



*St Edmundsbury*  
BOROUGH COUNCIL

**DEV/SE/15/68**

# **Development Control Committee**

## **3 December 2015**

### **Planning Application DC/15/1936/FUL**

#### **Ounce House, 14 Northgate Street, Bury St Edmunds**

**Date:** 12 October      **Expiry Date:** 7 December 2015  
**Registered:** 2015

**Case Officer:** Sarah Drane      **Recommendation:** Approve

**Parish:** Bury St Edmunds Town      **Ward:** Eastgate

**Proposal:** Planning Application - (i) Change of use from 1no former dwelling and 1no hotel (as consented under LPA reference E/86/2066/P) to a mixed use; restaurant and small hotel to provide 9 guest bedrooms and 2 staff bedrooms in the basement (Class - C1) (ii) Single storey rear extension (following demolition of existing extension and garage) (iii) New car park and landscaped gardens to the rear of the property providing 13 car parking spaces for customer use and alterations to parking at the front of the property to provide 5 parking spaces

**Site:** Ounce House, 14 Northgate Street  
Bury St Edmunds

**Applicant:** Chestnut Group - Mr Philip Turner

#### **Synopsis:**

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

CONTACT CASE OFFICER: Sarah Drane  
Email: [sarah.drane@westsuffolk.gov.uk](mailto:sarah.drane@westsuffolk.gov.uk)  
Telephone: 01638 719432

**Background:**

**This application is referred to the Development Control Committee following consideration by the Delegation Panel. The Officer recommendation is for approval, contrary to the views of Bury St Edmunds Town Council, who object.**

**It is proposed that a site visit will take place on Thursday 26 November 2015.**

**Proposal:**

1. Planning permission is sought for the change of use from a former dwelling and hotel (as consented under LPA reference E/86/2066/P) to a mixed use restaurant and small hotel to provide 9 guest bedrooms and 2 staff bedrooms in the basement (Class - C1) and a single storey rear extension (following demolition of existing extension and garage). The proposal also includes a new car park and landscaped gardens to the rear of the property providing 13 car parking spaces for customer use and alterations to parking at the front of the property to provide 5 parking spaces.
2. The proposed hotel comprises of 9 bedrooms all with ensuite bathrooms. The basement will contain 2 staff bedrooms, kitchen, office and stores. The ground floor contains a large reception area, private dining room, kitchen, bar lounge and toilets. A single storey extension is proposed at the rear to accommodate a large main dining area. On the first floor are 5 ensuite bedrooms and the second floor a further 4 ensuite bedrooms. A new velux window is proposed on the rear elevation serving the ensuite to bedroom 9.
3. In terms of the site layout, as submitted, the vehicular access points remain as existing, with 5 parking spaces to the front of the building. The existing driveway to the north of the building would be utilised to accommodate a rear car parking area which shows a further 13 spaces (18 in total). A Holly tree would be removed to facilitate the rear extension. A new terrace area to the rear, landscaped garden, bin and bike store are also proposed.
4. The application has been amended since submission to overcome concerns raised by the Highways Authority. The parking area to the rear has been amended slightly to show correctly sized parking spaces in accordance with the adopted parking standards. The description has also been amended to make it clear that this is a mixed use scheme as the restaurant will be available to non-residents.

**Application Supporting Material:**

5. Information submitted with the application as follows:
  - Existing and proposed plans

- Location plan
- Design & Access Statement
- Supporting Planning Statement
- A number of background supporting documents
- Kitchen extract details
- Acoustic Report
- Tree report

### Site Details:

6. The site is situated within the settlement boundary of Bury St Edmunds and within the Conservation Area. The site is also close to the town centre boundary which follows Looms Lane approx. 125m to the south of the application site. The existing building was built as a three storey semi detached town house and has had various alterations and extensions over the years. The site has a brick boundary wall topped with railings along the frontage. There is a vehicular access on the southern side of the site off Northgate Street. The access on the northern side is shared with those dwellings adjacent to the north. There is an existing gated driveway on the northern side of the building. There is a brick boundary wall (varying in height from 1.5m – 1.8m) surrounding the entire rear garden. There are residential properties set within substantial grounds surrounding the site to the north, south and west.

