

**PLANNING COMMITTEE NORTH – 10 September 2019**

**APPLICATION NO** DC/19/2194/LBC

**EXPIRY DATE:** 24 July 2019 (extension of time agreed until 13 September 2019)

**APPLICATION TYPE:** LBC

**APPLICANT:** Bungay Town Council

**LOCATION:** 9 Market Place, Bungay, Suffolk, NR35 1AP

**PARISH:** Bungay

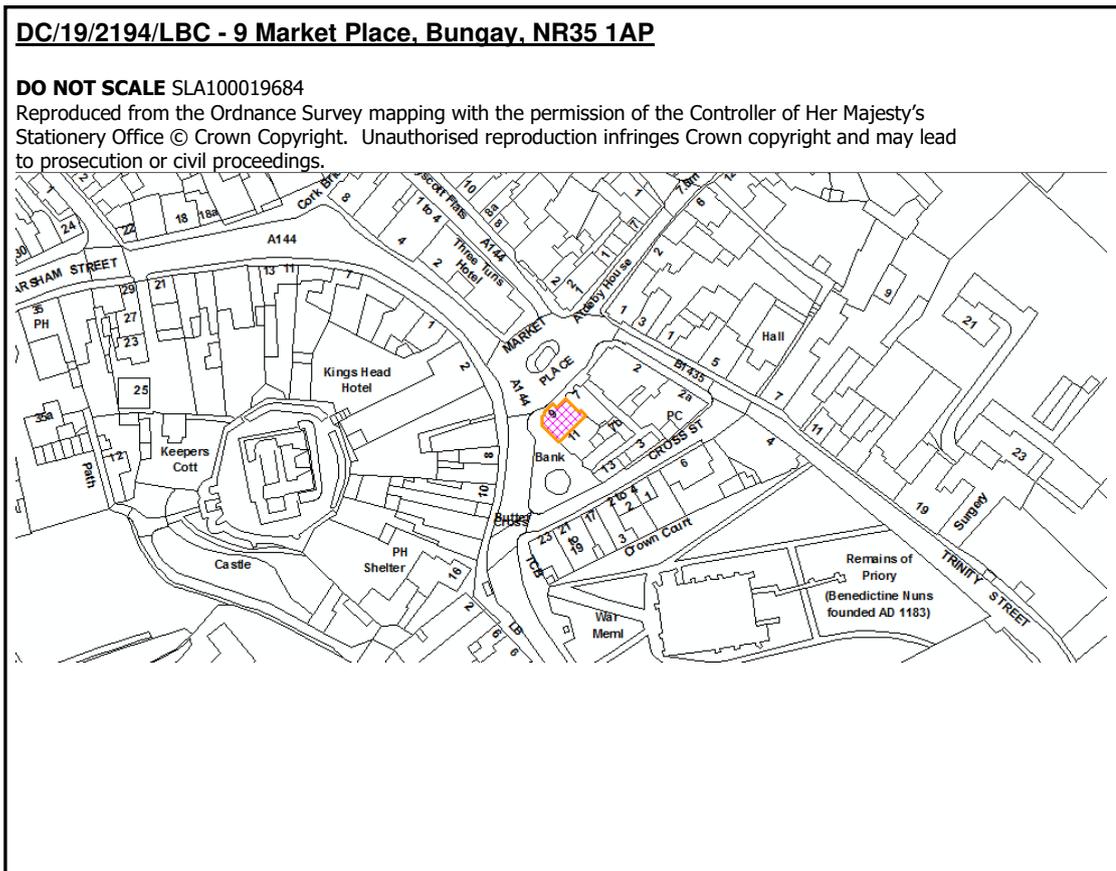
**PROPOSAL:** Listed Building Consent - As part of town centre CCTV system. The following items to be placed on the building. 2 Camera's ( 332 mm from base to lens ). 4 transmitters / receivers and a waterproof box ( 400 x 400 x 200).

