

# Development Control Committee



*St Edmundsbury*  
BOROUGH COUNCIL

**Minutes** of a meeting of the **Development Control Committee** held on **Thursday 4 October 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

Paula Fox

Carol Bull

Susan Glossop

Mike Chester

Ian Houlder

Terry Clements

David Nettleton

Jason Crooks

Peter Stevens

Robert Everitt

Julia Wakelam

**In attendance (Ward Members):**

Max Clarke

Paul Hopfensperger

Mary Evans

Sara Mildmay-White

## 45. **Apologies for Absence**

There were no apologies for absence.

The Democratic Services Officer advised that since publication of the agenda Councillor Alaric Pugh had resigned from the Development Control Committee, hence it was currently operating with a vacancy until such time as an alternative appointment was made.

## 46. **Substitutes**

There were no substitutes present at the meeting.

## 47. **Minutes**

The minutes of the meeting held on 6 September 2018 were received by the Committee as an accurate record, with 14 voting for the motion and with 1 abstention, and were signed by the Chairman.

## 48. **Planning Application DC/18/0721/FUL - Saxon House, 7 Hillside Road, Bury St Edmunds (Report No: DEV/SE/18/033)**

**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 had been referred to the Development Control Committee on 6 September 2018 following consideration by the Delegation Panel, the item had been referred to the Panel at the request of a Ward Member (Moreton Hall).

At the September Committee Members resolved that they were minded to approve the application, contrary to the Officer recommendation of refusal and inclusive of a condition to limit usage of the site to the applicant.

Officers determined that the decision making protocol needed to be invoked which required the Committee to consider this further report, inclusive of a risk assessment, prior to a final decision being made on the application. A Member site visit was held prior to the September Committee meeting.

As part of her presentation the Senior Planning Officer drew attention to the 'late papers' which were issued as a supplement to the agenda papers and which set out:

- The applicant's argument against a 'personal' condition limiting the use of the site and the Officer's subsequent **amended wording for condition No 3**;
- The clarification that **the facility would only have 6 treatment rooms** and not 7, as previously understood by Officers and stated in the September Committee report; and
- The **agent's response to the further comments received from Suffolk County Council Highways** in which they maintained their objection to the application and refuted the applicant's technical note in respect of parking and sustainable travel.

In conclusion, the Case Officer explained that the Planning Authority was continuing to recommend refusal of the application for the reasons set out in Section C of Report No: DEV/SE/18/033.

Also included within the report at Section E (subject to the amendment to condition 3 in the late papers) were proposed conditions for the application should Members determine to approve the scheme.

Speakers: Mr Sinclair Armitage (Project Manager, Community Dental Services) spoke in support of the application  
Mr Richard Sykes-Popham (agent) spoke in support of the application

Councillor David Nettleton spoke in support of the application and again stated that he did not agree with the access restrictions that were made reference to. He reiterated the public transport and foot/cycle way connections that existed at the site's location.

Councillor Nettleton proposed that the application be approved, contrary to the Officer recommendation of refusal and subject to the conditions outlined in the report, for the following reasons:

- The harm made reference to by SCC Highways had not been evidenced and the parking could be managed sustainably;

- There were other use class D1 facilities in the vicinity of the application site; and
- The proposal would provide a much needed community healthcare facility for the public.

This was duly seconded by Councillor Terry Clements, who also spoke in support.

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. The development hereby permitted shall be begun not later than 3 years from the date of this permission.
2. Before the first floor use hereby approved commences details of the travel arrangements to and from the site for employees and customers, in the form of a Travel Plan, including monitoring provisions shall be submitted to and approved in writing by the Local Planning Authority. The approved arrangements shall be implemented before the first floor use hereby approved commences and thereafter adhered to.
3. The building subject to this application shall only be used for community healthcare services (including dentistry) on an appointment only basis and for no other uses within use class D1.
4. The number of treatment rooms shall be limited to 6 at ground floor and to 4 at first floor.
5. The use hereby approved shall be operated in accordance with the details set out in the Car Parking Management Plan (received 13.09.2018).
6. The first floor use shall not commence until the cycle parking has been provided in accordance with the details shown on drawing PL01 Rev.A and thereafter the areas shall be retained and used for no other purposes.
7. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the approved plans and documents.

