

# Development Control Committee



*St Edmundsbury*  
BOROUGH COUNCIL

<b>Title:</b>	<b>Agenda</b>		
<b>Date:</b>	<b>Thursday 2 July 2015</b>		
<b>Time:</b>	<b>10.00 am</b>		
<b>Venue:</b>	<b>Conference Chamber West Suffolk House</b> Western Way Bury St Edmunds IP33 3YU		
<b>Full Members:</b>	<b>Chairman</b> Jim Thorndyke <b>Vice-Chairmen</b> Tim Marks and Angela Rushen  <u>Conservative Members (13)</u> Carol Bull Ivor Mclatchy Robert Everitt Alaric Pugh Paula Fox David Roach Susan Glossop Peter Stevens Ian Houlder Patricia Warby  <u>UKIP Group Members (2)</u> Tony Brown John Burns  <u>Charter Group Member (1)</u> Julia Wakelam		
<b>Substitutes:</b>	<u>Conservative Members (6)</u> Terry Buckle Betty Mclatchy Terry Clements Frank Warby John Griffiths  <u>UKIP Group Member (1)</u> Jason Crooks  <u>Charter Group Member (1)</u> David Nettleton		
<b>PLEASE NOTE THAT THERE ARE NO SITE VISITS ARRANGED FOR THURSDAY 25 JUNE 2015</b>			

<b>Interests – Declaration and Restriction on Participation:</b>	Members are reminded of their responsibility to declare any disclosable pecuniary interest not entered in the Authority's register or local non pecuniary interest which they have in any item of business on the agenda (subject to the exception for sensitive information) and to leave the meeting prior to discussion and voting on an item in which they have a disclosable pecuniary interest.
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<b>Quorum:</b>	Six Members
<b>Committee administrator:</b>	<b>David Long</b> Committee Administrator & SEBC Scrutiny Support <b>Tel:</b> 01284 757120 <b>Email:</b> <a href="mailto:david.long@westsuffolk.gov.uk">david.long@westsuffolk.gov.uk</a>

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# **Agenda**

## **Procedural Matters**

*Page No*

**1. Apologies for Absence**

**2. Substitutes**

Any Member who is substituting for another Member should so indicate together with the name of the relevant absent Member.

**3. Minutes**

To confirm the minutes of the meeting held on 4 June 2015 (copy attached).

### **Part 1 - Public**

**4. 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

Report No. **DEV/SE/15/41**

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

Report No. **DEV/SE/15/42**

### **Part 2 – Exempt**

**NONE**

**Agenda Notes - Version for Publication**

**DEVELOPMENT CONTROL COMMITTEE  
 AGENDA NOTES**

**Notes**

Subject to the provisions of the Local Government (Access to Information) Act 1985, all the files itemised in this Schedule, together with the consultation replies, documents and letters referred to (which form the background papers) are available for public inspection.

All applications and other matters have been considered having regard to the Human Rights Act 1998 and the rights which it guarantees.

**Material Planning Considerations**

1. **It must be noted that when considering planning applications (and related matters) only relevant planning considerations can be taken into account. Councillors and their Officers must adhere to this important principle which is set out in legislation and Central Government Guidance.**
2. **Material Planning Considerations include:**
  - Statutory provisions contained in Planning Acts and Statutory regulations and Planning Case Law
  - Central Government planning policy and advice as contained in Circulars and the National Planning Policy Framework (NPPF)
  - The following Planning Local Plan Documents

<b>Forest Heath District Council</b>	<b>St Edmundsbury Borough Council</b>
Forest Heath Local Plan 1995	St Edmundsbury Borough Local Plan 1998 and the Replacement St Edmundsbury Borough Local Plan 2016
The Forest Heath Core Strategy 2010, as amended by the High Court Order (2011)	St Edmundsbury Borough Council Core Strategy 2010
<b>Emerging Policy documents</b>	<b>Emerging Policy documents</b>
Joint Development Management Policies	Joint Development Management Policies
Core Strategy – Single Issue review	Vision 2031
Site Specific Allocations	

- Supplementary Planning Guidance/Documents eg. Affordable Housing SPD
- Master Plans, Development Briefs
- Site specific issues such as availability of infrastructure, density, car parking

- Environmental; effects such as effect on light, noise overlooking, effect on street scene
  - The need to preserve or enhance the special character or appearance of designated Conservation Areas and protect Listed Buildings
  - Previous planning decisions, including appeal decisions
  - Desire to retain and promote certain uses e.g. stables in Newmarket.
3. The following are **not** Material Planning Considerations and such matters must not be taken into account when determining planning applications and related matters:
- Moral and religious issues
  - Competition (unless in relation to adverse effects on a town centre as a whole)
  - Breach of private covenants or other private property / access rights
  - Devaluation of property
  - Protection of a private view
  - Council interests such as land ownership or contractual issues
  - Identity or motives of an applicant or occupier
4. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that an application for planning permission shall be determined in accordance with the Development Plan (see table above) unless material planning considerations indicate otherwise.
5. A key role of the planning system is to enable the provision of homes, buildings and jobs in a way that is consistent with the principles of sustainable development. It needs to be positive in promoting competition while being protective towards the environment and amenity. The policies that underpin the planning system both nationally and locally seek to balance these aims.

