



Committee Report

Planning Committee - 13 October 2020

Application number - DC/20/3084/FUL

Location

24 St Marys Street

Bungay

NR35 1AX

Expiry date 7 October 2020

Application type Full Application

Applicant Richard Neale & Spencer Squire

Parish Bungay

Proposal Construction of 1 no. single storey dwelling + domestic store + rearrangement of parking facilities

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1. Summary

- 1.1. Planning permission is sought for the construction of a single storey residential property on land adjacent to 24 St. Marys Street and to the rear of 18 - 20 St. Marys Street. This would include the reconfiguration of parking facilities. The site is located within the town settlement boundary.
- 1.2. 24 - 28 St. Marys Street fronts onto a public car park situated on Priory Lane. These properties, as well as the property known as Castle Arches, are within the ownership of the applicant. The site has been formed by acquiring additional land associated with these properties to form a site that would gain access through the public car park owned by East Suffolk Council.
- 1.3. The site is in a sensitive location situated within the Bungay Conservation Area, adjacent to several listed buildings. It is considered that the proposal would fail to respect the historic grain of the area which is characterised by long narrow rear yards which are used for associated ancillary buildings. The proposal would have a negative impact on the setting of

several listed buildings and the Bungay Conservation Area, by causing harm to their significance by the introduction of an alien form of development of a modern bungalow in an area that is historically and visually characterised by rear yard areas. The application is therefore recommended for refusal.

- 1.4. This application is before the Planning Committee as land within the application site is within the ownership of East Suffolk Council.

2. Site description

- 2.1. The site is situated in a central location in Bungay Town centre within the physical limits of the settlement. The properties known as 24 - 28 St. Marys Street are set back from the built development facing on to St. Marys Street and are orientated to front onto the Priory Lane car park to the rear. This site is situated to the North of this group of listed buildings and currently forms part of the rear garden of a property known as Castle Arches which also adjoins the rear yards to the commercial premises that front on to St. Marys Street.
- 2.2. The site forms part of the Bungay Conservation Area within the historic core of Bungay and within the possible extent of the outer bailey of the castle. Although development in the late C20th within the Priory Lane area has detracted from the character of the Conservation area to some extent the grain of this area to the rear of the properties on St. Marys Street is characterised by long narrow rear yards with associated ancillary buildings.

3. Proposal

- 3.1. The application seeks full planning permission for the construction of a single storey dwelling on the site with domestic store and rearrangement of parking facilities. Vehicular access would be gained from the South West side of the site through the public car park on Priory Lane owned by ESC. The land to the front and side of 24-28 St. Marys Street would be reconfigured to provide off street parking to the property. Pedestrian access is shown to the rear of the site from an existing gate which would provide access to St. Marys Street
- 3.2. The property would be of a bungalow of an "H" plan form, with two pitched roofed and gabled parallel wings joined by a central flat roofed area section. It is proposed to use zinc as a roofing material, with red brick and UPVC windows.
- 3.3. Several applications have previously been submitted on a smaller parcel of land within this location. Three of these applications were submitted in 2004/2005 and were refused due to their impact on the historic environment, amenity of the area, and design. One of which was appealed and dismissed by the Planning Inspectorate. More recently in 2018 a further application was submitted and was withdrawn due to similar concerns.
- 3.4. Since this time additional land has been acquired to increase the size of the site in order to attempt to overcome these concerns. In 2019 application Ref: DC/19/2435/FUL was refused by this committee for a bungalow of traditional form and character; again refused due to similar concerns relating to the impact of the proposal on the historic environment.

4. Consultations/comments

4.1. One letter of objection has been received raising the following material planning considerations:

- Harm to Listed building
- Inappropriate in Conservation Area
- Landscape impact
- Over Development

Consultees

Parish/Town Council

Consultee	Date consulted	Date reply received
Bungay Town Council	14 August 2020	21 August 2020
Summary of comments: At a Bungay Town Council Planning, Environment & Highways Committee Meeting - It was proposed by BP, seconded by LH, and unanimously RESOLVED that these plans are recommended for REFUSAL with the comment that this is an overdevelopment of the site, and has access issues, in this historic part of the Town which is in a Conservation Area.		

