

Development Control Committee



Title	Agenda		
Date	Wednesday 6 April 2022		
Time	10.00 am		
Venue	Conference Chamber West Suffolk House Western Way Bury St Edmunds, IP33 3YU		
Full Members	<div>Chair Andrew Smith</div> <div>Vice Chairs Mike Chester and Jim Thorndyke</div> <div><div>Conservative Group (10)</div><div>Carol Bull Andy Drummond Susan Glossop Brian Harvey</div><div>Ian Houlder David Roach Peter Stevens</div></div> <div><div>The Independent Group (6)</div><div>Richard Alecock John Burns Jason Crooks</div><div>Roger Dicker David Palmer</div></div> <div><div>Labour Group (1)</div><div>David Smith</div></div>		
Substitutes	<div><div>Conservative Group (5)</div><div>Nick Clarke John Griffiths James Lay</div><div>Sara Mildmay-White David Nettleton</div></div> <div><div>The Independent Group (2)</div><div>Trevor Beckwith</div><div>Andy Neal</div></div> <div><div>Labour Group (1)</div><div>Diane Hind</div></div>		
Interests – declaration and restriction on participation	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.		
Quorum	Six Members		
Where required, site visits will be facilitated virtually by way of the inclusion of videos within the Case Officer’s presentation of the application to the meeting			
Committee administrator	Helen Hardinge - Democratic Services Officer Telephone 01638 719363 Email helen.hardinge@westsuffolk.gov.uk		

Venue	Conference Chamber West Suffolk House Western Way, Bury St Edmunds, IP33 3YU
Contact information	Telephone: 01284 763233 Email: democratic.services@westsuffolk.gov.uk Website: www.westsuffolk.gov.uk
Access to agenda and reports before the meeting	The agenda and reports will be available to view at least five clear days before the meeting on our website.
Attendance at meetings	<p>This meeting is being held in person in order to comply with the Local Government Act 1972.</p> <p>Measures have been applied to ensure the health and safety for all persons present at meetings. We may also be required to restrict the number of members of the public able to attend in accordance with the room capacity.</p> <p>If you consider it is necessary for you to attend, please let Democratic Services know in advance of the meeting so they can endeavour to accommodate you and advise you of the necessary health and safety precautions that apply to the meeting.</p> <p>For further information about the venue, please visit https://www.westsuffolk.gov.uk/contact-us.cfm</p>
Public participation	Members of the public have the right to speak at the Development Control Committee, subject to certain restrictions. Further information is available via the separate link on the agenda's webpage for this meeting.
Accessibility	If you have any difficulties in accessing the meeting, the agenda and accompanying reports, including for reasons of a disability or a protected characteristic, please contact Democratic Services at the earliest opportunity using the contact details provided above in order that we may assist you.
Recording of meetings	<p>The Council may record this meeting and permits members of the public and media to record or broadcast it as well (when the media and public are not lawfully excluded).</p> <p>Any member of the public who attends a meeting and objects to being filmed should advise the Committee Administrator who will instruct that they are not included in the filming.</p>
Personal information	<p>Any personal information processed by West Suffolk Council arising from a request to speak at a public meeting under the Localism Act 2011, will be protected in accordance with the Data Protection Act 2018. For more information on how we do this and your rights in regards to your personal information and how to access it, visit our website: https://www.westsuffolk.gov.uk/Council/Data_and_information/howweuseinformation.cfm or call Customer Services: 01284 763233 and ask to speak to the Information Governance Officer.</p>

Development Control Committee

Agenda 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)
 - 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.
 - The following planning local plan documents covering West Suffolk Council:
 - Joint development management policies document 2015
 - In relation to the Forest Heath area local plan:
 - i. The Forest Heath Core Strategy 2010 as amended by the High Court Order 2011
 - ii. Core strategy single issue review of policy CS7 2019
 - iii. Site allocations local plan 2019
 - In relation to the St Edmundsbury area local plan:
 - i. St Edmundsbury core strategy 2010
 - ii. Vision 2031 as adopted 2014 in relation to:
 - Bury St Edmunds
 - Haverhill
 - Rural

Note: The adopted Local Plans for the former St Edmundsbury and Forest Heath areas (and all related policy documents, including guidance and SPDs) will continue to apply

to those parts of West Suffolk Council area until a new Local Plan for West Suffolk is adopted.

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 or 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 must be determined in accordance with the Development Plan (see section 3 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 via the separate link on the agenda's webpage for this meeting.

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 Director (Planning and Growth);

- delegate the detailed wording and reason to the Director (Planning and Growth) 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 Director (Planning and Growth) and the Director (HR, Governance and Regulatory) (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/alterd, together with the material planning basis for that change.
 - Members can choose to;
 - delegate the detailed wording and reason to the Director (Planning and Growth)
 - delegate the detailed wording and reason to the Director (Planning and Growth) 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 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.

Agenda

Procedural matters

Part 1 – public

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

1 - 10

To confirm the minutes of the meeting held on 2 March 2022 (copy attached).

4. Declarations of interest

Members are reminded of their responsibility to declare any pecuniary or local non pecuniary interest which they have in any item of business on the agenda, **no later than when that item is reached** and, when appropriate, to leave the meeting prior to discussion and voting on the item.

5. Planning Application DC/22/0037/FUL - Woodland Ways Pond Covert, Sebert Road, Bury St Edmunds

11 - 20

Report No: **DEV/WS/22/010**

Planning Application - a. metal container for storage purposes and b. 1.8 metre high close boarded fence and gates

6. Planning Application DC/22/0113/LB - 7 The West Front, Samsons Tower, The Great Churchyard, Bury St Edmunds

21 - 32

Report No: **DEV/WS/22/011**

Application for listed building consent - roofing remedial works to Samson's tower as amended by plan received 04 March 2022

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Development Control Committee



Minutes of a meeting of the **Development Control Committee** held on **Wednesday 2 March 2022** at **10.00 am** in the **Conference Chamber, West Suffolk House**, Western Way, Bury St Edmunds IP33 3YU

Present **Councillors**

Chair Andrew Smith

Vice Chairs Mike Chester and Jim Thorndyke

Carol Bull

Ian Houlder

John Burns

Andy Neal

Jason Crooks

David Nettleton

Roger Dicker

David Palmer

Susan Glossop

David Roach

Brian Harvey

Peter Stevens

Diane Hind

In attendance

Stephen Frost (Ward Member: Lakenheath)

213. **Apologies for absence**

Apologies for absence were received from Councillors Richard Alecock, Andy Drummond and David Smith.

214. **Substitutes**

The following substitution was declared:

Councillor Andy Neal substituting for Councillor Richard Alecock;
Councillor David Nettleton substituting for Councillor Andy Drummond; and
Councillor Diane Hind substituting for Councillor David Smith

215. **Minutes**

The minutes of the meeting held on 2 February 2022 were confirmed as a correct record, with 15 voting for the motion and 1 abstention, and were signed by the Chair, subject to the following amendment:

212 Planning Application DC/21/1142/FUL - All Saints Hotel, The Street, Fornham St Genevieve

The application was referred to the Development Control Committee from the Delegation Panel because ~~both~~ Fornham St Martin cum St Genevieve Parish Council and ~~Bury St Edmunds Town Council~~ had objected, whilst Fornham All Saints Parish Council raised no objections to the application. The Ward Members for The Fornhams and Great Barton Ward and one of the Ward Members of the adjoining Tollgate Ward had all objected to the proposal.

216. **Declarations of interest**

Members' declarations of interest are recorded under the item to which the declaration relates.

217. **Public Speaking Protocol**

Members were requested to approve the Committee's amended Public Speaking Protocol which had been revised to reflect the change recommended by the Constitution Review Group in respect of Ward Members being permitted to act on behalf of, and with the approval of, the Ward Member under the public speaking part of the meeting.

West Suffolk's Council meeting had approved the necessary constitutional change at the meeting on 22 February 2022.

Councillor David Nettleton spoke in support of the amendment but highlighted the need for an (s) to be added after the reference to the approving Ward Member in order to reflect, that where wards had more than one Ward Member, that all Ward Members concerned had given the adjacent Ward Member their approval to act on their behalf.

