

## **Development Control Committee 5 October 2022**

### **Planning Application DC/22/1230/FUL – Abbey Gardens, Angel Hill, Bury St Edmunds**

**Date registered:** 12 July 2022      **Expiry date:** 7 September 2022  
EOT 07 October 2022

**Case officer:** Connor Vince      **Recommendation:** Approve application

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

**Proposal:** Planning application - re roofing of existing mess room building

**Site:** Abbey Gardens, Angel Hill, Bury St Edmunds

**Applicant:** Colin Wright

**Synopsis:**

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

**Recommendation:**

It is recommended that the committee determine the attached application and associated matters.

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## Background:

**This application is before the Development Control Committee as it is an application submitted by West Suffolk Council's Property Services department.**

## Proposal:

1. Planning permission is sought for the re-roofing of the existing mess room building which forms part of the staff compound at Abbey Gardens, Angel Hill, Bury St. Edmunds.
2. Previous work at the wider staff compound were considered by members of the Development Control Committee on 02 March 2022 (DC/21/2261/FUL). Members voted to approve the application. The application was approved on 31 March 2022. Reference was made to the re-roofing of the Mess Room which did not form part of the previous application.

## Application supporting material:

- Application Form
- Location Plan
- Existing and Proposed Sections 1
- Existing and Proposed Sections 2
- Proposed Roof Layout Plan
- Existing and Proposed Elevations
- Shingle Roof Sections
- Bat Survey
- Bat Survey – DC/21/2261/FUL
- Bat Roost Assessment – DC/21/2261/FUL
- Biodiversity Checklist
- Design & Access Statement
- Heritage Statement

## Site details:

3. The application site lies within the Abbey Gardens site which is a Scheduled Ancient Monument (SAM) pursuant to the Ancient Monuments Act 1953. The site is also located within the Bury St Edmunds Conservation Area.
4. The proposal relates to a small section within the staff compound of the Abbey Gardens site which is located to the immediate south of the Garden's boundary wall, adjacent to the Aviary.

## Planning history:

5.

Reference	Proposal	Status	Decision date
DC/21/2261/FUL	Planning application - re-configuration of staff	Application Granted	31 March 2022

	compound area; a. three bay garage (following demolition of existing concrete garage); b. drainage and irrigation system; c. water bowser area with hose store and greenhouse; d. tarmac surface and skip and compactor area		
DCON(A)/21/2261	Application to discharge conditions 5 (lighting) and 6 (biodiversity) of DC/21/2261/FUL	Pending Consideration	
TCA05/1138	(i) Reduce height to 1.5 metres to two groups of Western Red Cedar (G1 & G2), (ii) crown lift to clear wall by 2 metres to one Weeping Willow tree (T1) and (iii) re-pollard one Poplar tree (T2) all situated in a Conservation Area	Application Granted	10 May 2005
TCA 97/391	Crown lifting of 10 Beech trees situated within a Conservation Area	Application Granted	11 August 1997

## Consultations:

### 6. Bury St. Edmunds Town Council:

- "That based on information received and subject to any Conservation Area and Article 4 issues and recommendations from the Conservation Officer, Bury St Edmunds Town Council recommends APPROVAL."

### 7. Historic England:

- "Historic England provides advice when our engagement can add most value. In this case we are not offering advice. This should not be interpreted as comment on the merits of the application. We suggest that you seek the views of your specialist conservation and archaeological advisers."

### 8. Conservation Officer:

- "This application is for the re-roofing of the mess room building in the gardener's compound. The compound occupies an enclosed area in NE corner of the Abbey Gardens.

Although the building abuts part of the historic wall, the proposed works would not have any direct impact on it. The roof cladding would unify the appearance of the building and match that on the previously approved garage. The colour would also help the building, which can only be seen

from a distance or when the compound gates are open, assimilate into its garden surroundings. The proposals would enhance the overall appearance of the building, the character and appearance of the conservation area and the setting of the SAM.

I therefore have no objection to this application and no conservation conditions are required.”

#### **9. Ecology:**

- We have reviewed the Nocturnal Bat Surveys at Abbey Gardens Mess Room report (Adonis Ecology, 13th July 2022) and Bat Surveys report (Aspen Ecology, Oct 2021) relating to the likely impacts of development on bats (protected species).