### **Documentation Received after the Distribution of Committee Papers**

Any papers, including plans and photographs, received relating to items on this Development Control Committee agenda, but which are received after the agenda has been circulated will be subject to the following arrangements:

- (a) Officers will prepare a single Committee Update Report summarising all representations that have been received up to 5pm on the **Thursday** before each Committee meeting. This report will identify each application and what representations, if any, have been received in the same way as representations are reported within the Committee report;
- (b) the Update Report will be sent out to Members by first class post and electronically by noon on the **Friday** before the Committee meeting and will be placed on the website next to the Committee report.

Any late representations received after 5pm on the **Thursday** before the Committee meeting will not be distributed but will be reported orally by officers at the meeting.

## **Public Speaking**

Members of the public have the right to speak at the Development Control Committee, subject to certain restrictions. Further information is available on the Councils' websites.

**Decision Making Protocol - Version for Publication**

**DEVELOPMENT CONTROL COMMITTEE  
DECISION MAKING PROTOCOL**

The Development Control Committee usually sits once a month. The meeting is open to the general public and there are opportunities for members of the public to speak to the Committee prior to the debate.

**Decision Making Protocol**

This protocol sets out our normal practice for decision making on development control applications at Development Control Committee. It covers those circumstances where the officer recommendation for approval or refusal is to be deferred, altered or overturned. The protocol is based on the desirability of clarity and consistency in decision making and of minimising financial and reputational risk, and requires decisions to be based on material planning considerations and that conditions meet the tests of Circular 11/95: "The Use of Conditions in Planning Permissions." This protocol recognises and accepts that, on occasions, it may be advisable or necessary to defer determination of an application or for a recommendation to be amended and consequently for conditions or refusal reasons to be added, deleted or altered in any one of the circumstances below.

- Where an application is to be deferred, to facilitate further information or negotiation or at an applicant's request.
- Where a recommendation is to be altered as the result of consultation or negotiation:
  - The presenting Officer will clearly state the condition and its reason or the refusal reason to be added/deleted/altered, together with the material planning basis for that change.
  - In making any proposal to accept the Officer recommendation, a Member will clearly state whether the amended recommendation is proposed as stated, or whether the original recommendation in the agenda papers is proposed.
- Where a Member wishes to alter a recommendation:
  - In making a proposal, the Member will clearly state the condition and its reason or the refusal reason to be added/deleted/altered, together with the material planning basis for that change.
  - In the interest of clarity and accuracy and for the minutes, the presenting officer will restate the amendment before the final vote is taken.
  - Members can choose to

- delegate the detailed wording and reason to the Head of Planning and Regulatory Services;
  - delegate the detailed wording and reason to the Head of Planning and Regulatory Services following consultation with the Chair and Vice Chair(s) of Development Control Committee.
- Where Development Control Committee wishes to overturn a recommendation and the decision is considered to be significant in terms of overall impact; harm to the planning policy framework, having sought advice from the Head of Planning and Regulatory Services and the Head of Legal and Democratic Services (or Officers attending Committee on their behalf)
  - A final decision on the application will be deferred to allow associated risks to be clarified and conditions/refusal reasons to be properly drafted.
  - An additional officer report will be prepared and presented to the next Development Control Committee detailing the likely policy, financial and reputational etc risks resultant from overturning a recommendation, and also setting out the likely conditions (with reasons) or refusal reasons. This report should follow the Council's standard risk assessment practice and content.
  - In making a decision to overturn a recommendation, Members will clearly state the material planning reason(s) why an alternative decision is being made, and which will be minuted for clarity.
- In all other cases, where Development Control Committee wishes to overturn a recommendation:
  - Members will clearly state the material planning reason(s) why an alternative decision is being made, and which will be minuted for clarity.
  - In making a proposal, the Member will clearly state the condition and its reason or the refusal reason to be added/deleted/alterred, together with the material planning basis for that change.
  - Members can choose to
    - delegate the detailed wording and reason to the Head of Planning and Regulatory Services
    - delegate the detailed wording and reason to the Head of Planning and Regulatory Services following consultation with the Chair and Vice Chair(s) of Development Control Committee
- Member Training



- In order to ensure robust decision-making all members of Development Control Committee are required to attend annual Development Control training.

## **Notes**

Planning Services (Development Control) maintains a catalogue of 'standard conditions' for use in determining applications and seeks to comply with Circular 11/95 "The Use of Conditions in Planning Permissions."

Members/Officers should have proper regard to probity considerations and relevant codes of conduct and best practice when considering and determining applications.

