the Officer recommendation. 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 **GRANTED** subject to the conditions set out within the schedule appended to the Planning Inspectorate's decision letter, shown at Working Paper 1 to Report No DEV/SE/18/016.

14. **Planning Application DC/18/0109/FUL - Detached Dwelling, Parsons Spinney, Front Street, Ousden (Report No: DEV/SE/18/017)**

Planning Application - 1no. dwelling with garage and access

This application was referred to the Development Control Committee following consideration by the Delegation Panel and because the Parish Council supported the scheme which was contrary to the Officer's recommendation of refusal.

A Member site visit was held prior to the meeting. Officers were recommending that the application be refused for the reasons set out in Paragraph 49 of Report No DEV/SE/18/017.

The Senior Planning Officer, as part of her presentation, advised the Committee which trees would be removed to accommodate the development (following questions with regard to this matter at the site visit).

Attention was also drawn to the 'late papers' issued after agenda publication which outlined details of late representations received in relation to the application.

Speakers: Mr Guy Holland-Bosworth (neighbour) spoke against the application
Mrs Jessamy Saltmarsh (applicant) spoke in support of the application

Councillor Alaric Pugh spoke in support of the Officer recommendation and the policy reasoning for refusal and moved that the application be refused. This was duly seconded by Councillor Ian Houlder.

Upon being put to the vote and with 8 voting for the motion, 4 against and with 1 abstention, it was resolved that

Decision

Planning permission be **REFUSED** for the following reasons:

1. Policies CS1 and CS4 between them establish the spatial strategy and the settlement hierarchy for development within St. Edmundsbury. Both seek to resist, in conformity with the provisions of Para. 55 of the National Planning Policy Framework (NPPF), residential development outside of settlement boundaries in otherwise unsustainable areas. Furthermore, Policy DM5 states that areas designated as countryside will be protected from unsustainable development and Policy DM27 sets out the circumstances where dwellings will be permitted outside of settlement boundaries. Ousden is a lower order settlement and the provision of a dwelling outside of the designated settlement boundary represents an unsustainable form of development. The proposal does not meet the provisions of policy DM27 in that it is not within a cluster and neither is it considered to be a small undeveloped plot within an otherwise continuous built up frontage. There are no material considerations that outweigh this significant conflict with the Development Plan.
2. Policy DM2 (Creating Places – Development Principles and Local Distinctiveness) states that proposals should recognise and address key features, characteristics and landscape of the area, and Policy CS4 seeks to ensure that development proposals do not adversely affect the setting of a settlement.

The proposal would create an encroachment to the countryside, distinctively separate from the housing settlement boundary. The proposal would harmfully erode the important green gap between clustered settlements within the parish of Ousden. A dwelling, plus garage and driveway in this location, as well as associated curtilage and paraphernalia, would significantly and materially adversely alter the landscape character of this area to its detriment. The proposal would create a visual intrusiveness in this otherwise presently attractive rural location and create a significant impact such as to cause harm to the surrounding landscape, to the significant material detriment of the character and appearance of the area. The proposal is therefore contrary to the provisions of Policy DM2, Policy DM13 and the National Planning Policy Framework (NPPF).

15. **Planning Application DC/18/0139/HH - 29 Micklesmere Drive, Ixworth (Report No: DEV/SE/18/018)**

Householder Planning Application - Single storey side extension (resubmission of DC/17/1117/HH)

This application was referred to the Development Control Committee following consideration by the Delegation Panel and because the Parish Council supported the scheme which was contrary to the Officer recommendation of refusal.

A Member site visit was held prior to the meeting. Officers were recommending that the application be refused for the reason set out in Paragraph 15 of Report No DEV/SE/18/018.

Attention was also drawn to the 'late papers' issued after agenda publication which included an additional map setting out the proposed layouts to the property.

Speakers: Councillor John Griffiths (Ward Member: Ixworth) spoke in support of the application
Mr Jeremy Tattersall (applicant) spoke in support of the application

Councillor John Burns disagreed with the reason for refusal and spoke in support of the application, he proposed that planning permission be approved contrary to the Officer recommendation of refusal. This was duly seconded by Councillor David Nettleton.

The Principal Planning Officer advised that the Decision Making Protocol would not need to be invoked in respect of this item; accordingly he then read out conditions to the meeting which could be attached to the planning permission should Members resolve to grant the application which included a soft landscaping condition as requested by Members.

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. Standard time limit
2. 14FP – Compliance with plans
3. Matching materials
4. Soft landscaping

16. **Planning Application DC/18/0204/VAR - Land to Rear of 62-63 Victoria Street, Bury St Edmunds (Report No: DEV/SE/18/019)**

Planning Application - Variation of condition 5 of DC/16/2803/FUL to vary the wording of condition 5 to The submitted scheme for the provision of additional parking bay(s) and associated works on Albert Street and York Road shown on drawing number SK02 shall be implemented in its entirety within six months of first occupation of either of the dwellings hereby permitted' for the Planning Application - 2no. dwellings (following demolition of existing garage and boundary fences)

This application was referred to the Development Control Committee because the prospective purchaser of one of the properties concerned was a contracted employee of the Planning Authority.

The Principal Planning Officer explained that the application before Members was simply seeking approval to vary the wording of a condition in respect of

prior approval granted. Officers were recommending that the application be approved, subject to conditions as set out in Paragraph 20 of Report No DEV/SE/18/019.

The Committee were advised that the request to vary the condition was in reaction to Suffolk County Council Area Highway's timescale for delivery as opposed to any resistance or unwillingness on the applicant's behalf. Approval would allow the completion and occupation of the dwellings rather than otherwise suffering a delay awaiting the formal Traffic Regulation Order.

Speaker: Mr Tom Stebbing (agent) spoke in support of the application

A number of Members spoke in support of the application, whilst equally citing frustration at Suffolk County Council Area Highway's timescale for delivery.

It was agreed, through the Chairman, that the Service Manager (Planning – Development) would draft a letter to Suffolk County Council on behalf of the Committee highlighting their concerns with regard to this matter.

The Service Manager also explained, in response to Members' questions with regard to enforcement, that if the Traffic Regulation Order had not been issued within a further six month period then the Planning Authority would take a view as to whether the matter was in the public interest to take enforcement action in terms of expediency.

Councillor David Nettleton moved that the application 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

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

1. NS Time Limit
2. 14FP Approved Plans
3. NS Demolition and construction timings
4. NS Additional parking bay(s)
5. NS External materials and finishes
6. NS Boundary treatments
7. NS Bin and cycle storage provision
8. NS Waste material arising
9. NS Security lights or floodlights

The meeting concluded at 12.46 pm

Signed by:

Chairman