Councillor Jim Thorndyke proposed that the document be approved, subject to the amendment proposed by Councillor Nettleton and speaking methods B and C being swapped in order. This was duly seconded by Councillor David Roach.

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

Decision

The attached Public Speaking Protocol be **APPROVED** subject to:

- An (s) being added after the reference to the approving Ward Member in order to reflect, that where wards had more than one Ward Member, that all Ward Members concerned had given the adjacent Ward Member their approval to act on their behalf; and
- Speaking methods B and C being swapped in order.

218. **Planning Application DC/20/2115/FUL - 26 Angel Hill, Bury St Edmunds (Report No: DEV/WS/22/005)**

(Councillor Diane Hind declared a non-pecuniary interest in this item in light of the fact that she had taken part in Bury St Edmunds Town Council's consideration of the application. However, Councillor Hind stressed that she would keep an open mind and listen to the debate prior to voting on the item.)

Planning Application - a. ground floor retail unit; b. four flats on first and second floor. (Revised submission to DC/18/0068/FUL to allow for amended window details, including for bedroom windows on the rear elevation to be fixed shut, provision of external ventilation grilles, and retention of first floor external maintenance door on the

rear elevation). As amended by details received on 22 and 29 November 2021

This application was referred to the Development Control Committee following consideration by the Delegation Panel. The application was referred to the Delegation Panel following a request from Councillor Jo Rayner as Ward Member (Abbeygate). Bury St Edmunds Town Council raised no objection.

The Committee was advised that planning permission was originally granted in 2019 for a ground floor retail unit and 4 no. first and second floor flats above following the demolition of an existing shop on the site that was destroyed in a fire. Both the shop and the residential units had been completed and are understood to be occupied. Openable windows had been installed to the bedrooms of the flats, contrary to a condition on the original permission requiring them to be fixed shut for noise mitigation purposes. A first-floor external door had also been installed without planning permission.

Permission was previously sought for the retention of the door under application DC/19/2189/VAR, which was refused on 8 April 2020. No appeal was lodged against that refusal.

Attention was drawn to the list of conditions set out in Paragraph 60 of Report No DEV/WS/22/005 and Members were advised that Conditions 3 (a duplicate of Condition 5) and 8 (referenced in Paragraph 52) were not necessary and were to be disregarded and replaced with the following conditions which had been omitted from the report:

- Replacement Condition 3 - There shall be no access to the first-floor flat roof area, apart from for the purposes of essential building maintenance.
- Replacement Condition 8 - The first floor bin storage area shown on drawing number F982/15 Revision M, as installed shall thereafter be retained and used for no other purpose.

Subject to these changes to the conditions listed, Officers were recommending that the application be approved.

As part of her presentation the Principal Planning Officer showed videos of the site by way of a virtual 'site visit'.

Speakers: David Marjoram (neighbouring objector – owner of The One Bull) spoke against the application
Councillor Jo Rayner (Ward Member: Abbeygate) spoke against the application
Councillor Julia Wakelam (Ward Member: Abbeygate) spoke against the application

A number of the Committee raised questions in respect of any related enforcement process, the Service Manager (Planning – Development) stressed to Members that any potential subsequent enforcement action was a separate matter and was not a material planning consideration for the determination of the application before them.

Further questions were also posed in respect of access via windows and alternative methods of maintenance access, however, the Service Manager (Planning – Development) reminded the Committee that they were required to determine the application before them.

Councillor David Nettleton spoke against the application and moved that the application be refused, contrary to the Officer recommendation, due to the impact it would have on neighbouring residential amenity and referenced Policies DM2 and DM24. This was duly seconded by Councillor Ian Houlder.

The Service Manager (Planning – Development) explained that she would not recommend the inclusion of Policy DM24 in the reason proposed for refusal because Policy DM24 related to extensions to dwellings and was therefore not relevant to this application. If this was removed (leaving just Policy DM2) then the Decision Making Protocol would not need to be invoked as a Risk Assessment would not be considered necessary.

Accordingly, Councillors Nettleton and Houlder (as proposer and seconder of the motion) agreed to remove reference to DM24.

Upon being put to the vote and with 13 voting for the motion and with 3 against, it was resolved that

Decision

Planning permission be **REFUSED, CONTRARY TO THE OFFICER RECOMMENDATION** for the following reason:

The proposed revisions to the approved scheme (ref. DC/18/0068/FUL) include the introduction of an external door at first floor level that would provide access to a large expanse of flat roof to the immediate rear of 4 no. residential flats. The door adjoins a communal area within the flats and the roof to which it would provide access is at a higher level relative to the neighbouring garden to the east. The introduction of an access to this flat roofed area would foreseeably lead to residents utilising this space, to the detriment of the amenities of the neighbouring occupiers. In the opinion of the Local Planning Authority the frequency, duration and reason for the use of the access door furthermore cannot be adequately controlled via planning conditions in order to make the development acceptable. The harm arising to the amenities of the neighbouring property as a result of the addition is considered to outweigh any weight that could reasonably be attached to the convenience of the door for building maintenance purposes. The proposals are therefore contrary to Policy DM2 of the Forest Heath and St Edmundsbury Local Plan Joint Development Management Policies Document (February 2015).

219. **Planning Application DC/21/2425/HH - Lodge Farm, 10 Sedge Fen, Lakenheath (Report No: DEV/WS/22/006)**

Householder planning application - two storey side and single storey rear extension (following demolition of existing)

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

It was presented to the Delegation Panel due to the support from Lakenheath Parish Council, which was in conflict with the Officer's recommendation for refusal, for the reason set out in Paragraph 28 of Report No DEV/WS/22/006.

As part of her presentation the Planning Officer showed videos of the site by way of a virtual 'site visit'.

Speakers: Councillor Stephen Frost (Ward Member: Lakenheath) spoke in support of the application and stated that fellow Ward Member Councillor Colin Noble also supported the proposal
Andrew Fleet (agent) spoke in support of the application
Jenny Kinge (applicant) spoke in support of the application

During the debate a large proportion of the Committee voiced support for the application, with some stating that they considered the scheme to be an improvement to the property.

Councillor John Burns spoke in favour and moved that the application be approved, contrary to the Officer recommendation, as he did not consider that the proposal would detrimentally impact on the character and appearance of the host dwelling or the surrounding area. This was duly seconded by Councillor David Nettleton.

The Service Manager (Planning – Development) explained that Members' interpretation of Policies DM2 and DM24 was subjective in relation to the character and appearance of the host dwelling and surrounding area, meaning the Decision Making Protocol would not need to be invoked as a Risk Assessment would not be considered necessary.

The Planning Officer then verbally advised on the conditions that could be appended to a permission, if granted.

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**, subject to the following conditions:

- 1 The development hereby permitted shall be begun not later than three 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, unless otherwise stated.
- 3 The materials to be used shall match in type, colour and texture those on the existing building.
- 4 Demolition or construction works shall not take place outside 08:00 hours to 18:00 hours Mondays to Fridays and 08:00 hours to 13:00

hours on Saturdays and at no time on Sundays, public holidays or bank holidays.

(On conclusion of this item the Chair permitted a short comfort break before continuing with the agenda.)

220. **Planning Application DC/21/2514/FUL - Playground A, Skate Park, St Johns Close, Mildenhall (Report No: DEV/WS/22/007)**

Planning application - concrete skate park to replace the existing

This application was referred to the Development Control Committee because the applicant is West Suffolk Council.

No objections had been raised to the scheme and Officers were recommending that the application be approved, subject to conditions, as set out in Paragraph 37 of Report No DEV/WS/22/007.

The Senior Planning Officer advised Members that the plan referenced within Condition No 4 was incorrect and would be amended on a permission, if granted.

Speaker: Councillor Richard Alecock (Ward Member: Mildenhall Great Heath) spoke in support of the application
(Councillor Alecock was not in attendance to personally address the Committee and, instead, the Democratic Services Officer read out a pre-prepared statement on his behalf.)