### Planning History:

7. **E/86/2066/P** - Change of use from residential with day and night nursery to hotel also change of existing integral garage to bedroom for disabled – approved  
**E/89/3452/P** - Change of Use from residential to restaurant on lower ground floor only – approved  
**E/89/3682/P** - Provision of exit door and fire escape from lower ground floor building – approved  
**E/93/1854/P** - Planning Application - Continued use of former restaurant/office/ reception on lower ground floor and study on ground floor as offices (Class B1) – approved  
**DC/15/0251/FUL** - Planning Application - (i) Change of use from 2no dwellings to small hotel (Class - C1) (ii) Single storey rear extension (following demolition of existing extension and garage) and associated works - refused

### Consultations:

8. Highway Authority: After raising initial concerns, no objections are offered on the amended plans subject to conditions.

Public Health & Housing: no objections, subject to conditions.

Economic Development: *'This proposal to provide high quality hotel accommodation in the central area if Bury St Edmunds is supported by Economic Development & Growth. As well as increasing the provision of quality hotel*

*accommodation in Bury St Edmunds the proposed development will create 26 new employment positions in the town. The projected local expenditure, which estimated to be in the region of £1.171m in the first year, followed by in excess of £650,000 pa thereafter, is welcomed.'*

Suffolk Fire & Rescue Service: No objection

Conservation Officer: Proposed works largely acceptable with the exception of the proposed car park. Loss of the garden area to parking is regrettable, but it is acknowledged that views into the rear garden will be limited from the public realm. Loss of trees on the site could result in harm to the character and appearance of the Conservation Area.

Ecology Tree & Landscape Officer: Scheme will result in impact on the rear garden area. If permission is granted, it is recommended that the measures in the Arboricultural report are carried out and an Arboricultural Method Statement be secured.

Historic England: Recommend the application to determined in accordance with local and national policy guidance.

SCC Fire & Rescue: No objection

## **Representations:**

9. Bury St Edmunds Town Council: object: '*(i) the change of use and extension on the grounds of traffic generation, noise and disturbance resulting from use, smells, effect on conservation area, adequacy of parking/loading/turning and proposed use being contrary to St Edmundsbury Borough Councils Development Management Plan policies DM2 and DM34, Core Strategy Policy CS2 and the National Planning Policy Framework; OBJECTS to (ii) the proposed extension on the grounds of noise and disturbance resulting from use, smells, traffic generation and effect on conservation area and being contrary to St Edmundsbury Borough Councils Development Management Plan policies DM2 and DM34, Core Strategy Policy CS3 and the National Planning Policy Framework; OBJECTS to (iii) new car park to the rear of the property on the grounds of noise and disturbance resulting from use, the adverse effect on both the general amenity of the area and residential amenity of adjacent properties and detrimental effect on the Conservation area and being contrary to St Edmundsbury Borough Councils Development Management Plan policies DM2 and DM34, Core Strategy Policy CS2 and the National Planning Policy Framework'*
10. In addition, representations have been received from 12, 12A, 15 & 16 Northgate Street, Durley Lodge, Garland Lodge, Horndon House and Pump Lane House, raising the following concerns:
  - Amendments made have not overcome concerns raised on previous application
  - Right of use of existing vehicular access not made clear
  - Increase in traffic to the site will increase risk of safety issues for vehicles and pedestrians

