

Development Control Committee



St Edmundsbury
BOROUGH COUNCIL

Minutes of a meeting of the **Development Control Committee** held on
Thursday 6 August 2015 at **10.00 am** at the **Conference Chamber,**
West Suffolk House, Western Way, Bury St Edmunds

Present: **Councillors**

Chairman Jim Thorndyke

Vice-Chairmen Tim Marks and Angela Rushen

John Burns

Carol Bull

Tony Brown

Robert Everitt

Paula Fox

Susan Glossop

Ivor Mclatchy

Alaric Pugh

David Roach

Peter Stevens

Patricia Warby

Substitutes attending:

David Nettleton

Frank Warby

By Invitation:

Simon Brown (for item 99)

93. **Apologies for Absence**

Apologies for absence were received from Councillors Robert Everitt, Ian Houlder and Julia Wakelam

94. **Substitutes**

The following substitutions were announced :

Councillor David Nettleton for Councillor Julia Wakelam and
Councillor Frank Warby for Councillor Ian Houlder.

95. **Minutes**

The minutes of the meeting held 2 July 2015 were confirmed as a correct record and signed by the Chairman, subject to in relation to Minute 91 and the reference to the declaration by Councillor Susan Glossop the deletion of the words 'a disclosable pecuniary interest' and the substitution therefor of 'a personal, local non-pecuniary interest'.

96. **Planning Applications**

The Committee considered Reports DEV/SE/15/43 to DEV/SE/15/48 (previously circulated)

RESOLVED – That:

- (1) subject to the full consultation procedure, including notification to Parish Councils/Meetings and reference to Suffolk County Council, decisions regarding applications for planning permission, listed building consent, conservation area consent, advertisement consent and approval to carry out works to trees covered by a preservation order be made as listed below;
- (2) approved applications be subject to the conditions outlined in the written reports (DEV/SE/15/43 to DEV/SE/15/48) and any additional conditions imposed by the Committee and specified in the relevant decisions; and
- (3) refusal reasons be based on the grounds outlined in the written reports and any reasons specified by the Committee and indicated in the relevant decisions

97. **Application for Approval of Reserved Matters DC/15/0553/RM**

Submission of details under Outline Planning Permission DC/13/0932/HYB – the means of access, appearance, landscaping, layout and scale for 126 residential units and associated accesses, landscaping, open space, attenuation pond and infrastructure at Parcel C, Land North West of Bury, Tut Hill, Fornham All Saints for Countryside Properties (UK) Ltd.

Officers in presenting the report referred to paragraph 18 in which the views of Fornham All Saints Parish Council had been quoted. These referred to a decision being made on a traffic management scheme for Tut Hill being linked to a house completion stage in the proposed development. Officers advised that this perception was incorrect and that the house completion quota was related to the decision being taken in respect of highway improvements at the Tollgate junctions. It was open to the Parish Council to decide when the Tut Hill scheme was to go ahead. In relation to a concern expressed by a resident of Clay Road about footpath and cycleway links from the proposed development to the Howard Estate Officers advised that whilst this was outside the scope of the application under consideration it was a matter which warranted detailed examination at a later stage in the overall development proposals.

The following persons spoke on this application:

- (a) Objector - Alan Murdie
- (b) Applicants - Colin Campbell, agent

In response to a general point raised by Councillor Nettleton about whether all applications relating to Strategic Development Sites in Bury St Edmunds would be considered by the Committee the Chairman advised that they would not stand to be referred to the Committee automatically but any application could be called in under the current delegation arrangements if there were planning reasons warranting consideration of the proposal by Members.

