



*St Edmundsbury*  
BOROUGH COUNCIL

# DEV/SE/19/015

## Development Control Committee 7 February 2019

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

<b>Date Registered:</b>	25.01.2018	<b>Expiry Date:</b>	22.03.2018 EoT until 08.02.2019
<b>Case Officer:</b>	Marianna Hall	<b>Recommendation:</b>	Approve Application
<b>Parish:</b>	Bury St Edmunds Town Council	<b>Ward:</b>	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:

Marianna Hall / Dave Beighton

Email: [marianna.hall@westsuffolk.gov.uk](mailto:marianna.hall@westsuffolk.gov.uk) / [dave.beighton@westsuffolk.gov.uk](mailto:dave.beighton@westsuffolk.gov.uk)

Telephone: 01284 757351 / 01638 719470

## **Background:**

**This application was deferred at Development Control Committee in January 2019. The Committee resolved to instruct Officers to seek amendments to the scheme. In summary, these amendments were threefold. Firstly, to investigate the potential for the bin storage area to be incorporated within the building. Secondly, to investigate the potential for a screen to better protect amenity. Thirdly, to investigate the potential to rearrange the layout of the rear most second floor flat, in order to improve the relationship to offsite property.**

**The application was originally called to the Development Control Committee by Councillor Jo Rayner (Ward Member: Abbeygate). The Town Council also objects to the application and the officer recommendation is one of approval. As Chair 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 and Regulatory Services).**

**A site visit took place on Thursday 20 December 2018.**

**The report presented before Members in January 2019 is included as Working Paper 1. Members are directed towards this report, which is to be read in conjunction with this update paper.**

## **Proposal:**

1. Since the Development Control Committee in January Officers have been engaged in further discussions with the applicant. This resulted in the submission of further amended plans, upon which consultation has taken place.
2. In summary, these amendments include the following –
  - The removal of the enclosed and covered timber bin storage area and the provision instead of a blockwork storage area incorporated within the building, with a flat roof and external materials to match the proposed building.
  - The provision of an obscure glazed screen on the flat roof of the Cycle King retail area, close to the boundary with the private garden of the flat associated with The One Bull public house. The screen is 1.8m in height and proposed to be constructed using metal poles supporting obscured glazing.
  - Revisions to the floor plan of the rear facing second floor flat, so that the living areas are moved away from the boundary with the garden of The One Bull flat.

## **Consultations (on revised plans):**

3. Town Council
  - The Town Council have no objection to the revised plans based on information received, and subject to Conservation Area issues and Article Four issues.

4. Historic England

- No objections to the amended plans. Historic England note that the previously agreed details of rear wall ventilation, amended foundation design and removal of the first floor roof terrace remain part of these drawings.

5. Conservation Officer

- No objections following clarification on the materials for the screen.

**Representations:**

6. A 14 day reconsultation period has been undertaken, with the following additional comments received –

- One letter of representation has been received on behalf of the owners of The One Bull Public House, which makes the following comments –

*The amendments to the above planning application being the enclosure to the bin store, the redesign of flat 3 and the introduction of a privacy screen will overcome our objections if the details are properly conditioned. We understand that the bin store will be rendered and constructed in the same material as the flats. This should be required in a planning condition.*

*A planning condition should be used to require that the privacy screen will be erected before the occupation of the flats and should be retained thereafter. Details of the construction/materials of the screen should be included in a condition. We understand that it is to be of etched privacy glass and steel. The height of the screen should be retained in relation to the height of the flats windows in case the roof levels of the ground floor change.*

**Officer Comment:**

7. Comment is only made here in relation to the amendments received since the January 2019 Development Control Committee meeting. Members should consider this report in conjunction with the report at Working Paper 1, which sets out consideration in relation to wider matters.
8. The proposed bin store is shown with a parapet and rendered walls to match the rest of the building. This would blend in well and would not be a prominent part of the building in views from the Abbey Gardens. The screen is proposed to be of glass with an etched-type finish for privacy, at a height of 1.8m. It is a short section which would be positioned to finish well before the Abbey wall. It would be a lightweight feature which would similarly be a discrete element in the general views of the rear of the property.
9. There is therefore no objection raised from a heritage perspective to the enclosed bin store or glazed screen between 26 Angel Hill and The One Bull garden. This is subject to the materials of the screen being obscure glazed with matt metal supports, as per the submitted revised plans, and

also subject to the height being maintained relative to the garden area of The One Bull flat. This will be controlled through the use of the standard 'compliance with plans' condition below albeit a condition requiring the screen to be installed prior to occupation and thereafter retained is considered reasonable. Members will note that this is included as an additional condition below.

10. Members will note that Officers previously felt that the proposal would have an acceptable impact upon amenity. The view of Officers is that this proposal does not make it worse. The bin storage element of the building is modest and will not have any materially adverse effects upon amenity, and the screen will further protect, rather than detract from, the amenities of nearby residents.
11. The changes to the internal layout of the second floor rear flat are considered to have no material adverse effects upon amenity, noting the conclusions previously drawn by Officers in relation to this.
12. Members will note the views of the Principal Conservation Officer, as well as the comments of third parties. No material issues are raised in any third party responses that warrant detailed assessment in this report.

### **Conclusions:**

13. 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:**

14. 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/982/14F 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 F 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.*
- 17) There shall be no occupation of any of the flats hereby permitted unless and until the glazed screen shown on drawings F982 15G, F982 17F and F982 20A has been provided in accordance with the details shown on these drawings, with a finished height at least one metre taller than the parapet wall between the application site and the One Bull Public House.

Thereafter, the screen shall be retained as so installed.

Reason: in the interests of the residential amenities of nearby dwellings in accordance with the provisions of Policy DM2 of the Joint Development Management Policies Local Plan.

**Documents:**

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/18/0068/FUL](#)