- In / out one way system needs to be created for traffic
- There is little difference from the previously refused scheme.
- There are lots of inaccuracies in relation to the historic use of the property
- Any access to the rear should be locked at night to ensure security
- Impact of extractor fans and smells from the site
- Impact on residential amenity of neighbouring currently tranquil gardens from use of terrace garden area on summers evenings to late at night – people eating / drinking and smoking.
- Previous B&B / Restaurant use was on a much lesser scale than that proposed
- Car movements into the rear garden at all hours will seriously impinge on the peace which is currently a characteristic of properties in the locality
- Only low level lighting should be allowed to rear
- Noise and smell from kitchen and dining areas
- Loss of property value
- Impact on rear garden trees
- Noise from a 24hr hotel will be an alien introduction into the rear gardens of surrounding properties
- Car park area on higher level exacerbating impact from noise and car lights from the development
- Vehicular noise and noise associated with people coming and going
- Proposals don't meet parking standards
- Planted border around the car park on amended site layout not sufficient and needs to be made wider
- Not appropriate to convert a garden in the conservation area to a car park
- There are public car parks nearby and other similar establishments thrive without the need for on site car parking
- Activities granted through Temporary Event Notices will further impact on residential amenity.

11. The description of the proposal has been changed during consideration of this application. This was on the basis that reference to the restaurant use was necessary to highlight that the proposal was a mixed use of hotel and restaurant, rather than simply a hotel use with ancillary restaurant function.

12. Consequentially, a full reconsultation process has taken place to reflect this amended description. At the time of writing no additional comments have been received. The additional consultation period expires on 26<sup>th</sup> November 2015 and matters will be updated, either in the late papers or verbally at the meeting, as appropriate.

**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:

13. Joint Development Management Policies Document:

- Policy DM1 – Presumption in favour of sustainable development
- Policy DM2 – Creating Places
- Policy DM17 – Conservation Areas
- Policy DM34 – Tourism Development
- Policy DM46 – Parking Standards

14. St Edmundsbury Core Strategy December 2010:

- Policy CS3 – Design & Local Distinctiveness
- Policy CS9 – Employment and the Local Economy

**Other Planning Policy:**

15. National Planning Policy Framework (2012)

- core principles
- Section 1 – Building a strong competitive economy
- Section 7 – Requiring good design
- Section 12 – Conserving and enhancing the historic environment

**Officer Comment:**

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

- Principle of Development
- Impact on residential amenity
- Economic benefits
- Impact on the Conservation Area
- Highway Safety

Principle of development

17. The site falls within the settlement boundary of the town, but just outside the defined town centre. This is clearly a sustainable location, within easy reach of shops, services and public transport. A hotel and restaurant use therefore, in principle, is a suitable use for the location. It is the detail of the operation of the proposed use which will be the determining factor as to whether such a scheme can be supported. One of the key considerations is the impact that the proposed use will have on the residential amenity presently enjoyed by neighbouring residential properties.

18. As can be seen from the planning history and from the supporting information submitted by the applicant the property has in the past operated as a hotel or B&B with restaurant. However, the permission granted under E/86/2066/P was significantly restricted. Conditions included; no more than 7 letting rooms, use by hotel residents only (not open to non-residents) and only half of the building (No.13) was to benefit from the new use – No. 14 to remain in residential use. The last lawful use of the building is not entirely clear but it would be reasonable to conclude that any previous operation at the site would not have been in the manner, or at the intensity, now proposed. The applicant states that *'It is accepted that there is no specific planning consent in place that exactly reflects how Ounce House has operated throughout the last 25 years.'* To date, a lawful development certificate has not been applied for, but the applicant maintains, based on the information provided by the previous

owner (as set out in the Supporting Planning Statement and letter received on 16.11.2015), that the property was last in a C1 use (without dining facilities available to non-residents). This use therefore, in the past has been considered favourably, albeit on a considerably more restricted basis.