We are satisfied that there is sufficient ecological information available for determination. This provides certainty for the LPA of the likely impacts on protected and Priority species and habitats and, with appropriate mitigation measures secured, the development can be made acceptable.

We note that the Bat Surveys report (Aspen Ecology, Oct 2021) was not submitted with this application, and we recommend that the Bat Roost Assessment report and Bat Surveys report (both Aspen Ecology, Oct 2021) should be appended to this application.

We also support the proposed reasonable biodiversity enhancements, which have been recommended to secure measurable net gains for biodiversity, as outlined under Paragraph 174d of the National Planning Policy Framework (2021). The reasonable biodiversity enhancement measures should be outlined within a Biodiversity Enhancement Layout and should be secured by a condition of any consent.

This will enable LPA to demonstrate its compliance with its statutory duties including its biodiversity duty under s40 NERC Act 2006.

Impacts will be minimised such that the proposal is acceptable, subject to the conditions below based on BS42020:2013.

#### **Representations:**

10. No third-party representations received.

#### **Policy:**

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

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

**SEBC Core Strategy 2010**

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

**Bury Vision 2031 document**

- Vision Policy BV1 - Presumption in Favour of Sustainable Development

**Joint Development Management Policies Document 2015**

Policy DM1 Presumption in Favour of Sustainable Development

Policy DM2 Creating Places Development Principles and Local Distinctiveness

Policy DM11 Protected Species

Policy DM12 Mitigation, Enhancement, Management and Monitoring of Biodiversity

Policy DM17 Conservation Areas

Policy DM19 Development Affecting Parks and Gardens of Special Historic or Design Interest

Policy DM10 Impact of Development on Sites of Biodiversity and Geodiversity Importance

**Other planning policy:**

National Planning Policy Framework (NPPF) 2021

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

**Officer comment:**

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

- Principle of Development
- Design, Form and Scale & Resulting Impact of the Proposal upon Heritage Assets

- Impact on Residential Amenity
- Ecological implications
- Other Matters

## **Principle of Development**

14. 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 the former St Edmundsbury area 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.

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

16. The principle of development in this location is therefore something the LPA is able to support, subject to other material planning considerations which, in this instance, are predominantly related to the impact of the proposal upon the Abbey Gardens and the Bury St Edmunds Conservation Area.

## **Design, Form and Scale and Resulting Impact of the Proposal upon Heritage Assets**

17. The proposal involves re-roofing of the Mess Room located within the staff compound of the wider Abbey Gardens site. The compound is located in a discrete corner of the Abbey Gardens and largely screened from public view by the enclosing fencing and gates, adjacent to The Aviary.

18. The proposal includes the removal of the existing part cement fibre and part timber shingle roof and guttering and their replacement with Eternit profile 6 cement fibre roof sheets and UPVC guttering.

19. The application site lies within the Bury St Edmunds Conservation area and Abbey Gardens is a Scheduled Ancient Monument in its own right. Accordingly, the impact upon these heritage assets must be considered fully as per the statutory duty placed on the LPA by paragraph- 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

20. In policy terms the National Planning Policy Framework identifies protection and enhancement of the historic environment as an important element of sustainable development and establishes a presumption in favour of sustainable development in the planning system (paragraphs 7, 8, 10 and 11). The core planning principles of the NPPF are observed in paragraphs 8 and 11 which propose a presumption in favour of sustainable development. This includes the need to conserve heritage assets in a manner appropriate to their significance so that they can be enjoyed for their contribution to the quality of life for this and future generations as set out in Chapter 16.

21. At paragraph 199 the NPPF goes on to require planning authorities to place 'great weight' on the conservation of designated heritage assets, and states that the more important the asset the greater the weight should be, and that 'this is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance'. Paragraph 200 also recognises that the significance of an asset can be harmed from development within the setting of an asset, and that 'any harm or loss should require clear and convincing justification'. It is also recognised in the NPPF (paragraph 201) that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

22. As previously confirmed by Historic England and the Conservation Officer, this specific area of the Abbey Gardens has traditionally been a working area of the park. It provides a valuable supporting function and is vital to the parks maintenance team for supporting the gardening and visitor operation.

23. As confirmed by the Conservation Officer, the roof cladding is considered to unify the appearance of the building and match that on the previously approved garage (DC/21/2261/FUL). The colour would also help the building, which can only be seen from a distance or when the compound gates are open, assimilate into its garden surroundings.

