



St Edmundsbury
BOROUGH COUNCIL

DEV/SE/17/033

Development Control Committee 3 August 2017

Planning Application DC/16/1050/FUL & Listed Building Consent Application 16/1051/LB – 6 Lower Baxter Street, Bury St Edmunds

Date Registered: 14.06.2016

Expiry Date: 09.08.2016

Case Officer: Penny Mills

Recommendation: Approve

Parish: Bury St Edmunds

Ward: Abbeygate

Proposal: Planning Application - (i) Conversion of existing offices on first and second floors to 3 no. apartments (ii) Three storey extension, with link building, to comprise of 2 no. apartments

Listed Building Consent - (i) Repairs and alterations to enable conversion of first and second floors to 3 no. apartments (ii) Three storey extension, with link building, to Northern elevation to form 2no. apartments

Site: 6 Lower Baxter Street, Bury St Edmunds

Applicant: Kentford Developments Limited - Mr Boyce

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:

1. These applications were deferred from consideration at the Development Control Committee meeting on 6 April 2017, in light of Members' concerns, to enable Officers to work with the applicant to seek improvements to the scheme where possible.
2. The key areas of concern noted by Members related to: the impacts on the residential amenity of the occupants of the neighbouring apartments in Suffolk House, in terms of loss of light and outlook; the visual impact of the development in views from Angel Hill; and, the provision of an appropriate and deliverable scheme for managing domestic and business waste on the site.
3. The previous report for the 6th April 2017 meeting of the Development Control Committee is included as Working Paper 1 to this report. Members are directed to this paper in relation to site description, details of development, relevant planning history, details of previous consultation responses received and policy context.
4. This report sets out the updates from the written papers presented to the meeting of Development Control Committee on 6th April 2017.
5. The Officer recommendation, which is set out at the end of this report remains that planning permission and listed building consent should be approved.

Application Supporting Material:

6. Since the Committee Meeting on the 6th April, amended plans and additional information have been submitted. The list of up to date supporting plans and documents is set out below:

Drawings

- Site Location Plan
- Existing floor plans, roof plan and elevations
- Proposed Ground Floor Plan 692 021E
- Proposed South Elevation 692 025D
- Proposed West Elevation 692 026B
- Proposed North Elevation 692 027E
- Proposed East Elevation 692 028E
- Proposed Internal Elevations Courtyard 692 029D
- Proposed Internal Elevation Entrance 692 030D
- Street Views 692 031D

Reports and Supporting Statements / Information

- Photomontage from Angel Hill 692 034D
- Photomontage from Mustow Street 692 035C
- Shadow Projections – Analysis on Lower Floor windows 692 042 B
- Enviro-Screen Report
- Heritage Statement
- Planning Statement

Consultations:

7. Since the Committee meeting on the 6 April, the following consultations responses have been received:

Public Health and Housing:

No objections.

Environment Agency:

No additional comments.

Suffolk County Highways:

The amended application appears not to affect the approved parking arrangements or have any altered effect on the highway, therefore our comments of 13/01/2017 still apply. However, we would additionally request the following condition be included.

1 HGV 1

Condition: All HGV and construction traffic movements to and from the site over the duration of the construction period shall be subject to a Deliveries Management Plan which shall be submitted to the planning authority for approval a minimum of 28 days before any deliveries of materials commence.

No HGV movements shall be permitted to and from the site other than in accordance with the routes defined in the Plan and material and equipment shall only be stored in accordance with the locations defined in the plan. Any damage to the highway infrastructure, including footway and kerbs, shall be made good before first occupation and before and after photographs will be required. The site operator shall maintain a register of complaints and record of actions taken to deal with such complaints at the site office as specified in the Plan throughout the period of occupation of the site.

Reason: To reduce and / or remove as far as is reasonably possible the effects of HGV traffic in sensitive areas.

Historic England – 28th April

Summary

This application proposes the extension of the grade II listed number 6 Lower Baxter Street, a prominent building in the conservation area. While we accept the principle of development we are concerned that the contemporary treatment of the extension's eastern elevation will make it overly prominent in views of the conservation area and could result in harm to the historic significance of the area in terms of the National Planning Policy Framework. The Council should weigh any public benefit that might result from the proposals but we would encourage further consideration of this aspect of the design.

Historic England Advice

Number 6 Lower Baxter Street is a house dating from the late 17th and early 18th

centuries with shops added on the ground floor in the 19th century. Listed at grade II it is situated in a prominent location in the conservation area. The current application is associated with an application for listed building consent for alterations to the building. We do not have any significant concerns about those

but the extension which is the subject of this application raises issues about the effect on the conservation area.

