



St Edmundsbury
BOROUGH COUNCIL

DEV/SE/17/015

Development Control Committee

6 April 2017

Planning Application DC/16/1050/FUL

Listed Building Consent Application

DC/16/1051/LB

6 Lower Baxter Street, Bury St Edmunds

Date: 14th June **Expiry Date:** Extension of time to
Registered: 2016. 18.04.2017 requested.

Case Officer: Penelope Mills **Recommendation:** Grant planning permission and listed building consent, subject to conditions and subject to no objections being received from the National Amenities Societies and Historic England.

Parish: Bury St Edmunds **Ward:** Abbeygate

Proposal: Planning Application - (i) Conversion of existing offices on first and second floors to 3 no. apartments (ii) Three storey extension, with link building, to comprise of 2 no. apartments
Listed Building Consent - (i) Repairs and alterations to enable conversion of first and second floors to 3 no. apartments (ii) Three storey extension, with link building, to Northern elevation to form 2no. apartments

Site: 6 Lower Baxter Street, Bury St Edmunds

Applicant: Kentford Developments Limited - Mr Boyce

Synopsis:

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

Recommendation:

Grant the applications, subject to the use of recommended conditions, and subject to no objections being received from the National Amenities Societies and Historic England.

CONTACT CASE OFFICER:

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Background:

This application is referred to Development Control Committee due to the presence of two Member call-ins and in light of the level of public interest, which raise balanced matters that Officers believe warrant consideration by the Development Control Committee.

Bury Town Council have objected to the proposal.

A site visit will be undertaken on 30 March 2017.

Proposal:

1. The applications seek planning and listed building consent to enable the creation of three 2-bedroom and two 1-bedroom residential apartments. Two of the apartments would be contained within the existing first and second floors of 6 Lower Baxter Street and three would be within a new extension over the existing vehicle parking area to the north of the building.
2. The existing parking area will be upgraded and laid out to provide covered off street vehicle parking, together with cycle and bin storage at ground level with a communal access lobby giving access to the apartments above. The retail shops on Abbeygate Street will retain their rear pedestrian/staff emergency accesses across the car parking area.

Application Supporting Material:

3. The following documents accompany the planning application forms and comprise the planning application (including amendments/additional information received after the application was registered):

Reports and Supporting Statements

- Enviro-Screen Report
- Heritage Statement
- Planning Statement

Drawings

- Site Location Plan
- Existing floor plans, roof plan and elevations
- Proposed elevations, block plans, floor plans, street view, shadow plans and sections (amended plans received September 2016)
- Photomontage and explanatory text
- 3D Cad model elevated views
- Visibility analysis

Site Details:

4. The application site comprises an existing Grade II Listed Building within the Bury St Edmunds Conservation Area and the historic grid. The building currently has retail units at ground floor, fronting onto Abbeygate Street. The upper floors, which are accessed from Lower Baxter Street, are used as B1 offices. These applications only relate to the office spaces accessed from Lower Baxter Street, and no alterations are proposed to either of the shops on Abbeygate Street.
5. The building abuts the highway on the southern and western sides and adjoins another listed building, 28 Abbeygate Street, to the east. To the north of the building there is an area of hardstanding used as a parking and service yard and beyond this to the north are residential apartments contained within the former Council Offices. Immediately to the east of the hardstanding area is the rear garden of number 6 Angel Hill, which sits at a lower level fronting onto Angel Hill.

Relevant Planning History:

6. **SE/08/1106** Listed Building Application - Erection of security fence and gate with associated rearrangement of parking layout
Application Granted 29.08.2008
7. **SE/08/1103** Planning Application - Erection of security fence and gate with associated rearrangement of parking layout **Application Granted** 29.08.2008

8. **E/97/2237/LB** Listed Building Application - Alterations associated with change of use of second floor offices into two residential flats including construction of external bridged walkway
Application Granted 16.10.1997
9. **E/97/2233/P** Planning Application - (i) Change of use of second floor offices into two residential flats; and (ii) construction of external bridged walkway **Application Granted** 16.10.1997

Consultations:

Conservation Officer: Initial concerns resolved through submission of amended/additional plans. No Objection – subject to conditions

