

PLANNING COMMITTEE NORTH – Tuesday 8 October 2019

APPLICATION NO: DC/19/2435/FUL

EXPIRY DATE: 03 September 2019 (extension of time agreed until 11 October 2019)

APPLICATION TYPE: Full

APPLICANT: Richard Neale and Spencer Squire

LOCATION: 24 St Marys Street, Bungay, Suffolk, NR35 1AX

PARISH: Bungay

PROPOSAL: Construction of 1 no. single storey dwelling and domestic store and rearrangement of parking facilities

CASE OFFICER: Iain Robertson

Email: Iain.Robertson@eastsoffolk.gov.uk

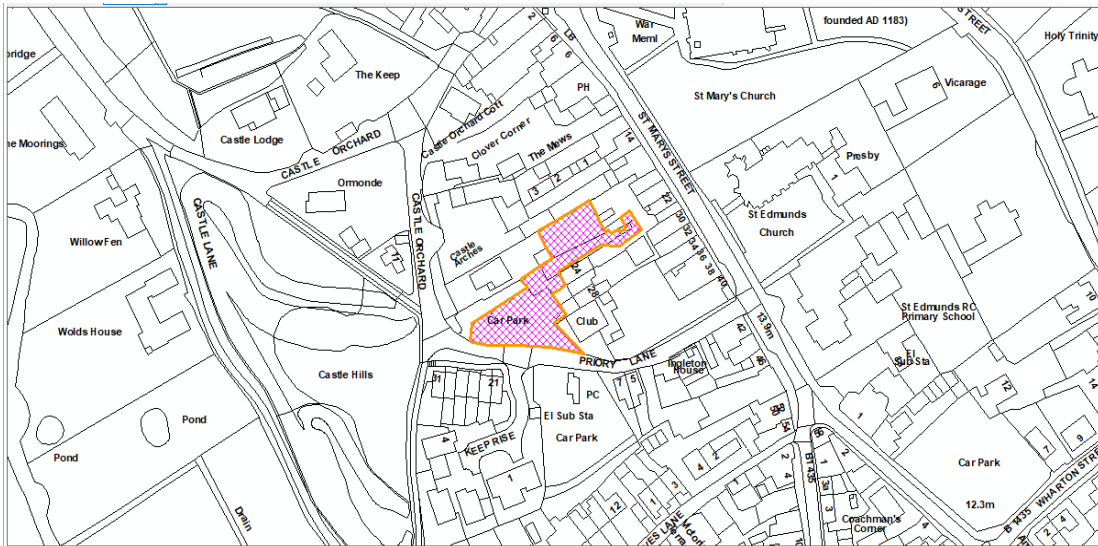
Phone: 01502 523067

MAP

DC/19/2435/FUL- 24 St Marys Street, Bungay

DO NOT SCALE SLA100019684

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1 EXECUTIVE 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 the existing parking arrangement in front of Nos. 24 – 28 St. Marys Street. The site is located within the 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.
- 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 AND PLANNING HISTORY

- 3.1 The application seeks full planning permission for the construction of a single storey dwelling on the site with an ancillary storage building. Vehicular access would be gained from the South West side of the site through the public car park on Priory Lane. 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 modern bungalow form in buff brick with clay pantiled roof with white UPVC windows. Some traditional detailing is proposed with bay windows and chimney details.
- 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. Since this time additional land has been acquired to increase the size of the site in order to attempt to overcome these concerns.

4 CONSULTATIONS/COMMENTS

- 4.1 Bungay Town Council: It was proposed by ST, seconded by RM, and unanimously RESOLVED that these plans are recommended for REFUSAL with the comments that this is overdevelopment of the site, clarification of the boundaries of the site are needed and drainage issues need to be clarified
- 4.2 Suffolk County Council Highways: No objection subject to conditions requiring manoeuvring and parking of vehicles, and secure cycle storage to be provided as shown on drawing no 2087.2.
- 4.3 Suffolk County Council Archaeology: No objection subject to conditions.
- 4.4 Head of Environmental Health: No objections (standard condition recommended).
- 4.5 Essex and Suffolk Water: No objection
- 4.6 Suffolk Fire and Rescue: No objection
- 4.7 Third party representations: Three objections received raising the following points:
- Cramped form of development
 - Discordant and intrusive feature out of character with urban grain
 - Neither conserve or enhance the character or appearance of the Conservation Area including its heritage assets in its setting.
 - Would not integrate with the character and massing of the surrounding urban environment.
 - Loss of trees
 - Noise of construction
 - Relocation of commercial bin compound

5 PUBLICITY:

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

Category	Published	Expiry	Publication
Conservation Area, Listed Building	26.07.2019	16.08.2019	Beccles and Bungay 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 17.07.2019 Expiry date 07.08.2019

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 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*”.

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:

- WLP1.1 – Scale and Location of Growth
- WLP1.2 – Settlement Boundaries
- WLP8.33 – Residential Gardens and Urban Infilling
- WLP8.29 – Design
- WLP8.37 – Historic Environment
- WLP8.39 – Conservation Areas

8 PLANNING CONSIDERATIONS

Principle of Development

8.1 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 consideration and design

8.2 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".

- 8.3 The site lies to the side of Nos 24- 28 St Marys Street. Listed Grade II in 1972 the List description reads;
- "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".*
- 8.4 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.
- 8.5 The proposal for a dwelling in this location, particularly of this form and footprint, would appear as a discordant and intrusive feature which would fail to respect the grain of this area. The "L" plan form, wide gable widths and hipped gabled form gives it the character of a contemporary (late 20th early 21st C) style bungalow which would be an alien feature in the "yard" space behind the Listed building. The development of which would have a negative impact on their setting as it fails to relate well to the existing buildings and the past evolution of development of the area.
- 8.6 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.
- 8.7 The proposal also increases the amount of car parking and turning area directly in front of No. 24 adjacent to the public car park area. The current layout that exists is not ideal as there already is a parking area in front of the Listed building, however, this proposal exacerbates the situation by introducing 1.8m high timber fence dividing the turning area/access to the parking from the garden of Nos. 26 – 28, which further negatively impacts on the setting of the listed buildings of 24-28.
- 8.8 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 contrary to requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the aims of the NPPF and the Local Plan. The harm would be less than substantial in terms of paragraph 196 of the NPPF but a high level of harm on this spectrum.

Design and layout considerations

- 8.9 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.
- 8.10 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

- 8.11 Policy WLP8.33 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.
- 8.12 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.
- 8.13 Environmental Services have 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.

9 CONCLUSION

- 9.1 The site is situated in a sustainable location as the site is located within the town center 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.
- 9.2 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 setting of surrounding listed building and would fail to preserve or enhance the character and appearance of the Bungay Conservation Area the proposal is not considered to constitute sustainable development.
- 9.3 The proposal would deliver some limited benefits with the provision of an additional dwelling to housing supply economic benefits of this, support for local shops and services from the occupants; and short-term economic benefits through the construction of the property. 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.

10 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 historically 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 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.

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 harm would be less than substantial in terms of paragraph 196 of the NPPF but a high level of harm 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 INFORMATION: See application ref: DC/19/2435/FUL
at www.eastsuffolk.gov.uk/public-access