The gabled element of the rear extension to number 6 would not be overly prominent in views close to the listed building but the photomontage view included with the application shows how it might appear in views from Angel Hill. This is a major public space in the conservation area and one of the most historically significant in the town. The image suggests the eastern elevation of the extension would be prominent, large and bulky in a view framed by existing buildings. The rising ground above Angel Hill gives the gabled part of the extension particular prominence, as it does the rear of other buildings in the area. Modern buildings can also be seen. On balance we do not consider that the scale of the development would be harmful to the conservation area but the material and architectural treatment could make it more noticeable than other buildings around, giving it undue prominence to the detriment of the historic open space and historic buildings around it.

The use of timber cladding would not help the extension blend with the historic buildings of the conservation area while the fenestration pattern would give it a vertical emphasis, making it appear taller and more overbearing and largely consist of glazing, making it strikingly different from the surrounding buildings. If a more traditional cladding were used, the floor levels emphasised in the eastern elevation and the fenestration given a more restrained and simpler appearance the gabled part of the extension could retain a distinctive design while being less assertive.

The Planning (Listed Buildings and Conservation Areas) Act 1990 establishes that in considering applications for planning permission special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area in the exercise of any powers under the planning Acts (paragraph 72). The National Planning Policy Framework (NPPF) identifies protection and enhancement of the historic environment as an important element of sustainable development and establishes a presumption in favour of sustainable development in the planning system (paragraphs 6, 7 and 14). The NPPF also states that the significance of conservation areas can be harmed or lost by alteration to them (paragraph 132). The conservation of heritage assets is a core principle of the planning system (paragraph 17) upon which the NPPF places great weight (paragraphs 17 and 132). Clear and convincing justification should be made for any harm to the significance of heritage assets (paragraph 132).

We have considered this application in terms of policy and are concerned that the design of the proposed new extension and in particular the eastern elevation of the gabled element could make this large modern building overly prominent in views of the conservation area from the east. This could result in harm to the significance of the area in terms of the NPPF, paragraph 132 and so not result in sustainable development. Paragraph 134 requires the Council to consider any public benefit which might be delivered by the proposals and weigh this against any harmful impact when determining the application but we would suggest the Council should also consider possible amendments to the design to reduce this visual impact.

Recommendation

Historic England has concerns regarding the application on heritage grounds. While

we would not oppose the development in principle the design detail should be given further consideration. We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraphs 6, 7, 14 ,17 132 and 134 of the NPPF. In determining this application you should bear in mind the statutory duty of section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice. If you would like further advice, please contact us.

Historic England – 19th June following reconsultation on design changes)

Thank you for your letter of 15 June 2017 regarding further information on the above application for planning permission. On the basis of this information, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

Representations:

8. Since the Committee meeting on the 6 April, the following representations have been received:

Town Council:

Upholds previous objection made on the grounds of:

- (i) design, visual appearance & materials;
- (ii) layout & density;
- (iii) loss of daylight/sun light;
- (iv) overlooking/over shadowing;
- (v) loss of visual amenity;
- (vi) effect on conservation area

Officer Comment:

Principle of Development

9. The principle of the development, in light of extant national and local planning policies is set out in paragraphs 13-17 of Working Paper 1 attached.

Initial Planning Consideration

10. The initial consideration in light of other relevant development plan policies and material planning considerations, including site specific considerations, can also be found in Working Paper 1 paragraphs 18-51

Design Changes - Residential Amenity

11. Following the consideration of the application by the Development Control Committee, the applicant has looked to reduce the height of the proposed building, whilst retaining the principle of the design originally put forward. In this regard, the height of the rear projecting element has been reduced by 500mm and the top of the link roof by 160mm. The gable overhang on the north elevation closest to Suffolk House has also reduced by 250mm.

12. These changes have had a modest impact in terms of reducing the level of shadowing, albeit there would still be an increase in shadowing and an impact on outlook for those properties in Suffolk House looking onto the site, as a result of the development.
13. The revised shadow analysis submitted shows that the proposal will cause no shadow on the ground floor windows of Suffolk House from 24th April to the 17th of August, and will cast no shadows on the first floor windows from the 25th March to the 16th September. Outside these times shadowing from the extension will only be for part of the day. The new shadow plans submitted also demonstrates that existing buildings already shade the windows of Suffolk House in the spring, summer, autumn and winter.
14. The modest changes to the scale of the development would result in a small reduction in the scale of the impacts on those neighbours within Suffolk House most affected by the development. However, an increase in overshadowing, and an associated reduction in light, and a change in outlook as a result of the development would remain. Officers continue to consider that given the town centre context of the site, these impacts would not be severe. However, given that there would be a modest degree of adverse effect on amenity, contrary to policy DM2, and this must continue to attract some weight against the proposal in the planning balance.

