

Development Control Committee



St Edmundsbury
BOROUGH COUNCIL

Minutes of a meeting of the **Development Control Committee** held on
Thursday 6 September 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 Chairmen David Roach and Andrew Smith

John Burns

Susan Glossop

Carol Bull

Ian Houlder

Mike Chester

David Nettleton

Terry Clements

Peter Stevens

Jason Crooks

Julia Wakelam

Substitutes attending:

Sara Mildmay-White

In attendance:

Trevor Beckwith

37. **Apologies for Absence**

Apologies for absence were received from Councillors Robert Everitt, Paula Fox and Alaric Pugh.

38. **Substitutes**

Councillor Sara Mildmay-White attended the meeting as substitute for Councillor Alaric Pugh.

39. **Minutes**

The minutes of the meeting held on 5 July 2018 were received by the Committee as an accurate record, with 13 voting for the motion and with 1 abstention, and were signed by the Chairman.

40. **Planning Application DC/18/0721/FUL - Saxon House, 7 Hillside Road, Bury St Edmunds (Report No: DEV/SE/18/028)**

(Councillor Sara Mildmay-White declared a local non-pecuniary interest in this item as she was a Partner Governor representing St Edmundsbury Borough Council on the West Suffolk NHS Foundation Trust's Council of Governors. She would remain in the meeting and would take part in the debate and voting thereon.)

Planning Application - (i) Change of use from dental clinic (D1) to dental clinic and community healthcare facility (D1); (ii) 5no. additional car parking spaces

This application was referred to the Development Control Committee following consideration by the Delegation Panel, the item had been referred to the Panel at the request of a Ward Member (Moreton Hall).

A Member site visit was held prior to the meeting. Officers were recommending that the application be refused.

As part of her presentation the Senior Planning Officer provided the following updates:

- Attention was drawn to the 'late papers' which were issued as a supplement to the agenda papers and which set out **amended reasons for refusal** that now formed the Officer recommendation;
- Members were advised that the Agent for the applicant had handed the Officer, immediately prior to the Committee meeting, a **letter of support from Healthwatch Suffolk**;
- In respect of Paragraph 9 of Report No DEV/SE/18/028, the Committee was informed that **the Highways Authority had since confirmed that they continued to object to the application** and remained concerned at the level of on-street parking the proposal could cause.

In conclusion, the Case Officer explained that the Planning Authority had given great weight to the provision of Community Dental Services within the community but the degree of harm that could potentially be caused by the severe impact of parking on the highway outweighed this benefit.

Speakers: Ms Alison Reid (CEO Community Dental Services) spoke in support of the application
Councillor Trevor Beckwith (Ward Member: Moreton Hall) spoke in support of the application
Mr Richard Sykes-Popham (agent) spoke in support of the application

Councillor Julia Wakelam opened the debate by asking if it would be possible to condition the application to restrict usage to the specific service provider and/or time limit the life of any permission.

In response, the Service Manager (Planning – Development) explained that it would be possible to limit use of the premises to a specific provider although she would not recommend the use of a time limit; which would be difficult to justify and could affect the viability of the application.

A number of Members voiced support for the application in light of the service it would provide to the local community, however, some of the Committee also agreed with the difficulty in accessing the site via any other method aside from a motor vehicle.

Councillor David Nettleton stated that he did not agree with the access restrictions discussed. He pointed out that Moreton Hall had excellent foot and cycle path connections and that an additional bus stop could be requested to service the facility.

Accordingly, he proposed that the application be granted, contrary to the Officer recommendation of refusal and inclusive of the condition to limit usage to the applicant, and this was duly seconded by Councillor Peter Stevens.

The Service Manager (Planning – Development) explained that in light of the objection raised by the Highways Authority the Committee's Decision Making Protocol would be invoked in order to allow time for Officers to produce a risk assessment in respect of the application.

