
Development Control Committee



St Edmundsbury
BOROUGH COUNCIL

Minutes of a meeting of the **Development Control Committee** held on
Thursday 7 June 2018 at **10.00 am** at the **Conference Chamber, West
Suffolk House**, Western Way, Bury St Edmunds IP33 3YU

Present: **Councillors**

Carol Bull
John Burns
Mike Chester
Terry Clements
Jason Crooks
Paula Fox
Susan Glossop
Ian Houlder

David Nettleton
Alaric Pugh
David Roach
Andrew Smith
Peter Stevens
Jim Thorndyke
Julia Wakelam

By Invitation:
Clive Pollington

22. **Election of Chairman for 2018/19**

This being the first meeting of the Development Control Committee since the Authority's Annual Meeting in May 2018, the Lawyer opened the meeting and asked for nominations for the Chairman of the Committee for 2018/2019.

Councillor Peter Stevens nominated Councillor Jim Thorndyke as Chairman and this was duly seconded by Councillor Ian Houlder.

There being no other nominations, the motion was put to the vote and with the vote being unanimous, it was

RESOLVED:

That Councillor Jim Thorndyke be elected Chairman for 2018/2019.

Councillor Thorndyke then took the Chair for the remainder of the meeting.

23. **Welcome**

The Chairman formally welcomed Councillor Mike Chester to his first meeting of the Development Control Committee having been recently appointed to fill the vacancy that previously existed.

24. **Election of Vice-Chairmen for 2018/19**

The Chairman nominated Councillors David Roach and Andrew Smith as Vice Chairmen and this was duly seconded by Councillor Julia Wakelam.

There being no other nominations for the two Vice Chairman positions, the motions were jointly put to the vote and with the vote being unanimous, it was

RESOLVED:

That Councillors David Roach and Andrew Smith be elected as Vice Chairmen for 2018/2019.

25. **Apologies for Absence**

There were no apologies for absence received.

Councillor Robert Everitt was unable to attend the meeting.

26. **Substitutes**

There were no substitutes present at the meeting.

27. **Minutes**

The minutes of the meeting held on 3 May 2018 were unanimously received by the Committee as a correct record and were signed by the Chairman.

28. **Planning Application DC/17/2648/FUL - Shadowbush Farm, Stansfield Road, Poslingford (Report No: DEV/SE/18/022)**

(Councillor Mike Chester declared a local non pecuniary interest in this item, in that he was not familiar with the applicant but was an acquaintance of the applicant's family.)

Planning Application - 2 no. dwellings with associated access, car parking and landscaping (following demolition of existing agricultural barn) as amended and supported by additional information received 19th March 2018 and 30th April 2018

This application had been referred to the Development Control Committee following consideration by the Delegation Panel; the item had been referred to the Delegation Panel at the request of the Ward Member (Cavendish) Councillor Peter Stevens. 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 81 of Report No DEV/SE/18/022. Attention was also drawn to the late papers that were circulated after publication of the agenda and which contained an amendment to the third reason for refusal. The Principal Planning Officer explained that this amended reason unfortunately contained a typographical error, in that the paragraphs listed in the last sentence should have read "**131, 134 and 173**" (and not "131 – 173").

Members were advised of the material considerations for/against the development and the reasoning behind the Officer's balanced recommendation. Attention was also drawn to the site's 'fall-back position' (as outlined in Paragraph 56 onwards in the report) which was a significant consideration when determining the application.

Speaker: Mr Richard Sykes-Popham (Agent) spoke in support of the application

Councillor Peter Stevens spoke as Ward Member (Cavendish) for the application. He stated that in his opinion the site was not within open countryside and was rather part of a 'contained cluster' of domestic properties. As such, the application required a pragmatic decision to be made and he therefore moved that the application be approved, contrary to the Officer recommendation of refusal.

Councillor Alaric Pugh also spoke on the application, he similarly considered the site to be within a small residential area and he seconded the motion for approval.

A number of other Members made comment, the majority of which were in favour of the application. With the exception of Councillor Terry Clements who supported the refusal recommendation and made reference to the need for affordable housing within rural areas.

The Chairman invited the Principal Conservation Officer to expand upon the Conservation Officer's objection to the development.