Statutory consultees

Consultee	Date consulted	Date reply received
Suffolk Fire and Rescue Service	N/A	20 August 2020
Summary of comments: General advice given in relation to access, firefighting facilities and the use of sprinkler systems.		

Consultee	Date consulted	Date reply received
Suffolk County Archaeological Unit	14 August 2020	4 September 2020
Summary of comments: No objection - Standard Archaeology conditions required		

Non statutory consultees

Consultee	Date consulted	Date reply received
Design and Conservation (Internal)	14 August 2020	16 September 2020
Summary of comments: Internal - Comments included in body of report		

Consultee	Date consulted	Date reply received
Environmental Protection (Internal)	14 August 2020	24 August 2020
Summary of comments: Information submitted within the application suggests the potential for contamination. Therefore, standard CL conditions required.		

Consultee	Date consulted	Date reply received
Essex And Suffolk Water PLC	14 August 2020	No response
Summary of comments: No comments received		

Consultee	Date consulted	Date reply received
Waveney Norse - Property and Facilities	14 August 2020	No response
Summary of comments: No comments received.		

Consultee	Date consulted	Date reply received
Suffolk County - Highways Department	14 August 2020	4 September 2020
Summary of comments: Drawing No. 21246.2 does not show any parking provisions or cycle storage facilities for No. 24. Furthermore, the driveway accessing the car park, directly onto vehicles potentially reversing onto the driver's path from a parking bay is a concern. The wall adjacent to the driveway should either be set-back 2.4m from the car park entrance or reduced to a height of 0.6m in height. Drawing No. 21246.2 denotes that the existing access would be widened, this distance must be 4.5m.		

5. Publicity

The application has been the subject of the following press advertisement:

Category	Published	Expiry	Publication
Conservation Area	21 August 2020	14 September 2020	Beccles and Bungay Journal

Category	Published	Expiry	Publication
Conservation Area	21 August 2020	14 September 2020	Lowestoft Journal

6. Planning policy

- 6.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that “where in making any determination under the planning Acts, if regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise”.
- 6.2. Planning (Listed Buildings and Conservation Areas) Act 1990. Section 66 states that in exercise of planning functions as respects listed buildings the local planning authority shall have *“special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses”* Section 72 states that with regard to Conservation Areas *“special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area”*.
- 6.3. National Planning Policy Framework (NPPF) (2019)
- 6.4. The East Suffolk Council - Waveney Local Plan was adopted on 20 March 2019 and the following policies are considered relevant:
 - WLP1.1 - Scale and Location of Growth
 - WLP1.2 - Settlement Boundaries
 - WLP8.29 – Design
 - WLP8.33 - Residential Gardens and Urban Infilling
 - WLP8.37 - Historic Environment
 - WLP8.39 - Conservation Areas
 - WLP8.40 - Archaeology

7. Planning considerations

Principle of Development

- 7.1. The site is within a central location in Bungay town centre situated within the settlement boundary as shown on the policies map. Settlement boundaries define the built-up area of settlements, and subject to the other policies of this Local Plan, indicate where development for housing would be suitable. The principle of residential development in this location is supported by policies WLP1.1 and WLP1.2 of the Local Plan.