- Initial consultation response summary:
The proposed development would appear to involve the loss of the staircase as referred in the list description, a significant section of the decorative cornice to the rear range, and the loss of a number of sash windows which based on the information provided would cause harm to the significance of the building. The scale of the proposed development would appear to be acceptable from a conservation point of view as seen from Lower Baxter Street, subject to the continuation of the eaves line and a reduction in the attic windows, however the impact on the setting of 6 angle hill and character and appearance of the conservation area as viewed from Angel Hill and Mustow Street is not clear and further information is required to demonstrate the relationship between buildings and the impact on the character and appearance of the conservation area.
- Comments on first set of amendments:
The revised details submitted informally appear to have largely addressed all conservation issues raised with regard to the works to the existing building allowing for the retention of the staircase at ground floor level while removing the staircase to the upper levels which we are advised are modern replacements following a fire. In addition, the link has been set back from High Baxter Street to enable the existing cornice to the historic range to be exposed. The full balcony proposed to the historic rear range has been replaced with Juliet balconies and following an inspection we are advised the intention is to repair the windows rather replace them.

The photomontages are a very helpful aid in understanding the impact of the proposal on what is a very sensitive area at the heart of the historic core as seen from Angel Hill. The depiction however as seen from Angel Hill with the parking restriction in the foreground suggests the front of the building will sit some way back from the face of the orange clad building however on plan these elevations appear to be almost level. I appreciate this montage is

depicted at an angle and therefore it may be that a photomontage detailing the proposal square on would be more helpful. With regard to the design, a contemporary approach is welcomed however there are some elements which I remain to be convinced on given their context in such a historic setting. The idea of a largely fully glazed elevation is I believe the right approach taking advantage of the unusually open views in a town centre location. The removal of the former balconies which extended around the flank walls is similarly welcomed. However in an effort to address overlooking issues the deep angled fins of the revised balcony will, I fear, appear as a heavy almost industrial addition, which given its context would jar awkwardly with the elegant frontages along Angel Hill.

I appreciate the desire to create an outdoor living space particularly given the location however if the issues of overlooking are such that a simple and discrete approach is not possible then I am not convinced the balconies should remain. Similarly I am concerned the detail proposed to the verges will appear heavy but perhaps some examples of this detail would be useful for discussion at this stage.

- **Comments on further amendments:**

Whilst the additional information and montages are helpful I remain unconvinced with regard to the deep finned balconies which with their frosted finish and extended protrusion, detailed in an effort to address overlooking issues, would I fear only emphasise their bulk. Whilst, as previously expressed, a contemporary approach is welcomed as this often enables a light and elegant design, the sensitivity of the site in the centre of the town necessitates particular care to ensure the proposal, striking as it may be, does not detract from its historic context by appearing too assertive or, as a result of the design of the balconies, too bulky. Addressing the concerns of conservation would appear to be reasonably straight forward. Either the balcony is redesigned as a lighter almost invisible addition, which I appreciate would exacerbate any overlooking issues which may still be apparent, or the balconies are removed.

Unfortunately whilst all other areas of concern raised from a conservation point of view appear to have been addressed, the balconies, as well designed to address overlooking as they may be, would not address the concerns expressed re their bulky appearance and assertive nature.

- **Comments following final amendments:**

Having removed the proposed balconies the amended floor plans, elevations and visuals have addressed the only outstanding issues

from a conservation point of view. No objections, subject to sample of external materials, window and door details.

Environment Agency: No objection – recommend informative

- Advised the site is situated within Flood Zone 1 (low risk) of the Environment Agency's Flood Map.
- Advised that the site is located above a Principal Aquifer and within Source Protection Zone (SPZ) and that the developer should address risks to controlled waters from contamination at the site, following the requirements of the National Planning Policy Framework and the Environment Agency Guiding Principles for Land Contamination.

Public Health and Housing: No objection – recommend conditions

- Recommend conditions regarding hours of construction, waste material, security/flood lighting, acoustic insulation.
- Advised on room size requirements and safe means of escape, as set out in the 1985 and 2004 Housing Act respectively.

Environment Team: No objection – recommend informative

- An application of comprising of this many dwellings would normally require a full phase one desk study assessment, however, this Service is willing to accept the lower level of assessment as submitted as the proposed development is largely a conversion of an existing structure and the proposed development comprises no soft landscaping or garden areas of any kind.
- The completed questionnaire indicates some minor oil & fluid leaks from vehicles that have parked in the existing parking area. Groundworks will occur in this area and therefore there may be a low risk to construction workers and the general public during the development process. Given the level of risk is likely to be low and restricted to a limited time period, we do not require a condition in this instance, but would draw the applicants attention to the below informative.