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# Development Control Committee



*St Edmundsbury*  
BOROUGH COUNCIL

**Minutes** of a meeting of the **Development Control Committee** held on  
**Thursday 4 June 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	Ivor Mclatchy
Carol Bull	Alaric Pugh
John Burns	David Roach
Robert Everitt	Peter Stevens
Paula Fox	Julia Wakelam
Susan Glossop	Patricia Warby
Ian Houlder	

75. **Substitutes**

No substitutions were announced.

76. **Election of Chairman**

It was proposed, seconded and

RESOLVED – That Councillor Jim Thorndyke be elected Chairman of this Committee.

77. **Apologies for Absence**

No apologies for absence were received.

78. **Appointment of Vice-Chairmen**

It was proposed, seconded and

RESOLVED – That Councillors Tim Marks and Angela Rushen be elected Vice-Chairmen of this Committee.

79. **Minutes**

The minutes of the meeting held 30 April were confirmed as a correct record and signed by the Chairman.

80. **Planning Applications**

The Committee considered Reports DEV/SE/15/36 to DEV/SE/15/40. Report DEV/SE/15/35 had been withdrawn from the agenda.

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 reports (DEV/SE/15/36 to DEV/SE/15/40) 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.

81. **Planning Application DC/14/0086/FUL**

**Erection of new building to include 3 no. retail units and 4 no. residential units, as amended by elevational changes received 18 December 2014, at Empire Yard, Brook Service Road, Haverhill for Mr G Edwards**

This application, Report reference DEV/SE/15/35, had been withdrawn from the agenda by Officers following consultation with the Chairman.

82. **Planning Application DC/15/0454/FUL and Listed Building Application DC/15/0455/LB**

- (a) **Planning Application DC/15/0454/FUL : (i) proposed new dwelling; (ii) covered parking; (iii) vehicular access (including widening gap in the boundary wall); and (iv) associated infrastructure ; and**
- (b) **Listed Building Application DC/15/0455/LB : Partial demolition of boundary wall to widen existing gap to create vehicular access**

**at land adjacent to The White House, Nethergate Street, Clare for Mr Patrick and Mrs Heidi Daniels**

The Committee had visited the site of the applications on 28 May 2015.

Officers reported that Clare Town Council had been re-consulted following the submission of additional information by the applicants regarding the construction of the vehicular access. A response had been received that too short a period had been allowed for this information to be considered by the Town Council and that it was prevented by its Standing Orders from rescinding its previous decision which was to indicate support for the applications. Officers advised that if a Parish Council requested an extension to a consultation period it was usual practice to grant this if reasonable. At the request of the applicants' agent photographs were shown which indicated how paving materials and gates relating to the proposed access might look.

The following persons spoke on the applications :

- (a) Objector - Mr R D Reynolds
- (b) Applicants - Michael Hendry, agent, and Lee Frere, architect.

In discussing the proposal some Members expressed the view that whilst the principle of new building on the site may be acceptable there were concerns about the design of the proposed dwelling as it was felt to be disjunctive with its surroundings. The proposed gates were also felt to be incongruous. Additionally there were fears of potential flooding of the application site and of the threat to beech trees immediately adjacent in Nethergate Street.

#### Decision

Permission be refused.

### 83. **Planning Application DC/15/0490/FUL**

**2 no. detached dwellings with double garage and new shared vehicular access, as amended by plans received 9 May 2015, at land adjacent to Sucrierie, Old Bury Road, Stanton for Mr. Kevin Bird**

*(Councillor Thorndyke declared a Local Non-pecuniary Interest in this item as a Member of Stanton Village Hall Management Committee whose premises adjoined the application site. He vacated the chair in favour of Councillor Mrs Rushen, one of the Vice-Chairmen. After speaking as the Ward Member Councillor Thorndyke withdrew from the meeting during the consideration of this item)*

The Committee had visited the application site on 28 May 2015.

A Committee Update Report had been previously circulated after the agenda and papers for this meeting had been distributed. This provided additional comments from Stanton Parish Council and Suffolk County Council, Highways. The highways authority had recommended the imposition of an additional condition if planning permission was to be granted. This would require the prior submission and approval of the means of preventing the discharge of surface water onto the highway.

In the event of planning permission being granted Officers suggested an amendment to the proposed Condition 8 to make it clear which of the accesses to the application site was to be stopped up. A further condition to ensure that construction traffic only used the access off the Old Bury Road was also proposed by them.

The following person spoke on the application:

Ward Member - Councillor Jim Thorndyke.

In discussing the proposal some Members expressed a concern that there was potential for complaints to arise from the prospective occupiers of the proposed dwellings about activities at the village hall and associated vehicular movements during the late evening. Officers advised that Environmental Health had not expressed any concerns about potential noise nuisance. The Block Plans were indicating that a wall was proposed along the eastern edge of the site which bounded the access road to the village hall. Officers advised that a proposed Condition 4 required the details of boundary treatment to be submitted and approved and that specific consideration would be paid to this issue. The Committee indicated that the provision of an acoustic fence should be looked upon more favourably. A member suggested that tree and hedge planting would provide further screening which would ameliorate the potential problems being envisaged. Officers advised that the proposed Condition 5 would necessitate the submission of a landscaping scheme for approval and specific attention could be also be given to this consideration.

