

Development Control Committee **10 July 2024**

Planning Application DC/24/0524/FUL – West Suffolk Council, Anglian Lane, Bury St Edmunds

Date registered:	16 April 2024	Expiry date:	11 July 2024 (EoT)
Case officer:	Gregory McGarr	Recommendation:	Approve application
Parish:	Bury St Edmunds Town Council	Ward:	Tollgate
Proposal:	Planning application - a. demolition of existing front porch section and side lean-to section b. construction of brick plinth and replacement of wall and roofing panels with replacement panels		
Site:	West Suffolk Council, Anglian Lane, Bury St Edmunds		
Applicant:	Rachael Mann		

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:

The application is referred to Development Control Committee as a result of the applicant being West Suffolk Council and the site being within the ownership of West Suffolk Council.

Proposal:

1. The application seeks planning permission for the demolition of an existing front porch section and side lean-to section to be replaced with the construction of a brick plinth and replacement of wall and roofing panels.

Application supporting material:

2. Application form
Location plan
Existing elevations
Proposed elevations
Existing floor plan
Proposed floor plan
Topographical survey

Site details:

3. The application site consists of a detached building formerly used as a warehouse within the defined settlement boundary of Bury St Edmunds. The application site is accessed from Anglian Lane and is within a General Employment Area as defined in Policy BV14 of the Bury St Edmunds Vision 2031. The site hosts three Groups of trees protected by Tree Preservation Order 034 (1977). The application site is not located within a Conservation Area and does not relate to works to a listed building. The application site is not within a flood zone.

4. Relevant planning history:

Reference	Proposal	Status	Decision date
DC/15/2041/FUL	Planning Application - Creation of a new access road to the site directly from Beetons Way	Application Granted	3 December 2015
DC/19/2335/HYB	Hybrid Planning Application - 1) Planning Application - Alter and extend existing warehouse/depot to create a new public/private sector hub with new sports and leisure facilities including new energy centre, surface car parks, a multi-storey car park, sports pavilion, associated landscaping and highways improvement works (following demolition of existing leisure centre,	Application Granted	23 December 2021

retail clearance building
and ancillary buildings
associated with former
operational depot) 2)
Outline Planning
Application - Early years
nursery

Consultations/Representations

5. Bury St. Edmunds Town Council

Comments received on 16th May 2024:

“That based on information received Bury St. Edmunds Town Council recommends approval.”

6. Ward Members (Councillor Hind and Councillor Sayer)

No representations received.

7. Public Rights of Way and Green Access Team

“Notice is hereby given that Public Rights of Way and Green Access does not wish to restrict the grant of permission due to the application not having a detrimental effect upon the Public Right of Way network.”

8. Neighbour/Third-Party Representations

No representations received.

Policy:

9. 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.

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

Joint Development Management Policies Document:

- Policy DM1 Presumption in Favour of Sustainable Development
- Policy DM2 Creating Places Development Principles and Local Distinctiveness

- Policy DM13 Landscape Features
- Policy DM30 Appropriate Employment Uses and Protection of Employment Land and Existing Businesses

St Edmundsbury Core Strategy 2010:

- Policy CS3 Design and Local Distinctiveness
- Policy CS9 Employment and the Local Economy

Bury St Edmunds Vision 2031:

- Policy BV14 General Employment Areas – Bury St Edmunds

Other planning policy:

11. National Planning Policy Framework (NPPF) was revised in December 2023 and is a material consideration in decision making from the day of its publication. Paragraph 225 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 2023 NPPF that full weight can be attached to them in the decision-making process.

Officer comment:

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

- Principle of development
- Impact on character and appearance
- Impact on amenity
- Impact on landscape features
- Other matters

Principle of Development

13. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, planning applications must be determined in accordance with the development plan unless there are material considerations that indicate otherwise. The development plan comprises the policies set out in the Joint Development Management Policies Document (2015), the St Edmundsbury Core Strategy Development Plan Document (2010) and the 2031 Vision Documents. National planning policies set out in the NPPF 2023 are also a key material consideration.

14. Paragraph 11 of the NPPF (2023) (as well as policy DM1) states that plans and decisions should apply a presumption in favour of sustainable development. For decision taking, development proposals that accord with an up-to-date development plan should be approved without delay.

Conversely therefore, development not in accordance with the development plan should be refused unless material considerations indicate otherwise.

