

Development Control Committee **4 January 2023**

Planning Application DC/22/1102/FUL – 6A Angel Hill, Bury St Edmunds

Date registered:	15 July 2022	Expiry date:	10 September 2022 EoT Requested
Case officer:	Connor Vince	Recommendation:	Approve application
Parish:	Bury St Edmunds Town Council	Ward:	Abbeygate
Proposal:	Planning application: a. installation of roof extractor unit b. re painting doors and windows as amended by plans received 19 October 2022.		
Site:	6A Angel Hill, Bury St Edmunds		
Applicant:	Mrs Sophia Carn-Pryor		

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 is before Development Control Committee as the application is on land owned by West Suffolk Council.

Bury St Edmunds Town Council recommends approval and the application is recommended for approval.

Proposal:

1. Planning application is sought for the installation of a roof extractor unit plus for the repainting of doors and windows.
2. The application is submitted to facilitate the applicant's aspirations to utilise the premises for the sale of hot food. Such a use falls within the same use class (E) as the current lawful use of the premises, and so no change of use permission is needed.
3. The property is owned by West Suffolk Council. The applicant has served notice on West Suffolk Council as landowner through Certificate B. It is for this reason that the matter is before the Development Control Committee.

Site details:

4. The property is a single storey flat roofed building located in a prominent position facing Angel Hill. The site is situated within the Bury St. Edmunds Town Centre Conservation Area, subject to an Article 4 Direction.

Planning history:

Reference	Proposal	Status	Decision date
DC/17/1466/PA	Notification to use the premises as a florist shop for the retail sale of flowers and related accessories within Class A1 of the Town and Country Planning (Use Classes) Order 1987, to commence 10th August 2017.	Permitted Development	14 July 2017
DC/19/0396/FUL	Planning Application - Change of Use from Class B1 (offices) to Class A1 (retail) (Retrospective)	Application Granted	24 May 2019
SE/09/0408	Planning Application - Change of use from mobility scooter hire shop to a safer neighbourhood team base	Application Granted	26 May 2009
E/98/2021/P	Regulation 3 Application - Change of use from bus shelter to shopmobility unit together with associated	Application Granted	7 July 1998

external alterations and
erection of rear extension

Consultations:

5. Public Health and Housing – No objection subject to conditions.
6. Conservation Officer – No objection (Verbal comments received).

Representations:

7. Two letters of representation have been received which, between them, raise the following summarised comments –
 - As a resident I am concerned that the Extraction system should be directed towards Angel Hill and not towards the properties behind and above.
 - I am concerned about the potential amenity impact on my property (6 Angel Hill) caused by fumes and noise from the extract system.

Policy:

8. 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.
9. The following policies of the Joint Development Management Policies Document and the St Edmundsbury Core Strategy 2010 & Vision 2031 have been taken into account in the consideration of this application:

Policy DM1 Presumption in Favour of Sustainable Development

Policy DM2 Creating Places Development Principles and Local Distinctiveness

Policy DM14 Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards

Policy DM17 Conservation Areas

Other planning policy:

National Planning Policy Framework (NPPF)

10. 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:

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

- Principle of Development
- Impact on Character and Appearance
- Impact on Amenity

Principle of Development

11. Policy DM1 states that when considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.
12. Policies DM2 and DM17 both seek to ensure that proposed development respects the character, scale and design of the existing and the surrounding area, and the principle of the works is therefore supportable.

Impact on Character and Appearance

13. Policy DM2 and DM17 states that proposals for development within, adjacent to or visible from a Conservation Area should preserve or enhance the character or appearance of the Conservation Area or its setting, and views into, through, and out of the area.
14. The application site lies within the Bury St Edmunds Town Centre Conservation area. Accordingly, the impact upon this heritage asset 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.
15. The alterations and additions are considered to be minor in nature and are in-keeping with the existing building. Changes to the front elevation include the repainting of windows and doors and the provision of an extraction unit on the roof. The application of paint in this regard is possibly not development, and would in any event otherwise be 'permitted development' (Part 2, Class C) if it were not for the Article Four restrictions placed on this property. As per the elevations it is stated "Door and Window painted to match fascia sign" which is detailed in the planning statement as "Farrow and Ball Estate Eggshell – St Giles Blue No 280." Regardless, the work is minor in nature and otherwise acceptable and the colour will be conditioned.
16. The extraction unit proposed is to be positioned on the flat roof of the building, Due to its modest height, and the fact that the building has a

parapet around its flat roof, visibility of the unit will be negligible which is reflected in the elevational drawings. Following receipt of amended details, and in consultation with the Senior Conservation Officer, this element is considered satisfactory.