Suffolk County Highways: Initial concerns resolved through submission of amended/additional plans. No objection – recommend conditions

- Initially queried how the proposed car park layout would function when adjacent spaces are occupied, due to the limited room for vehicles to manoeuvre between the rows of spaces.
- Requested vehicle swept path / tracking plans showing how the car park would function with the proposed layout or reconfigure the layout to give greater manoeuvring space. It is noted from the site visit that the car park is currently configured differently although unclear from the adjacent highway whether it can accommodate 5 vehicles as required.

- Further to receiving additional plans and information regarding the proposed parking provision, recommended conditions regarding refuse/recycling bins, parking and manoeuvring and cycle storage
- Due to the highly sustainable location of the proposal, a reduced (from Suffolk Guidance for Parking 2015 levels) parking provision of 1 space per dwelling plus adequate cycle parking is acceptable.

Archaeology: No objection – recommend conditions

- This proposed development site is of high archaeological potential, within the historic core of Bury St Edmunds as outlined in the County Historic Environment Record (BSE 072), and within the Area of Archaeological Importance adopted in the Local Plan. The Lower Baxter Street/Angel Hill Corner forms part of the medieval town grid, and Lower Baxter Street is likely to have had Late Saxon origins. There is particular potential for complex archaeology on the site, relating to the development of the town from its earliest days. The proposed works would cause ground disturbance with the potential to damage any archaeological deposits that exist.
- There are no grounds to consider refusal of permission in order to achieve preservation in situ of any important heritage assets of national importance. However, in accordance with the National Planning Policy Framework (Paragraph 141), any permission granted should be the subject of planning conditions to record and advance understanding of the significance of any heritage asset before it is damaged or destroyed.

Representations:

Bury Town Council: Objection.

Objections raised on the following grounds:

- i) Design, visual appearance and material;
- ii) Layout and density;
- iii) Loss of daylight/sunlight;
- iv) Overlooking/overshadowing;
- v) Loss of visual amenity; and,
- vi) Effect on conservation area.

Bury Society: Made the following comments:

- Response 23rd July 2016
The Society is generally supportive of plans to introduce new homes into the town centre. However, we are concerned about the overall height of the proposed extension, especially when viewed from the Angel Hill. We therefore suggest that the applicant be asked to provide a street view from this location. We also ask that the new external materials be required to match the existing - particularly in respect of joinery detailing. We query whether the parking arrangement actually works and also the servicing arrangements for the Cancer Research shop.

- Response 21st November 2016
The Bury Society remains concerned that the large glazed gable end on the east elevation will be visually intrusive when viewed from the Angel Hill (especially at night when the interior is illuminated). We suggest that the impact might be reduced by substituting a hipped gable end (as existing) and conventional window openings (also as existing).

Public representations: Nearby addresses notified and site notice posted. Representation received from nine interested parties. The issues raised are summarised below (full representations are available to view online):

Residential Amenity

- Overshadowing of south-facing windows of apartment 5 Suffolk House and associated loss of light – shadow plans submitted are misleading as the windows are shown as ‘washed out white’ on the drawings
- Impact on outlook from and light to windows on Flat 2 Suffolk House
- Overlooking to 6 Angel Hill – assurances sought that alterations to glazing would be implemented and effectively monitored in perpetuity. Previous comments objected to overlooking and loss of privacy to garden and rear facing windows.
- Impact on light to 6 Angel Hill and right to light issues.
- Impact of noise and smell on residents of Suffolk House from waste management facility on northern side of parking area.

Highways

- Impact on safe flow of vehicles in Lower Baxter Street where it narrows and becomes one-way further affected by on-street parking of visitors and delivery vehicles.
- Parking arrangements on drawing number 692 040 is misleading as it fails to demonstrate the impact of turning and manoeuvrability of vehicles on Lower Baxter Street itself.
- How will pedestrians and users of Lower Baxter Street be affected
- No motor cycle parking provision
- Flat 6 supportive of the conversion of the above if, and only if, the apartments of Suffolk House who did not have parking allocated to them are allocated a parking permit for the immediate area.