49. **Planning Application DC/18/1017/FUL - Hill View Works, Simms Lane, Hundon (Report No: DEV/SE/18/034)**

**Planning Application - 5no. dwellings with 5no. garages and new vehicular access (following demolition of existing industrial buildings)**

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 the Ward Member (Hundon).

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 11.1 of Report No DEV/SE/18/034.

As part of her presentation the Senior Planning Officer drew attention to the 'late papers' which were issued as a supplement to the agenda papers and which set out **comments received from Hundon Parish Council in support of the scheme.**

Speakers: Councillor Mary Evans (Ward Member: Hundon) spoke in support of the application  
Mr Ben Elvin (representing the applicant and agent) spoke in support of the application

In response to questions raised during the debate the Case Officer responded as follows:

- The **prior approval granted for the site no longer applied** as the building in question had been deemed not to be structurally sound; and
- **A similar application in Hundon had been refused** via Delegation Panel recently (as some Members made reference to). However, the **Committee was reminded to consider each application on its own merits.**

Councillor John Burns proposed that the application be approved, contrary to the Officer recommendation of refusal, inclusive of a condition to address contaminated land. This was duly seconded by Councillor Peter Stevens.

Further discussion then took place with a number of Members making reference to Paragraph 9.19 of the report and raising concern that insufficient evidence had been submitted to establish the potential retention of the site for employment use and that a marketing exercise should, therefore, be undertaken.

Accordingly, Councillor Stevens withdrew his position as seconder for the motion to approve the application, and instead proposed an amendment that the application be deferred, in order to allow time in which for Officers to explore the potential for the site to be marketed with the applicant.

This was duly seconded by Councillor Terry Clements and Councillor John Burns formally withdrew his original motion for approval.

Upon being put to the vote and with 11 voting for the motion, 2 against and with 1 abstention it was resolved that

#### Decision

Consideration of the application be **DEFERRED** in order to allow time in which for Officers to explore the potential marketing and retention of the site for employment use with the applicant.

*(Councillor Robert Everitt left the meeting at 11.00am during the discussion which took place on this item and prior to the voting thereon.)*

#### 50. **Planning Application DC/18/1222/OUT - Land East of 1 Bury Road, Stanningfield (Report No: DEV/SE/18/035)**

**Outline Planning Application (all matters reserved) - 9no. dwellings**

This application was referred to the Development Control Committee following consideration by the Delegation Panel and in light of the objection received from the Parish Council.

Officers were recommending that the application be approved, subject to conditions, as set out in Paragraph 26 of Report No DEV/SE/18/035.

As part of his presentation the Principal Planning Officer (on behalf of the Case Officer) made reference to:

- The **planning and appeal history** in respect of the site; and
- The determining factors considered in **the allocation of affordable housing to local people**.

Speakers: Dr Nicholas Amor (neighbour) spoke against the application  
Councillor Clive Mears (Bradfield Combust with Stanningfield Parish Council) spoke against the application  
Councillor Sara Mildmay-White (Ward Member: Rougham) spoke against the application

A number of Members made comment on the application which principally related to the following concerns:

- The flooding risk of the site;
- Reservations relating to the fact that neither the Borough Council or a registered housing provider had been approached by the applicant with regard to the management of the affordable housing that was proposed – therefore being unable to demonstrate local need; and
- The lack of detail provided, in light of it being an outline application.

In light of the above reasons, Councillor David Nettleton proposed that the application be refused, contrary to the Officer recommendation of approval, and this was duly seconded by Councillor Terry Clements.