#### Impact on residential amenity

19. The scheme proposes access to the rear of the property to enable (as amended) the parking of 13 cars (reduced from 16 in the previously refused scheme). The proposed rear parking area was a significantly concerning aspect of the previously refused proposals. The amended layout provided shows how the spaces can be accommodated at the rear of the site, with the removal of 3 trees. T1 (magnolia) would be removed to facilitate the vehicle passing point and trees T4 & T8 (False Acacia and Common Yew) to accommodate the access and parking spaces. T2 (Holly) is also proposed to be removed to enable the construction of the rear extension. The remaining trees can be safeguarded and an Arboricultural Method Statement and Tree Protection Plan can be secured by condition.
20. The layout shows spaces pulled further away from the northern boundary wall (the closest space being 5.4m away from the northern boundary compared to 2m on the refused scheme). This enables new planting to be put in to help mitigate any impact and protect the boundary walls. A planting scheme has been provided with the application and these details can be secured by condition.
21. The management of the site has been set out in a more detailed Operational Management Plan (OMP) when compared to the previous application. It covers specific matters in relation to parking, deliveries, the terrace, lighting, garden and tree maintenance, servicing, bins, smoking and security. This will certainly help mitigate the impact on the residential amenity of adjoining occupiers. However, even with the best endeavours of the operator, this will inevitably not prevent the opening and closing of car doors, starting of engines and people talking as they vacate the site late into the evening. The car park is also at the rear of the property, enclosed on all sides by presently tranquil private rear gardens. The proposed car parking area, whilst reduced by 3 spaces, still fills a significant area of the rear garden, indicating an intensity of development and use that cannot be considered wholly compatible with this location. However, the car parking has been moved away from the boundaries of Nos. 15 and 16 Northgate Street to the north (the closest space being 5.4m away from the northern boundary compared to 2m on the refused scheme) and Garland Lodge to the west (previously within 6m of their boundary, now 8m). There are now 5 spaces adjacent to the boundary with Pump Lane House to the south rather than 6 as proposed under the previous scheme (positioned within the same distance from the boundary – approx. 2m). The impact of general use and movement within this area will materially change both the visual outlook from nearby properties and will also lead to a potentially intensive use, including movement, noise and general disturbance including from vehicle lights, potentially at highly unsocial hours. These movements would be lessened by the number of parking spaces being reduced from 16 to 13 as now proposed. The

relocation of the spaces further away from the western and northern boundaries and the opportunity for additional planting combined with the measures proposed with the OMP would lessen the impact, but it is acknowledged that there is still likely to be some notable adverse impact upon amenity which must be considered to weigh against the scheme in the balance of considerations.

22. The OMP also states that all deliveries will be made to the front of the building. The agent has confirmed that due to the type of business the applicant runs, the majority of deliveries will be by way of a transit van (not by larger lorries from wholesale distributors like Bookers/Brakes), with a laundry delivery once a week and food and drink deliveries 2-3 times a week. The existing area at the front of the site can be easily accessed by the types of delivery vehicles expected. If there are any larger vehicles, as with any other property on Northgate Street, they would temporarily park up on the road. This would be managed by the applicant to limit any potential disturbance to residents, with intervention by the Authority through the Operational Management Plan as necessary.

In terms of the use of the terrace area at the rear, the OMP states there will be no external amplified music, and that those using the terrace will be asked to vacate it on or around 9pm. External lighting details can be secured by condition. In relation to bins, these would not be filled between the hours of 9pm – 9am to minimise noise disturbance. The precise details, plus details of implementation and compliance with the OMP, can be secured by condition.

23. An Acoustic report has been submitted to further support the proposals. This, along with the kitchen extract details, amended plans and an acoustic report submitted on behalf of one of the neighbours, have been examined by the Public Health and Housing team. Their comments conclude that they raise no objections, but consider it necessary to impose a number of conditions should permission be granted. They do however again state that *'noise arising from people within the garden and terrace areas and from vehicle movements to and from the proposed car park to the rear of the site is still likely to be heard by the neighbouring residential occupiers, particularly during the daytime and at least up to 9pm during the evenings. Whilst this type of noise would not be considered to be a statutory noise nuisance in accordance with the nuisance provisions within the Environmental Protection Act 1990, but may still give rise to a lack of amenity to the existing residential occupiers in the vicinity of Ounce House'* This supports the views of Officers reached in the preceding section, and therefore it is this particular consideration that must be carefully balanced against the benefits of the proposals.