Heritage Impact:

- 7.2. The NPPF and the Local Plan give significant weight to conserving and enhancing the historic environment. Paragraph 193 of The NPPF states *"when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance"*.
- 7.3. Paragraph 194 of the NPPF goes on to say that *"any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification"*.
- 7.4. The site lies to the side of Nos 24- 28 St Marys Street. Listed Grade II in 1972 the List description reads:
 - 7.5. *"Early 19th century, 3 storey, Suffolk yellow brick, pantiles, 3 windows, sash with glazing bars, flush frames and flat arches (narrow side panes) 2 storey 1 window wing with side entrances, left. 6-panel door with arched radial-bar fanlight in wood case with pilasters and open pediment. In important position"*.
- 7.6. Although addressed as St. Marys Street, these buildings front onto Priory Lane and are accessed from this direction. The site is also behind several Grade II listed buildings which front St Marys Street. These being Nos. 16 (in part), 18, 20, & 22. The rear of these properties had long narrow rear yards and any associated ancillary buildings, where they occurred tended to follow this grain.
- 7.7. The proposed building is single storey of a "H" plan form, with two pitched roofed and gabled parallel wings joined by a central flat roofed area section.
- 7.8. Generally, the wings separately reflect the traditional form of development being long, thin and lower/subordinate to that of the development fronting the street. However, where long thin yards exist such elements are usually located on and down the sides of boundaries, but here the elements spaced away from the boundaries are centrally joined, creating a blocking effect in the grain. The most northwest wing is positioned off the boundary by approximately 800mm, presumably for maintenance/party wall issues, with the south-easterly element spaced very close to the side of No 24 St Mary's street, being only approximately 1m away from its gable.
- 7.9. Therefore, the result is a separate infill unit in the space, divorced from the surrounding properties rather than part of the normal tapestry of development which generally occurs in such locations. The size of the buildings footprint in such a confined space results in it appearing squeezed-in, with the limited remaining amenity space dominated by 1.8 m high fences, without the building having a frontage addressing any public area.
- 7.10. The acquisition of various pieces of land has created a site outline of very unusual appearance and would appear contrived within this setting. Historically, inter-visibility between the different sites appears to have existed. The erection of high close boarded fences to the rear boundaries would have a negative impact on the area by visually blocking off these areas removing inter-visibility between the different sites. The provision of structures such as the modern timber shed close to the rear elevations of the listed buildings fronting St Marys street further detracts from the proposal.

- 7.11. The development of which would have a negative impact on their setting as it fails to relate well to the existing buildings and fails to relate to the building pattern/grain of the area, in the midst what is traditionally and visually a rear yard/garden area.
- 7.12. This site lies in an area of archaeological potential recorded on the County Historic Environment Record, within the historic core of Bungay (BUN 028) and within the possible extent of the outer bailey of the castle. Historic OS maps show former buildings and property boundaries in the area in the 19th century. The impacts of later land-use are not fully determined but, as acknowledged in the Design and Access Statement, there is potential for the discovery of below-ground heritage assets of archaeological importance within this area, and groundworks associated with the development have the potential to damage or destroy any archaeological remains which exist. Standard Archaeological conditions could be used to record and advance understanding of the significance of any heritage asset before it is damaged or destroyed. In relation to this aspect of the proposal this would accord with Policy WLP8.40 - "Archaeology".
- 7.13. The application would have a negative impact on the setting of several listed buildings, by causing harm to their significance by introducing an alien form of development within this sensitive location. The proposal also fails to preserve or enhance and the Bungay Conservation Area. The proposals would therefore be contrary to requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the aims of the NPPF and the Local Plan.
- 7.14. Paragraph 196 of the NPPF would therefore be engaged. The harm would be 'less than substantial' but moderate to high on this spectrum. The public benefits of this proposal would be minimal from only a single dwelling and would not outweigh the harm identified.

Design and layout:

- 7.15. Design is a material consideration in the determination of planning applications and improving design quality is a key theme of the NPPF. Local Plan Policy WLP8.29 requires development proposals to demonstrate high quality design which reflects local distinctiveness.
- 7.16. In terms of the layout of parking, the layout plan does not appear to show any parking provisions or cycle storage facilities for the existing property at No. 24. Furthermore, it is not possible to accommodate turning on site which will require cars to reverse out into the car park potentially into the driver's path from an existing parking bay. The wall adjacent to the driveway should either be set-back 2.4m from the car park entrance or reduced to a height of 0.6m in height. Drawing No. 21246.2 denotes that the existing access would be widened, this distance must be 4.5m. Although these matters would not cause an acceptable risk to highway safety it further highlights the insufficient quality of the layout of the proposal.
- 7.17. The proposed dwelling does not meet the requirements of the NPPF and Local Plan WLP8.29 in terms of the high-quality design and fails to integrate into the surrounding built and historic environment required by policy WLP8.33. It would provide a cramped form of development which fails to give regard to the character, form and pattern of development in the surrounding area.

