



St Edmundsbury  
BOROUGH COUNCIL

# DEV/SE/19/003

## Development Control Committee 3 January 2019

### Planning Application DC/18/0068/FUL – 26 Angel Hill, Bury St Edmunds

**Date Registered:** 25.01.2018      **Expiry Date:** 22.03.2018  
EoT until 11.01.2019

**Case Officer:** Marianna Hall      **Recommendation:** Approve Application

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

**Proposal:** Planning Application - (i) Ground floor retail unit; (ii) 4 no. flats on first and second floor (following demolition of existing building). As amended by plans and documents received on 14 August 2018 removing garden areas.

**Site:** 26 Angel Hill, Bury St Edmunds

**Applicant:** Mr J Thake

**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:

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## **Background:**

**This application has been called-in by Councillor Jo Rayner as one of the Abbeygate Ward Members. The Town Council also objects to the application and the Officer recommendation is one of APPROVAL.**

**As Chairman of the Development Control Committee, Councillor Jim Thorndyke has expressed his view that the application should be presented directly to the Development Control Committee, rather than the Delegation Panel, and this is a position agreed by David Collinson as Assistant Director (Planning & Regulatory Services).**

**A site visit will take place on Thursday 20 December 2018.**

## **Proposal:**

1. Planning permission is sought for the erection of a part two-storey and part three-storey building comprising a retail unit on the ground floor and 4 no. flats on the first and second floors. The retail unit, Cycle King, that previously occupied the site was damaged in a fire in September of 2017 and was later demolished. The proposals seek to replace the retail space that has been lost and to build above to provide residential accommodation in the form of 3 no. one-bedroom flats and 1 no. two-bedroom flats.
2. The building would be finished in gault brickwork to the first and second floors with block columns and glazing to the ground floor. Timber sliding sash windows are proposed and the roofs tiled to match adjacent buildings, concealed behind parapet walls. The building would front onto Angel Hill and no on-site car parking is proposed.
3. The application has been subject to several amendments since its original submission. The communal gardens originally proposed at first floor level to serve the flats have been removed from the scheme. The layout has also been revised in terms of the proposed bin store at first floor level and the provision of cycle storage at ground floor level within the lobby area for the flats. An appropriate maintenance gap has been introduced between the ground floor retail unit and the historic Abbey wall behind, with ventilation also provided to ensure that this space is breathable. The shopfront design has been revised in response to feedback from the Conservation Officer and the Bury St Edmunds Society. Additional information has in addition been provided during the course of the application including an Environmental Noise Assessment and updated Archaeological Investigation.

## **Application Supporting Material:**

1. The information submitted with the application comprises:
  - Application Form
  - Plans
  - Design & Access Statement Incorporating Heritage Statement
  - Historic Photograph
  - Archaeological Evaluation
  - Material Schedule
  - Phase 1 Geo-Environmental Desk Study Report
  - Environmental Noise Assessment & Supplement re: Live Music Events

## Site Details:

2. The site is located between The One Bull public house and Crescent House on Angel Hill in the Town Centre of Bury St Edmunds and comprises the former site of Cycle King - a cycle sales and repair business. Both The One Bull and Crescent House are Grade II listed buildings and the properties opposite the site are also listed. The site backs onto the Abbey Gardens, with the adjacent precinct wall being Grade I listed and forming part of the Bury St Edmund's Abbey Scheduled Monument. The Abbey Gardens is also a Grade II listed Historic Park and Garden, a site of Nature Conservation Interest, and is designated as Recreational Open Space within the local plan. The site is within the Town Centre Conservation Area which is subject to an Article 4 Direction, and is also within the defined Housing Settlement Boundary for Bury St Edmunds.
3. The former Cycle King shop that occupied the site has been demolished and removed from the site. There is currently a timber hoarding across the site frontage.

## Planning History:

Reference	Proposal	Status	Decision Date
E/83/3426/A	Provision of non-illuminated fascia signs	Application Refused	29.12.1983
E/83/2628/A	Proposed display of 4 no. posters on internal window faces obj. reply recd. WITHDRAWN - September 1983	Application Withdrawn	20.09.1983
E/82/1123/A	Provision of display posters on shop windows	Application Refused	03.03.1982
E/81/2702/A	PROVISION OF NON ILLUMINATED SHOP SIGN	Application Granted	16.09.1981
E/81/2575/P	REPLACEMENT OF SHOP FRONT	Application Granted	05.10.1981
E/81/2351/P	CHANGE OF USE TO MOTOR ACCESSORIES RETAIL SHOP	Application Granted	14.08.1981
E/81/2111/P	CHANGE OF USE FROM CAR HIRE DEPOT TO CAR SALES SHOW ROOM	Application Granted	16.06.1981
E/81/2013/P	CHANGE OF USE FROM CAR SHOWROOM TO	Application Granted	16.06.1981

PREMISES FOR RETAIL  
SALES OF CYCLES

**Consultations:**

4. Town Council

Comments 15.02.2018:

- Objection on the grounds of loss of privacy, overdevelopment and health and safety.

Comments 07.06.2018:

- Our health and safety concerns have been addressed however we are obliged to sustain the objection on ground of privacy and overdevelopment.

Comments 13.09.2018:

- Objection on grounds of loss of amenity and the health and safety implications of bin storage being on the first floor.

5. Highways

Comments 09.02.2018:

- Conditions recommended regarding provision of bin and cycle storage.
- The absence of car parking spaces is mitigated by the sustainable town centre location.