#### Economic Benefits

24. Additional information has been submitted in this respect by the applicant. The application is supported by the Council's Economic Development team. There are clear economic benefits from the proposed scheme, which must be weighted accordingly in the balance of considerations. The application form states that an additional 17 full time equivalent posts would be created (6 more than was originally anticipated) which is not



insignificant. This venture is a further expansion of the applicant's successful businesses established in Moulton and Granchester and will lead plainly and on its own face to wider economic benefits from increased overnight visitors to the town and the associated additional spend. It will support the tourist industry in the town which is a very important part of the Town's economy. Policy DM34 is supportive of tourism development subject to meeting a number of criteria, one of which is that the scheme should not adversely affect the amenities of the area.

25. Nonetheless, and notwithstanding the amenity harm arising, Officers consider that the very tangible economic benefits arising from this development must be given notable weight in support of the scheme in the balance of considerations.

#### Impact on the Conservation Area

26. The site is within the Conservation Area, but views into the rear garden from the public realm are limited. Whilst a few of the trees are to be removed, a significant number are to be retained which will not significantly alter the character or appearance of the site. Suitable conditions can be imposed to secure their protection during the construction phase. Further landscaping of the site will help mitigate the visual impact of the newly laid access. The design of the proposed rear extension is also considered to be appropriate in its context.

#### Highway Safety

27. Whilst concerns have been raised about the accesses and parking provision, the Highways Authority have raised no objections to the amended site layout, subject to a condition to secure the provision of the parking and turning as shown on the amended site plan.

### **Conclusion:**

28. The proposed hotel use and associated works clearly have matters that weigh both in its favour and against it, so the recommendation remains a finely balanced one, as it did at the time the last application was considered. At that stage Officers concluded (supported through the Delegation Panel) that the matter should be refused. This is precisely the type of business that should be encouraged and supported within the town and other suitable locations such as this, particularly noting the generally greater level of activity along Northgate Street as a primary route into the town centre, albeit such should never be at the expense of any unreasonable amenity impacts. Officers consider that with the obvious economic benefits, added to the more detailed Operational Management Plan now submitted, and added to the material changes that have been made to the number and position of the rear car parking spaces, that the fine matter of balance now falls in favour of approval.
29. In consideration of all the above matters, it is still felt that the rear gardens to Ounce House as well as adjoining neighbouring properties currently form part of a tranquil and private undeveloped environment within the Conservation Area. The introduction of the proposed change of use and in particular, the use of the rear terrace, garden and car park

areas is likely to result in some noise arising from people within those areas and from vehicular movements to and from the proposed car park to the rear of the site. However, with the amendments to the rear parking, proposed landscaping and detailed OMP, this impact is considered to be sufficiently reduced to enable the economic benefits of the scheme to outweigh the harm to residential amenity.