Impact on Amenity

17. Policy DM14 requires proposals for all new development to minimise all emissions, including with reference to noise. The matter has been considered by Public Health and Housing colleagues who have raised no objection to the proposed extraction system subject to conditions relating to odour and noise, and the need for specific details of the extraction unit to be provided prior to the installation of the extraction unit.

Conclusion:

18. 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:

19. 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.

Reference number	Plan type	Date received
-	Application Form	21 June 2022
-	Location Plan	21 June 2022
22/095-02	Location & Block Plan	08 July 2022
22/095-01	Existing Elevations & Floor Plans	08 July 2022
DR-001 REV 1	Amended – Proposed Floor Plan	16 August 2022
22/095-03C	Amended – Proposed Elevations	19 October 2022
20/095	Planning Statement	08 July 2022
-	Ventilation Report	22 October 2022

3. Prior to the installation of the extractor unit hereby approved, details shall be submitted to and approved in writing by the Local Planning Authority of the installation, operation, and maintenance of the odour abatement

equipment and extract system, including the height of the extract duct and vertical discharge outlet, in accordance with the EMAQ+ document Control of Odour and Noise from Commercial Kitchen Exhaust Systems. Approved details shall be implemented prior to first use of the development and thereafter be permanently retained.

Reason To protect the amenities of occupiers of properties in the locality, in accordance with policy DM2 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 15 of the National Planning Policy Framework and all relevant Core Strategy Policies.

4. Prior to the installation of the extractor unit hereby approved details shall be submitted to and approved in writing by the Local Planning Authority of the external sound level emitted from the installation of the kitchen extraction system / flue, and / or any other plant / equipment [e.g. refrigeration condensers etc] and mitigation measures as appropriate. The measures shall ensure that the external sound level emitted will be lower than the lowest existing background sound level by at least 5 dB(A) inclusive of any penalties for tonality, intermittency, impulsivity or other distinctive acoustic characteristics in order to prevent any adverse impact. The assessment shall be made in accordance with BS 4142:2014+A1:2019 Methods for rating and assessing industrial and commercial sound at the nearest and/or most affected noise sensitive premises, with all equipment operating together at maximum capacity and inclusive of any penalties for tonality, intermittency, impulsivity or other distinctive acoustic characteristics.

Reason To protect the amenities of occupiers of properties in the locality, in accordance with policy DM2 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 15 of the National Planning Policy Framework and all relevant Core Strategy Policies.

5. Prior to first use, any external plant / equipment associated with the development hereby approved shall be mounted with proprietary anti-vibration isolators and fan motors shall be vibration isolated from the casing and adequately silenced and maintained as such. Reason To protect the amenities of occupiers of properties in the locality, in accordance with policies DM2 and DM14 of the West Suffolk Joint Development Management Policies Document 2015, Chapters 12 and 15 of the National Planning Policy Framework and all relevant Core Strategy Policies.

Reason To protect the amenities of occupiers of properties in the locality, in accordance with policy DM2 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 15 of the National Planning Policy Framework and all relevant Core Strategy Policies.

6. The re-painting of the windows and doors hereby permitted shall be applied entirely of the colour detailed within the submitted Planning Statement ref. 20/095, submitted 08 July 2022, paragraph 4.6 as "Farrow and Ball Estate Eggshell – St Giles Blue No 280."

Reason: To safeguard the character and appearance of the area, in accordance with policy DM2 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 12 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/22/1102/FUL](#)