The Committee spoke in support of the project and commended the work that had been undertaken by local Members in order to bring it to fruition.

Some comments were made in respect of lighting, CCTV and fencing which the Service Manager (Planning – Development) agreed to pass on to the relevant department, as they were not part of the planning application.

Councillor Jim Thorndyke proposed that the application be approved, as per the Officer recommendation, and this was duly seconded by Councillor Andy Neal.

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 three 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, unless otherwise stated.
- 3 The hours of site preparation and construction activities, including

deliveries to the site and the removal of excavated materials and waste from the site shall be limited to 08:00 to 18:00 hours on Mondays to Fridays and 08:00 to 13:00 hours on Saturdays. No site preparation or construction activities shall take place at the development site on Sundays, Bank or Public Holidays.

- 4 Following completion of the development hereby approved, the existing skatepark within the blue land shown on drawing 583-P01-02 (Location Plan) shall be removed and the land be reinstated to grass, within 26 weeks of completion of the skate park hereby approved.
- 5 Before the development is commenced, details of the areas to be provided for the locking of cycles shall be submitted and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter and used for no other purpose.

221. **Planning Application DC/21/2261/FUL - Abbey Gardens, Angel Hill, Bury St Edmunds (Report No: DEV/WS/22/008)**

(Councillor Peter Stevens informed the meeting that he had sought advice as to whether he needed to declare an interest in this item, in view of having previously been the Cabinet Member with responsibility for the Abbey Gardens, but had been advised that it was not considered necessary.)

Planning application - re-configuration of staff compound area; a. three bay garage (following demolition of existing concrete garage); b. drainage and irrigation system; c. water bowser area with hose store and greenhouse; d. tarmac surface and skip and compactor area

This application was referred to the Development Control Committee because the applicant is West Suffolk Council.

Officers were recommending that the application be approved, subject to conditions, as set out in Paragraph 52 of Report No DEV/WS/22/008.

As part of his presentation the Planning Officer showed videos of the site by way of a virtual 'site visit' and drew attention the supplementary 'late papers' that had been issued after publication of the agenda, and which set out proposed fencing elevations.

Members were also advised that Scheduled Monument Consent was being sought separately to the planning process.

Some questions were posed by the Committee in respect of the consultation process and the timescale for the works which the Officer responded to.

Councillor Diane Hind raised a specific question in respect of the greenhouse which the Planning Officer agreed to seek clarification on and report back directly to the Councillor.

Councillor John Burns spoke in support of the scheme and moved that the application be approved as per the Officer recommendation. This was duly seconded by Councillor David Roach.

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.
3. No development above ground level shall take place until details of a hard landscaping scheme for the site have been submitted to and approved in writing by the Local Planning Authority. These details shall include proposed finished levels and contours showing earthworks and mounding; surfacing materials; means of enclosure and boundary treatments; car parking layouts; other vehicle and pedestrian access and circulations areas; hard surfacing materials; minor artefacts and structures (for example furniture, play equipment, refuse and/or other storage units, signs, lighting and similar features); proposed and existing functional services above and below ground (for example drainage, power, communications cables and pipelines, indicating lines, manholes, supports and other technical features); retained historic landscape features and proposals for restoration where relevant. The scheme shall be implemented prior to the occupation of any part of the development (or within such extended period as may first be agreed in writing with the Local Planning Authority).
4. No development shall take place on site until the implementation of a programme of archaeological work has been secured, in accordance with a Written Scheme of Investigation which has been submitted to and approved in writing by the Local Planning Authority. The scheme of investigation shall include an assessment of significance and research questions; and:
 - a. The programme and methodology of site investigation and recording.
 - b. The programme for post investigation assessment.
 - c. Provision to be made for analysis of the site investigation and recording.
 - d. Provision to be made for publication and dissemination of the analysis and records of the site investigation.
 - e. Provision to be made for archive deposition of the analysis and records of the site investigation.
 - f. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
 - g. Timetable for the site investigation to be completed prior to development, or in such other phased arrangement, as agreed and approved in writing by the Local Planning Authority.
5. A lighting design scheme for biodiversity shall be submitted to and approved in writing by the local planning authority. The scheme shall identify those features on site that are particularly sensitive for bats

and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate lighting location plan and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

6. Prior to development above slab level, details of biodiversity enhancement measures to be installed at the site, including details of the timescale for installation, shall be submitted to and approved in writing by the Local Planning Authority. Any such measures as may be agreed shall be installed in accordance with the agreed timescales and thereafter retained as so installed. There shall be no occupation unless and until details of the biodiversity enhancement measures to be installed have been agreed in writing by the Local Planning Authority.

222. Planning Application DC/22/0276/DE1 - West Suffolk Council, Gym and Library, College Heath Road, Mildenhall (Report No: DEV/WS/22/009)

Notification under Part 11 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 - demolition of district offices, health and library

The Committee was advised that the notification was made under regulations contained within the Town and Country Planning (General Permitted Development) Order 2015, specifically Schedule 2 Part 11 Class B.2. In such instances, an application is required to be submitted to the Local Planning Authority for their determination as to whether the prior approval of the local authority is required in relation to the method of demolition and any proposed restoration of the site.

The application was referred to the Development Control Committee since it related to an application made by and on behalf of West Suffolk Council.

Officers were recommending that prior approval is required, as set out in Paragraph 46 of Report No DEV/WS/22/009.

During the debate specific questions were raised by the Committee in respect of drainage, electricity, the usage of crushed materials, asbestos and the need to ensure the adjacent highway was kept free of works vehicles. The Service Manager (Planning – Development) agreed to highlight all these matters with the relevant department, as they fell outside of the planning process.

Discussion also took place on the various memorial plants/plaques that existed on the site. The Service Manager (Planning – Development) assured Members that the applicant was fully aware of these and they would be given due consideration as part of any subsequent redevelopment of the site. Councillor Andy Neal proposed that a suitable place for their relocation could

be the Trevor Hagger Memorial Gardens in Mildenhall, which were planned for refurbishment following the closure of the adjacent swimming pool.

Councillor David Roach proposed that the application be approved, as per the Officer recommendation. 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

1. It be confirmed that Prior Approval as to the method of demolition is **REQUIRED**; and
2. Delegated Authority be given to Officers to confirm the method of demolition as being acceptable upon satisfactory receipt of further tree protection measures and potentially archaeology.

The meeting concluded at 12.39pm

Signed by:

Chair

Development Control Committee 6 April 2022

Planning Application DC/22/0037/FUL – Woodland Ways Pond Covert, Sebert Road, Bury St Edmunds

Date registered: 10 January 2022

Expiry date: 8 April 2022

Case officer: Amey Yuill

Recommendation: Approve application

Parish: Bury St Edmunds
Town Council

Ward: Moreton Hall

Proposal: Planning Application - a. metal container for storage purposes and b. 1.8 metre high close boarded fence and gates

Site: Woodland Ways Pond Covert, Sebert Road, Bury St Edmunds

Applicant: Nicholas Sibbett

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:

Amey Yuill

Email: amey.yuill@westsuffolk.gov.uk

Telephone: 01284 763233

Background:

This application is presented to the Development Control Committee for determination because the proposal is on land owned by West Suffolk Council.

The proposal is recommended for APPROVAL.

Proposal:

1. The application seeks consent for the retention of a metal storage container and a 1.8 metre high close boarded fence, both of which were granted temporary permission under SE/05/02001, then again under SE/11/0225 and then also under DC/16/1909/FUL. The latest of these temporary consents has now expired.
2. The storage container measures 9 x 2.4 x 2.4, and is sited within a 11.1m x 5.4m fenced compound, required for storage purposes for a local community group. The site, along with a number of other small woodland areas in and around Moreton Hall is managed by Woodland Ways, a volunteer community organisation who undertake woodland maintenance, general management and tree planting in order to make the woodland areas attractive and open to public use.

Site details:

3. The application site is located in an area of protected woodland to the north of Sebert Wood Primary School. The site is within the Local Nature Reserve, Moreton Hall Community Woods and the Local Wildlife Site Pond Covert.