Comments 14.06.2018:

- Conditions recommended regarding provision of bin and cycle storage.
- The absence of car parking spaces is mitigated by the sustainable town centre location.

Comments 14.09.2018:

- Conditions recommended still stand but should refer to the latest drawings.

6. Public Health & Housing

Comments 22.02.2018:

- No objection.
- Conditions recommended regarding construction hours and burning of waste.
- There is a risk of noise from the neighbouring public house and traffic noise from Angel Hill affecting future occupants of the development. Recommend applicant undertakes a noise assessment. Details of assessment and attenuation measures should be provided for agreement in writing by the LPA.
- May be a loss of amenity for the proposed flats due to potential cooking odours from the public house.

Comments 31.08.2018:

- Is sensible to remove the rooftop gardens as it is unlikely that reasonable noise levels can be achieved in the garden areas.
- The internal noise levels are acceptable on the basis of the various Acoustic Consultant's reports and additional information.

- It would be unreasonable if The One Bull were not allowed to open their rooflight for ventilation purposes without the need for additional mechanical ventilation.

## 7. Historic England

Comments 15.02.2018:

- Object to the application on heritage grounds.
- Red line boundary of the development includes part of the designated precinct wall. Ground floor abuts the wall and the first floor terrace overlooks the park and monument.
- Concerned about direct impact upon the wall during the demolition and construction phases which has the potential to cause a high degree of harm to its significance.
- Any works to the wall would require Scheduled Monument Consent.
- Also concerned about impact upon the significance of the wider monument through a development within its setting, and about impact of the development upon non-designated archaeology within the red line boundary.
- No in principle objection to the redevelopment of the site.
- Existing building is of some merit and is representative of its period but we accept the broad principle elements of the new design.
- Success of the scheme will be in the detailing of the new development and in particular the brickwork and materials. Considerable regard should be given to these matters in relation to the setting of the Conservation Area.
- Not clear whether the existing structure is attached to the wall and therefore what impact there would be on it during the demolition phase.
- No information provided on current condition of wall or consideration of whether repairs are necessary.
- Concerned about future maintenance and access for repair. Is important to ensure the wall can be maintained and repaired on both sides. Recommend plans are amended to include sufficient space for inspection and repair.
- Roof terrace would seem positive for the amenity of the residents but query the likely impact of this and the development as a whole upon the significance of the scheduled monument from changes to its setting, particularly in key views from the public spaces of the park and ruins.
- Development area sits just outside of the medieval precinct and there is therefore considerable potential for the recovery of archaeological remains within the footprint of the existing building.
- Impact on non-designated heritage assets would also need to be considered.
- Application fails to accord with the NPPF and insufficient information is available to determine the impact of the proposals.

Comments 14.09.2018:

- We have no outstanding issues and no objection on policy grounds.
- The revisions to the application include the introduction of a gap between the rear shop wall and the historic wall and the use of ventilation on the upper section to ensure the space is breathable.
- This will also be a Scheduled Monument Consent matter and I can confirm that we have received a corresponding SMC application.
- We note that the balustrading and first floor decking have been removed.

- Recommend that the County Archaeologist is contacted to ensure that she is happy with the revised scheme.

## 8. The Archaeological Service

Comments 23.02.2018:

- Development lies in an area of extremely high archaeological sensitivity.
- Is also a possibility that site spans the former line of the monastic precinct and an area of monastic buildings.
- Is high potential for the discovery of below-ground heritage assets of archaeological significance within this area and groundworks associated with the development have the potential to damage or destroy any archaeological remains which exist.
- Impacts of past land use need to be understood but the proposed rebuild is highly likely to have more substantial foundations and impacts than former building on the site.
- Given high potential and lack of previous investigation it is recommended that in order to establish the full archaeological implications of this area and the suitability of the proposed design, the applicant should be required to provide for an archaeological evaluation of the site prior to the determination of the planning application.
- Note that demolition/clearance has commenced on site. Whilst this will undoubtedly facilitate safe access for archaeological investigations, there should be no disturbance below ground level until an archaeological evaluation has been undertaken.

Comments 01.10.2018:

- Conditions recommended relating to foundation design agreement and programme of archaeological work.

## 9. Conservation Officer

Comments 06.03.2018:

- Site is in a prominent position within the Conservation Area and has listed buildings adjoining to either side and a section of the Abbey wall forming the rear boundary of the site.
- Former building on the site was distinctive but did not accord with the overall character and appearance of the area. Demolition of the building would not therefore harm the character or appearance of the conservation area or the settings of the surrounding listed buildings and scheduled area of the Abbey Gardens.
- Given the sensitive location the replacement building requires very careful consideration, not only in terms of its scale and design, but also in terms of the detailing and relationships with the existing buildings and wall.
- There is evidence in the form of an old photograph of a taller building on the site and visible confirmation of this survives on the end wall of Crescent House, where the shape of the former roofline can be seen.
- New building broadly reflects the design and scale of the former building.
- No objection in principle to the proposal but following matters need to be resolved:
  - i) Proximity to and impact on the abbey wall;
  - ii) Height of the communal garden, and its relationship with The One Bull and views from the Abbey Gardens;
  - iii) Means of adjoining/abutting adjacent listed buildings;

- iv) Foundation construction;
- v) Shopfront design, which should be more traditional in appearance and split to reflect the two elements of the building in accordance with our Design Guide;
- vi) Means of disposing of rain water (locations of downpipes);
- vii) Compatibility with the operation of the adjacent public house, especially the opening hours and the position of the bin store adjacent to the pub's openable roof light.