#### Decision

Permission be granted subject to:

- (i) the amendment of Condition 4, Details of Boundary Treatment, to make it clear that elements of acoustic fencing are to be provided along the boundaries with the village hall:
- (ii) the amendment of Condition 8 so that this reads as follows:

'The access shall be completed in all respects in accordance with Drawing No. DM02 with an entrance width of 4.5 metres and will be available for use before the development is first occupied. Thereafter it shall be retained in its approved form. At this time all other means of access on the eastern side of the application site (i.e. off the access to the village hall) shall be permanently and effectively 'stopped up' in a manner which previously shall have been approved in writing by the Local Planning Authority.

Reason: In the interest of highway safety to ensure the approved layout is properly constructed and laid out and to avoid multiple accesses which would be detrimental to road safety.'

- (iii) the addition of a condition as follows:

'15. No development shall commence until details have been 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.

Reason: It is considered necessary to impose a pre-commencement condition so that any potential safety issues can be resolved prior to construction. This will ensure the prevention of hazards caused by flowing water or ice on the highway in the interests of road safety'; and

(iv) the inclusion of a further condition as follows:

'16. During the construction phase of the development hereby approved, all construction traffic, including deliveries made to the site, shall use the access off the Old Bury Road and at no time shall the village hall access be used.

Reason: In the interests of road safety to ensure the village hall access is kept clear at all times.'

*(At this point in the meeting the Vice-Chairman relinquished the Chair in favour of the Chairman)*

**84. Listed Building Application SE/13/0902/LB**

**(i) Demolition of Buildings 5, 6, 8, 9 and 11; (ii) repair exposed walls and features of retained buildings and exposed ground; and (iii) internal works to French Gothic Building to install new service core and form new office suites, as amended by details received 9 August 2013, at Gurteen & Sons Ltd., Haverhill for D Gurteen & Sons.**

*(Councillor Tony Brown declared a Pecuniary Interest as the applicants were a client of the business operated by him and he withdrew from the meeting during the consideration of this item)*

Officers reported that Councillor Jason Crooks had written to Members of the Committee on an individual basis expressing his views on the application.

The following person spoke on the application:

Applicants - Mike Carpenter, agent.

A motion that consideration of the application be deferred until such time as consultation on the Haverhill Town Centre Masterplan had been carried out was lost.

In discussing the application further it was acknowledged by some members that the application was an integral part of the regeneration of the Town Centre and following on from the discussions which had taken place with the applicants it was important to maintain the momentum towards this objective. A member asked how definite the proposed phases involved with the redevelopment were. Officers responded by reference to the Development Principles and Feasibility Study document which, although not

forming part of the application under consideration, outlined various options for the re development of the remainder of the site and indicated that there would be further applications in the future. These applications would be the subject of further public consultation. Officers referred to the public misconception that the current application was to be deferred until after the consultation process on the Haverhill Town Centre Masterplan had been carried out and explained that the present scheme had been referred to the consultants preparing the Masterplan to obtain independent views on whether or not the proposals were in accord with the concepts to be contained in the Masterplan regarding the re-development of the centre of Haverhill. A response had been received that the proposals were in accordance with the aims of the Masterplan; it being acknowledged that the Masterplan would not contain details for the re-development of the Gurteens' site. Discussions were continuing with the applicants and involving English Heritage regarding proposals for the remaining buildings on the site. In relation to the current proposal Officers advised that the programme of works would be closely monitored and controlled through the phasing of demolition. In response to Members' questions Officers advised that the proposed phasing of works was only indicative at this stage and it may or may not be subject to change in future and that the availability of grant aid had been investigated and there were no proposals currently which were eligible. Depending on uses identified for other buildings the possibility of attracting funding would be investigated. Reference was made by a Member to the proposal by Haverhill in Bloom to incorporate artwork into the wall which formed the boundary between the Churchyard and the application site and sought an assurance that this could still be facilitated following demolition works. It was confirmed that the demolition of Building 5 would be done so as not to jeopardise the proposal to install the artwork.

#### Decision

Listed Building Consent be granted.

#### **85. Prior Approval Application DC/15/0816/P14JPA**

##### **Installation of 100kWp solar photovoltaic panels at Denny Bros, Kempson Way, Bury St Edmunds for St. Edmundsbury Borough Council**

This matter was required to be dealt with by the Committee because the application had been made by the Council.

#### Decision

As the proposal is acceptable in terms of design and appearance it be agreed that Prior Approval is not required.



86. **DC/15/0912/TCA Trees in a Conservation Area Notification**

**(i) 3 no. Goat Willow (T1, T2 and T6) – fell; (ii) Birch (T3) – remove side stem and balance the canopy ; and (iii) 2 no. Thuja (T4 and T5) – fell**

**at Flempton House, Bury Road, Flempton for Andrew Speed**

*(Councillor Susan Glossop advised that she lived opposite the application site. Whilst not having a Pecuniary Interest she withdrew from the meeting during the consideration of this item to avoid any perception of pre-determination or bias.)*

This application had been added to the agenda by way of a supplementary item of urgent business because of the need for it to be determined by 16 June 2015. At the time of making the application the applicant was not a Member of the Council but he had been elected subsequently on 7 May. The application, therefore, was required to be determined by the Committee.