In response to a question as to whether Permitted Development Rights could be removed via conditions, the Principal Planning Officer confirmed that this was possible.

Further to comments made with regard to policy, the Service Manager (Planning – Development) advised that work was due to commence later in the year on the development of the West Suffolk Local Plan.

The Service Manager also explained that if Members were minded to approve the application, contrary to the Officer recommendation of refusal, then the decision making protocol wouldn't need to be invoked in light of the Committee attributing additional weight to the 'fall back' position as outlined in the report.

Accordingly, the Principal Planning Officer then read out a list of conditions that could be applied to the application, if approved, inclusive of the removal of Permitted Development Rights.

Upon being put to the vote and with 13 voting for the motion and with 2 abstentions it was resolved, that

Decision

Planning permission be **GRANTED CONTRARY TO THE OFFICER RECOMMENDATION OF REFUSAL** subject to the following conditions:

1. The development hereby permitted shall be begun not later than 3 years from the date of this permission.
2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the approved plans and documents.
3. No development shall commence above ground level until details of the facing and roofing materials to be used have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
4. The site demolition, preparation and construction works shall be carried out between the hours of 08:00 to 18:00 Mondays to Fridays and between the hours of 08:00 to 13:30 Saturdays and at no time on Sundays or Bank Holidays without the prior written consent of the Local Planning Authority.
5. The acoustic insulation of each dwelling shall be such to ensure noise levels, with windows closed, do not exceed an LAeq (16hrs) of 35dB(A) within bedrooms and living rooms between the hours of 07:00 to 23:00, and an LAeq (8hrs) of 30dB(A) within bedrooms between the hours of 23:00 to 07:00.
6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking and re-enacting that Order) no development permitted by Article 3 and Part 1 Class A-E and Part 2 Class A; of Schedule 2 to the Order shall be erected/carried out within the site other than any expressly authorised by this permission.
7. No other part of the development hereby permitted shall be commenced until the existing vehicular access has been improved, laid out and completed in all respects in accordance with SCC drawing DM04; and with a minimum entrance width of 4.5m. Thereafter the access shall be retained in the specified form.
8. Prior to the hereby permitted dwellings being first occupied, the access onto Stansfield Rd shall be properly surfaced with a bound material for a minimum distance of 5 metres from the edge of the metalled carriageway, in accordance with details previously submitted to and approved in writing by the local planning authority.
9. The use shall not commence until the area(s) within the site shown on drawing no. 1625 - 17 for the purposes of [LOADING, UNLOADING,] manoeuvring and parking of vehicles has been provided and thereafter that area(s) shall be retained and used for no other purposes.
10. Before the access is first used details shall be submitted to and approved in writing by the Local Planning Authority showing the means to prevent the discharge of surface water from the development onto 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.
11. Gates shall be set back a minimum distance of 5 metres from the edge of the carriageway and shall open only into the site and not over any area of the highway.
12. The precautionary measures and recommendations of the Preliminary Ecological Assessment by Bright Green dated November 2017 shall be

followed and implemented in their entirety prior to development commencing.

13. The biodiversity enhancements recommended in the Preliminary Ecological Appraisal by Bright Green (dated November 2017) shall be provided; details of bat and bird boxes to be installed within the residential curtilage prior to the occupation of the dwelling shall first be submitted and agreed in writing with the Local Planning Authority.
14. No individual dwelling hereby approved shall be occupied until the optional requirement for water consumption (110 litres use per person per day) in Part G of the Building Regulations has been complied with for that dwelling.
15. Before the dwellings hereby permitted are first occupied, the first floor windows in the south elevation of Plot 1 and the first floor windows in the west elevation of Plot 2 shall not be glazed other than with obscure glass and this form of glazing shall be retained permanently at all times thereafter.

29. **Planning Application DC/18/0513/HH - Chapel Cottage, The Street, Lidgate, Newmarket (Report No: DEV/SE/18/023)**

Householder Planning Application - (i) 1.5 storey rear extension (ii) single storey rear extension (iii) single storey side extension (following demolition of existing single storey side extension) and (iiii) insertion of dormer to rear elevation

This application had been referred to the Development Control Committee following consideration by the Delegation Panel and because the Parish Council objected to the scheme. 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 57 of Report No DEV/SE/18/023.