Planning history:

Reference	Proposal	Status	Decision date
DC/16/1909/FUL	Planning Application - Retention of (i) metal container for storage purposes and (ii) 1.8 metre high close boarded fence and gates	Application Granted	16 November 2016
SE/11/0225	Planning Application - Retention of (i) metal container for storage purposes and (ii) 1.8 metre high close boarded fence and gates	Application Granted	3 May 2011
SE/05/02001	Planning Application - (i) Temporary siting of metal container for storage purposes and (ii) erection of 1.8 metre high close	Application Granted	8 September 2005

Consultations:

4. **Bury Town Council:** No objection based on information received.
5. **Suffolk County Council Highways Authority:** Does not wish to restrict the grant of planning permission due to the application not having a detrimental effect upon the adopted highway.

Representations:

6. One letter of representation has been received, making the following summarised comments –
 - Assume that this is not the provision of a new container, simply the retention of the existing.
 - As such offers no objection.
 - On the other hand, if this is an additional container then would object.
 - Painting the container would help hide what is a bit of an eyesore, and perhaps the fencing could be heightened so as to obscure the container.
7. **Councillor Trevor Beckwith (Moreton Hall Ward Member):** I support this application as the container is essential for storage of tools and equipment used by an established charity.

Policy:

8. On 1 April 2019 Forest Heath District Council and St Edmundsbury Borough Council were replaced by a single authority, West Suffolk Council. The development plans for the previous local planning authorities were carried forward to the new Council by regulation. The development plans remain in place for the new West Suffolk Council and, with the exception of the Joint Development Management Policies Document (which had been adopted by both councils), set out policies for defined geographical areas within the new authority. It is therefore necessary to determine this application with reference to policies set out in the plans produced by the now dissolved St Edmundsbury Borough Council.
9. The following policies of the Joint Development Management Policies Document and the St Edmundsbury Core Strategy 2010 & Vision 2031 have been taken into account in the consideration of this application:

Policy DM1 Presumption in Favour of Sustainable Development

Policy DM2 Creating Places Development Principles and Local Distinctiveness

Policy DM11 Protected Species

Policy DM12 Mitigation, Enhancement, Management and Monitoring of Biodiversity

Policy DM13 Landscape Features

Policy DM41 Community Facilities and Services

Core Strategy Policy CS3 - Design and Local Distinctiveness

Vision Policy BV1 - Presumption in Favour of Sustainable Development

Other planning policy:

10.National Planning Policy Framework (NPPF)

11.The NPPF was revised in July 2021 and is a material consideration in decision making from the day of its publication. Paragraph 219 is clear however, that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the revised NPPF. Due weight should be given to them according to their degree of consistency with the Framework; the closer the policies in the plan to the policies in the Framework; the greater weight that may be given. The policies set out within the Joint Development Management Policies have been assessed in detail and are considered sufficiently aligned with the provision of the 2021 NPPF that full weight can be attached to them in the decision making process.

Officer comment:

12.The issues to be considered in the determination of the application are:

- Principle of Development
- Impacts upon Character and Appearance of the area.
- Other matters

Principle

13.The woodland areas with Moreton Hall are managed by a charity for the benefit of all residents, through volunteer maintenance and tree planting initiatives. Policy DM41 states that the provision and enhancement of community facilities and services will be permitted where they contribute to the quality of community life and the maintenance of sustainable communities.

14.The container is used for the storage of tools and other equipment associated with the ongoing maintenance of the wider woodland areas. The proposal is therefore supportable in principle and considerable weight in support can be given to these benefits.

Impacts upon Character and Appearance of the area

15.The compound and container were originally sited to ensure the existing vegetation, including the mature trees which characterise the site, were retained. The working surface within the compound is covered with bark chippings as per the original consent and no additional operational development is proposed in this application. The retention of the storage container and fenced compound would not introduce any new adverse effects on the existing trees or ecology more generally.

16. Due to the location of the container and the surrounding vegetation it is not easily visible from the nearby public highway. However, the development is considered to be an incongruous feature in the woodland and the container itself is of a temporary nature, albeit has now been on site for in excess of 15 years. The container itself is painted externally albeit the paint is flaking in places due to the age and length of time it has been on site. Previously consents have been for temporary periods, where the visual harm arising from the utilitarian nature of the structure was balanced against the community benefit.

17. Noting that two successive temporary consents have now expired and that the container has been in situ for over a decade its visual effects are known, and it is considered that this is an opportune moment to allow its permanent retention, again balancing the visual harm arising against the very obvious community benefit, but also noting that a condition could also be reasonably imposed to require the repainting of the exterior of the container in a colour to be agreed within six months of the date of any consent.

18. With such a condition imposed it is considered, on balance, that the proposal will have an acceptable impact upon the character and appearance of the area, when balanced against the community benefit arising.

Other Matters

19. The container and fencing are in situ and there will therefore be no additional effects upon other material interests, for example biodiversity or arboricultural.

Conclusion:

20. In conclusion, the principle and detail of the development is considered to be acceptable and in compliance with relevant development plan policies and the National Planning Policy Framework.

Recommendation:

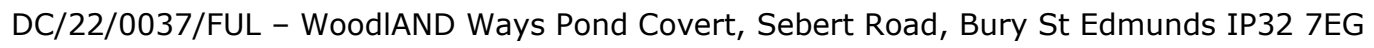
21. It is recommended that planning permission be **APPROVED** subject to the following conditions:

1. Compliance with plans.
2. Painting to be undertaken within six months of the date of approval in accordance with details to be first submitted to and agreed in writing by the Local Planning Authority.

Documents:

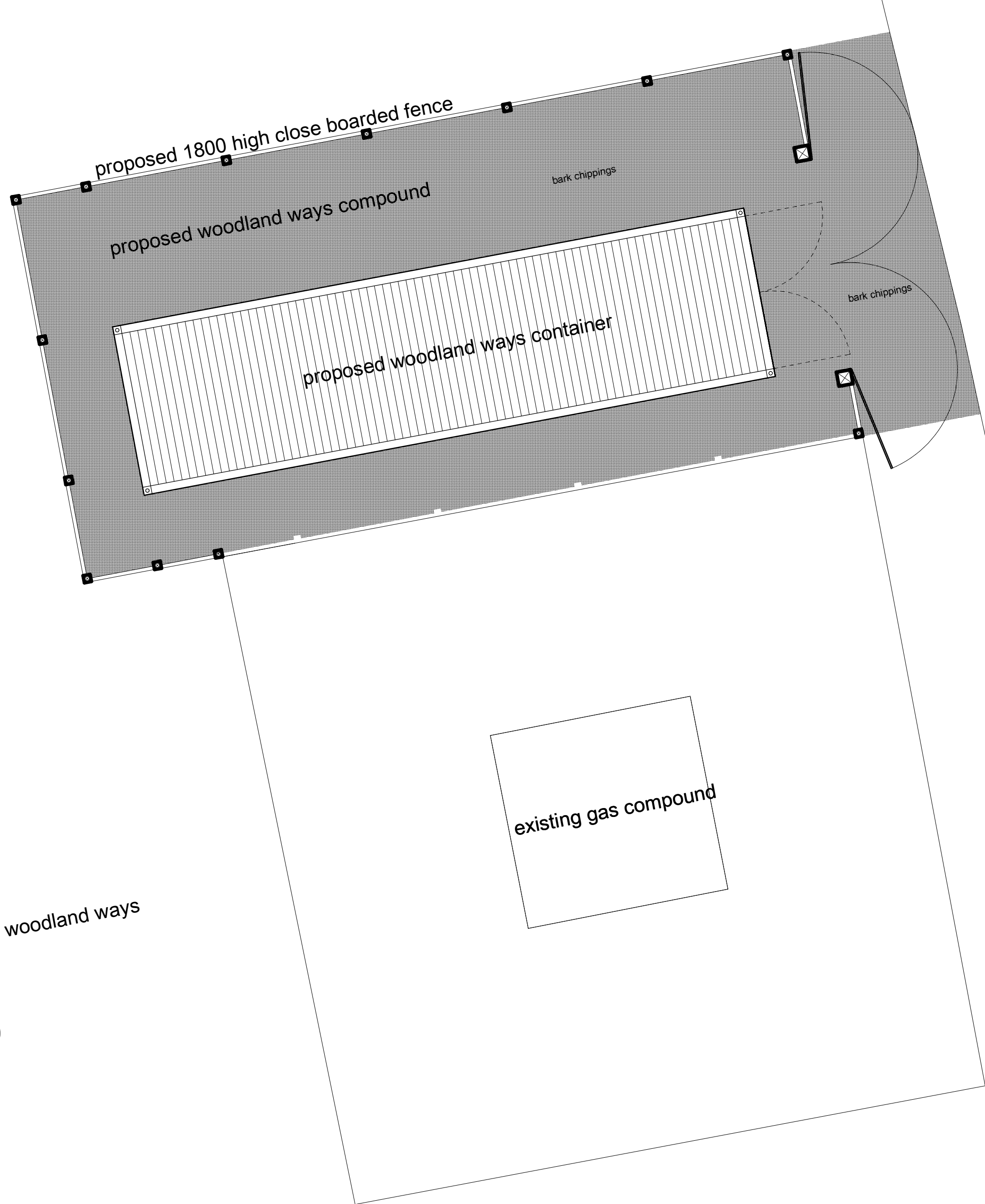
All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/22/0037/FUL](https://www.barnet.gov.uk/DC/22/0037/FUL)