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**MAP**



## **1 EXECUTIVE SUMMARY**

- 1.1 This application is one of a series of applications within the Town Center of Bungay in order to establish a CCTV system which covers key areas of the Town Centre in a bid to reduce crime figures which are reported to be on the increase since the loss of the presence of PCSO's within Bungay
- 1.2 The application seeks listed building consent to install CCTV cameras and associated equipment on the front and side elevations of the building and the chimney which is a Grade II listed building and is situated in a prominent position within the Bungay Conservation Area and in close proximity to the Grade I listed Butter Cross.
- 1.3 Negotiations have taken place with the applicant in order that the harm caused by this proposal is minimised. The proposal would still be considered to harm the significance of the designated heritage asset of the Grade II listed building due to the prominence and appearance of the modern equipment proposed; this harm is considered to be less than substantial in terms of the NPPF.
- 1.4 However, it is considered that the harm to the significance of the Listed Building would be outweighed by the public benefit of the proposal and the application can therefore be recommended for approval.
- 1.5 This application is before the Planning Committee at the request of the Referral Panel.

## **2 SITE DESCRIPTION**

- 2.1 Listed as Market Place (East side) No 9 & No 11, the application property is Grade II Listed; listed in 1949, the List description states; *“Early C18, 2 storey and attic, 3 gabled sash dormers. Colourwashed brick. Tiles. Cove cornice, 6 sash windows in flush frames, rusticated cambered arches. Entrance door with fanlight and wood case. Mainly modern shop fronts. 4 flush frame sash windows, north west, at 1st floor. Originally 1 building, essentially part of the old market. Nos 1 to 11 (odd), Nos 11A, 13 and 17 to 21 (odd) form a group together with the butter cross”*.
- 2.2 This is a highly visible location within the Market Place within the Conservation Area which has the added sensitivity of being in close proximity to the Grade I Listed Butter Cross of which views are afforded to this building from the Butter Cross and the Market Place, off which lead five main roads.

## **3 PROPOSAL**

- 3.1 This application seeks listed building consent for the installation of two CCTV cameras, one on the front and side elevations. Four receiving/transmission dishes situated on the chimney and associated electricity box situated on the top of the existing shop front.
- 3.2 The application is supported by a Design and Access Statement and photos showing the approximate locations of the equipment.

## 4 CONSULTATIONS/COMMENTS

4.1 Bungay Town Council : It was proposed by ST, seconded by ML, and unanimously RESOLVED that these plans are recommended for APPROVAL with no comments.

4.2 Third Party Representations : None received

## 5 PUBLICITY:

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

Category	Published	Expiry	Publication
Conservation Area, Listed Building	7.06.2019	28.06.2019	Beccles and Bungay Journal
Conservation Area, Listed Building	7.06.2019	28.06.2019	Lowestoft Journal

## 6 SITE NOTICES

6.1 The following site notices have been displayed:

General Site Notice Reason for site notice: Conservation Area, listed Building.  
Date posted 16.06.2019 Expiry date 27.06.2019  
Date posted 16.08.2019 Expiry date 09.09.2019

## 7 PLANNING POLICY

7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that “where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise”.

7.2 Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering whether to grant listed building consent 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*”.

7.3 National Planning Policy Framework (NPPF) (2019)

7.4 The East Suffolk Council - Waveney Local Plan was adopted on 20 March 2019 and the following policies are considered relevant:

- WLP8.29 – Design
- WLP8.37 – Historic Environment

## 8 PLANNING CONSIDERATIONS

- 8.1 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”*.
- 8.2 Paragraph 194 of the NPPF states 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”*.
- 8.3 Paragraph 196 of the NPPF states 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”*.