Decision

A Tree Preservation Order be not served and the tree works be allowed to proceed.

The meeting concluded at 11.45 am.

**Signed by:**

**Chairman**

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*St Edmundsbury*  
BOROUGH COUNCIL

# **Development Control Committee**

## **2 July 2015**

### **Planning Application DC/15/0638/LB** **Angel Barn, Bury Road, Hengrave**

<b>Date</b>	13 April 2015	<b>Expiry Date:</b>	8 June 2015
<b>Registered:</b>			
<b>Case Officer:</b>	Charlotte Waugh	<b>Recommendation:</b>	Refuse
<b>Parish:</b>	Hengrave	<b>Ward:</b>	Risby

**Proposal:** Application for Listed Building Consent - provision of 16 no solar panels to roof

**Site:** Angel Barn, Bury Road, Hengrave, Suffolk, IP28 6LT

**Applicant:** Mr Ian Turner

**Synopsis:**

Application under the Town and Country Planning Act 1990 and the (Listed Building and Conservation Areas) Act 1990 and Associated matters.

**Recommendation:**

It is recommended that the Committee determine the attached application and associated matters.

CONTACT CASE OFFICER:

Email: [charlotte.waugh@westsuffolk.gov.uk](mailto:charlotte.waugh@westsuffolk.gov.uk)  
Telephone: 01284 757349

**Background:**

**This application is referred to the Committee following consideration by the Delegation Panel. It was referred originally to the Delegation Panel as the Parish Council's comments in support of the application were contrary to the Officer recommendation for refusal.**

**Proposal:**

1. The application seeks permission to install 16 solar panels to the south, east and west roof slopes of Angel Barn. The panels measure 1 x 1.6 metres and would be mounted 'in-roof'.

**Application Supporting Material:**

2. Information submitted with the application as follows:
  - Block Plan
  - Existing and proposed plans
  - Solar panel details
  - Design and Access Statement
  - Heritage Statement

**Site Details:**

3. The property is a single storey converted barn built of brick and flint with a natural slate roof. The building is Grade II curtilage listed. Whilst visible from Bury Road the entrance to the dwelling is on the side elevation with two rear projecting wings forming a courtyard.

**Planning History:**

4. SE/05/02477 - Planning Application - (i) Conversion of flint barns to one single storey dwelling, (ii) erection of 3 bay garage with storage loft above and associated alterations to access

SE/05/02482 - Listed Building Application - Conversion of flint barns to one single storey dwelling

**Consultations:**

5. Conservation Officer: Recommend refusal. This matter is discussed in more detail within the report.

**Representations:**

6. Hepworth Parish Council: Support the application.
7. No third party representations have been received.

**Policy:** The following policies of the Joint Development Management Policies Document and the St Edmundsbury Core Strategy December 2010 have been taken into account in the consideration of this application:

- (a) Joint Development Management Policies Document:
  - Policy DM1 Presumption in favour of sustainable development
  - Policy DM2 Creating places
  - Policy DM8 Low and zero carbon energy generation
  - Policy DM15 Listed buildings
  - Policy DM24 Alterations or extensions to dwellings
  
- (b) St Edmundsbury Core Strategy December 2010
  - Policy CS3 Design and Local Distinctiveness as supported by supplementary planning document 'Development Design and Impact'.
  
- (c) Rural Vision 2031
  - Policy RV1 Presumption in favour of sustainable development.

**Other Planning Policy:**

- 8. National Planning Policy Framework (NPPF) (2012) Core Principles and Paragraphs 126-141

**Officer Comment:**

- 9. The issues to be considered in the determination of the application are:
  - Principle of Development
  - Impact on listed building
  
- 10. Policy DM24 permits alterations to dwellings providing they respect the character, scale and design of existing dwellings. Furthermore, Policy DM15 seeks to protect the special character and appearance of listed buildings and prevent alterations which are detrimental to its significance.
  
- 11. In this case, the application proposes to fix 16 no. solar panels to the inner courtyard roof slopes of Angel Barn, a Grade II curtilage listed building. The barn was converted in the last decade and the special architectural and historic interest of the barn lies in its simple form and character.
  
- 12. The barn backs onto the road with the south western elevation facing into a courtyard formed by two wings extending south west either end of the central range. The main curtilage of the dwelling is to the south and south west with a cart lodge located south of the barn. The grounds of Hengrave Hall a Grade II\* listed building back onto the site. Views of the solar panels from outside the site would be limited if available at all, but the panels would clearly be visible from within the site.