Design Changes - Heritage Impact and Visual Amenity

15. Following the consideration of the application by the Development Control Committee, Historic England provided comments. Whilst they did not object to the principle of the development some concerns over the potential impact on the conservation area were raised. Whilst they considered on balance that the scale of the development would not be harmful to the conservation area, it was suggested that the material and architectural treatment could make it more noticeable than other buildings around and a more restrained and simpler appearance of the gable facing Angel Hill could retain a distinctive design while being less assertive.
16. Following these comments, and the comments of the Development Control Committee, a revised proposal has been put forward, which removes the timber cladding and replaces it with a grey coloured cladding, which was already being used for the window frames and edging of the eastern gable.
17. The Conservation Officer has previously confirmed that a contemporary approach would be welcomed on this site and had stated that, in their view, the idea of a largely fully glazed elevation looking towards Angel Hill is the right approach. However, noting the points raised by English Heritage, the Conservation Officer considers that the change in material now proposed gives a simpler and less assertive appearance than the previous timber clad elevation, whilst retaining the innovative, high quality design.

18. Following receipt of this amendment Historic England has confirmed that they do not wish to comment on the amended proposals.
19. It is considered that the proposed development continues to be in accordance with the requirements of policies DM15, DM17 and DM20 of the Joint Development Management Policies Document 2015 in respect of the heritage impacts. It is also considered that the development would meet the key planning principles set out in the NPPF to conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations (Paragraph 17).

Clarification of Waste Management

20. The applicant has advised that the site is currently required to accommodate the bins for two shops; Phase Eight and Cancer Research, and the existing offices. Phase Eight has a 660 litre bin and Cancer Research has a 640 litre bin.
21. As a result of the development the offices will no longer be required. However, based on the number and size of flats proposed, the Borough Waste Team has advised that 710 litre capacity for black bins and 710 capacity for blue bins will be required.
22. The plans amended plans show 900 litres capacity for black and 900 litre for blue bins. Additional space for two further 240 litre bins, if required by the commercial premises, is also shown.
23. The bins can be accommodated within the site in an appropriate location for collection by refuse staff.

Conclusions and Planning Balance

24. The revised development proposal has been considered against Development Plan Policies and the objectives of the National Planning Policy Framework and the government's agenda for growth. The application has also been assessed having regard to the special statutory duty placed on local planning authorities in respect of listed buildings and conservation areas.
25. The site continues to be an acceptable one for residential development, in principle, subject to conformity with other relevant Development Plan policies. In this regard, those policies in relation to listed buildings and conservation areas as well as those that seek to protect residential amenity and ensure highway safety are central to the consideration of the application.
26. Historic England raised some concerns over the potential impact the proposed development would have on views from Angel Hill. Notwithstanding the fact that the Conservation Officer already considered the design to be an acceptable one, the change in material proposed would further minimise any potential impact by giving a less assertive appearance.

27. Previous changes to the detail of the design significantly reduced the level of overlooking to the immediate neighbour at 6 Angel Hill such that the level of actual and perceived overlooking that would now occur is considered to be acceptable in this town centre location and in accordance with the requirements of Development Plan Policy.
28. Despite some modest reductions in the height of the development, there continues to be some change in outlook for neighbouring properties most notably, 6 Angel Hill and those flats within Suffolk House that face onto the application site. There would also be some impact in terms of the light to those windows on the north elevation of Suffolk House, and flat number five at the ground floor would be likely to experience the most change, although this impact has lessened as a result of the changes to the scheme. This adverse impact on neighbouring amenity from the change in outlook and associated reduction in light would continue to attract some weight against the development in the planning balance. However, given the town centre location and the fact that the rooms most affected (those in apartment 5) are bedrooms as opposed to living rooms, it is considered that the level of weight to be attributed would be modest in this case, and not at a level that would justify a refusal.
29. There are some benefits associated with the proposal, which would carry weight in favour of the development, most notably through the creation of additional dwellings in a sustainable town centre location and the economic benefits associated with construction phase. However, given the small scale of the development, this would attract only modest weight in favour of the development in the planning balance.
30. The future provision for waste on site both for the existing retail premises and the proposed residential properties has been set out and it is considered that a workable solution can be accommodated on site and secured by condition.
31. It is considered by Officers that the development would raise no adverse effects in terms of highway safety, visual amenity, heritage impacts, and contamination that could not be adequately addressed through the use of conditions.
32. On balance, it is considered that adverse effect on neighbouring amenity identified in this case, when weighed against the benefits of the scheme, the broad compliance with Development Plan policies and the presumption in favour of sustainable development would not warrant the rejection of the proposals. As such, the applications are recommended for approval.

Recommendation:

33. It is recommended that planning permission and listed building consent be **APPROVED** subject to no objections being received from the National Amenities Societies and Historic England and subject to conditions set out in attached Working Paper 1 (Paragraph 60), along with two further conditions to secure the provision of the waste management scheme in accordance with the submitted details and to secure a deliveries management plan for the construction period.

Documents:

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/16/1050/FUL](#)