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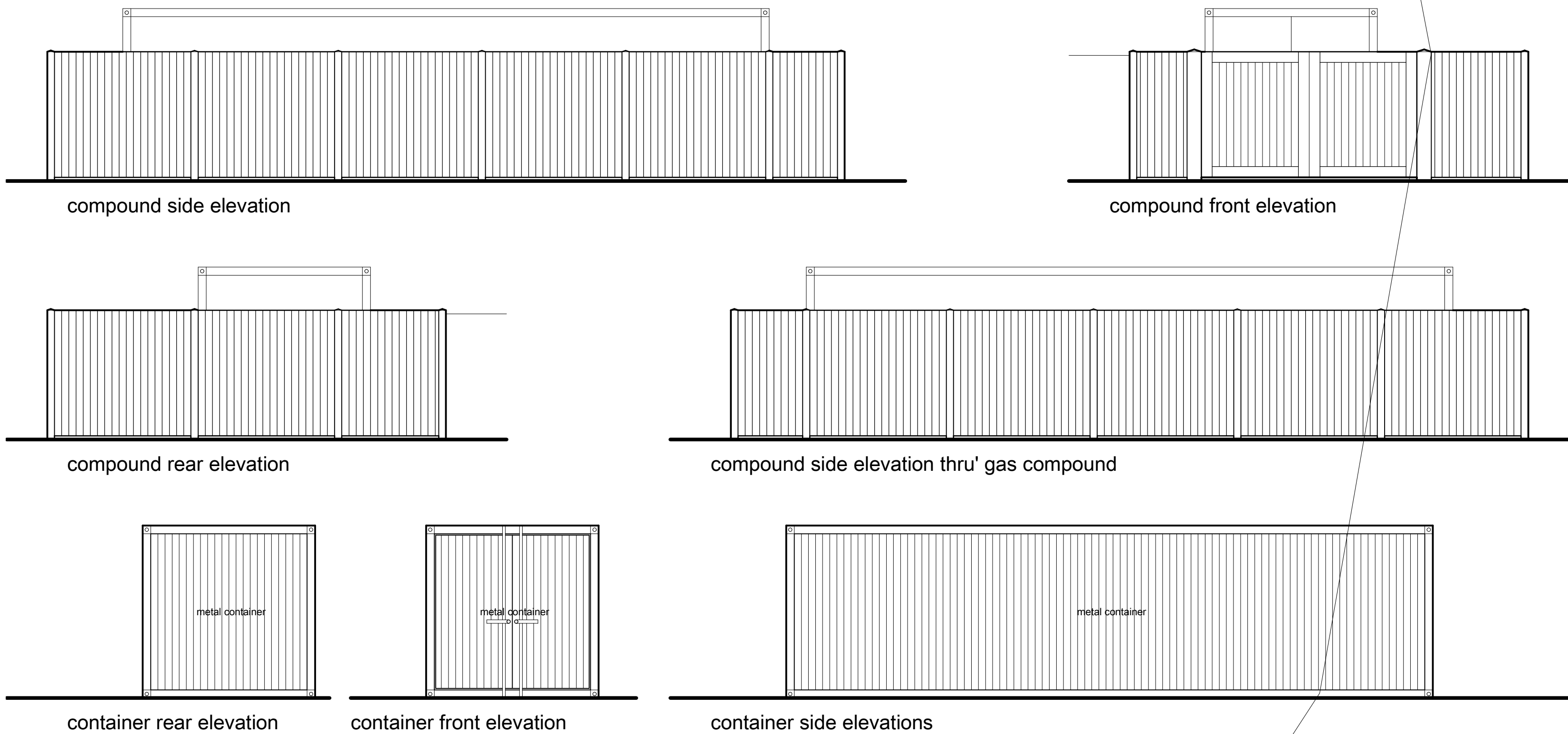


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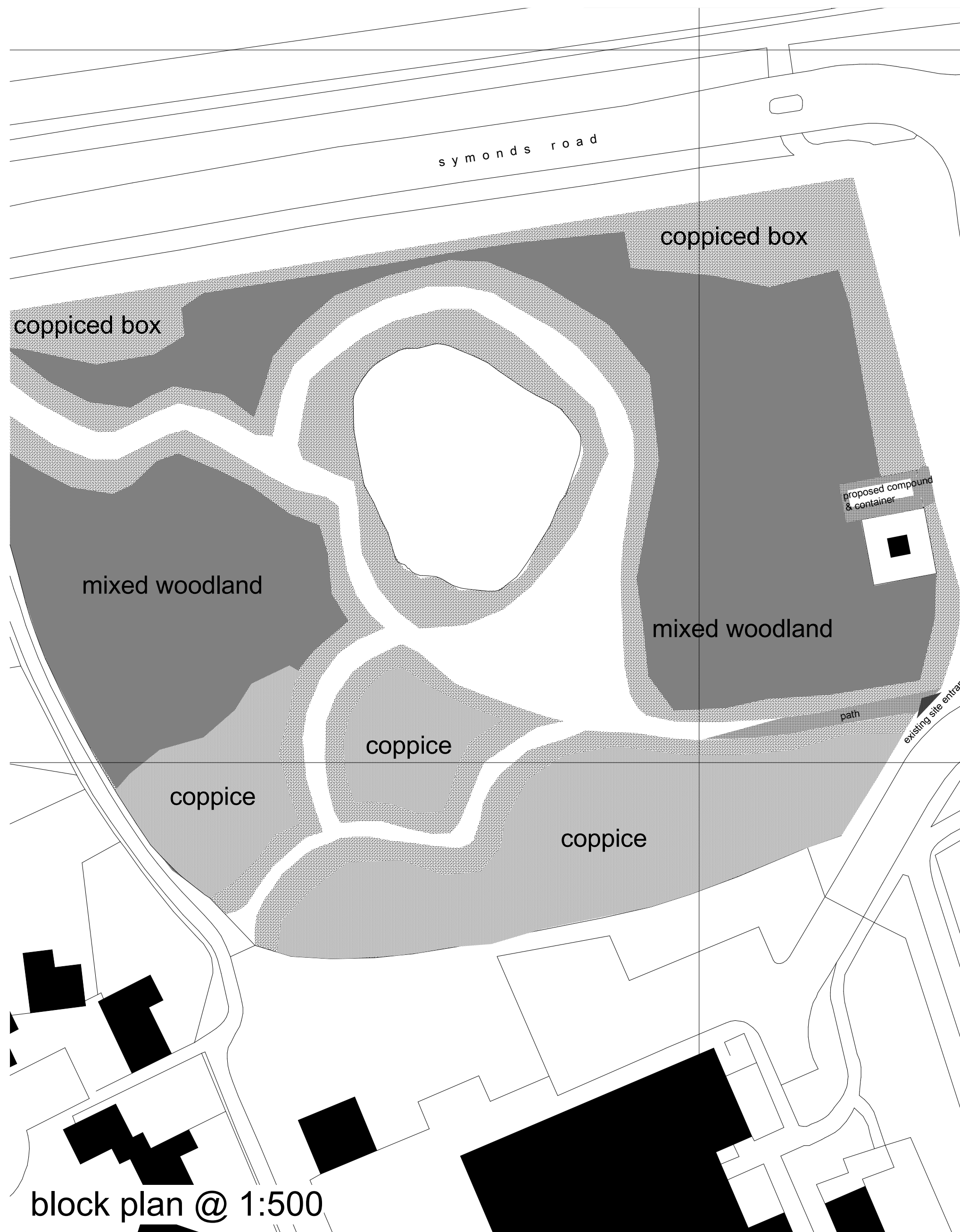
Pond Covert managed by woodland ways
site plan @ 1:50