Comments 04.10.2018:

- Revised details showing the amended shopfront, omitting the roof garden and associated fences and planting, and leaving a gap between the precinct wall and new wall overcome the majority of my previous concerns.
- Remain concerned about proximity of bin store to adjacent openable rooflight. Is unclear from the drawings if the bin store is fully enclosed including doors and a roof. Bin store should be fully enclosed for the benefit of both the continuing operation of the pub and the amenity of residents of the flats.
- Subject to the above being resolved satisfactorily I have no objection to the application subject to conditions regarding samples of materials and details of the entrance door to the flats.

#### 10. Bury St Edmunds Society

Comments 13.02.2018:

- Consider the scale of development to be appropriate for site's location.
- Believe the fascia/glazed shopfronts should not extend the full width of the building. If fascia/shopfront could be restricted to just the three-storey element the design would appear more balanced and the building would sit more comfortably in the street scene. A break in the shopfront for the two-storey element would also achieve a better transition down to The One Bull.
- Suggest the ground floor is set back from the rear boundary with the Abbey wall.
- Any upper floors to the rear should follow the general line of Crescent House.
- Support the use of complementary materials such as reclaimed gault brickwork and painted timber joinery, including for the shopfront.

Comments 23.05.2018:

- Objection.
- Commend revisions which aim to achieve a better relationship with neighbours at the rear and commend revised pattern of fenestration on the front elevation.
- Remain strongly of the view that the full width shop front and fascia will represent a major visual intrusion.

Comments 13.08.2018:

- Welcomes changes to the front façade which go a long way towards meeting our previous reservations.
- Withdraw our previous objection.
- We appreciate the applicant's willingness to address our concerns.

#### 11. Suffolk Fire & Rescue Service

Comments 12.02.2018:

- Advisory comments provided regarding access and firefighting facilities.
- No additional water supply for firefighting purposes is required in respect of this application.
- Recommend consideration is given to the provision of an automatic fire sprinkler system.

## 12.Environment Team

Comments 06.02.2018:

- Application is supported by a Phase 1 Geo-Environmental Desk Study Report which identifies the site as a former garage with possible underground fuel tanks. Report includes an intrusive investigation as an appendix which identifies made ground ranging from approximately 1.5m to 3m depth. Report concludes that there will be no risk to end users of the site due to the site being hardstanding throughout.
- Agree with the conclusions with regards to end users of the site.
- It is possible that the proposed development will require specialist foundations or deep foundations, and this may impact on the underlying principal aquifer. Conditions recommended to protect the underlying aquifer.

## 13.Strategic Housing

Comments 23.08.2018:

- No comments.

## **Representations:**

### 14.Councillor Andrew Speed

I have discussed this application at length with the planning consultant and neighbours. It must be remembered that the neighbours, David and Rox Marjoram, suffered hugely both in terms of trading losses and in the disruption to their private lives. Their family was obliged to live in temporary accommodation and they lost most of their household contents due to smoke damage. I believe the two suggestions made by Evolution Planning are reasonable and I fully support them. Can they be put to the developer? If agreed the project can commence.

### 15.Councillor Joanna Rayner

I also support the above position.

16.Representations have been received from numbers 13, 14 and 16 Angel Hill and from The One Bull making the following summarised points:

- Site is opposite our house, we fear the loss of view of important monuments due to the increase in height.
- Site was used as a garage and petrol station and there are possibly still tanks below ground.
- Request great care is taken with this rebuild and commercial activities do not take precedence over conservative reservation in particular regarding the shop front, signage and display.



- Already considerable pressure on residents' parking Zone D. Addition of further properties will increase the pressure. Are also issues with illegal parking including in the drop-off bay.
- Proposal to use Crescent House as a template for this development is welcomed, resulting building should be very compatible with its surroundings.
- External finish will be key, brickwork and paint finishes must respect the building's position.
- Query whether rear wall allows adequate access for the Abbey wall.
- The One Bull pub next to the application site was very badly damaged in the fire that started in Cycle King in October 2017. This fire badly damaged the pub and the flat occupied by David Marjoram and his family above. The pub has only recently reopened and the flat has been restored.
- Proposed roof garden for flats will overlook The One Bull roof garden and the rear windows of the flat above the pub. This should be removed from the scheme.
- Roof garden will be clearly visible from the Abbey Gardens and harm the character of this historic area.
- Roof garden has been removed but the informal use of the roof remains a potential issue. Would like to see design changes that ensure access to the roof will not be possible, e.g. a pitched roof.
- The One Bull licence allows the pub to operate until 2am on Friday and Saturday nights and until 12.30am on Thursday nights. Music is allowed up to half an hour before closing time. Any new development should not constrain what the pub is already allowed to do.
- Opening rooflights were approved in The One Bull to improve light and ventilation and are located next to the party wall with Cycle King. Rooflights are very close to the proposed flats and roof garden. Need to consider the noise that could come from the open rooflights with the full range of activities that can be carried out under the pub's licence.
- Occupant of the pub took it on as it has no homes next to it which gives more flexibility to run the pub in a viable and successful way. Introduction of housing here can give rise to conflict.
- A noise survey will not pick up the impact of the pub over a long period and will not therefore reflect all scenarios. Noise insulation qualities are also likely to be lower than a more modern building.
- Is unacceptable to deal with noise by condition. Is unrealistic to expect the occupants of the flats to keep windows closed and tolerate noise from the pub.
- The One Bull has appointed their own noise consultant. The Environmental Noise Assessment submitted makes no mention of music noise from the pub affecting the flats' external amenity space, the rooflight being open, and does not take account of the character of music noise.
- Requiring The One Bull to change its operations or to place new restrictions on its use so that the development may be permitted is entirely unreasonable and contravenes the NPPF. As the pub is a listed building in its historic use weight should be given to ensuring that the use is viable.
- Kitchen extraction system and air conditioning unit for the nearby restaurant Francela will be very close to the flats and roof terrace.
- First floor bin store will be located next to the rooflights to the pub, is unclear how this will be emptied or how smells will be controlled.