13. From the details supplied it would appear the panels would be glass faced with shiny black panels set in aluminium frames fixed directly to the roofing battens having removed the existing slates. This will presumably result in a more flush arrangement. However, it is considered that the shiny hard edged appearance of the panels would contrast harshly with the mellow and more natural colour and softer texture of the existing slate roof covering, making them appear as an incongruous prominent addition detracting from the simple form of the roof, an important element of this building.
14. For these reasons it is considered that the installation of the panels on the roof of Angel Barn would be visually and architecturally unacceptable. They would be harmful to the intrinsic architectural and historic character of the building, adversely affect its appearance and thereby fail to preserve or enhance its character, appearance or setting. The fact that the panels will not be readily visible in public views might readily be taken as limiting any wider harm but this does not influence or effect the high degree of intrinsic harm that it is considered will be caused to the listed building as a result of the wholly inappropriate detailing, materials and appearance of the proposal.
15. The NPPF states that where development would lead to a less than substantial harm to the significance of a designated heritage asset, the harm should be weighed against the public benefits of the proposal, including securing its optimal viable use. In this case, the installation of solar panels, whilst having a benefit to the occupants in terms of energy generation, and whilst making some modest contribution towards the generation of renewable energy generally, does not have any significant wider public benefit to weigh in its favour.
16. The proposal would therefore be contrary to Policy DM15 of the Forest Heath & St Edmundsbury Joint Development Management Policies Document and in the absence of any public benefit relevant policies within the NPPF, specifically Paragraph 134.

**Conclusion:**

17. In conclusion, the principle and detail of the development is considered to conflict with relevant development plan policies and the National Planning Policy Framework and as such, is recommended for refusal.

**Recommendation:**

18. It is **RECOMMENDED** that planning permission be **Refused** for the following reason:

**The installation of 16 no. solar panels on the roof of Angel Barn would be visually and architecturally unacceptable. The shiny panels would appear incongruous and prominent against the slate roof, detracting from its simple form. This would be**

**detrimental to the special architectural and historic character of the building, adversely affect its appearance and thereby fail to preserve or enhance its character, appearance or setting. The proposal would therefore be contrary to Policy DM15 (listed buildings) of the Joint Development Management Policies Document and, in the absence of any significant public benefit to outweigh this harm, also it is contrary to Paragraph 134 of the National Planning Policy Framework.**

**Documents:**

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online:

<https://planning.westsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=NLNXDZPD04S00>

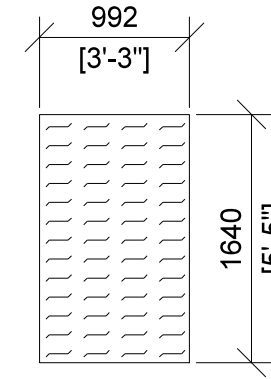
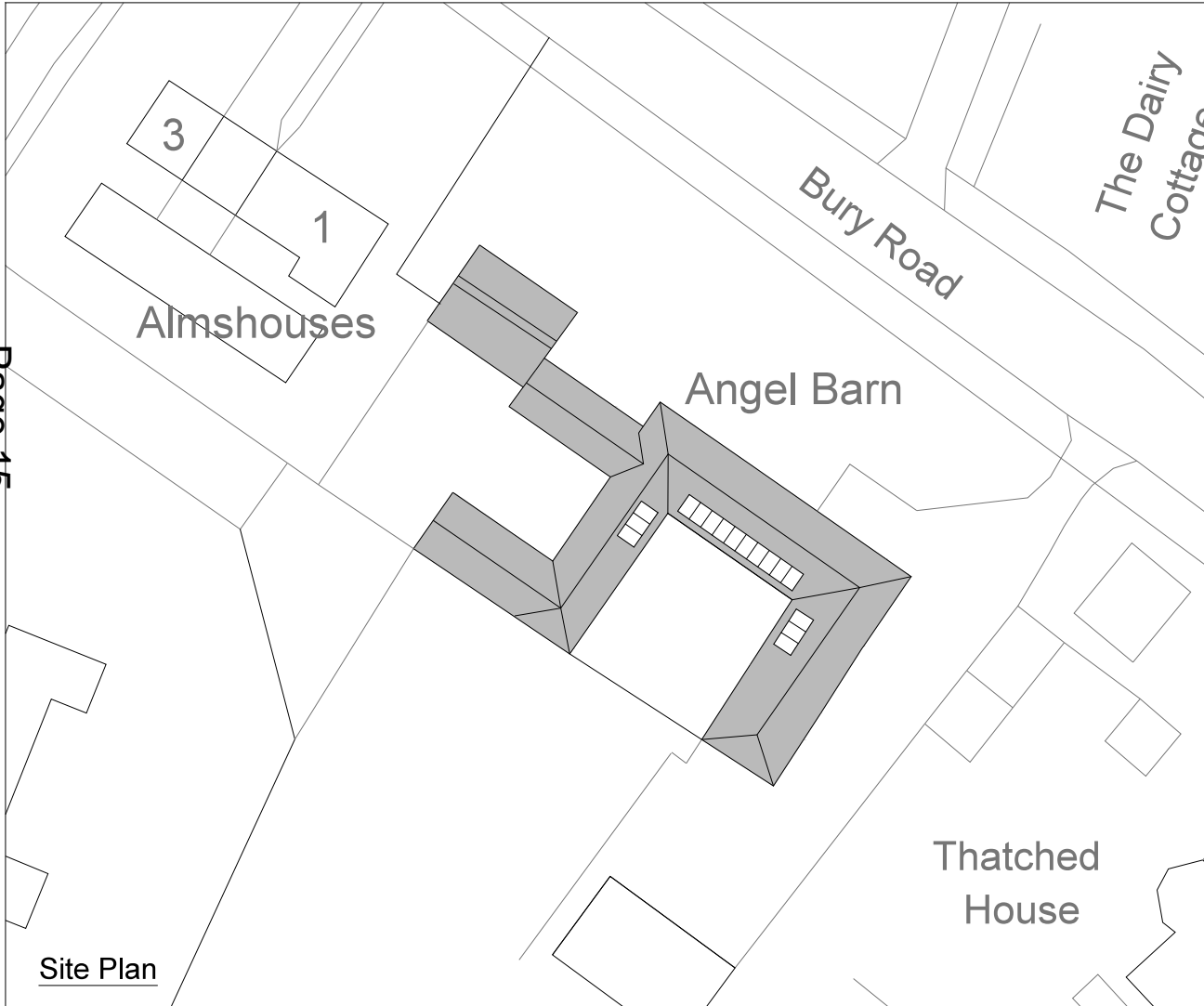
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Proposed Solar Panel Plans  
Elevation & Sections - 1:100  
Site Plan - 1:500  
Location Plan - 1:1250