The Trainee Planning Officer drew attention to her responses to the Parish Council's and third parties' objections within the report. The Committee was also advised of the amendments that had been made to the scheme following the withdrawn application for the site in 2017.

Whilst it was recognised that the application was within a Conservation Area the extensions that had been undertaken to neighbouring properties were equally appreciated.

Lastly, the Officer presented a shading profile submitted by the applicant since publication of the agenda.

Speakers: Mr John Quigley (neighbouring resident) spoke against the application
Mr Steve Childs (neighbouring resident) spoke against the application
Councillor John Whitefield (Chairman of Lidgate Parish Council) spoke against the application

Following discussion, the Service Manager (Planning – Development) responded to comments/questions raised as follows:

- Car Parking – It was clarified that as no additional bedrooms were proposed as part of the scheme seeking determination the Highways Authority had not lodged an objection to the application and a condition had been included to restrict this;
- Heritage Report – Members were advised that the Council's Conservation Officer could have requested a heritage report if deemed necessary, irrespective of the property not being a listed building. However, on balance as the application proposed to reinstate a thatch roof, the proposed works were considered to be an enhancement to the Conservation Area;
- Conditions – It was explained that a separate condition was not required for materials as these were identified on the approved plans. However, it would be possible to add a condition in respect of a Construction Management Plan, in view of the property's proximity to the highway.

Councillor David Nettleton thanked the Officer for such a comprehensive report and presentation. He spoke in support of the application and moved that it be approved, as per the Officer recommendation. This was duly seconded by Councillor Ian Houlder.

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

Decision

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

1. Time limit
2. Compliance with plans
3. The layout of the extended property shall be as shown on drawing 9119/17/3. At no time shall the property benefit from more than two bedrooms.
4. Construction Management Plan

(On conclusion of this item the Chairman permitted a short comfort break before continuing with the meeting.)

30. **Planning Application DC/18/0561/VAR - Land North West of Haverhill, Anne Sucklings Lane, Little Wratting (Report No: DEV/SE/18/024)**

(Councillor Mike Chester declared a local non pecuniary interest in this item, in that a family member was employed by the applicants.)

Planning Application - Variation of condition 1 of DC/16/2836/RM to enable drawing PH-125-03C to be replaced with 040/P/102 and PH-125-04C to be replaced with 040/P/101 and add plan 040/T/152A for the additional 24no. garages for the Reserved Matters Application - Submission of details under outline planning permission SE/09/1283/OUT - The appearance, layout, scale, access and landscaping for 200 dwellings, together with associated private

amenity space, means of enclosure, car parking, vehicle and access arrangements together with proposed areas of landscaping and areas of open space for a phase of residential development known as Phase 1

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

The Principal Planning Officer advised of two corrections to Report No DEV/SE/18/024; firstly, the recommendation on page one should have read **"approval"** (as opposed to "seeking further information"). And secondly, as pointed out by Councillor John Burns, the address for the application was **"Ann Sucklings Road"** (rather than "Anne Sucklings Lane").

The Committee was also informed of an ongoing enforcement investigation in respect of the site and pre-commencement condition in addition to the recent unauthorised removal of vegetation which included protected trees and an ancient hedge. Whilst Council Officers were working with the applicant in respect of this matter, Members were reminded that this was not a relevant consideration when determining the application before them.

As part of her presentation the Officer drew attention to the table within Paragraph 3 of the report which explained that the majority of the proposed garages were provided in addition to the previously approved parking space. However, five of the garages would be constructed on the approved parking spaces, therefore, for these plots a hard standing area was also to be provided upon which a shed would be erected to provide additional outdoor storage, therefore enabling the garage to be used for parking.

The Committee were advised that the conditions listed in Paragraph 48 of the report were the full conditions stipulated as part of the scheme's previously granted approval with a minor amendment to reflect the Section 73 application seeking determination.

Speaker: Mr Stuart McAdam (applicant) spoke in support of the application

Considerable discussion took place by the Committee with regard to the size of the proposed garages. Reference was made to Paragraph 39 of the report which set out the dimensions specified within the Parking Guidance. Whilst it was appreciated that the Highways Authority had not registered an objection to the application; Members voiced considerable concern that the garages proposed did not comply with the guidance and would not be fit for purpose, thereby, resulting in residents having to park elsewhere leading to highway safety issues.