- The screen to the bin area should be made higher, at least 2 metres, to avoid overlooking of the One Bull roof garden. Bins should be stored within a building and not outside to prevent them causing a nuisance to the pub and its patrons.
- Bin store would need regular maintenance, look unsightly and could be adapted to a roof terrace in future.
- Agree that proposed frontage will improve the aesthetic of Angel Hill but feel an alternative use of the space would be more suitable.
- Rear facing windows will overlook the private roof garden for the pub's flat. A screen should be erected to the rear, projecting north from the bin area, to prevent overlooking from first floor windows. Flat 3 on the second floor should be reorganised to provide the bathroom closest to The One Bull, the window of which can then be obscure glazed.
- Do not feel the application is being considered consistently with planning application DC/16/1050/FUL in Lower Baxter Street.

**Policy:**

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

- Core Strategy Policy CS1 - St Edmundsbury Spatial Strategy
- Core Strategy Policy CS2 - Sustainable Development
- Core Strategy Policy CS3 - Design and Local Distinctiveness
- Core Strategy Policy CS4 - Settlement Hierarchy and Identity
- Core Strategy Policy CS7 - Sustainable Transport
- Core Strategy Policy CS9 - Employment and the Local Economy
- Core Strategy Policy CS10 - Retail, Leisure, Cultural and Office Provision
- Vision Policy BV1 - Presumption in Favour of Sustainable Development
- Vision Policy BV2 - Housing Development within Bury St Edmunds
- Policy DM1 Presumption in Favour of Sustainable Development
- Policy DM2 Creating Places Development Principles and Local Distinctiveness
- Policy DM7 Sustainable Design and Construction
- Policy DM14 Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards
- Policy DM15 Listed Buildings
- Policy DM17 Conservation Areas

- Policy DM20 Archaeology
- Policy DM22 Residential Design
- Policy DM35 Proposals for main town centre uses
- Policy DM38 Shop Fronts and Advertisements
- Policy DM46 Parking Standards

**Other Planning Policy/Guidance:**

- 18.National Planning Policy Framework (2018)
- 19.National Planning Practice Guidance
- 20.West Suffolk Shop Front and Advertisement Design Guidance (2015)
- 21.Bury St Edmunds Town Centre Masterplan (2017)
- 22.Bury St Edmunds Town Centre Conservation Area Appraisal and Management Plan (2007)
- 23.Suffolk Guidance for Parking Technical Guidance Second Edition (November 2015)

**Officer Comment:**

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

- The Revised National Planning Policy Framework (NPPF)
- Principle of Development
- Design and Impact on Character
- Heritage Impacts
- Impact on Amenity including Noise
- Highway Matters
- Contamination

**The Revised National Planning Policy Framework (NPPF)**

- 25.The NPPF was revised in July 2018 and is a material consideration in decision making from the day of its publication. Paragraph 213 of the revised NPPF 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 Framework. 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.
- 26.The Policies set out within the Joint Development Management Policies Document have been assessed in detail and are considered sufficiently aligned with the provisions of the 2018 NPPF that full weight can be attached to them in the decision making process.

**Principle of Development**

27. 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.
28. Core Strategy Policy CS1 confirms the towns of Bury St Edmunds and Haverhill as being the main focus for the location of new development. This is re-affirmed by Policy CS4 which sets out the settlement hierarchy for the district. Policy BV1 of the Bury St Edmunds Vision 2031 echoes national policy set out within the NPPF insofar as there is a presumption in favour of sustainable development.
29. In terms of the retail element of the scheme, this is supported by Core Strategy Policy CS10 which states that the town centres of Bury St Edmunds and Haverhill will continue to be the focus for new retail, leisure, cultural and office development. Joint Development Management Policy DM35 states that within the town centres support will be given to proposals for main town centre uses such as shopping (Use Class A1). The residential element of the proposals is supported by Vision Policy BV2 which states that within the housing settlement boundary for Bury St Edmunds, planning permission for new residential development will be granted where it is not contrary to other planning policies. Policy DM35 also supports residential uses on upper floors within the town centre.
30. The NPPF states that planning should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions (para. 117). Substantial weight should be given to the value of using suitable brownfield land within settlements, such as the application site in this case, for homes and other identified needs (para. 118). Decisions should support development that makes efficient use of land, taking into account:
- a) the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;
  - b) local market conditions and viability;
  - c) the availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;
  - d) the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change; and
  - e) the importance of securing well-designed, attractive and healthy places.