Officers responded to Members' questions in relation to the application under consideration as follows:

- (i) in relation to concerns about an existing bus route through the Howard Estate being extended through the development site and disparities between fares to be charged because the developers would be offering concessions to the residents of the new dwellings, this was no longer the case. It was now proposed that the current Mildenhall to Bury St Edmunds Town Centre Service would be diverted through the application site and from there onto the town centre;
- (ii) discussions were taking place with Suffolk County Council about the creation of a vehicular access to the boundary of the site of the proposed school within the strategic site. It was suggested by Officers that it may be possible at some stage in the future to extend this through the school area to provide a link, and part of a bus route, through to Hunter Road;
- (iii) issues relating to archaeology in the area through which the access road was to be constructed were covered in Condition 8 (vii) attached to the Outline Planning Permission. If any discoveries were made as result of archaeological digs then the proposed layout of the development would be reviewed;
- (iv) the provision of street furniture, litter bins and play equipment would be dealt with in detail in discussion with Officers of the Parks Section of the Council; and
- (v) access for construction traffic would have to be by a temporary roadway from Tut Hill.

Decision

Approval be granted.

98. **Planning Application DC/13/0906**

Erection of 133 no. 1 and 2 bedroom flats and 2 no. Class A1,A2 or A3 retail units with associated access, car parking, landscaping and bin and cycle storage (following demolition of existing buildings), as amended, at Land at Station Hill, Bury St Edmunds for Peal Estate LLP.

The Committee had visited the site of the application on 30 July 2015.

Officers gave an oral update to the written report:

- (i) issues relating to the Station Hill Master Plan had been resolved and the document had been adopted subsequent to the Full Council meeting on 7 July 2015;
- (ii) a tree preservation order had been served in respect of 4 trees in the Station Master's Garden part of the application site;
- (iii) the comments of Councillor Julia Wakelam as one of the Ward Members on the proposal had been circulated by her to all Members of the Committee. These expressed support for the Officers' recommendation;
- (iv) a letter from Pigeon Investments Ltd had been received which requested that development along the road frontage be restricted by condition to prevent visibility splays being inhibited. Officers advised that the imposition of such a condition would be reasonable;
- (v) Suffolk County Council Highways Officers had discussed with the applicants a requirement that a bond be secured with them via the Section 106 agreement to ensure that the provisions of a Travel Plan relating to the application site could be implemented. Agreement had not, however, been reached;
- (vi) the applicants had recently agreed to an extension of time for the application to be determined. The expiry date was now 14 August 2015 and reference to this deadline had not been included in the report;
- (vii) in paragraph 161 the reference to 'St Andrew's Church' should read 'St John's Church'; and
- (viii) in the Recommendation at paragraph iii) the following should be added at the beginning: 'there is insufficient inclusion of space to allow soft landscaping to be provided and'; and at paragraph iv) after the word 'viably' the addition of 'and lawfully'

Advice contained in the National Planning Policy Framework was that the benefits of development should be weighed against the dis-benefits in reaching decisions on whether or not proposals would form sustainable development. Officers therefore summarised what in their view were the benefits and dis-benefits of the scheme under consideration

The following persons spoke on this application:

- (a) One of the Ward Members - Councillor David Nettleton;
- (b) Applicants - Geoff Armstrong, agent.

Exempt Appendices to the Written Report had been previously circulated to Members of the Committee (referred to under item 12 of the agenda)

The Committee did not discuss these appendices during the debate which followed and therefore the public and press were not excluded from the meeting.

Officers answered Members' questions as follows:

- (1) taxi parking provision in the station forecourt was not affected by the proposal;
- (2) the use of any part of the application site for car parking by persons using the station was not a matter that could be controlled since the land involved was in private ownership. The owner could stop such parking at any time;
- (3) the two retail units had been included in the application because the Masterplan envisaged a mixed use. Originally the application had been for a totally residential use. The applicants had decided to amend the application to include the two units following discussions with the Council. Options were presented to the applicants of either providing the units or producing evidence to demonstrate that to do so would not be viable;
- (4) the Suffolk Constabulary had been consulted about the proposal but had not provided any comment;
- (5) access to the sidings in commercial use by Lafarge Tarmac was separate and unaffected by the proposal;
- (6) Victorian railway buildings historically used in connection with the Goods Yard were not considered to be in good condition and of sufficient importance to warrant them being listed. If planning permission was granted for the scheme under consideration a condition could be attached requiring the buildings to be photographed and other detailed records made and for these to be deposited with the Public Record Office;
- (7) with regard to the provision of public open space there was a consideration for Members as to whether there was already a sufficiency of such space provided by the former Bury Railway Sports Ground, which whilst disused would to be retained in any re-development proposals, and the adjoining existing open area of Tayfen Meadows and which extended to Western Way to serve the proposed development or whether open space provision should be made during later phases of the overall development envisaged by the Masterplan. The amount of the contribution to be secured via the Section 106 Agreement would be subject to the viability of the development. The projections provided by the applicants as to the viability of the scheme under consideration had become dated through the passage of time and Officers were of the view that a re-appraisal would be necessary to ensure that maximum levels of contributions were secured; and
- (8) the provision and siting of litter bins etc. would be the subject of discussions with Officers in the Parks Section of the Council. The amount of contribution to be made towards the cost involved would form part of the Section 106 Agreement.

The Committee in discussing the application addressed the proposed grounds of refusal put forward in the written report. Members did not accept that the benefits of the development were outweighed by the dis-benefits. Members were of the view that the proposed layout of the development, being as it was at an angle to the main station buildings, would not have an adverse impact on the setting of these Grade II Listed Buildings. It was also felt that there was scope to make modifications to the scheme in discussion with the applicants and Economic Development Officers to withdraw the proposed two retail units and to look for alternatives within the application site, or away from it, which would relate to the main station building and provide the mixed development envisaged in the Masterplan. It was suggested that there was an opportunity regarding public open space provision to improve the appearance of the Station approach and forecourt areas to provide an attractive space for rail/bus/taxi users and visitors or to investigate other locations for open spaces to be provided. There was agreement that there should be further discussion with the applicants regarding the Section 106 Agreement following on from an updating and re-appraisal of the viability of the development.

A Member asked whether if the Committee was minded to grant permission contrary to the Officers' recommendation the Decision Making Protocol would be invoked. Officers advised that if the Committee was so minded the discussions on the Section 106 Agreement would be time consuming and by the stage these had been concluded there would be an opportunity to bring the matter back to a Committee meeting subsequently for a final decision without first invoking the Protocol. There would be an opportunity to provide Members with a Risk Assessment report at that time as supplementary information.

Decision

That, with the Committee being mindful of granting planning permission, further consideration be deferred and Officers be asked to carry out negotiations as discussed and outlined above and the application be referred back to the Committee when discussions have been concluded.

(At this point the meeting was adjourned to allow Members a short comfort break. Councillor Frank Warby left the meeting and did not return)

99. **Planning Application DC/14/0470/FUL, Outline Planning Application DC/14/0507/OUT and Planning Application DC/14/0474/FUL**

Planning Applications: DC/14/0470/FUL – Change of use of agricultural land to Amenity/Recreational village use (Re-submission of SE/13/0820/FUL), as amended by revised plans received 11 September 2014 reducing the overall extent of proposed amenity space and as further amended by revised plan received 4 June 2015 to include the provision of a new access and car parking area from Livermere Road; DC/14/0474/FUL – Erection of: (i) a pair of semi-detached two storey dwellings; and (ii) garage, as amended by site layout plans received 20 May 2014 and as further amended by revised plans received 11 September 2014; and DC/14/0507/OUT – (i)

Erection of 8 no. dwellings; and (ii) construction of new access (means of access, landscaping and layout under consideration), as amended by revised plans received 11 September 2014 altering the indicative position of the dwellings and the location of the proposed amenity open space and as further amended by revised plan received 4 June 2015 indicating the layout of the proposed junior children's play area

at Land at South West of and East of The Bull, The Street, Troston for Greene King

Officers gave an oral update on the written report as follows:

- (i) an amended plan had been received in June 2015 showing details of the proposed additional access and car parking area of 10 spaces intended for users of the recreational area; and
- (ii) a recent High Court decision had quashed the provision in the National Planning Policy Guidance requiring Section 106 contributions to be made in respect of small scale developments of less than 1,000 square metres. However, as this scheme had been proposed in excess of 1,000 square metres such a contribution was still required and there was no change. In the case of the three applications under consideration an amendment to the Community Infrastructure Levy (CIL) Regulations had, however, meant that a bespoke justification was now required for public open space contributions. This had the effect that the scheme proposed under DC/14/0507/OUT remained as set out in the written report but no contribution could be justified in the case of DC/14/O474/FUL.

The Committee noted that as originally proposed the Section 106 Agreement sought to ensure the replacement public space was available before any development took place on the housing sites and that the applicants were now seeking a revised agreement whereby some housing development could take place beforehand.

The following persons spoke on this application:

- (a) Parish Council - Councillor Roger Anderson
- (b) Ward Member - Councillor Simon Brown
- (c) Applicants - Lionel Thurlow, agent.

A Member asked whether the Section 106 Agreement monies would be used to provide changing facilities. Officers advised that there was a safety issue of a power cable running through the site and the cost of burying or re-routeing this would probably use up a substantial part of the amount of the contribution.

Decision

Subject to the completion of a revised Section 106 Agreement :

1. DC/14/0470/FUL

Permission be granted

2. DC/14/0474/FUL

Permission be granted

3. DC/14/0507/OUT

Outline Permission be granted

100. Planning Application DC/14/1361/VAR

Erection of 91 dwellings together with drainage, access onto Hamlet Road, garaging, parking, landscaping and all ancillary works (following demolition of existing football club facilities) without compliance with Conditions 4, 5, 6, 9, and 10 of SE/11/1443 to enable alterations to landscaping and boundary treatment at Land East of Hamlet Road, Haverhill for Bloor Homes Eastern

Officers reported as follows:

- (i) proposed ponds included in the drainage system had now been omitted as advice had been received from Anglian Water that these would not receive sufficient water to provide a permanent and attractive feature. Anglian Water had now adopted the scheme as revised;
- (ii) a proposed footpath traversing the site which would be adjacent to woodland had been deleted and it was now proposed that an existing footpath along the rear of the application site would be retained; and
- (iii) a strip of land within the original application site had been sold to the owner of an adjoining property and this had required amendment to plans indicating the boundary of the site.

Decision

Permission be granted.

101. Planning Application DC/15/1283/FUL

Retention of single storey annexe to continue use as a separate dwelling at The Annexe, 120 Horringer Road, Bury St Edmunds for Mr and Mrs Goodspeed

This application was before the Committee because one of the applicants was a member of the Council's staff.

Decision

Permission be granted.

102. **Application DC/15/0957/TPO - Works to trees the subject of a Tree Preservation Order**

Tree Preservation Order 442 (2006) 1 – Taxus (T1 to T16 on plan) – (i) crown raise to 3 metres from ground level; and (ii) reduce crown spread by 2 metres on most extreme tree and reduce remaining tree at rear of 2 to 6 Cherry Tree Close, Bury St Edmunds for St Edmundsbury Borough Council

Decision

Approval be granted

103. **Update on Planning Enforcement Cases**

The Committee received and noted Report DEV/SE/15/048 (previously circulated) which gave an update on two current enforcement cases. In relation to the caravan site at The Birches, Glassfield Road, Bardwell. Officers gave a further oral update to inform the Committee that a site visit had taken place on 4 August 2015 when it had been found that save for one item, which was a matter of interpretation, all other court agreed undertakings had been complied with.

The Chairman advised that all members should be receiving a list of enforcement cases relating to their wards and if a Member required further information about a particular case he/she should contact the case officer listed alongside each item.

The meeting concluded at 12.45pm

Signed by:

Chairman