Residential Amenity:

- 7.18. Policy WLP8.33 and WIP8.29 also requires that development proposals protect the amenity of the wider environment, neighbouring uses and provide a good standard of amenity for future occupiers of the proposed development.
- 7.19. Given the location of the site there would be a degree of overlooking from existing properties into the garden area. Given the urban location of the site this is considered to be acceptable to future occupiers.
- 7.20. Environmental Services have previously highlighted that the proposal has failed to consider the likely impact from noise sources associated with commercial premises nearby. Plant equipment is situated near to the residential curtilage and therefore a noise assessment should be carried out. This should be completed by a competent person which considers all potential sources of noise including any mitigation required to ensure that a good standard of amenity to the occupiers.
- 7.21. If other matters were acceptable this could be required by condition. Overall, it is considered that this proposal would protect the amenity of surrounding uses and would provide an acceptable living environment for future occupiers subject to potential noise mitigation measures and would comply with the Local Plan in this regard.

Other matters - Contaminated land:

- 7.22. Information submitted with the application states that this application is on the site of an old abattoir, therefore there is a possibility of contamination on this site. Standard Contaminated land conditions would be required to ensure that suitable site investigation and necessary remediation is carried out, in the event that permission was granted.

8. Conclusion

- 8.1. The site is situated in an accessible location within the town centre of Bungay, the occupants of the property would therefore have good access to everyday services and facilities. The spatial strategy of the Local Plan supports the principle of new dwellings in such locations.
- 8.2. The NPPF states that there are three dimensions to sustainable development: economic, social, and environmental. These roles should not be undertaken in isolation, because they are mutually dependent. The environmental role includes the protection and enhancement of the historic environment. Given that the proposal is considered to harm the significance of a number of Designated Heritage Assets including the setting of surrounding listed buildings and failing to preserve or enhance the character and appearance of the Bungay Conservation Area, the proposal would be contrary to Policies WLP8.37 and WLP8.39 and section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 8.3. The proposal would deliver some limited benefits with the provision of an additional dwelling to housing supply and the economic benefits associated with this including

support for local shops and services from the occupants, and short-term economic benefits through the construction of the property.

- 8.4. However, the benefits highlighted would only be given limited weight and would not outweigh the harm identified to the historic environment which the NPPF affords significant weight and the proposal would therefore not constitute sustainable development.

9. Recommendation

That planning permission be REFUSED for the following reason:

1. The proposal is to construct a single storey property in a backland location to the rear of properties fronting on to St. Marys Road. The property would be sustainably located in terms of access to services and facilities within Bungay Town Centre but would be situated in an area of heritage significance within the setting of several listed buildings, within the Bungay Conservation Area.

The proposal for a dwelling in this location, particularly of this form and footprint, would appear as a discordant and intrusive feature and would fail to respect the historic grain of this area which is characterised by long narrow rear 'yard' areas to the frontage properties with associated ancillary buildings, where they occurred. The proposed dwelling does not meet the requirements of the NPPF and Local Plan WLP8.29 in terms of high-quality design and fails to integrate into the surrounding built and historic environment required by policy WLP8.33. It would provide a cramped form of development which fails to give regard to the character, form and pattern of development in the surrounding area.