The Officers present responded to each of the points raised and explained that they did not consider a refusal on these grounds to be defensible, hence, the Decision Making Protocol would be invoked and the decision would be 'minded to' and subject to the consideration of a risk assessment before a final decision was made.

Councillor David Roach proposed an amendment that the application be deferred in order to allow additional time in which for Officers to seek further information on these matters from the applicant, however, this failed to achieve a seconder.

Upon being put to the vote and with 9 voting for the motion and 5 against it was resolved that

#### Decision

Members be **MINDED TO REFUSE THE APPLICATION, CONTARY TO THE OFFICER RECOMMENDATION OF APPROVAL**, due to the following reasons:

1. The flooding risk of the site;

2. Reservations relating to the fact that neither the Borough Council or a registered housing provider had been approached by the applicant with regard to the management of the affordable housing that was proposed – therefore being unable to demonstrate local need; and
3. The lack of detail provided, in light of it being an outline application.

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

51. **Planning Application DC/18/0635/FUL - 9 St Olaves Precinct, Bury St Edmunds (Report No: DEV/SE/18/036)**

**Planning Application - Change of use from Use Class A1 (Retail) to Use Class A5 (Hot Food Takeaway) and installation of an Extraction System**

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 one of the Ward Members, Councillor Max Clarke (St Olaves).

Bury St Edmunds Town Council had submitted comments confirming that they did not object to the proposal. Officers were recommending that the application be approved, subject to conditions as set out in Paragraph 24 of Report No DEV/SE/18/036.

As part of his presentation the Senior Planning Officer made reference to Paragraphs 21 and 22 of the report which set out the planning balance to be considered in respect of the application; in relation to losing a retail (A1) unit but conversely preventing a vacant property.

Speakers: Mr Delil Sinsed (operator of neighbouring unit) spoke against the application  
Councillor Max Clarke (Ward Member: St Olaves) spoke against the application  
Councillor Paul Hopfensperger (Ward Member: St Olaves) spoke against the application  
Miss Stacey Hartrey (agent) spoke in support of the application

Members made a number of comments in respect of the application which largely related to the number of other takeaway establishments in the vicinity and the impact the application could have on their sustainability. Reference was also made to the Council's healthy objectives and the conflict that the proposal could have on these.

In response, the Principal Planning Officer:

- Reminded the Committee that **competition and commercial viability was not a planning issue**; and
- Outlined how **Policy DM36** was assessed in relation to the proposal and the marketing that was undertaken in connection with the unit in question.

Councillor David Nettleton spoke in support of the application, he stressed that the number of objectors to the application was a very small percentage of the residents that lived in the locality.

Councillor Nettleton explained that there had been representations made in support of the application and he read some of these out to the meeting. He then moved that the application be approved, as per the Officer recommendation, and this was duly seconded by Councillor Ian Houlder.

Upon being put to the vote and with 11 voting for the motion and with 3 against, it was resolved that

#### Decision

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

1. Time limit
2. Approved Plans
3. Opening Hours
4. Submission of extraction system details

#### 52. **Planning Application DC/18/0897/HH - Moat Farm, Wickhambrook Road, Hargrave (Report No: DEV/SE/18/037)**

##### **Householder Planning Application - detached cartlodge**

This application was referred to the Development Control Committee following consideration by the Delegation Panel, the item had been referred to the Panel as the Parish Council objected to the proposal.

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 26 of Report No DEV/SE/18/037.

In response to a question from a Member, the Principal Planning Officer confirmed that in light of the very recent adoption of the Hargrave Neighbourhood Plan the Delegation Panel considered it appropriate to refer the application to the Committee for determination.

Councillor Peter Stevens moved that the application be approved, as per the Officer recommendation, and this was duly seconded by Councillor Ian Houlder.

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. 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.

53. **Planning Application DC/18/1010/FUL - Land Adjacent To Forge Cottage, Blacksmith Lane, Barnham (Report No: DEV/SE/18/038)**

**Planning Application - 1no. dwelling with associated external works**

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

A Member site visit was held prior to the meeting. The Parish Council had cited no objection to the scheme.