This would also enable the Case Officer to work with the applicant/agent in order to facilitate a car park management plan and to establish what other sites had been considered for the service, alongside the identification of any relevant case law.

Councillor Peter Stevens, supported by some other Members of the Committee, spoke against the use of the Decision Making Protocol and wished to take a vote on approval of the application.

The Service Manager (Planning – Development) and the Lawyer in attendance jointly advised Members that it was not within their gift to determine if a risk assessment was required; in line with the Decision Making Protocol where the Committee wished to overturn a recommendation and the decision was considered to be significant by Officers a final decision on the application would be deferred to allow associated risks to be clarified.

Accordingly, Councillor Mildmay-White proposed an amendment that Members be minded to approve the application, contrary to the Officer recommendation of refusal and inclusive of the condition to limit usage to the applicant, and this was duly seconded by Councillor John Burns.

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

Decision

Members be **MINDED TO APPROVE THE APPLICATION, CONTRARY TO THE OFFICER RECOMMENDATION OF REFUSAL** and inclusive of the condition to limit usage to the applicant.

The application was therefore **DEFERRED** in order to allow a risk assessment to be produced and for the Case Officer to work with the applicant/agent in order to facilitate a car park management plan and to establish what other sites had been considered for the service, alongside the identification of any relevant case law.

41. **Planning Application DC/18/0863/FUL - 19 Hillside Road, Bury St Edmunds (Report No: DEV/SE/18/029)**

Planning Application - Change of use from B1/B8 Business/Storage and Distribution to D2 Assembly and Leisure - Personal training and Martial arts unit

This application was referred to the Development Control Committee following consideration by the Delegation Panel, the item had been referred to the Panel at the request of a Ward Member (Moreton Hall).

A Member site visit was held prior to the meeting. Officers were recommending that the application be refused.

As part of his presentation the Senior Planning Officer provided the following updates:

- Attention was drawn to the 'late papers' which were issued as a supplement to the agenda papers and which set out an **additional condition requested by the Highways Authority in respect of cycle storage**;
- Members were advised that **late comments had been received from the West Suffolk Economic Development Team**, these were read out to the Committee and which outlined concerns with regard to the impact the application could have on the operation of existing neighbouring businesses due to the potential overspill parking that was likely to take place.

In conclusion, whilst it was recognised that the Highways Authority had not objected to the application, Officers remained concerned at the impact the application could have in relation to parking in the area.

The Case Officer further explained that, whilst the applicant had stated that during the evening his patrons could use the parking spaces of neighbouring businesses who did not operate during this time, this had not been formalised with the other owners and could therefore not be regulated or guaranteed by the applicant.

Speaker: Councillor Trevor Beckwith (Ward Member: Moreton Hall) spoke in support of the application

Prior to opening the debate, the Chairman raised concern that the Officer had not received a consultation response from the Economic Development Team until such a late point in the application's proceedings. The Service Manager (Planning – Development) agreed to pick up this matter and raise internally with the Officers concerned.

Councillor David Nettleton proposed that the application be deferred in order to allow time for the applicant to explore and develop an appropriate car park management plan. This was duly seconded by Councillor Peter Stevens.

The Service Manager (Planning – Development) explained that, alongside a car park management plan, a deferral would allow time in which to establish which other sites the applicant had considered, to receive updated comments

from the Highways Authority and Economic Development and to gain further details such as a proposed floor plan; in light of the application before the Committee being in outline form.

Councillor John Burns spoke in support of the proposed deferral and stressed the importance, as a fellow gym owner, of establishing parking provision with neighbouring owners.

(Councillor Peter Stevens questioned as to whether Councillor Burns needed to declare an interest in light of his personal ownership in this respect and the Lawyer present advised that this was not necessary.)

Following further discussion, Councillor Jason Crooks proposed an amendment in that the application be approved, contrary to the Officer recommendation of refusal, due to the Highways Authority not having raised an objection in relation to parking and in light of the fact that the application could be conditioned to restrict usage to the applicant.