### **Design and Impact on Character**

31. The site occupies a visually prominent position within the town centre, fronting directly onto Angel Hill with the Abbey Gardens directly to the rear. The former Cycle King building that occupied the site was demolished following the submission of this application, and as such prior to obtaining planning permission for these works. Notwithstanding the timing of the demolition, neither Historic England nor the Council's Conservation Officer

raised any objections to the loss of the building at that time. The building was damaged in a fire in 2017 and whilst distinctive in terms of its scale and design, and of some merit in being representative of its time, it was not considered to be in keeping with the predominant character or appearance of the area. The frontage comprised a full width (3 bay) painted timber shopfront topped with a large, curved, art deco style parapet detail, built from rendered masonry over a steel beam. The construction of the building behind the façade was relatively basic and lightweight, using metal sheeting and a metal frame. The rear elevation of the structure was visible above the Abbey wall from the Abbey Gardens where it was a somewhat discordant feature. The demolition of the building was not therefore considered to harm the character or appearance of the area. The scheme now proposed seeks to both replace the ground floor retail space that was lost as a result of the fire and to utilise the space above to provide four new flats at first and second floor level.

32. Angel Hill rises from east to west and there is also a change in the scale of buildings to either side of the site, with The One Bull to the east being a two-storey building and Crescent House to the west being three-stories and in an elevated position. The scheme seeks to respond to these changes in levels and scale, proposing a two-storey element adjacent to The One Bull and a three-storey element adjacent to Crescent House. The three-storey element of the building reflects the form and scale of No. 29 Angel Hill on the southern end of Crescent House. A historic photograph dated between 1859 and 1864 has also been submitted with the application which shows that a two-storey building with a parapet roof occupied the site during that period, evidence of which is still visible on the eastern elevation of Crescent House. In terms of the detailing of the elevations the scheme seeks again to reflect that of Crescent House which it will adjoin, with gault brickwork, stone detailing, a parapet roof and timber sash windows.
33. Having regard to the form and design of the building that until recently occupied the site and to the current appearance of the site following the demolition of such, its redevelopment in the form proposed is considered to be of significant benefit to the streetscene and represents a clear improvement to the character and appearance of the area.

### **Heritage Impacts**

34. The site is within a sensitive location in terms of heritage assets, being within the Conservation Area, between The One Bull public house and Crescent House which are both Grade II listed buildings, and with the Abbey Gardens (a Scheduled Monument) and its Grade I listed precinct wall located directly behind. The site's location also means that important archaeological remains are highly likely to be present which could be affected by the development. These designated and non-designated heritage assets are afforded a high degree of protection under the NPPF and Policies DM15, DM17 and DM20. There is also a statutory duty under the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings and their settings and to preserving or enhancing the character or appearance of conservation areas.
35. The scheme has been amended in response to comments received from Historic England, the Conservation Officer and the Bury Society and the changes made to the proposal have addressed the concerns originally

raised. The extent of the shopfront has been reduced with a break introduced between the two-storey and three-storey elements of the building in this regard, resulting in a more balanced and less visually dominant appearance. An appropriate maintenance gap has been introduced between the ground floor retail unit and the historic Abbey wall behind, with ventilation also provided to ensure that this space is breathable. Historic England has advised that they have received a corresponding Scheduled Monument Consent application for these works. In addition, the first floor roof garden originally proposed for the new flats has now been removed. This addresses the concerns previously raised by Historic England and the Conservation Officer regarding potential views of associated enclosures and domestic paraphernalia from the Abbey Gardens to the rear.

36. As noted earlier within this report, the scale of the proposed building responds appropriately to the changes in levels along Angel Hill and to differences in the scale of buildings to either side. The building's form, external materials and detailing are considered to be in keeping with Crescent House adjacent, and the proposals have been informed by historic photographs of the site and its surroundings. The site currently appears as a gap within the street scene enclosed by a hoarding following the demolition of the former retail unit on the site, and as such does not make a positive contribution to the area. Having regard also to the form, design and construction of the former retail unit that occupied the site, the proposed development represents a clear and significant improvement to the benefit of the character and appearance of the conservation area and the settings of adjacent listed buildings. The rear of the building will be visible from parts of the Abbey Gardens, as are a number of buildings along Angel Hill. Views were similarly available of the former Cycle King shop that occupied the site. Whilst the proposed building is notably larger in scale than the previous structure on the site, it is also of significantly better quality and design and will be viewed from the Abbey Gardens in context with Crescent House adjacent.
37. The proposed development lies in an area of extremely high archaeological sensitivity and an Archaeological Evaluation has been submitted in accordance with the advice of the County Archaeologist. Subject to conditions to secure an appropriate programme of archaeological work and the agreement of foundation design, including a method statement, the proposals are considered to be acceptable in this regard.
38. Concerns have been raised by The One Bull public house adjacent to the site regarding the impact of the residential accommodation proposed on the operation of this existing business. This is a heritage consideration as well as an amenity consideration as the pub is still in what is believed to be its original use, and therefore its optimum viable use as a Grade II listed building. The key considerations in this case are the impact of noise from the public house on the future occupants of the proposed flats adjacent, as this could in turn affect the operation and the viability of the pub, and the impact of the waste arrangements for the flats on the pub given the proximity of the bin store to its recently installed openable rooflight.
39. Following comments from our Public Health & Housing Team, an Environmental Noise Assessment has been provided (dated 29.06.2018) to consider the noise levels that will be experienced by the residents of the

proposed flats. Further details have also subsequently been provided regarding live music events (Supplement dated 26.07.2018) and regarding the The One Bull's rooflight (Supplement dated 09.08.2018). The owners of The One Bull have appointed their own noise consultants, Echo Acoustics, to comment on the submitted Assessments. Those comments are available to view online. The issue of noise is discussed in full within the following section of this report, and Members will note that the conclusion reached is that officers are satisfied that the noise impacts from The One Bull on the future occupants of the proposed flats will be at an acceptable level subject to mitigation measures. As such officers are of the view that the introduction of residential accommodation in this location is unlikely to have a detrimental impact on the continuing operation of the adjacent public house.