It was therefore proposed by Councillor John Burns that the application be deferred in order to allow Officers additional time to work with the applicant and clarify the garage provision. This was duly seconded by Councillor Terry Clements.

Councillor Ian Houlder asked if it would be possible to include electric vehicle charging points. The Case Officer explained that this would have needed to

have been secured at outline stage of the application and Officers would only be able to make an informal request at this late stage.

At this point the Chairman invited the applicant to speak in response to the motion proposed. The applicant suggested that instead of deferring the application that Members approved it subject to delegating the clarification of garage provision to the Assistant Director (Planning and Regulatory Services).

Councillor Alaric Pugh spoke in opposition to this proposal which he did not consider to be a satisfactory way forward; as concurred with by the Committee.

Accordingly, the Chairman put the motion to the vote and with the vote being unanimous, it was resolved that

Decision

The planning application be **DEFERRED** in order to allow Officers additional time in which to work with the applicant and clarify the garage provision, in light of Members' concerns raised particularly with regard to the internal floor area and the Suffolk Advisory Parking Standards.

31. **Planning Application DC/18/0655/FUL - Eastgate Bungalow, Eastgate Street, Bury St Edmunds (Report No: DEV/SE/18/025)**

(Councillor Peter Stevens asked if he would need to declare an interest in this item in his capacity as Cabinet Member for Operations, the service for which the application had been made. The Lawyer present advised that this would not be necessary.)

Planning application – Demolition of bungalow and shed

This application had been referred to the Development Control Committee as the applicant was St Edmundsbury Borough Council.

No objections had been received and the application was recommended for approval subject to conditions, as set out in Paragraph 36 of Report No DEV/SE/18/025.

In response to a question, the Senior Planning Officer confirmed that whilst the property was referred to as a bungalow it was purely used as the gardeners' mess and office and it had never been used by the Authority as a residence so its demolition would not affect housing provision.

The Officer also advised that since publication of the agenda bat droppings had been found at the property meaning a full bat survey would now need to be undertaken.

Accordingly, an amendment was proposed to the recommendation to approve the application via delegation to the Assistant Director (Planning and Regulatory Services) subject to a satisfactory result of the bat survey. If the results of the survey raised any new issues then the application would be brought back before the Committee.

Henceforth, it was moved by Councillor David Roach that the application be approved via the delegation specified 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 **APPROVAL BE DELEGATED TO THE ASSISTANT DIRECTOR (PLANNING AND REGULATORY SERVICES) SUBJECT TO A SATISFACTORY RESULT OF THE BAT SURVEY** and subject to the following conditions:

- 1 The development hereby permitted shall be begun not later than 3 years from the date of this permission.
- 2 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the following approved plans and documents.
- 3 Within three month of commencement bat enhancement measures shall be installed and thereafter retained as so installed, in accordance with details which shall first have been submitted to and approved in writing by the Local Planning Authority.
- 4 The site demolition works shall be carried out between the hours of 08:00 to 18:00 Mondays to Fridays and between the hours of 08:00 to 13:30 Saturdays and at no time on Sundays, Public or Bank Holidays without the prior written consent of the Local Planning Authority.
- 5 No security lights or floodlights shall be erected on site without the submission of details to, and written approval from, the Local Planning Authority to ensure a lighting environment of low district brightness at residential properties.
- 6 No development shall take place within the area indicated [the whole site] until the applicant has submitted details of the works to be approved in writing by the Local Planning Authority, and if appropriate based on those details, secured 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 Local Planning Authority.
The scheme of investigation shall include an assessment of significance and research questions; and:
 - a) The programme and methodology of site investigation and recording.
 - b) The programme for post investigation assessment.
 - c) Provision to be made for analysis of the site investigation and recording.
 - d) Provision to be made for publication and dissemination of the analysis and records of the site investigation.
 - e) Provision to be made for archive deposition of the analysis and records of the site investigation.
 - f) Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
 - g) The site investigation shall be completed prior to development, or in

such other phased arrangement, as agreed and approved in writing by the Local Planning Authority.
If the results of the bat survey raised any new issues then the application would be brought back before the Committee.

The meeting concluded at 12.26pm

Signed by:

Chairman