Councillor Nettleton therefore withdrew his motion for deferral and Councillor Stevens, instead, seconded the motion for approval.

The Service Manager (Planning – Development) explained that the Decision Making Protocol would not need to be invoked in this case as Officers did not consider a risk assessment to be required.

The Case Officer then outlined relevant conditions for the application, in addition to the condition to restrict operation to the applicant, the cycle storage condition requested by the Highways Authority and a condition with regard to a car park management plan (all as previously discussed).

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

Decision

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

1. Time limit
2. Approved drawings
3. Personal permission
4. Hours of use
5. Cycle storage
6. Transport plan

(On conclusion of this item the Chairman permitted a short comfort break. Councillor Ian Houlder left the meeting at 11.52am and did not return when the meeting was reconvened.)

42. **Planning Application DC/18/0829/OUT - Land Adjacent to the Old Parsonage, The Street, Fornham St Martin (Report No: DEV/SE/18/030)**

Outline Planning Application (Means of Access to be considered) - 1no dwelling

This application was referred to the Development Control Committee following consideration by the Delegation Panel, the item had been referred to the Panel in light of the Parish Council not objecting to the scheme which was contrary to the Officer recommendation.

A Member site visit was held prior to the meeting. Officers were recommending that the application be refused.

As part of his presentation the Senior Planning Officer provided the following update:

- Attention was drawn to the 'late papers' which were issued as a supplement to the agenda papers and which set out **amended reasons for refusal** that now formed the Officer recommendation together with **additional information in respect of Tree Preservation Orders and the host dwelling being defined as a Non-Designated Heritage Asset**.

Speaker: Mrs Elizabeth Shea (applicant) spoke in support of the application

(In addition to her three minute speech to the Committee, Mrs Shea also made reference to an email of support she had in her possession and requested to make comment on the planning application process; the Chairman advised her that she was not able to address Members in respect of these matters outside of the public speaking provision.)

Councillor Peter Stevens spoke in support of the application and stated that the settlement boundary had, in his opinion, been drawn in the wrong place in that it did not include the curtilage of The Old Parsonage; only the property itself.

He therefore proposed that the application be approved, contrary to the Officer recommendation of refusal, due to the limited impact the scheme would have both on the Non-Designated Heritage Asset (host dwelling) and on the view/appearance of the area. This was duly seconded by Councillor David Roach.

Considerable further discussion took place by the Committee, some of whom argued that the settlement boundary had been deliberately drawn in order to prevent applications of this nature.

A number of Members raised concern at the partial demolition of the host dwelling's garden wall to facilitate a new access. In response, the Case Officer explained that the wall was not listed or located within a conservation area meaning the access provision works could be carried out under Permitted Development rights.

The Service Manager (Planning – Development) explained that the Decision Making Protocol would not need to be invoked in this case as Officers did not consider a risk assessment to be required. The Case Officer then outlined relevant conditions for the application.

Upon being put to the vote and with 7 voting for the motion and with 6 against, it was resolved that

Decision

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

1. Time limit for reserved matters
2. Details of reserved matters
3. Limit floor space to 1000sqm
4. Construction hours
5. Acoustic insulation of dwelling
6. Access details
7. Bound materials
8. Surface water discharge
9. Visibility splays
10. Gates
11. Water use limits
12. Details of tree protection measures

43. **Planning Application DC/18/1013/HH & DC/18/0795/LB - 7 Bury Road, Hengrave, Bury St Edmunds (Report No: DEV/SE/18/031)**

Householder Planning Application - 1no. Dormer Window

This application was referred to the Development Control Committee following consideration by the Delegation Panel.

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 17 of Report No DEV/SE/18/031.

Objections to the application had been received from the Parish Council and one immediate neighbour (Pigeon Cottage).