Character and Appearance

- Concern over impact on listed building and conservation area
- Lack of detail in terms of specific type and quality of materials – suggest these should be qualified prior to making a recommendation

Policy:

10. The following policies of the Joint Development Management Policies Document (2015), the Bury St Edmunds Vision 2031 (2014) and the St Edmundsbury Core Strategy (2010) are relevant to the consideration of this application:

Joint Development Management Policies Document (2015):

- Policy DM1 – Presumption in Favour of Sustainable Development.
- Policy DM2 – Creating Places – Development Principles and Local Distinctiveness.
- Policy DM6 – Flooding and Sustainable Drainage.
- Policy DM7 – Sustainable Design and Construction.
- Policy DM15 – Listed Buildings.
- Policy DM17 – Conservation Areas.
- Policy DM20 – Archaeology.
- Policy DM22 – Residential Design.
- Policy DM365 – Proposals for Main Town Centre Uses
- Policy DM45 – Travel Assessments and Travel Plans.
- Policy DM46 – Parking Standards.

Bury St Edmunds Vision 2031 (2014)

- Policy BV1 – Presumption in Favour of Sustainable Development.
- Policy BV2 – Housing Development within Bury St Edmunds.
- Policy BV25 – Conserving the Setting and Views from the Historic

St Edmundsbury Core Strategy December (2010).

- Policy CS1 (Spatial Strategy)
- Policy CS2 (Sustainable Development)
- Policy CS3 (Design and Local Distinctiveness)
- Policy CS4 (Settlement Hierarchy and Identity)

Other Planning Policy:

11. The following adopted Supplementary Planning Documents are relevant to this planning application:

Officer Comment:

12. The subsequent section of the report discusses whether the development proposed in this application can be considered acceptable in principle, in the light of extant national and local planning policies. It then goes on to consider other relevant material planning considerations, (including site specific considerations) before reaching conclusions on the acceptability of the proposals.

Principle of Development

13. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications must be determined in accordance with the plan unless material considerations indicate otherwise. Within this plan-led system, at the heart of the National Planning Policy Framework (NPPF), there is a presumption in favour of sustainable development. Whilst this does not change the statutory status of the development plan as the starting point for decision making, it is an important material consideration that carries significant weight in the planning balance.

14. The application site falls within the Bury St Edmunds town settlement boundary, where policy BV2 of the Bury St Edmunds Vision 2031, states that, planning permission for new residential development and residential conversion schemes should be granted, where it is not contrary to other planning policies.
15. The site also falls within the Town's designated Primary Shopping Area, where in accordance with policy DM35 of the Joint Development Management Policies Document 2015, a residential use is considered to be acceptable on upper floors.
16. In light of the above, the creation of additional residential dwellings in this location is considered to be acceptable in principle. However, the acceptability or otherwise of a particular proposal would be dependant on the detail of the scheme when assessed against key development plan policies, taking into account other relevant material considerations.
17. In this case, the main considerations are: heritage impacts and visual amenity; impacts on residential amenity; and, highways impacts.

Heritage Impacts and Visual Amenity

18. The Planning (Listed Buildings and Conservation Areas) Act 1990 requires local planning authorities to have special regard to the desirability of preserving the building or its setting when considering applications (Section 66.1). Section 72(1) of the same act also requires that, with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
19. The NPPF also highlights the protection and enhancement of the historic environment as an important element of sustainable development and the conservation of heritage assets is identified as a core principle of the planning system (paragraph 17).
20. In terms of the impacts on the listed building and its setting, amendments to the original proposal have addressed the points initially raised by the Conservation Officer with regards to the works to the existing building. The link has been set back to enable the existing cornice to the historic range to be exposed and the historic parts of the existing staircase are to be retained. The full balcony initially proposed to the historic rear range has been replaced with Juliet balconies and the intention is to repair the existing windows rather replace them.
21. Due to the position of the site of the extension, and the tight surrounding urban form with a relatively narrow highway, the construction of the extension would not have a significant impact on the setting of the listed building itself. However, due to a combination of the topography of the area and a gap in the built frontage of those

buildings facing directly onto Angel Hill, the extension would be visible from the Angel Hill area and has the potential to impact on the setting of the listed buildings in that area.