40. Concerns have also been raised regarding the proximity of the proposed bin store for the flats, which is at first floor level, to an adjacent openable rooflight at The One Bull. The rooflight was recently installed in order to provide improved light and ventilation to the pub. Whilst the bin store for the flats would be separate from the main building, accessed via an external door, the floor plan shows this as being enclosed by 2m high fencing on its eastern side adjacent to The One Bull and 1.8m high fencing on its southern side. The agent for the application has confirmed agreement to the bin store being further enclosed with a roof and doors, details of which can be secured by condition. In consultation with the Public Health & Housing Team, officers are satisfied that this will satisfactorily address concerns regarding potential odours from the bin store and that the proposals will not therefore have an adverse impact on the operation of the adjacent pub in this regard. The agent has confirmed that the waste will be collected under a private contract rather than via the Council's Waste Service.

### **Impact on Amenity including Noise**

41. The One Bull public house has associated residential accommodation at first floor level including a private roof garden, and this is the sole domestic property potentially affected by the proposals. Adjacent to the site to the west is Crescent House, the nearest part of which (No. 27 Angel Hill) has a restaurant at ground floor level. The first and second floors directly above the restaurant are understood to be commercial offices. As summarised in paragraph 19 of this report, the owners of The One Bull have raised a number of concerns regarding the impact of the proposals in terms of their residential amenity.
42. The scheme originally proposed a roof garden at first floor level for the proposed flats. This element raised a number of concerns including the impact on the adjacent Abbey Gardens in terms of views from this area. The proposed roof garden was also at a higher level relative to the existing roof garden of The One Bull flat, resulting in an unacceptable degree of overlooking of this private area. This has since been removed from the scheme. The residents of the existing flat remain concerned however regarding potential overlooking of their first floor garden area from the rear windows of the proposed flats at first and second floor level. The rear elevation of the proposed building is set in slightly from the rear elevation of The One Bull and the closest first floor window is approximately 6.5m away from the shared boundary. Between this window and The One Bull flat's garden is the proposed bin store including a 1.8m-2m high enclosure.

This particular window serves a bathroom and would therefore also be obscure glazed. The first and second floor windows on the rear elevation of the proposed building all directly face the Abbey Gardens, as opposed to towards the adjacent private garden. As such any views of this garden from the windows would be indirect and oblique, and obstructed in part by the adjacent bin store. Given this context, and noting the town centre location, officers are of the view that the amenity impacts in this case are acceptable.

43. Evolution Planning, acting on behalf of The One Bull, have suggested that further changes should be made to the scheme. These comprise the provision of a screen projecting north from the bin area to prevent overlooking from first floor windows; changes to the layout of one of the second floor flats to relocate the bathroom and its associated window; and the provision of the bin store to be within a permanent and taller structure as an extension to the main building to mitigate odours and improve its appearance. Members will note from paragraphs 17 and 18 that these suggestions are supported by both Ward Members.
44. Notwithstanding officers' view that the proposals are acceptable in their current form (subject to further details of the bin enclosure), these suggestions have been relayed to the agent. The agent has responded that the flat layouts have been arranged to give best use of the available space and that the changes proposed would be detrimental to the proposal in terms of the quality of these spaces. The provision of obscure glazing to bathroom windows is agreed. In terms of a potential screen projecting rearwards from the bin store and potential changes to the bin store itself, the agent expressed concern about the impact of such changes at this stage of the application on the timescale for its determination, noting that Cycle King are currently operating their business in temporary accommodation following the loss of the retail unit on the site. Whilst it is possible to agree minor details by condition, more significant changes to the scheme would require appropriate re-consultation including with the Town Council, The One Bull as an adjacent property, the Conservation Officer, as well as with Historic England. For this reason the agent does not propose any further changes to the scheme at this time. Notwithstanding this, and for the reasons already set out within this report, officers are of the view that the scheme is appropriate in its current form and that these changes are not therefore required to make the development acceptable.
45. As mentioned within the Heritage section of this report, an Environmental Noise Assessment has been submitted as part of the application due to the introduction of residential accommodation directly adjacent to The One Bull public house. The purpose of this is to assess whether future occupiers of the flats would be exposed to unacceptable levels of noise from the pub, which in turn could foreseeably lead to complaints that may as a direct consequence affect the operation of this established business. This is also a key point in terms of ensuring that the listed pub remains in its optimal viable use as a designated heritage asset. The Noise Assessment and supplementary information provided has been subject to extensive discussions between officers and Public Health & Housing officers as the Council's technical advisors on noise matters. The most recent consultation response confirms that the internal noise levels within the flats would be acceptable based upon the information provided. It was unlikely that reasonable noise levels could be achieved within the garden area to the proposed flats, however, this element has now been removed from the



scheme. Public Health & Housing have advised that they have no reason to doubt the calculations provided, which use typical sound levels from live music as the starting point.