As part of his presentation the Senior Planning Officer provided the following updates:

- Since publication of the agenda, **amended drawings had been submitted containing minor corrections to some dimensions** which the Officer drew attention to;
- The recommendation set out at Paragraph 17 of the report contained an error and should have read "*It is recommended that planning permission **and Listed Building Consent** be approved...*".

Lastly, the Case Officer reminded the Committee that whilst work to the property commenced before the planning application was submitted, this was subject to a separate enforcement investigation and was not a relevant consideration in respect of Members' determination of the application.

Speakers: Mrs Janet Davies (neighbour) spoke against the application
Councillor Susan Glossop (Ward Member: Risby) spoke on the application and advised those present that she would remain in the meeting but would abstain from voting on the item
Mr Warwick Lowe (applicant) spoke in support of the application

Councillor Julia Wakelam proposed that the application be approved as per the Officer recommendation. This was duly seconded by Councillor Peter Stevens who remarked upon the intimate relationship between historic properties such as host dwelling and its neighbours.

(Councillor Stevens, in the interests of transparency, also advised the meeting that he had had a similar type of application approved in respect of his own property which was likewise an historic cottage.)

During further discussion questions were posed to Officers in respect of the applicant's reference (in his three minutes public speaking address) to the window being intended as an escape route and his comments in respect of the pre-application advice he received from the Planning Authority.

The Service Manager (Planning – Development) explained that emergency egress in relation to the dormer window would be addressed as part of the Building Regulations and was not a planning application consideration, likewise the pre-application consultation made reference to was also not a matter for consideration as part of the application's determination.

Councillor Sara Mildmay-White asked if consideration had been given to conditioning the window to use obscure glazing, in light of the overlooking concerns cited by the neighbour. The Case Officer explained that the proposal was considered acceptable without.

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 and Listed Building Consent be **GRANTED** subject to the following conditions:

- 1 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the approved plans and documents.
- 2 A minimum of seven days' notice shall be given to the Local Planning Authority of the commencement of the removal of any roof rafters resulting from the development;. Opportunity shall be allowed for on-site observations and recording by a representative of the Local Planning Authority or a person nominated by the Authority during any period of work relating to this element of the works and no part of the roof rafters of the building altered or removed by the works shall be removed unless first approved in writing by the Local Planning Authority.

(Councillor Carol Bull left the meeting at 1.20pm on conclusion of this item.)

44. **Planning Application DC/18/0841/TPO - 18 Orchard Way, Horringer (Report No: DEV/SE/18/032)**

TPO033(1976) - Tree Preservation Order - 2no. Sycamore (T1 and T2 on plan and within area A1 on order) - fell

This application was referred to the Development Control Committee because the applicant was employed by St Edmundsbury Borough Council.

Representations had been received from both immediate neighbours; one in support and one in objection to the proposal.

Officers were recommending that the application be approved, subject to conditions as set out in Paragraph 15 of Report No DEV/SE/18/032.

The presenting Officer drew attention to the comments contained within the report from the Council's Arboricultural Officer, who considered the proposed works to be acceptable subject to the provision of two replacement trees.

Councillor David Nettleton proposed 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

Consent be **GRANTED** subject to the following conditions:

1. The authorised works shall be carried out to the latest arboricultural standards (ref BS 3998:2010 Tree Works: recommendations)
2. The works which are the subject of this consent shall be carried out within two years of the date of the decision notice.
3. The 2no. Sycamore trees, the removal of which is authorised by this consent, shall be replaced by 2 x heavy standard Acer campestre, planted within the front strip of the property adjoining the road, and within 4 metres of the road, within 6 months of the date on which felling is commenced or during the same planting season within which that felling takes place (whichever shall be the sooner) and the Local Planning Authority shall be advised in writing that the replanting has been carried out. If any replacement tree is removed, becomes severely damaged or becomes seriously diseased it shall be replaced with a tree of similar size and species unless the Local Planning Authority gives written consent to any variation.

The meeting concluded at 1.23pm

Signed by:

Chairman