### Heritage Considerations:

- 8.4 The importance of minimising the harm to the Listed Building has been highlighted to the applicant. No 9 Market Place is situated in a very prominent position within the Conservation Area on the Market Place. The building can be seen from a variety of angles and is viewed in the context of the Grade I listed Butter Cross, currently there are no additions to this elevation, in the way of modern elements.
- 8.5 The Council has been involved in providing advice with regard to the CCTV system in Beccles. In Beccles the majority of the installations have been able to be attached to non-listed buildings and areas of lesser prominence within the Conservation Area. A different approach has been taken there where a high point (Bell Tower) is used to receive signals from each installation. The images are then transmitted to the Town Hall by cable removing the need for a receiving dish at street level on the Town Hall which is Grade II listed. This removes the requirement for multiple dishes and requires just one dish which can be mounted directly to the building. Also electric boxes are only provided externally in the locations of lesser sensitivity. The one instance in Beccles which required equipment to be situated on a listed building used all of the above measures to minimise the harm to the historic environment.
- 8.6 In this instance the use of the Church Tower is not a possibility which would minimise the amount of equipment required. This system requires a signal to be received and transmitted from the building before this within the system and then on to the main next camera at 2A Trinity Street; two receivers and two transmitters are required to provide sufficient bandwidth. As the system needs an electricity supply from the host building an external meter box is proposed, together with associated cabling runs. The harm arises, not so much from the cameras as these can be relatively unobtrusive but the associated equipment highlighted above which can be particularly harmful to the significance of the heritage assets of the Conservation Area and Listed Building.

8.7 The Town Council have made a number of improvements to the proposal on this building. The Cameras are now proposed to be situated on the fascia of the shopfront and coloured black to match. The receiver and transmitter dishes were proposed to be situated on two separate poles on the front and side elevation of the building, these would now be sited on the chimney of the property. The electric box is suggested to be sited on top of the shop front. The changes proposed minimise the harm to the significance of the listed building.

Justification and Public Benefit:

8.8 As required by Paragraph 194 of the NPPF any harm to the significance of a designated heritage asset requires clear and convincing justification.

8.9 Within the supporting information to this application the Town Council have highlighted that since the loss of the presence of PCSO's within Bungay Town Centre figures indicate that crime is on the rise. The images from these cameras could be downloaded by the Police for use in criminal proceedings.

8.10 On the basis of the amended information we have now received there would still be harm to the Listed building. In terms of the NPPF the harm would be less than substantial and of a low degree of harm. It is considered that in accordance with Policy WLP8.37 of the Local Plan the proposal has sought to preserve the heritage asset and any features of special architectural interest.

8.11 The harm to the significance of the heritage asset should be weighed against the public benefits of the proposal as required by paragraph 196 of the NPPF. The public benefit of introducing a CCTV system within the town centre is considered to outweigh the harm that would be caused and would meet the requirements of the NPPF. Due regard has been given to the requirements of section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

## **9 CONCLUSION**

9.1 The importance of providing a CCTV system to cover Bungay Town Centre has been highlighted by the applicant and it is considered that adequate consideration has been given to other less harmful methods of installation. Negotiations have taken place with the applicant to minimise the harm of the proposal as much as possible.

9.2 Although there would still be harm to the significance of the Listed building, the harm has been minimised. In terms of the NPPF the harm would be less than substantial and in this instance it is considered that the harm would be outweighed by the public benefit.

9.3 Accordingly, it is recommended that the application is approved.

## 10 RECOMMENDATION

That listed building consent be **APPROVED** subject to the following conditions:

1. The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.

Reason: This condition is imposed in accordance with Section 18 of the Act (as amended).

2. The development hereby permitted shall be completed in all respects strictly in accordance with photo montages received on 13 August 2019 and datasheets received on 30 May 2019, for which permission is hereby granted or which are subsequently submitted to and approved by the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.

Reason: For the avoidance of doubt as to what has been considered and approved.

3. Within six months of the cessation of the use of the equipment it shall be removed from the building.

Reason: In order to safeguard the special architectural or historic interest of the building.

4. Notwithstanding the transmission and receiving dishes, which are proposed to be white, the equipment shall be colour coded to match that of the surface that it is attached to and thereafter maintained in that condition.

Reason: In order to safeguard the special architectural or historic interest of the building.

**BACKGROUND INFORMATION:** See application ref: DC/19/1367/LBC at [www.eastsuffolk.gov.uk/public-access](http://www.eastsuffolk.gov.uk/public-access)