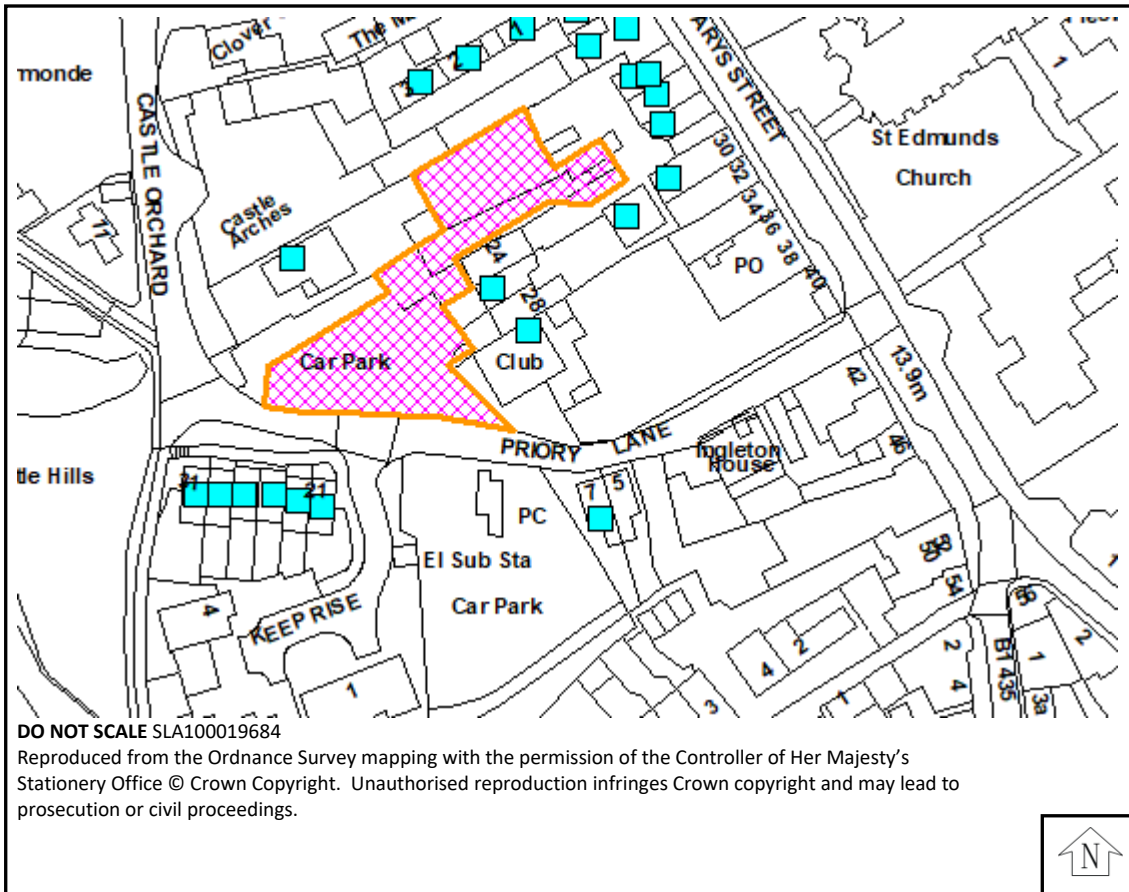
The application would have a negative impact on the setting of several Listed buildings, by causing harm to their significance by introducing an alien form of development within this sensitive location. The proposal also fails to preserve or enhance the Bungay Conservation Area. The harm would be less than substantial in terms of paragraph 196 of the NPPF but a moderate to high level on this spectrum. The public benefit of the proposal would not outweigh this harm.

The proposal would therefore be contrary to the objectives of East Suffolk Council - Waveney Local Plan (Adopted 20 March 2019) Policies: WLP8.33 - "Residential Gardens and Urban Infilling", WLP8.29 - "Design", WLP8.37 - "Historic Environment" and WLP8.39 - "Conservation Areas"; section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990; and section 16 of the NPPF.





Background Papers

See application reference DC/20/3084/FUL on [Public Access](#)

Map



Key

-  Notified, no comments received
-  Objection
-  Representation
-  Support