**Angel Barn,**  
Hengrave,  
Bury St Edmunds,  
Suffolk. IP28 6LT



833 Monocrystalline  
Module 40mm deep  
with Enphase micro  
inverters 1 per panel.



Site Plan

Location Plan

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# Development Control Committee



St Edmundsbury  
BOROUGH COUNCIL

<b>Title of Report:</b>	<b>Overview and Update of Planning Enforcement Services</b>	
<b>Report No:</b>	<b>DEV/SE/15/42</b>	
<b>Report to and date/s:</b>	<b>Development Control Committee</b>	2 July 2015
<b>Portfolio holder:</b>	Cllr Alaric Pugh Portfolio Holder for Planning and Growth <b>Tel:</b> 07930460899 <b>Email:</b> alaric.pugh@stedsbc.gov.uk	
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<b>Purpose of report:</b>	To note existing caseloads and receive an update on enforcement work moving forward.	
<b>Recommendation:</b>	<p><b>It is <u>RECOMMENDED</u> that the Committee notes the following:</b></p> <p>(1) <b>Caseload and Performance update;</b>  (2) <b>Case update on The Birches, Glassfield Road, Bardwell; and</b>  (3) <b>Enforcement Priorities and Work Programme.</b></p>	
<b>Key Decision:</b>	<p><i>Is this a Key Decision and, if so, under which definition?</i></p> <p>Yes, it is a Key Decision - <input type="checkbox"/></p> <p>No, it is not a Key Decision - <input checked="" type="checkbox"/></p>	
(Check the appropriate box and delete all those that <b>do not</b> apply.)		
<p>The key decision made as a result of this report will be published within <b>48 hours</b> and cannot be actioned until <b>seven working days</b> have elapsed. This item is included on the Decisions Plan.</p>		

<b>Consultation:</b>		• None required for this report	
<b>Alternative option(s):</b>		• N/A	
<b>Implications:</b>			
Are there any <b>financial</b> implications? <i>If yes, please give details</i>		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> •	
Are there any <b>staffing</b> implications? <i>If yes, please give details</i>		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> •	
Are there any <b>ICT</b> implications? <i>If yes, please give details</i>		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> •	
Are there any <b>legal and/or policy</b> implications? <i>If yes, please give details</i>		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> •	
Are there any <b>equality</b> implications? <i>If yes, please give details</i>		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> •	
<b>Risk/opportunity assessment:</b>		<i>(potential hazards or opportunities affecting corporate, service or project objectives)</i>	
<b>Risk area</b>	<b>Inherent level of risk</b> (before controls)	<b>Controls</b>	<b>Residual risk</b> (after controls)
Information report only	To be noted		
<b>Ward(s) affected:</b>		All Wards	
<b>Background papers:</b> <i>(all background papers are to be published on the website and a link included)</i>		None	
<b>Documents attached:</b>		None	

## **Key issues and reasons for recommendation**

### **Background**

- (i) The purpose of this report is to give Members an update on Planning Enforcement including caseloads, performance, and how the function will develop in the future. Members may be aware that up until March 2015 enforcement was outsourced to LSR Solicitors, and has been since the summer of 2014 as a result of staffing issues.
- (ii) Since that time an Enforcement Team has been recruited, which now consists of 3 Enforcement Officers and one Officer providing administrative support. The team is also supported by one Principal Planner from the Development Management Team. During March 2015, the enforcement caseload was returned in-house. This consisted of approximately 75 St Edmundsbury cases that had previously been handled by LSR. That caseload, along with a longer standing backlog of more historic cases is now being worked through in conjunction with any new cases as they are raised. 4 cases have been retained by LSR for continuity purposes due to their complexity.