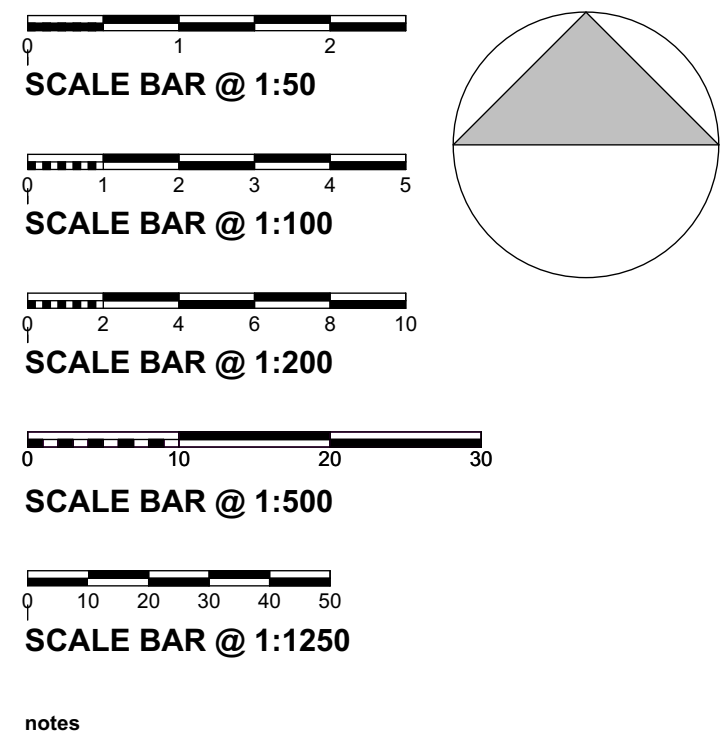
elevations @ 1:50



pavement



block plan @ 1:500



A	01.09.16	submitted with planning application (temporary permission)
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project
**Woodland Ways
Pond Covert**

drawing
existing & proposed

scale
1:50 & 1:500 on A1

date
27.06.05

number/revision
1274.04A

drawn
trs

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Development Control Committee 6 April 2022

Planning Application DC/22/0113/LB – 7 The West Front, Samsons Tower, The Great Churchyard, Bury St Edmunds

Date registered:	24 January 2022	Expiry date:	21 March 2022 EOT 08 April 2022
Case officer:	Connor Vince	Recommendation:	Recommend that consent be granted and refer to the Secretary of State for determination
Parish:	Bury St Edmunds Town Council	Ward:	Abbeygate
Proposal:	Application for listed building consent - roofing remedial works to Samson's tower as amended by plan received 04 March 2022.		
Site:	7 The West Front, Samsons Tower, The Great Churchyard, Bury St Edmunds		
Applicant:	Colin Wright		

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:

Connor Vince

Email: connor.vince@westsuffolk.gov.uk

Telephone: 07866 913717

Background:

This application is before the Development Control Committee as it is an application having been submitted by West Suffolk Council's Property Services department on a building owned by West Suffolk Council.

Consideration of proposals such as this is governed by The Planning (Listed Buildings and Conservation Areas) Regulations 1990. These regulations require that for applications by Local Planning Authorities relating to the execution of works for the demolition, alteration, or extension of listed buildings, the Authority should apply to the Secretary of State for that consent.

Members will note the recommendation therefore. Whilst Officers are satisfied that, having considered all material matters, the proposal is acceptable, this is not a decision for West Suffolk Council to take. The recommendation therefore is to note this Officer position in relation to the acceptability of the scheme, but thereafter to refer the matter to the Secretary of State for determination.

Proposal:

1. Listed Building consent is sought for roofing remedial works to Samson's Tower, a Grade I Listed Building situated within the Great Churchyard and Bury St. Edmunds Town Centre Conservation Area.
2. The proposal is for remedial works to the roof of Samsons Tower (No.7) and includes for stripping of existing roof covering and lead gutter lining, repair of failed structural timbers, installation of new wool insulation, new gutter lining, new breathable membrane, lead flashing and wood roll detailing to hips and ridge junction and re-pointing and consolidation of stonework.

Application supporting material:

- Application Form
- Site Location Plan, Existing Roof Plan and Through Section
- Amended – Proposed Roof Sections and Elevations
- Heritage Statement
- Design & Access Statement
- Specification & Schedule of Works

Site details:

3. Samson's Tower is a Grade I Listed Building, situated at 7 The West Front, The Great Churchyard, Bury St. Edmunds. The site comprises a two storey, terraced building currently occupied as a dwelling. The site is also situated within the Bury St. Edmunds Town Centre Conservation Area and also within the Grade II Listed Abbey Gardens.

Planning history:

Reference	Proposal	Status	Decision date
SE/08/0481	Listed Building Application - Insertion of single glazed window into front door	Application Granted	27 May 2008
SE/07/0729	Listed Building Application - Raising of boundary wall to southern elevation	Application Granted	20 August 2007
SE/07/0728	Planning Application - Raising of boundary wall to south elevation	Application Granted	3 July 2007
E/90/2679/P	Regulation 4 Application - Change of Use of first floor from domestic to museum/office purposes	Application Granted	10 September 1990
E/90/1084/LB	Listed Building Application - (i) Alterations associated with use of Samsons Tower as visitors' centre, including (a) provision of new pathway to the Nave Ruins with gates, railings and sections of new garden wall (b) staff facilities; and (ii) Installation of new toilet window in rear elevation of No. 2 as amended by letter and revised plans received 8th May 1990 CO REPLY 20/02/90 - C	Application Granted	18 July 1990
E/90/1083/P	Regulation 4 Application - Use of Samsons Tower as visitors' centre and associated alterations, including provision of new pathway to the Nave Ruins with gates, railings and section of new garden wall as amended by revised plan drawing No. 4.5.21/2A indicating position of trees to be removed to accommodate the development and further amended by letter and revised plans received 8th May 1990	Application Granted	31 July 1990

Consultations:

4. **Bury St. Edmunds Town Council:** No objection based on information received subject to Conservation Area issues and Article 4 issues.

5. **Historic England** – (22 February 2022 to originally submitted plans): Samsons Tower is an important Grade I listed building situated within the registered park and garden in the Bury St Edmunds Abbey Complex. The site is situated outside of the scheduled area. It contains the remains of the medieval Abbey of St Edmund and the large archways, still visible within the ruins were the remains of a large area surmounted by a tower. It is impressive in the surviving medieval stonework. The structure was converted into buildings in the 16th, 17th and 18th centuries and some of the work is good Victorian Gothic. Samsons Tower probably owes its roof to the conversion of the structure to a Probate Registry in 1863 by architect William Rednell.

The works to make the building weathertight are essential to its preservation. It is clearly not able to shed water away from the roof due to missing or poorly bedded tiles and rotting wooden battens. The works to the parapet gutters and the removal of two rows of tiles to enlarge the gutter is understood and will not impact upon the significance of the building. The installation of insulation, it is understood, will be installed while the roof is off and will involve no intervention into existing ceilings. The proposed insulation needs to be breathable which normal loft insulation is not. We would suggest sheepswool insulation or hemp insulation be used as an alternative.