### **Recommendation:**

It is **RECOMMENDED** that 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.  
Reason: In accordance with Section 91 of the Town and Country Planning Act 1990.
2. 14FP – Compliance with approved plans
3. The site demolition, preparation and construction works shall be carried out between the hours of 08:00 to 18:00 Mondays to Fridays and between the hours of 08:00 to 13:30 Saturdays and at no time on Sundays or Bank Holidays without the prior written consent of the Local Planning Authority.  
Reason: To protect the amenity of the area.
4. The installation of the kitchen extract ventilation system shall be in accordance with the design submitted (Bridge drawing, received on 24.09.2015), including all odour and noise mitigation measures, as detailed in the Specification and Defra Report RM20566R2 prepared by Purified Air. Any proposed alterations to the final installation shall be submitted to the Local Planning Authority, for approval, prior to installation. The new system shall be installed prior to the use hereby approved commencing.  
Reason: To safeguard the residential amenity of neighbouring properties.
5. The playing of any amplified, recorded or live music or speech within the external garden areas and terrace shall be prohibited at all times.  
Reason: To protect the amenity of neighbouring residential occupiers.
6. Any external lighting to Ounce House shall first be submitted and approved in writing prior to installation. Any lighting proposed within the car parking areas, external terrace and gardens shall be so positioned as to minimise the risk of any glare to the adjacent residential occupiers.  
Reason: To protect the amenity of neighbouring residential occupiers.
7. The use shall not commence until the area(s) within the site shown on OH 11 E for the purposes of [LOADING, UNLOADING,] manoeuvring and parking of vehicles, motorcycles and secure cycle storage has

been provided and thereafter that area(s) shall be retained and used for no other purposes.

Reason: To ensure that sufficient space for the on site parking of vehicles, motorcycles and secure cycle storage is provided and maintained in order to ensure the provision of adequate on-site space for the parking and manoeuvring of vehicles. On-street parking and manoeuvring would be detrimental to highway safety to users of the highway and cycle storage would encourage sustainable modes of travel.

8. All physical works hereby approved within the garden area shall be carried out in accordance with the Hayden's Arboricultural Method Statement and Tree Protection Plan dated 22.09.2015 (revision B).

Reason: To ensure retained trees within the site which add to the character and appearance of the Conservation Area are appropriately safeguarded during the construction phase of the development.

9. Within three months of the commencement of development, there shall be submitted to and approved in writing by the Local Planning Authority a scheme of soft landscaping for the site drawn to a scale of not less than 1:200. The soft landscaping details shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants noting species, plant sizes and proposed numbers/ densities. The approved scheme of soft landscaping works shall be implemented not later than the first planting season following commencement of the development (or within such extended period as may first be agreed in writing with the Local Planning Authority). Any planting removed, dying or becoming seriously damaged or diseased within five years of planting shall be replaced within the first available planting season thereafter with planting of similar size and species unless the Local Planning Authority gives written consent for any variation.  
Reason: To enhance the appearance of the development.

10. Prior to the use commencing, an Operational Management Plan shall be submitted to and approved in writing by the Local Planning Authority. This Plan shall include detailed proposals of how and when the premises will be serviced; details of the use and management of the car parking areas hereby approved; details of the times and nature of use of the external terrace, including a restriction on amplified music being played externally; details of any external lighting within the site and the times when such will and will not be lit; details of soft landscape maintenance schedules; details of bin and refuse storage, including the type of containers, their location and times when they will be collected; details of any external smoking areas; plus details of any external security cameras. The submitted plans shall also provide an opportunity for periodic review of the Plan. The use hereby approved shall be run in complete accordance with the approved Operational Management Plan.

Reason: To protect the amenity of neighbouring residential occupiers.

11. The restaurant use hereby approved shall be restricted as follows:

- Sunday to Thursday – last orders in the restaurant no later than 9.30pm (except resident guests) and restaurant to be closed by 11.30pm
- Friday and Saturday - last orders in the restaurant no later than 10.00pm (except resident guests) and restaurant to be closed by 12.00pm

Reason: To protect the amenity of neighbouring residential occupiers.

12. No development shall take place within the area indicated [the whole 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. The site investigation shall be completed prior to development, or in such other phased arrangement, as agreed and approved in writing by the Local Planning Authority.

Reason: It is necessary to impose a pre-commencement condition to safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development, in accordance with DM20 of the Joint Development Management Policies Document, Policy CS2 of St Edmundsbury Core Strategy 2010 and the National Planning Policy Framework (2012)

### **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=NV4NHQPDKKC00>

Case Officer: Sarah Drane

Date: 18 November 2015