Officers were recommending that the application be refused for the reason set out in Paragraph 20 of Report No DEV/SE/18/038.

As part of his presentation the Planning Officer made reference to:

- The 'late papers' which were issued as a supplement to the agenda papers and which outlined **the extant planning permission on land immediately adjoining the application site**. The Case Officer explained that in light of this new information the reason for refusal remained, however, the extant permission was considered to strengthen the Officer position adopted in relation to the harm arising; and
- **Shadow drawings** which had been requested by Members at the site visit.

Speakers: Councillor Charles Merrifield (Barnham Parish Council) spoke in support of the application  
Councillor Andrew Smith (Ward Member: Bardwell) spoke in support of the application  
Mr Andrew Blenkiron (applicant) spoke in support of the application

A considerable debate took place by the Committee with Members voicing both support and opposition to the proposal.

The Principal Conservation Officer was invited to speak by the Chairman in order to further elaborate on her objection to the application in respect of the perceived harm it would cause to the setting of the listed building and the character of the wider conservation area.

Councillor Peter Stevens stated that, contrary to the reason for refusal, he considered that the development was not contrived and would not cause harm to the listed building/conservation area. He, therefore, moved that the application be approved, contrary to the Officer recommendation, and this was duly seconded by Councillor David Roach.

The Committee was advised 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 Planning Officer then outlined relevant conditions for the application that could be appended to an approval, if granted.



Upon being put to the vote and with 7 voting for the motion, 6 against and with 1 abstention, 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 other part of the development hereby permitted shall be commenced until the existing vehicular access has been improved, laid out and completed in accordance with SCC drawing DM01; and with an entrance width of 3.5. Thereafter the access shall be retained in the specified form.
4. Prior to the dwelling hereby permitted being first occupied, the access onto the highway 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.
5. Occupation of the dwelling hereby permitted shall not commence until the area(s) within the site shown on Drawing No. 17- 097 112B 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.
6. The areas to be provided for storage of Refuse/Recycling bins as shown on Drawing No. 17-097 112B shall be provided in its entirety before the development is brought into use and shall be retained thereafter for no other purpose.
7. Before the access is first used details shall be submitted to and approved in Planning and Regulatory Services, St Edmundsbury Borough Council, West Suffolk House, Western Way, Bury St Edmunds Suffolk, IP33 3YU 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.
8. 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.
9. No development above ground level shall take place until a scheme of soft landscaping for the site drawn to a scale of not less than 1:200, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include accurate indications of the position, species, girth, canopy spread and height of all existing trees and hedgerows on and adjacent to the site and details of any to be retained, together with measures for their protection during the course of development. Any retained trees removed, dying or becoming seriously damaged or diseased within five years of commencement shall be replaced within the first available planting season thereafter with planting of similar size and species

unless the Local Planning Authority gives written consent for any variation. The works shall be completed in accordance with the approved plans and in accordance with a timetable to be agreed with the Local Planning Authority.

10. The dwelling hereby approved shall not 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 and evidence of compliance has been obtained.

*(Councillor John Burns left the meeting at 1.37pm on conclusion of this item.)*

54. **Planning Application DC/18/1543/HH - 9 Darcy Close, Bury St Edmunds (Report No: DEV/SE/18/039)**

**Householder Planning Application - First floor extension to front elevation - Revised Scheme of DC/18/0476/HH**

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

Bury St Edmunds Town Council had raised no objection and Officers were recommending that the application be approved, subject to conditions as set out in Paragraph 23 of Report No DEV/SE/18/039.

The Planning Officer informed Members that the application was a resubmission of DC/18/0476/HH which had been refused by the Committee at their meeting on 5 July 2018. The scheme now seeking determination omitted the previous first floor rear extension.

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

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. 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.

The meeting concluded at 1.40 pm

**Signed by:**

**Chairman**