The area of the proposal which is most concerning is the removal of the shaped ridge tiles used on the octagonal roof and their replacement with lead. It is highly likely that the water ingress issues are down to poorly bedded tiles and are not due to an inherent issue with the use of tiles in this situation. While lead would be easier to source and install in this location, the loss of the shaped ridge tiles is likely to impact upon the significance of the building through a loss of a design feature by a known architect.

Historic England considers that the principle of the proposal is one to be supported. However, the removal of the shaped roof tiles and lack of breathable insulation mean there is a potential for the scheme to cause less than substantial harm to the significance of the building. There is not enough information relating to any previous works which may have been undertaken or the conversion works to a Probate Office which would assist in understanding the significance of the building as a whole. We believe that the retention of the shaped tiles and the installation of breathable insulation could mitigate this and would not cause harm to the building. At present though, the scheme is not in accordance with paragraphs 194, 199 and 200 of the NPPF.

We therefore consider that minor alterations are required to ensure this scheme is consistent with its conservation and at present there is the potential for less than substantial harm to the buildings' significance through the loss of architectural details and the installation of inappropriate materials. We believe that the applicant should therefore consider the requirements of paragraph 202 of the NPPF and carry out the required balance.

(21 March 2022 in response to amended plans) - Historic England have reviewed the amended plan provided and note the addition of a sentence

stating that sheep's wool or hemp insulation will be used and that the decorative clay ridge tiles are to be retained.

The amendments therefore address the concerns raised in our previous letter, and we have no further comments to make on this scheme.

Historic England has no objection to the application on heritage grounds.

6. **Conservation Officer:** This application is for remedial works to the roof of Samsons Tower to prevent water ingress and to improve the access for maintenance behind the parapet wall. Visually, there would be a small change to the external appearance of the roof by the replacement of the clay hip tiles with a lead roll to provide an improved water-tight detail at the hip junctions. This is a traditional detail and lead is used throughout the West Front to protect against water damage.

The works would benefit the fabric of the building whilst not affecting its significance. I therefore have no objection to this application. Sufficient information in respect of the proposals has been submitted with the application so no conservation conditions are required.

7. **The Gardens Trust** (09 February 2022): Thank you for consulting the Gardens Trust in its role as Statutory Consultee on the above application which affects Abbey Gardens and Precincts, an historic designed landscape of national importance which is included by Historic England on the Register of Parks and Gardens of Special Historic Interest at Grade II.

We have considered the information provided in support of the application and on the basis of this confirm we do not wish to comment on the proposals at this stage. We would however emphasise that this does not in any way signify either our approval or disapproval of the proposals.

(16 March 2022): Thank you for re-consulting the Gardens Trust in its role as Statutory Consultee on the above application which affects Abbey Gardens and Precincts, an historic designed landscape of national importance which is included by Historic England on the Register of Parks and Gardens of Special Historic Interest at Grade II.

We have considered the information provided in support of the amended application and confirm we have no further comments to add.

8. National Amenity Societies: No response received.
9. Victorian Society: No response received.
10. Ecological Consultant: comments awaited.

Representations:

11. No third-party representations received.

Policy:

12. On 1 April 2019 Forest Heath District Council and St Edmundsbury Borough Council were replaced by a single authority, West Suffolk Council.

The development plans for the previous local planning authorities were carried forward to the new Council by regulation. The development plans remain in place for the new West Suffolk Council and, with the exception of the Joint Development Management Policies Document (which had been adopted by both councils), set out policies for defined geographical areas within the new authority. It is therefore necessary to determine this application with reference to policies set out in the plans produced by the now dissolved St Edmundsbury Borough Council.

13. The following policies of the Joint Development Management Policies Document and the St Edmundsbury Core Strategy 2010 & Vision 2031 have been taken into account in the consideration of this application:

SEBC Core Strategy 2010

- Core Strategy Policy CS1 - St Edmundsbury Spatial Strategy
- Core Strategy Policy CS2 - Sustainable Development
- Core Strategy Policy CS3 - Design and Local Distinctiveness

Bury Vision 2031 document

- Vision Policy BV1 - Presumption in Favour of Sustainable Development

Joint Development Management Policies Document 2015

- Policy DM1 Presumption in Favour of Sustainable Development
- Policy DM2 Creating Places Development Principles and Local Distinctiveness
- Policy DM10 Impact of Development on Sites of Biodiversity and Geodiversity Importance
- Policy DM11 Protected Species
- Policy DM12 Mitigation, Enhancement, Management and Monitoring of Biodiversity
- Policy DM15 Listed Buildings
- Policy DM17 Conservation Areas
- Policy DM19 Development Affecting Parks and Gardens of Special Historic or Design Interest

Other planning policy:

14. National Planning Policy Framework (NPPF) 2021

15. The NPPF was revised in July 2021 and is a material consideration in decision making from the day of its publication. Paragraph 219 is clear however, that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the revised NPPF. Due weight should be given to them according to their degree of consistency with the Framework; the closer the policies in the plan to the policies in the Framework; the greater weight that may be given. The policies set out within the Joint Development Management Policies have been assessed in detail and are considered sufficiently aligned with the provision of the 2021 NPPF that full weight can be attached to them in the decision making process.

Officer comment:

16.The issues to be considered in the determination of the application are:

- Legislation
- Principle of Development
- Heritage Impacts
- Ecological implications

Legislation

17. Regulation 13 of The Planning (Listed Buildings and Conservation Areas) Regulations 1990 requires that applications by Local Planning Authorities for the execution of works for the demolition, alteration or extension of listed buildings are to be considered by the making of application to the Secretary of State for that consent. This proposal is a listed building, it relates to the alteration of such, and relates to a building owned by West Suffolk Council.

18. West Suffolk Council as Local Planning Authority cannot therefore make the final decision on this proposal and the decision is one for the Secretary of State to make. The Regulations require that an application for such consent be submitted to the Local Planning Authority. The Authority is then required to consult and publicise in the usual manner and the matter is then provided to the Secretary of State along with a copy of all representations duly made to them.

Principle of Development

19. Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise. The development plan for St Edmundsbury comprises the Core Strategy, the three Vision 2031 Area Action Plans and the Joint Development Management Policies Document. Policies set out within the NPPF and the presumption in favour of sustainable development contained at its heart are also material considerations.

20. Development will need to be in accordance with policy DM2 and is considered generally to be acceptable provided that the proposal respects the character and appearance of the immediate and surrounding area, and providing that there is not an adverse impact upon residential amenity and highway safety. Along with CS3, DM2 requires development to conserve and where possible enhance the character and local distinctiveness of the area.

21. The principle of development in this location is therefore something the LPA are able to support, subject to other material planning considerations which, in this instance, are predominantly related to the impact of the proposal upon heritage assets.

Heritage Impacts

22. The proposal includes roofing remedial works to a Grade I Listed Building. The application site lies within the Bury St Edmunds Town Centre Conservation Area, albeit outside of the scheduled area of the Abbey Gardens complex. Accordingly, the impact upon these heritage assets must be considered fully as per the statutory duty placed on the Local

23. In policy terms the National Planning Policy Framework identifies protection and enhancement of the historic environment as an important element of sustainable development and establishes a presumption in favour of sustainable development in the planning system (paragraphs 7, 8, 10 and 11). The core planning principles of the NPPF are observed in paragraphs 8 and 11 which propose a presumption in favour of sustainable development. This includes the need to conserve heritage assets in a manner appropriate to their significance so that they can be enjoyed for their contribution to the quality of life for this and future generations as set out in Chapter 16.
24. At paragraph 199 the NPPF goes on to require planning authorities to place 'great weight' on the conservation of designated heritage assets, and states that the more important the asset the greater the weight should be, and that 'this is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance'. It is also recognised in the NPPF (paragraph 201) that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
25. As confirmed by Historic England, the site contains the remains of the medieval Abbey of St Edmund and the large archways, still visible within the ruins were the remains of a large area surmounted by a tower. The structure was converted into buildings in the 16th, 17th and 18th centuries and some of the work is described as "good Victorian Gothic."
26. The works to the parapet gutters and the removal of two rows of tiles to enlarge the gutter is understood and will not impact upon the significance of the building. Having received amended plans in response to the comments received from Historic England, the application now proposes sheep's wool insulation which is more breathable and considered acceptable.
27. The ornamental clay tiles which form part of the octagonal roof form will also be retained, as per the amended plans, therefore preserving the architectural integrity and historical significance of the building. The application therefore accords with the provisions of policies DM15 and DM17, the relevant paragraphs of the NPPF and Listed Buildings and Conservation Areas Act.