46. Officers noted that the Assessments submitted have assumed that the windows and rooflight of the pub will be closed. Restrictions cannot however be placed upon The One Bull via this application regarding the opening of its windows and rooflights. Officers have therefore held further discussions with Public Health & Housing in order to clarify their position based on a 'worst case' scenario. These discussions have confirmed the following:

- The calculations based on noise from the pub going through the pub walls and through the proposed flat walls indicate that the predicted noise levels in the flats would be acceptable.
- The calculations based on the windows at the front of the pub being closed, the rooflight being closed, and the flat windows being closed with trickle vents open indicate that the predicted noise levels in the flats would be acceptable.
- The calculations based on the above scenario but with the pub's rooflight open indicate that whilst the noise levels in the flats would increase they would remain at an acceptable level.
- In the event that the pub windows and rooflight are closed but the proposed flat windows are open, the noise levels in the flats becomes borderline acceptable (25-35 dB LAeq).
- If the pub windows and the flat windows were both open then the noise levels in the flats are likely to be unacceptable.

47. Following on from the above, it has been agreed with the agent that the bedroom windows to the proposed flats are to be fixed shut with acoustic vents provided. This can be secured by condition and will ensure that the noise levels within the flats will be at an acceptable level. In reaching this conclusion officers have also had regard to the context of the site, being in a busy town centre location where background noise levels – including from traffic on Angel Hill – are higher than may otherwise be found in more suburban areas. In addition, discussions with our Building Control Team indicate that there is no reason why the scheme cannot be made to comply with the Building Regulations whilst having some fixed windows. A mechanical ventilation system may be required and the means of fire escape will need to be appropriately designed but this is not anticipated to be an issue.

48. Concerns have been raised by a resident of a property on the opposite side of Angel Hill regarding the loss of views of the Abbey Garden as a result of the development. This is not however a material planning consideration.

49. Evolution Planning on behalf of The One Bull has raised a concern that this application is not being assessed in a manner consistent with an application for development elsewhere within the town centre, reference DC/16/1050/FUL at 6 Lower Baxter Street, which was determined in 2017. That development however included the construction of a three-storey extension for flat development that backed directly onto a two-storey dwelling and its ground floor garden. The existing dwelling and garden were also at a significantly lower level than the development site. Given the back-to-back relationship between the proposed and existing buildings and the change in levels, it was considered that any windows on the elevation facing the existing dwelling would have an unacceptable impact. As a result,

screens were required to be provided on the windows to mitigate overlooking. In contrast, the proposed flats in this case do not have a back-to-back relationship with The One Bull. Instead the proposed building and The One Bull would sit side-by-side, and this is an extremely common arrangement within the built environment. In this arrangement the rear windows all face in the same direction, and any views of associated garden areas are oblique rather than direct. For these reasons, officers do not consider the two schemes to be comparable. In any event, this proposal must be considered on its own merits and officers are of the view that the amenity impacts are acceptable in this case.

50. The retail unit replaced a long standing former retail unit, within limited or no additional impacts therefore arising. Noting the location and context, no conditional control is needed in relation to hours of opening or deliveries etc. However, it is considered reasonable to require the provision of the bin storage area shown on the submitted drawings and this can be controlled via a condition.

### **Highway Matters**

51. The scheme does not include the provision of any on-site car parking. The footprint of the former retail unit on the site occupied the entire site, and is proposed to be replaced on the same footprint with the addition of the flats above. In this respect the proposals do not strictly comply with the Suffolk Parking Guidance. The Guidance states however at page 5 that *"the guidance contained within this document is only one factor to be taken into account when judging planning applications. The issue of parking provisions will be considered alongside existing local policy and all other material planning considerations. It is a matter for the local planning authorities to balance this guidance against all the other material considerations"*.
52. The guidance also states that in sustainable town centre locations a reduction to the parking guidance may be considered. In this case the site is within the town centre of Bury St Edmunds, within walking distance of a wide range of local shops and amenities. The site is therefore within a highly sustainable location. On this basis Suffolk County Council as Highway Authority has raised no objections to the proposals.
53. Given the town centre location of the development it is reasonable to assume that those looking to move into the flats would do so in the full knowledge of the absence of any on-site car parking facilities, and as such would be those who do not ordinarily rely on the use of a private car or have otherwise made arrangements for parking elsewhere. Annual season tickets for the public carparks in the town would provide possible options for those looking to retain a car, however, it is likely that the cost of this may also serve to discourage car ownership. The development will provide secure cycle storage in accordance with the standards.
54. Taking into account the wider policy context, the flexibility built into the parking guidance, the emphasis on sustainable development in the NPPF and the low likelihood of any harm to highway safety arising as a result of off-site car parking (and that other mechanisms exist to control unauthorised parking should it occur), it is considered that the weight to be attached to the conflict with the parking standards is modest in this case and would clearly not be sufficient to justify a refusal on highway grounds.

## Contamination

55. The application is supported by a Phase 1 Geo-Environmental Desk Study Report which identifies the site as a former garage with possible underground fuel tanks. The report includes an intrusive investigation which identifies made ground ranging from approximately 1.5m to 3m depth. The report concludes that there will be no risk to end users of the site due to the site being hardstanding throughout. The Environment Team agrees with the conclusions with regards to end users of the site and recommends conditions to address any potential impact of specialist or deep foundation on the underlying principal aquifer.