### **1. Caseload and Performance**

- 1.1 The following statistics for St Edmundsbury give an indication of the workflow generated and closed:
  - (i) During the 12 months ending 31 May 2015, 186 new cases were opened (West Suffolk total 321).
  - (ii) In the same period 187 cases were investigated and closed (West Suffolk total 331).
  - (iii) As of 31 May 2015 there were 217 St Eds cases outstanding (West Suffolk total 301).
  - (iv) In the 12 months ending 31 May 2015, 19 notices have been served and one withdrawn.
- 1.2 There are currently two appeals outstanding with the Planning Inspectorate pending determination (four across West Suffolk). There are approximately 10 cases in West Suffolk where formal action is being considered as notices have not been complied with.

### **2. Case update: The Birches, Glassfield Road, Bardwell**

- 2.1 An update is hereby provided due to the complex and controversial nature of this breach.
- 2.2 Members will recall the refusal of this retrospective planning application at the Committee's meeting on 5 March 2015. Members will note that the site as originally approved by the appeal Inspector had not been implemented in accordance with the approval, including the incorrect siting and use of the stable block and including a number of additional caravans, hardstanding and associated developments.

- 2.3 Officers had been alerted to this site in September 2014, after concerns were raised about unauthorised developments. At this stage the unauthorised development was noted as being the siting of additional touring caravans. Discussion with the Gypsy Liaison Officer indicated a transient siting and a 'watching brief' was adopted. However, in late November 2014 it was noted that additional physical works were being undertaken on site, including the creation of an extensive hardstanding and the siting and occupation of one additional static caravan and multiple (up to 8) additional touring caravans. Additionally, the site had been subdivided with three further unauthorised pitches having been created and the entire site contained a significant number of additional vehicles, including domestic and non-domestic.
- 2.4 At this stage it was also understood by Officers that there was the prospect of additional significant development occurring, including the siting of additional static caravans and the creation of a further pitch and hardstanding. Noting the significance of the breach, and noting the speed with which the unauthorised development had proceeded, Officers considered that injunctive relief in the High Court was the only possible recourse in these circumstances.
- 2.5 Accordingly, an injunction was sought, and granted, in the High Court. This injunction, noting the very significant visual harm arising from the unauthorised development, sought to rectify the breaches, including the creation of additional pitches, the siting of additional touring and static caravans, as well as the parking of a materially significant number of additional vehicles.
- 2.6 The requirement of the injunction to remedy the breaches was held in abeyance, but only until 19 March 2015, and only on the basis that a valid retrospective planning application (that refused by the Committee on 5 March 2015) was submitted by 12 January 2015.
- 2.7 Since the time of the refusal no extension of the time period for compliance with the terms of the injunction has been sought. A number of subsequent inspections have revealed that the matter is now closer to resolution, albeit breaches of the injunction remain despite repeated requests to the site owners to comply.
- 2.8 As a result of this the Local Planning Authority (LPA) has commenced formal committal proceedings to take this matter back before the Court. A hearing at the Court took place on 24 June and a further update on this can be provided at the meeting.

### **3. Enforcement Priorities and work programme.**

#### 3.1 Local Enforcement Plan

- 3.1.1 On publication of the National Planning Policy Framework (NPPF), the key enforcement guidance PPG18 was deleted. The NPPF does however give Local Planning Authorities (LPAs) the opportunity to produce a Local Enforcement Plan (LEP). This is a chance to make a statement as to what work we will do, how we will do it, and to begin to consider enforcement as a proactive, rather than a reactive service. Weight can be given to those matters that we will prioritise. The Government is promoting this approach by opening up

additional funding to those Authorities who have a LEP in place.

- 3.1.2 In relation to the Local Enforcement Plan, the Enforcement Team has been working with Corporate Officers with a view to consulting Members and Parish/Town Councils on what matters they consider locally important and what to prioritise, so that what is produced is representative of the communities in West Suffolk. The consultation should take place over the next few weeks and a plan put in place shortly after.
- 3.2 Compliance of outstanding notices.
  - 3.2.1 As indicated above, there are 10 ongoing cases where compliance with notices is outstanding. In these instances there are two options available to the Council. Firstly prosecution and secondly works in default – i.e. the Council entering the land and carrying out remedial works themselves. This is known as Direct Action.
  - 3.2.2 Prosecution has been the general route Councils have historically chosen, however this is costly and the Courts cannot order the remedial work to be done. Whilst Direct Action is also expensive, costs can be pursued and it does get the job done. Similarly it presents a good deterrent effect.
  - 3.2.3 Apart from cost, the procurement process has always been an internal barrier in taking this course of action. To address this, works are currently underway to establish a Procurement Framework so that in due course, taking Direct Action will be less onerous and a quicker process to pursue. It is hoped to have something in place by the end of the year.

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