22. The impact that the proposed development would have on this sensitive area at the heart of the historic core, is a concern that has been expressed in public representations and in the responses of the Town Council and the Bury Society. In order to assist in the assessment of this potential impact, the applicant has provided photomontages, along with an explanation of the methodology through which they were produced.
23. The current gap affords views from Angel Hill of existing, modern buildings on the opposite side of Lower Baxter Street. These do not make any special contribution to streetscene and the impact they currently have on the conservation area and views from Angel Hill is a neutral one.
24. The Conservation Officer has confirmed that a contemporary approach would be welcomed on this site. The Conservation Officer has also stated that in their view the idea of a largely fully glazed elevation looking towards Angel Hill is the right approach, however, it is acknowledged that the Bury Society, and Town Council remain concerned that this would be visually intrusive. The Conservation Officer agreed that the various iterations of the balconies, which have now been removed from the proposals, were not appropriate in this historic setting. However, having now removed the proposed balconies, the Conservation Officer has confirmed that, subject to appropriate conditions, the development is acceptable in Conservation terms.
25. In terms of the more general impacts on visual amenity, the impacts are similarly considered to be acceptable both when viewed from Lower Baxter Street and from Angel Hill to the east.
26. In terms of potential impacts on below ground heritage assets, due to the location in the historic core, the site is considered to be of high archaeological potential. In this respect, the County Council Archaeology Department have advised that there are no grounds to consider refusal of permission in order to achieve preservation in situ of any important heritage assets of national importance. However, in accordance with the National Planning Policy Framework (Paragraph 141), any permission granted should be the subject of planning conditions to record and advance understanding of the significance of any heritage asset before it is damaged or destroyed.
27. In light of the above it is considered that the proposed development would be in accordance with the requirements of policies DM15, DM17 and DM20 of the Joint Development Management Policies Document 2015 in respect of the heritage impacts. It would also meet the key planning principles set out in the NPPF 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 of this and future generations (paragraph 17).

Residential Amenity

28. Policy DM2 of the Joint Development Management Policies Document 2015 requires all proposals for development to take mitigation measures into account so as to not adversely affect the amenities of adjacent areas by reason of noise, smell, vibration, overlooking, overshadowing, loss of light, other pollution (including light pollution), or volume and type of traffic activity generated.
29. There are a number of residential properties around the site in relatively close proximity, which have the potential to be affected by the proposed development. Those most likely to be affected are the neighbouring apartments in Suffolk House and number 6 Angel Hill.
30. Currently, the flats within Suffolk House facing the site benefit from an unusually open aspect for this town centre location, where buildings tend to be more closely knit. The extension would cover the extent of the existing parking area, resulting in an elevation approximately 5.5 metres away from the southern elevation of Suffolk House. This clearly has the potential impact both on the outlook of those properties and the light entering the windows on that elevation.
31. To assist in the assessment of the level of impact the development would have on these neighbours, the applicant has provided a series of shadow plans. The veracity of these plans has been questioned in public representations, although the agent has advised that these have been produced using standard methodology. Notwithstanding the concerns expressed over the plans, it is clear that whilst the current boundary has some overshadowing impact, the proposed development would, as expected, result in an increase the amount of shadowing experienced by these neighbours, particularly in the winter months and the mornings.
32. In addition to the increase in overshadowing, and associated reduction in light, there would be a change in outlook for neighbouring properties in Suffolk House. Given the town centre context of the site, these impacts are not considered to be severe. However, there would be a degree of adverse effect on the amenity of these properties contrary to policy DM2, and this must attract some weight against the proposal in the planning balance.
33. Number 6 Angel Hill is positioned to the east of the proposed extension at a lower level to the application site, with its rear garden adjacent to the common boundary. This relationship makes it particularly susceptible to overlooking, and the perception of such, from the proposed development. There are a number of other buildings in the immediate vicinity that could be said to look on to this neighbour, however, the specific, direct and intimate, relationship

between the application site and the primary outdoor amenity space for number 6 is such that the provision of balconies or large fully transparent windows would result in unacceptably adverse amenity impacts.

34. Initial attempts to overcome this issue raised other concerns over the visual impact of the development and the affect it would have on the character of the conservation area and views from Angel Hill. However, the currently proposed combination of opaque glazing, high level opening windows and a 'box window' directing views away from the neighbour, has managed to balance the requirements of a visually and historically sensitive site, whilst addressing the need to reduce the overlooking introduced by the development.
35. Due to the degree of separation and the fact that the application site is located to the north of this neighbour, it is considered in the context of this town centre location that the development would not have an unacceptable overbearing impact on number 6 Angel Hill.
36. Some concerns have been raised over the potential adverse effects associated with a waste management facility at the ground floor close to Suffolk House. This bin storage area, which would be separated from Suffolk House by a hard boundary treatment, simply provides a storage area for bins to prevent them from being located on the public highway and it is considered that it would not raise any adverse effects on neighbouring amenity. Similarly, given the scale of the development and the enclosed nature of the parking it is considered that there would be no unacceptable adverse effects on amenity for traffic noise associated with the development.
37. On balance, it is considered that the development has successfully mitigated the adverse effects on the amenity of number 6 Angel Hill through inventive changes to the elevational treatment to minimise overlooking and the perception of overlooking to nearby property. However, the relationship with Suffolk House remains unchanged and as such the potential for a degree of overshadowing of and change in outlook from the windows facing the application site has not been avoided. This adverse effect on amenity should attract some weight against the proposal in the planning balance, but this weight must inevitably be limited by the town centre location of the site.