Ecological Impacts

28. As required by the National Planning Policy Framework (2021) at paragraphs 8c, 174 and 179 the LPA have a duty to consider the conservation of biodiversity and to ensure that valued landscapes or sites of biodiversity are protected when determining planning applications. At a local level, this is exhibited through policies CS2, CS3, DM10, DM11 and DM12.
29. Policy DM11 states that development will not be permitted unless suitable satisfactory measures are in place to reduce the disturbance to protected

species and either maintain the population on site or provide alternative suitable accommodation. Section 40 of the Natural Environment and Rural Communities Act 2006 requires that public authorities (which explicitly include the Local Planning Authority) must have regard to the purpose of conserving biodiversity.

30. Policy DM12 seeks to ensure that, where there are impacts to biodiversity, development appropriately avoids, mitigates or compensates for those impacts. The policy requires that all development proposals promote ecological growth and enhancement.
31. The National Planning Policy Framework (2021) indicates that when determining planning applications, local planning authorities must aim to conserve and enhance biodiversity and that opportunities to incorporate biodiversity in and around developments should be encouraged (Paragraph 180). This is underpinned by Paragraph 8 of the NPPF, which details the three overarching objectives that the planning system should try to achieve and it is here that the Framework indicates that planning should contribute to conserving and enhancing the natural environment.
32. The requirement to have regard to biodiversity is a statutory duty that runs through all decision making and is relevant to the consideration and determination of this proposal. The proposal involves the removal of the entire roof covering, the replacement of failed timbers, and the subsequent replacement of the roof of a building that very clearly, noting its age, position and condition, has some biodiversity related potential. An inspection has revealed rotten roofing rafters, cavities within the stonework, and a deteriorating roof membrane, all of which are leading to water ingress, and all of which, again noting the position of the site within the Abbey Gardens where bat records exist, increase the likelihood that some suitable habitat might otherwise be impacted by the works. It is noted that no Preliminary Ecological Appraisal has currently been provided.
33. Accordingly, the matter cannot be referred to the Secretary of State until this matter has been satisfactorily considered and concluded. Discussions are ongoing with the applicant and officers recommend that delegated authority be given to officers to conclude this consideration, prior to referral of the matter to the Secretary of State.

Conclusion:

34. In conclusion, the principle and detail of the development is considered to be acceptable and in compliance with relevant development plan policies and the National Planning Policy Framework, with the exception of the matter of biodiversity still to be resolved.
35. However, consent cannot at this stage be granted by the Local Planning Authority and the matter, and all details provided and representations received, must be forwarded to the Secretary of State for a decision to be made on the proposal.

Recommendation:

36.It is recommended –

- i. That Delegated Authority be given to Officers to conclude considerations in relation to the biodiversity related implications of this proposal, and for the matter to only be referred to the Secretary of State in the event that such impacts are considered acceptable.
- ii. That subject to i. the LPA confirms that it is content that, all matters considered, it is minded to **GRANT** Listed Building Consent.
- iii. That the matter be sent to the Secretary of State for determination, and that it be recommended to the Secretary of State that consent be granted subject to the following conditions -
 1. The works to which this consent relates must be begun not later than three years from the date of this notice.

Reason: In accordance with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the following approved plans and documents:

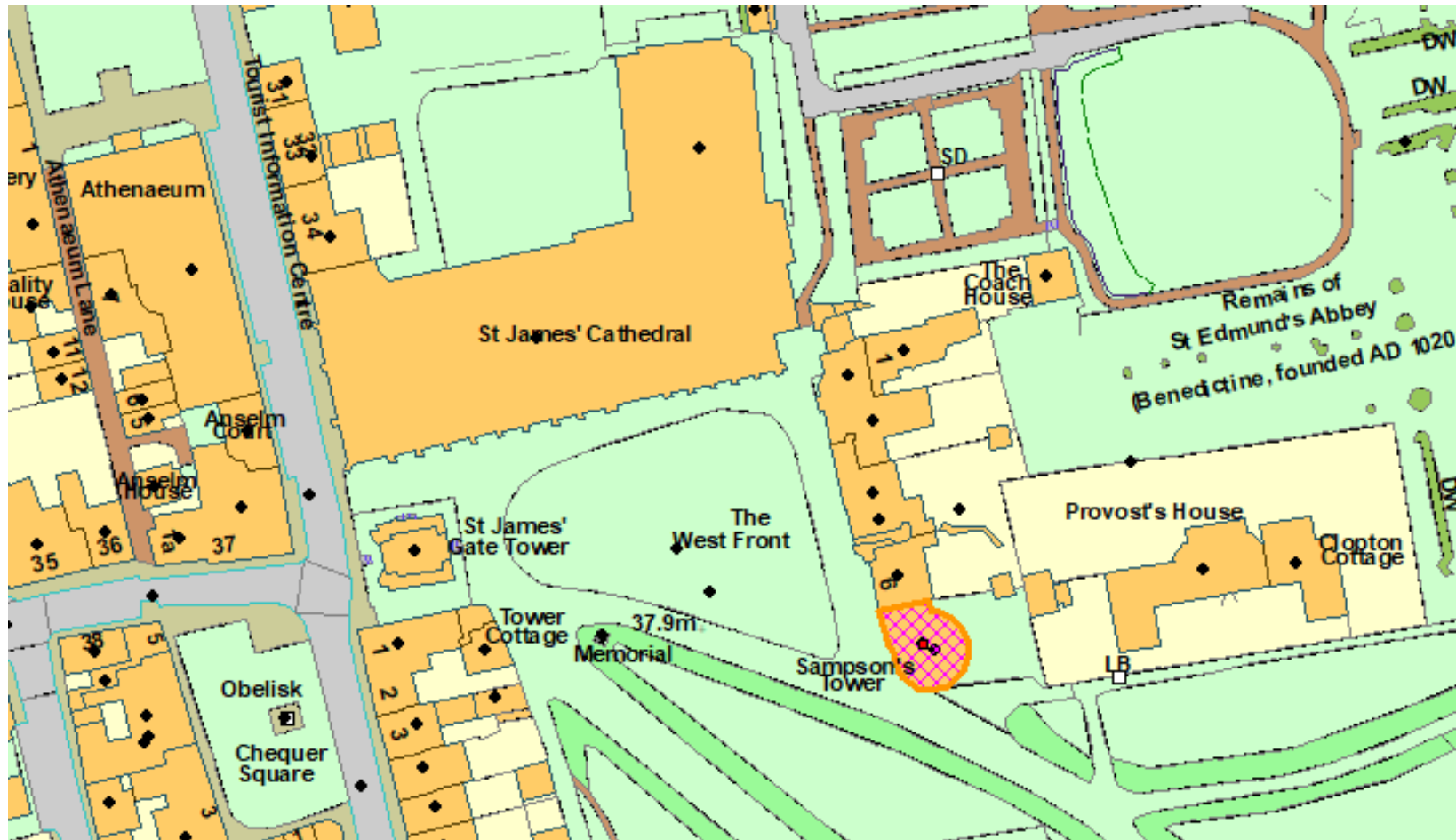
Reason: To define the scope and extent of this permission

Documents:

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/22/0113/LB](#)



DC/22/0113/LB – 7 The West Front, Samsons Tower, The Great Churchyard, Bury St Edmunds IP33 1RS



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