

Development Control Committee



St Edmundsbury
BOROUGH COUNCIL

Minutes of a meeting of the **Development Control Committee** held on **Thursday 2 July 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

Tony Brown

Carol Bull

John Burns

Robert Everitt

Paula Fox

Susan Glossop

Ian Houlder

Ivor Mclatchy

Alaric Pugh

David Roach

Julia Wakelam

Patricia Warby

Substitute attending:

Frank Warby

87. **Apologies for Absence**

An apology for absence was received from Councillor Peter Stevens. An apology for lateness was also received from Councillor Alaric Pugh.

88. **Substitutes**

The following substitution was announced :

Councillor Frank Warby for Councillor Peter Stevens.

89. **Minutes**

(Councillor Alaric Pugh arrived at the meeting during the discussion of this item)

The minutes of the meeting held 4 June 2015 were confirmed as correct record and signed by the Chairman.

90. **Planning Applications**

The Committee considered Report DEV/SE/15/41 (previously circulated)

RESOLVED – That:

- (1) subject to the full consultation procedure, including notification to Parish Councils/Meetings and reference to the Suffolk County Council, decisions regarding applications for planning permission, listed building consent, conservation area consent and advertisement consent be made as listed below;
- (2) approved applications be subject to the conditions outlined in the written report (DEV/SE/15/41) and any additional conditions imposed by the Committee and specified in the relevant decisions;
- (3) refusal reasons be based on the grounds outlined in the written report and any reasons specified by the Committee and indicated in the relevant decisions.

91. Listed Building Application DC/15/0638/LB

Provision of 16 no. solar panels to roof at Angel Barn, Bury Road, Hengrave for Mr Ian Turner

(Councillor Susan Glossop declared a disclosable pecuniary interest as she lived near the application site and also knew the applicant and agent personally. She withdrew from the meeting during the consideration of this item. Councillor Robert Everitt left the meeting during the consideration of this matter and did not return)

In relation to the written report, reference DEV/SE/15/41, Officers reported that the reference in paragraph 6 to Hepworth Parish Council was erroneous and should read Hengrave Parish Council. Officers also advised that guidance issued by Historic England (previously known as English Heritage) advocated that the installation of solar panels should not be permitted directly onto Listed Buildings save in exceptional circumstances when other methods of energy saving had been employed and the installation of solar panels on outbuildings or free standing panels had been discounted.

The following person spoke on this application:

- (a) Dr. Henry Bowling - applicant's agent

In discussing the application the Committee acknowledged that its decision would rest on assessing the potential harm the proposal might cause to the architectural and historic character of the barn and, conversely, the public benefit which might be gained from it. It was noted that views of the proposed solar panels would be limited and would be mainly confined to the occupiers of the barn. In response to Members' questions Officers advised that the barn, whilst it was within the curtilage of the nearby Grade II Listed Thatched House, had to be treated as listed building in its own right as required by legislation. The barn was probably early 19th Century with conversion to a dwelling having taken place in recent years. The renovation works had included a substantial modernisation of the interior. The building had been listed at the time these works were carried out. A member pointed

out that the life expectancy of the proposed solar panels was likely to be in the region of 20 to 25 years following which they would require removal. The Committee concluded that the proposal would not have an adverse visual impact and clarification was sought as to whether a grant of approval contrary to the Officers' recommendation would invoke the Decision Making Protocol which would cause the application to stand deferred for a further report. Officers advised that the protocol would not be invoked.

Decision

Listed Building Consent be granted

92. **Overview and Update of Planning Enforcement Services**

The Committee received and noted Report DEV/SE/14/42 (previously circulated) which provided an update on Planning Enforcement, including case loads, performance and an outline of future development of the service. As a result of staffing issues planning enforcement had been outsourced to LSR Solicitors from Summer 2014 to March 2015. Since then a Planning Enforcement Team had been recruited consisting of 3 Enforcement Officers and one officer providing administrative support and cases were again being dealt with by the Council. In relation to the St Edmundsbury Borough area during the 12 months ending 31 May 2015 186 new cases had been opened, 187 cases were investigated and closed and 19 Enforcement Notices had been served and one withdrawn. As of 31 May 2015 there were 217 cases outstanding.

In relation to the breaches of Planning Control at the caravan site at The Birches, Glassfield Road, Bardwell, Officers gave a further oral update on the injunction granted by the High Court. An extension to the order had been granted the previous week to enable a report to be formulated on the level of compliance with the Enforcement Notice. The matter would be returned to the High Court when it was anticipated a further order would be issued requiring the outstanding breaches to be remedied.

The report in conclusion informed the Committee that a Local Enforcement Plan was to be produced which would establish priorities and a work programme for enforcement action and that Members would be consulted during the formulation of the plan. In relation to future action in respect of cases of non-compliance the report referred to the possibility of the Council taking Direct Action as an alternative to prosecution. This would involve the Council entering the land and carrying out remedial works itself with the costs being recovered from the persons on whom the notice had been served. This would involve a procurement process; the details of which were now being investigated.

Under the Committee Procedure Rules contained in the Constitution, Colin Hilder of Fornham made a statement in relation to the report in which he was critical of the past performance in dealing with enforcement cases. He pointed out that quarterly reviews were not being carried out and Enforcement Registers were not available on line and that both of these matters had been recommended for implementation by the Overview and

Scrutiny Committee. He suggested that data on enforcement cases should be made available on a regular basis to Committee Members and also that the Council should respond to applications to Traffic Commissioners in respect of HGV Operators' sites, particularly when environmental protection measures were required which could not be provided by conditions attached to planning permissions.

The Chairman in reply advised that now the Enforcement Section was fully staffed all the matters in the report and those raised by Mr Hilder were being moved forward as quickly as possible although it would take time before all aspects were operational. The Committee indicated that it wished to see regular reports, possibly quarterly or half yearly, to provide updates on enforcement cases in summary form. Officers advised that there would be IT capability issues to be resolved before reports on cases on a parish by parish or ward by ward basis could be forwarded to Members. The intention to place the Enforcement Register on the Councils' website was currently being progressed. The Local Enforcement Plan when produced would include Performance Indicators, response times and the periods elapsing before cases were closed. In relation to non-compliance with conditions, e.g. implementation of landscaping schemes, a method could be devised whereby checks could be put in place to establish, post-development, whether there had been compliance with certain conditions.

The meeting concluded at 11.00am

Signed by:

Chairman