Highways Impacts

38. Policy DM22 of the Joint Development Management Policies Document states that all residential development proposals should, where appropriate, apply innovative highways and parking measures designed to avoid the visual dominance of these elements in the design and layout of new development, whilst still meeting highway safety standards.
39. Policy DM45 sets out the approach with regards to parking standards, stating that in town centres and other locations with good

accessibility to facilities and services and/or well served by public transport, a reduced level of car parking may be sought in all new development proposals.

40. The proposed extension to 6 Lower Baxter Street would project over the existing hardstanding area, allowing for 1 off-street parking space for each flat at ground floor level. This is just below the standard normally required by the 2015 Suffolk Parking Guidelines, which seeks 1 space per dwelling for 1 bedroom units and 1.5 spaces per dwelling for 2 bedroom units, with one being allocated and another being shared between two dwellings. According to these standards, the number of spaces that would normally be required for the proposed mix of dwellings would be 6.5 spaces.
41. In this case, the Local Highways Authority has confirmed that a reduced quantum of parking is acceptable due to the highly sustainable nature of the location. This approach would be in line with Local Plan Policies relating to the provision of parking in sustainable locations and the aim to reduce over-reliance on the car. Cycle parking provision for each of the flats would also be secured by way of condition.
42. The Highways Officer initially queried how the proposed parking area would function and requested vehicle swept path / tracking plans. Following the receipt of these plans the Highways Officer has recommended the approval subject to the use of conditions. The recommended conditions refer to the ground floor plan (no.692 021 B) but in the interests of clarity the parking layout tracking plans (no. 692 040) could also be referenced.
43. Concerns have been raised by public representations and the Town Council regarding highways issues, particularly the layout of the proposed parking and the impact the development would have on the free flow of movement along Lower Baxter Street.
44. Whilst the parking layout plans do not specifically show the width of Lower Baxter Street, this information is available to the Highways Authority when making their assessment of the application and they have considered that the proposal would be acceptable in highway safety terms.
45. The movement of vehicles in and out of the parking area may have a modest impact on the movement of traffic along Lower Baxter Street. However, given the existing character of this part of the highway the likely impact would be minimal. It should also be noted that the national Planning Policy Framework makes it clear at paragraph 32 that "*development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe*".
46. On balance it is considered that the development would not lead to unacceptable impacts on highway safety on adjacent highways and

the quantum of off-street parking provided is considered to be acceptable given the town centre location. As such, the development is considered to be in accordance with policies DM2, DM22 and DM45 of the Joint Development Management Policies Document 2015 in terms of the highways impacts.

Contamination

47. The Environment Officer has confirmed that whilst an application for this many dwellings would normally require a full phase one desk study assessment, they are willing to accept the lower level of assessment as submitted as the proposed development is largely a conversion of an existing structure and the proposed development comprises no soft landscaping or garden areas of any kind.

Other Matters

48. There are a number of other benefits associated with the development that must be considered in the planning balance. The development would increase housing supply and choice, but with only five apartments proposed, this is only a limited social benefit which would nonetheless attract a modest amount of weight in the planning balance.
49. The scheme would facilitate some economic benefits to the construction industry, including jobs, but these would be for a limited time. There would also be some benefits to the local economy from the circulation of funds from future occupants but this is also unlikely to be significant given the modest scale of the development.
50. The Council is currently consulting on the issues and options stage of a Town Centre Masterplan for Bury St Edmunds. This document will provide the context for the future growth, development, operation and management of the town centre as an asset. This application would fall within the area that would be covered by the masterplan. However, given the nature of the proposal and the early stage at which the masterplan is currently at, it is considered that the determination of this application would not in any way prejudice the masterplan process.
51. Due to a modest removal of some of the built fabric of the listed building to facilitate the extension and conversion, the proposal could technically be considered to involve an element of demolition. As such, Historic England and the relevant National Amenity Societies should be consulted. It has been noted that this consultation did not take place when the application was received and these parties have now therefore been consulted. As this consultation period will not have expired by the time this application is considered by Members, the recommendation is that if Members are minded to approve the applications that this should be subject to the completion of the

consultation period and confirmation that there have been no objections from these consultation bodies.