24. The proposal is considered to enhance the overall appearance of the building, the character and appearance of the conservation area and the setting of the Scheduled Ancient Monument.

25. The proposal is therefore able to meet the requirements of policies DM17 and DM19.

### **Impact on Residential Amenity**

26. Whilst the proposed development is located within the confines of Abbey Gardens, there are residential properties to the North of the application site, beyond the Abbey wall. Accordingly, given the thrust of policy DM2, the potential impact of the proposal upon existing residential amenity must be considered.

27. In this instance, the proposed works will not be visible from within the residential properties and are not considered to engender any adverse implications that the LPA would otherwise seek to resist. Given the enclosed nature of the application site and the extent to which the use will assimilate into the existing Abbey Gardens site, the proposal is not judged to give rise to an unacceptable impact with respect to residential amenity.

### **Ecological Implications**

28. As required by the National Planning Policy Framework (2021) at paragraphs 8c, 174 and 179 the LPA have a duty to consider the conservation of biodiversity and to ensure that valued landscapes or sites of biodiversity are protected when determining planning applications. At a local level, this is exhibited through policies CS2, CS3, DM11 and DM12.

29. Policy DM11 states that development will not be permitted unless suitable satisfactory measures are in place to reduce the disturbance to protected species and either maintain the population on site or provide alternative suitable

accommodation. Section 40 of the Natural Environment and Rural Communities Act 2006 requires that public authorities (which explicitly include the Local Planning Authority) must have regard to the purpose of conserving biodiversity.

30. Policy DM12 seeks to ensure that, where there are impacts to biodiversity, development appropriately avoids, mitigates or compensates for those impacts. The policy requires that all development proposals promote ecological growth and enhancement.

31. The National Planning Policy Framework (2021) indicates that when determining planning applications, local planning authorities must aim to conserve and enhance biodiversity and that opportunities to incorporate biodiversity in and around developments should be encouraged (Paragraph 180). This is underpinned by Paragraph 8 of the NPPF, which details the three overarching objectives that the planning system should try to achieve and it is here that the Framework indicates that planning should contribute to conserving and enhancing the natural environment.

32. It is not anticipated that the proposal would have a harmful impact on biodiversity interests in this case. A nocturnal bat survey has been submitted which also identifies enhancement measures to be installed. The bat surveys previously submitted for DC/21/2261/FUL which reference the Mess Room have also been made available for public view

33. As confirmed by the ecological consultant, the mitigation and enhancement measures identified are considered to be acceptable. A condition will therefore be imposed requiring compliance with these measures. These biodiversity enhancements have been recommended to secure measurable net gains for biodiversity, as outlined under Paragraph 174d of the National Planning Policy Framework 2021

### **Other Matters**

34. Given the nature of the proposed works, there will be no adverse impacts upon the adopted highway. The proposed works will be used in conjunction with the maintenance of the Abbey Gardens site.

### **Conclusion:**

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

### **Recommendation:**

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

- 1 The development hereby permitted shall be begun not later than three 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, unless otherwise stated below:

Reason: To define the scope and extent of this permission.

<b>Reference number</b>	<b>Plan type</b>	<b>Date received</b>
004	Existing and proposed elevations	12 July 2022
011	Sections	12 July 2022
002	Existing and proposed sections	12 July 2022
001	Existing and proposed sections	12 July 2022
003	Roof plans	12 July 2022
1625	Bat report	12 July 2022
(-)	Biodiversity checklist	12 July 2022
(-)	Design and access statement	12 July 2022
(-)	Heritage statement	12 July 2022
(-)	Application form	12 July 2022

- 3 A Biodiversity Enhancement Layout, providing the finalised details and locations of the enhancement measures contained within the Nocturnal Bat Surveys at Abbey Gardens Mess Room report (Adonis Ecology, 13th July 2022)), shall be submitted to and approved in writing by the local planning authority.

The enhancement measures shall be implemented in accordance with the approved details prior to occupation and all features shall be retained in that manner thereafter.

Reason: To enhance Protected and Priority Species and allow the LPA to discharge its duties under the s40 of the NERC Act 2006 (Priority habitats & species). To secure biodiversity enhancements commensurate with the scale of the development, in accordance with policies DM11 and DM12 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 15 of the National Planning Policy Framework and all relevant Core Strategy Policies.

#### **Documents:**

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/22/1230/FUL](https://www.westsuffolk.gov.uk/DC/22/1230/FUL)