15. Policy BV14 of the Bury St Edmunds Vision states that Anglian Lane is designated as a General Employment Area and that the redevelopment of vacant premises will be encouraged in advance of allowing development on new sites. The design of new development within these sites should be sympathetic to environmental and heritage features with any impacts mitigated. Additionally, Policy CS9 of the St Edmundsbury Core Strategy states that Bury St Edmunds, as a key centre for development and change, will be expected to provide for the development of a wide range of well-located quality employment premises for the town and the wider area. Policy DM30 of the Joint Development Management Policies Document seeks the protection of employment land and aims to ensure that there is a sufficient supply of employment land available to meet local employment job growth requirements.
16. The application site is situated within a General Employment Area where the redevelopment of the site and continued employment use complies with Policies BV14 and DM30. The proposal also accords with the wider expectation set out in policy CS9 for Bury St Edmunds to provide quality employment premises. The principle of development is therefore acceptable.

Impact on Character and Appearance

17. Policies DM2 and CS3 seek to ensure that proposals respect the character, scale and design of the host building and the surrounding area. Policy DM2 states that proposals for all development should recognise and address the key features and character of the areas within which they are to be based.
18. Paragraph 135 of the National Planning Policy Framework seeks to ensure that designs are visually attractive as a result of good architecture, establish or maintain a strong sense of place and will add to the overall quality of the area over the lifetime of the development.
19. The application site is set back from Beetons Way to the west and during the summer is well screened by landscaping. Views of the principal elevation are from Anglian Lane to the east. The A14 is to the south with some views of the roof of the building visible.
20. The external materials to be used will alter the appearance of the building due to the colour change to grey steel wall panels in addition to the incorporation of roller shutter doors. This will result in the building retaining its appearance as a storage and distribution centre and will not have a materially negative impact upon its appearance.
21. The site is in a locality that includes similar uses and is not a residential area. The changes to the existing building sought under this proposal are not considered to materially alter the wider character of the area.
22. The proposed development is therefore in keeping with the current use of the application site in addition to the wider surrounding area.

Impact on Amenity

23. Policy DM2 states that developments will not adversely affect the amenities of adjacent areas by reason of noise, smell, vibration, overlooking, overshadowing, loss of light, other pollution (including light pollution), or volume or type of vehicular activity generated; and/or residential amenity.
24. The proposed development is situated in an area where there are no residential dwellings or other sensitive uses which would be impacted as a result of this development. The use of the application site will remain the same resulting in no additional impacts upon the amenity of neighbouring sites. Given the location of the application site and its present use it is not considered that there will be any material adverse impacts with regards to amenity and it is therefore considered to be acceptable.

Impact on Landscape Features

25. Policy DM13 states that development will be permitted where it will not have an unacceptable adverse impact on the character of the landscape, landscape features, wildlife or amenity value. The application site hosts three groups of trees which are protected by Tree Preservation Order. The proposal does not seek an expanded footprint of the existing building and the trees are not considered to be within influencing distance of the development.
26. Due to the nature of the proposal in combination with the location of the trees in relation to the building the proposal is considered to have an acceptable impact upon landscape features.

Other Matters

27. It is noted that the plans which have been submitted to accompany the proposed development include features such as roller shutter doors, installation of Armco barrier around the building, replacement of windows, replacement guttering and indicative photovoltaic panels. These have not been included in the description for the proposed development as the works fall within Section 55 (2)(a)(ii) of The Town and Country Planning Act 1990 as they do not materially affect the external appearance of the building.

Conclusion:

28. In conclusion, the proposed development is considered to be acceptable and in compliance with Policies DM1, DM30, CS9 and BV14 with regards to the principle of development and with regards to DM2, DM13 and CS9 which are materials considerations. The proposal is therefore in compliance with the relevant development plan policies and the National Planning Policy Framework.

Recommendation:

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

1. Time limit

The development hereby permitted shall be commenced no 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. Compliance with plans

The development hereby permitted shall not be carried out except in complete accordance with the details shown on the following approved plans and documents:

Plan type	Reference	Date received
Proposed Elevations	PL02 REV D	16 April 2024
Existing Elevations	48823NOLS-03	16 April 2024
Location Plan	PL03	16 April 2024
Topographic Survey	48823NOLS-06	16 April 2024
Existing Floor Plans	48823NOLS-05	16 April 2024
Proposed Floor Plans	PL01 REV C	16 April 2024

Reason: To define the scope and extent of this permission, in accordance with policy DM1 and DM2 of the West Suffolk Joint Development Management Policies Document 2015 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/24/0524/FUL](https://www.westsuffolk.gov.uk/DC/24/0524/FUL)