Conclusions and Planning Balance

52. The development proposal has been considered against Development Plan Policies and the objectives of the National Planning Policy Framework and the government's agenda for growth. The application has also been assessed having regard to the special Statutory duty placed on local planning authorities in respect of listed buildings and conservation areas.
53. The site is in principle an acceptable one for new residential development subject to conformity with other relevant Development Plan policies. In this regard, those policies in relation to listed buildings and conservation areas as well as those that seek to protect residential amenity and ensure highway safety are central to the consideration of the application.
54. The Town Council and Bury Society remain concerned over the impact the proposed development would have on views from Angel Hill. However, the Conservation Officer believes the design to be an acceptable one whilst providing a contrast through contemporary design, and one which would not adversely affect the character of the conservation area or key views within, into or through it.
55. Changes to the detail of the design have significantly reduced the level of overlooking to the immediate neighbour at 6 Angel Hill such that the level of actual and perceived overlooking that would now occur is considered to be acceptable in this town centre location and in accordance with the requirements of Development Plan Policy.
56. There will be an inevitable change in outlook for neighbouring properties most notably, 6 Angel Hill and those flats within Suffolk House that face onto the application site. There would also be some impact in terms of the light to those windows on the north elevation of Suffolk House, and flat number five at the ground floor would be likely to experience the most change. This adverse impact on neighbouring amenity from the change in outlook and associated reduction in light would attract some weight against the development in the planning balance. However, given the town centre location and the fact that the rooms most affected (those in apartment 5) are bedrooms as opposed to living rooms, it is considered that the level of weight to be attributed would be modest in this case, and not at a level that would justify a refusal.
57. There are some benefits associated with the proposal, which would carry weight in favour of the development, most notably through the creation of additional dwellings in a sustainable town centre location and the economic benefits associated with construction phase. However, given the small scale of the development, this would attract

only modest weight in favour of the development in the planning balance.

58. It is considered by Officers that the development would raise no adverse effects in terms of highway safety, visual amenity, heritage impacts, and contamination that could not be adequately addressed through the use of conditions.
59. On balance, it is considered that adverse effect on neighbouring amenity identified in this case, when weighed against the benefits of the scheme, the broad compliance with Development Plan policies and the presumption in favour of sustainable development would not warrant the rejection of the proposals. As such, the applications are recommended for approval.

RECOMMENDATION

60. That planning permission and listed building consent be **GRANTED** subject to no objections being received from the National Amenities Societies and Historic England and subject to conditions to secure the following:
 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 and 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.
 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. No security lights or floodlights shall be erected on site without the submission of details to, and written approval from, the Local Planning Authority to ensure a lighting environment of low district brightness at residential properties.
Reason: To protect the amenity of the area.

5. The acoustic insulation of the dwellings shall be such to ensure noise levels, with windows closed, do not exceed LAeq(8hrs) of 30dB(A) within bedrooms between the hours of 23:00 to 07:00.
6. All new external and internal works and finishes and works of making good to the retained fabric shall match the existing historic work adjacent in respect of materials, methods, detailed execution and finished appearance unless otherwise approved in writing by the Local Planning Authority.
Reason: To protect the special character and architectural interest and integrity of the building in accordance with the requirements of Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
7. The works hereby permitted shall be carried out in accordance with the approved plans and specifications and in such a manner as to retain existing features of architectural or historic interest within the building including those that may be exposed during implementation of the approved works.
Reason: To maintain the character of the building and to protect the special character and architectural interest and integrity of the building in accordance with the requirements of Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
8. No mechanical and electrical extract fans, ventilation grilles, security lights, alarms, cameras, and external plumbing, including soil and vent pipe shall be provided on the exterior of the building until details of their location, size, colour and finish have been submitted to and approved in writing by the Local Planning Authority.