## Conclusions:

56. The scheme would provide a replacement retail unit and additional housing on a currently vacant, brownfield site in a highly sustainable location within the town centre. Having regard to the appearance and condition of the building that formerly occupied the site, the redevelopment proposed would furthermore significantly improve the street scene to the benefit of the character and appearance of the area, including the conservation area. The development is considered to be in keeping with its surroundings and would not harm the settings of adjacent listed buildings or the adjacent scheduled monument. The proposals are not considered to have an unacceptable impact upon the amenities of neighbouring properties and would provide a good standard of amenity for future occupiers of the development. Whilst the development does not propose any on-site car parking, the site is within the town centre of Bury St Edmunds with services and amenities readily accessible by means other than the private car. The adjacent highway is also controlled by parking restrictions, which together with the highly sustainable location of the development and the type of accommodation proposed, reduces the likelihood of adverse issues arising as a result of the development to an acceptable degree. 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. As such a recommendation of approval is appropriate.

## Recommendation:

57. It is recommended that planning permission be **APPROVED** 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) The development hereby permitted shall not be carried out except in complete accordance with the details shown on the following approved plans and documents (*approved plans and documents to be listed*).  
*Reason: To define the scope and extent of this permission.*
- 3) No development shall take place within 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: 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 DM20 of the Forest Heath and St Edmundsbury Local Plan Joint Development Management Policies 2015, Policy CS2 of St Edmundsbury Core Strategy 2010 and the National Planning Policy Framework (2018).*

- 4) No building 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 3 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 DM20 of the Forest Heath and St Edmundsbury Local Plan Joint Development Management Policies 2015, Policy CS2 of St Edmundsbury Core Strategy 2010 and the National Planning Policy Framework (2018).*

- 5) Details of the foundations, to include a detailed design and method statement, shall be submitted to and approved in writing by the Local Planning Authority, such details to show the preservation of surviving archaeological remains which are to remain in situ. The foundations shall be constructed in accordance with the details as may be approved by the Local Planning Authority.

*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 DM20 of the Forest Heath and St Edmundsbury Local Plan Joint Development Management Policies 2015, Policy CS2 of St Edmundsbury Core Strategy 2010 and the National Planning Policy Framework (2018).*

- 6) Piling or any other foundation designs and investigation boreholes using

penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

*Reason: To protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF), paragraphs 109, 120, 121 and Environment Agency Groundwater Protection: Principles and Practice (GP3).*

- 7) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted a remediation strategy detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.

*Reason: To protect and prevent the pollution of controlled waters, future end users of the land, neighbouring land, property and ecological systems from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF), paragraphs 109, 120, 121, Environment Agency Groundwater Protection: Principles and Practice (GP3), Policy CS2 (Sustainable Development) of the Core Strategy and Policy DM14 of the Joint Development Management Policy. This condition requires matters to be agreed prior to commencement since it relates to consideration of below ground matters that require resolution prior to further development taking place, to ensure any contaminated material is satisfactorily dealt with.*

- 8) The site demolition, preparation and construction works shall only 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, Public or Bank Holidays without the prior written consent of the Local Planning Authority.

*Reason: To protect the amenity of the area.*

- 9) No development above ground floor level shall take place until details of the bin store and associated enclosure to serve the flats have been submitted to and approved in writing by the Local Planning Authority. The bin store and associated enclosure shall be provided in accordance with the approved details prior to any of the flats being first occupied and shall be thereafter retained as approved and used for no other purpose.

*Reason: To protect the amenity of the area and to ensure that refuse and recycling bins are not stored on the highway causing obstruction and dangers for other users.*

- 10) The windows serving the bedrooms of the flats hereby permitted shall be fixed shut with acoustic vents provided in accordance with details that shall first have been submitted to and approved in writing by the Local Planning Authority. Any such windows as may be installed shall thereafter be retained as so installed.

*Reason: To protect the amenity of future occupants in respect of noise levels.*

- 11) No work of construction above slab level shall commence until samples of the external materials and surface finishes have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.  
*Reason: To ensure the appearance of the development is satisfactory.*
- 12) The external brickwork shall be laid in Flemish Bond.  
*Reason: To ensure the appearance of the development is satisfactory.*
- 13) No works involving the installation of the front entrance door to the flats shall take place until an elevation 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 external door and surrounds to be used (including details of panels and glazing where relevant) have been 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 ensure the appearance of the development is satisfactory.*
- 14) The flats shall not be occupied until the cycle storage shown on drawing nos. F982/10 and F/982/14E has been provided. The cycle storage shall be retained thereafter as approved.  
*Reason: To ensure that sufficient space for cycle storage is provided and maintained.*
- 15) The dwellings hereby approved shall not 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 and evidence of compliance has been obtained.  
*Reason: To ensure that the proposal meets with the requirements of sustainability, in accordance with policy DM7 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 14 of the National Planning Policy Framework and all relevant Core Strategy Policies.*
- 16) The ground floor bin storage area for the retail unit shown on drawing F982/14 Revision E shall be provided prior to the first retail use of the ground floor, and thereafter retained.  
*Reason: In the interests of providing sufficient space for the storage of bins, in the interests of amenity and highway safety.*

### **Documents:**

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/18/0068/FUL](https://www.suffolk.gov.uk/DC/18/0068/FUL)