Reason: To protect the special character and architectural interest and integrity of the building in accordance with the requirements of Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
9. Before any work is commenced details in respect of the following shall be submitted to and approved in writing by the Local Planning Authority:
 - Details drawings of the Juliet balconies at a scale of not less than 1: 10;
 - Samples of external materials and surface finishes
 - Schedule of works/repairs and specificationsThe works shall be carried out in full accordance with the approved details unless otherwise subsequently approved in writing by the Local Planning Authority.
Reason: To protect the special character and architectural interest and integrity of the building in accordance with the

requirements of Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

10. A minimum of five working days notice shall be given to the Local Planning Authority of the commencement of works to form the new openings between the existing and new building. Opportunity shall be allowed for on-site observations and recording by a representative of the Local Planning Authority or a person nominated by the Authority during any period of work relating to this element of the works and no part of any feature of the building revealed by the works shall be removed unless first approved in writing by the Local Planning Authority.
Reason: To protect the special character and architectural interest and integrity of the building in accordance with the requirements of Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
11. Before any work is commenced:
(i) sample panel(s) of all new facing brickwork shall be constructed on site showing the proposed brick types, colours and textures; face bond; and pointing mortar mix and finish profile and shall be made available for inspection by the Local Planning Authority; (ii) the materials and methods demonstrated in the sample panel(s) shall be approved in writing by the Local Planning Authority.
The approved sample panel(s) shall be retained on site until the work is completed and all brickwork shall be constructed in all respects in accordance with the approved details.
Reason: To protect the special character and architectural interest and integrity of the building in accordance with the requirements of Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
12. Before any work is commenced elevation(s) to a scale of not less than 1:10 and horizontal and vertical cross-section drawings to a scale of 1:2 fully detailing the new windows to be used (including details of glazing bars, sills, heads and methods of opening and glazing) shall be submitted to and approved in writing by the Local Planning Authority. Unless otherwise approved in writing by the Local Planning Authority all glazing shall be face puttied. The works shall be carried out in complete accordance with the approved details.
Reason: To protect the special character and architectural interest and integrity of the building in accordance with the requirements of Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
13. No development shall commence until samples of the facing and roofing materials to be used have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the external appearance of the development is satisfactory and safeguard the character and appearance and setting of the listed building and conservation area.

14. The areas to be provided for storage of Refuse/Recycling bins as shown on drawing number 692 021 B shall be provided in its entirety before the development is brought into use and shall be retained thereafter for no other purpose.

Reason: To ensure that refuse recycling bins are not stored on the highway causing obstruction and dangers for other users.

15. The use shall not commence until the parking and turning proposed within the site, shown on drawing numbers 692 021 B and clarified by 692 040 has been provided. Thereafter these area(s) shall be retained and used for no other purposes in perpetuity

Reason: To ensure that sufficient space for the on site parking of vehicles is provided and maintained in order to ensure the provision of adequate on-site space for the parking and manoeuvring of vehicles where on-street parking and manoeuvring would be detrimental to highway safety to users of the highway.

16. Before the development is occupied details of the secure cycle storage shall be submitted to 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.

Reason: To ensure the provision and long term maintenance of adequate on-site space for secure cycle storage to encourage sustainable travel.

17. Prior to the installation of any glazing on the site, a sample of the frosted/opaque glazing to be used in the east elevation and the side panels of the angled feature window shall be submitted to the local planning authority and agreed in writing. The elevation shall be completed using the agreed materials and thereafter retained as so installed.

Reason: To prevent overlooking in the interests of neighbouring residential amenity.

18. The glazing on the east elevation shall be completed in strict accordance with the details shown in the approved plan. Those areas shown to be obscurely glazed shall be non-opening and remain as such in perpetuity

Reason: To prevent overlooking in the interests of neighbouring residential amenity.

19. No individual dwelling hereby approved shall be occupied until the optional requirement for water consumption (110 litres use per person per day) in Part G of the Building Regulations has been complied with for that dwelling.

Reason: In the interests of sustainability in accordance with policy DM7 of the Joint Development Management Policies Document 2015

20. 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 The Archaeological Service
- 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 for this to be pre-commencement 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 Policy CS2 of St Edmundsbury Core Strategy 2010 and the National Planning Policy Framework (2012)

21. No buildings shall be occupied until the site investigation and post investigation assessment has been completed, submitted to and approved in writing by the Local Planning Authority, in accordance with the programme set out in the Written Scheme of Investigation approved under Condition 21 and the provision made for analysis, publication and dissemination of results and archive deposition.

Reason: 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 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.