



*St Edmundsbury*  
BOROUGH COUNCIL

# DEV/SE/19/028

## Development Control Committee 28 March 2019

### Planning Application DC/19/0136/FUL & DC/19/0135/LB – 41 Cornhill, Bury St Edmunds

<b>Date Registered:</b>	25.01.2019	<b>Expiry Date:</b>	29.03.2019
<b>Case Officer:</b>	Adam Ford	<b>Recommendation:</b>	Approve Application
<b>Parish:</b>	Bury St Edmunds Town Council	<b>Ward:</b>	Abbeygate
<b>Proposal:</b>	Planning Application - Installation of security shutter to rear entrance		
<b>Site:</b>	41 Cornhill, Bury St Edmunds		
<b>Applicant:</b>	Mr Mark Walsh - West Suffolk Property Services		

**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:**

Adam Ford  
Email: adam.ford@westsuffolk.gov.uk  
Telephone: 01284 757353

## Background:

**These applications are before the Development Control Committee as they are internal applications having been submitted by West Suffolk Property Services.**

## Proposal:

1. Planning permission and Listed Building consent are sought to install a security shutter door to the rear entrance of 41 Cornhill.
2. The proposal comprises a perforated aluminium lath roller shutter, guides and head box fixed to the modern brick extension, within the covered area.
3. The shutter will be 1.39m wide with a maximum height, when 'closed' of 2.53m. The proposed guide channels are 0.6m wide and the shutter box at the head is 0.25m deep. Externally, all elements of the proposed installation will be powder coated anthracite (grey).

## Application Supporting Material:

- Completed application form
- Location plan
- Example of manufacturer's specification showcasing design
- Existing and proposed elevations
- Heritage statement
- Schedule of works
- Proposed block plan

## Site Details:

4. The application site, 41 Cornhill, is a Grade II listed building which forms part of the Moyses Hall Complex. The property is located within the defined settlement boundary, the Town Centre, the primary shopping area and the Bury St Edmunds Conservation Area.

## Planning History:

Reference	Proposal	Status	Decision Date
DC/18/1291/LB	Application for Listed Building Consent - Installation of security shutter to rear entrance yard	Application - Withdrawn	22.08.2018
SE/10/0264	Listed Building Application - Provision of black lettering above entrance	Application Granted	03.06.2010

SE/00/2106/LB

Listed Building Application - External and internal alterations including (i) erection of two storey extension; (ii) removal of partitions and staircase; and (iii) insertion of new staircase.

Application  
Granted

03.11.2000

## **Consultations:**

### **5. Conservation Officer**

- *"The roller shutter would be fixed to modern fabric in a discrete location at the rear of the property. On this basis, I therefore have no objection."*

### **6. Historic England**

- No objections or concerns raised. Advised to seek views of internal Conservation Officers.

## **Representations:**

### **7. Bury Town Council**

- No objection to proposal subject to no issues with respect to

### **8. Ward Member (Abbeygate) Councillor Andrew Speed**

- No comments submitted

### **9. Ward Member (Abbeygate) Councillor Jo Rayner**

- No comments submitted

**Policy:** The following policies of the Joint Development Management Policies Document, the St Edmundsbury Core Strategy 2010 & Vision 2031 Documents have been taken into account in the consideration of this application:

### **SEBC Core Strategy (2010)**

- Core Strategy Policy CS1 - St Edmundsbury Spatial Strategy
- Core Strategy Policy CS2 - Sustainable Development
- Core Strategy Policy CS3 - Design and Local Distinctiveness

### **Bury Vision Document (2014)**

- Bury Vision BV1 – Presumption in favour of Sustainable Development

## **Joint Development Management Policies Document (2015)**

- Policy DM1 Presumption in Favour of Sustainable Development
- Policy DM2 Creating Places Development Principles and Local Distinctiveness
- Policy DM15 Listed Buildings
- Policy DM17 Conservation Areas
- Policy DM38 Shop Fronts and Advertisements

### **Other Planning Policy:**

10. The NPPF was revised in February 2019 and is a material consideration in decision making from the day of its publication. Paragraph 213 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 provisions of the 2019 NPPF that full weight can be attached to them in the decision making process.

11. The LPA also has a statutory duty under paragraphs 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have regard to the effect of this proposal upon the listed building and the wider conservation area.

### **Officer Comment:**

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

- Principle of Development
- Design, form and scale & resulting impact of the proposal upon heritage assets

### **Principle of Development**

13. Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise. The development plan for St Edmundsbury comprises the Core Strategy, the three Vision 2031 Area Action Plans and the Joint Development Management Policies Document. Policies set out within the NPPF and the presumption in favour of sustainable development contained at its heart are also material considerations.

14. In this instance, the application property lies within the defined settlement of Bury St Edmunds and is within the town's formally allocated primary shopping area.

15. The principle of development in this location is therefore something the LPA are able to support, subject to other material planning considerations which, in this instance, are predominantly related to the impact of the proposal upon the Listed building, the Conservation area and visual amenity.

### **Design, form and scale & resulting impact of the proposal upon heritage assets**

16. In policy terms the 2019 National Planning Policy Framework identifies protection and enhancement of the historic environment as an important element of sustainable development and goes on to establish a presumption in favour of sustainable development in the planning system (paragraphs 7, 8, 10 and 11).
17. The core planning principles of the NPPF are observed in paragraphs 8 and 11 which propose a presumption in favour of sustainable development. This includes the need 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 for this and future generations as set out in Chapter 16.
18. At paragraph 193 the NPPF goes on to require planning authorities to place '*great weight*' on the conservation of designated heritage assets, and states that 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. Paragraph 194 also recognises that the significance of an asset can be harmed from development within the setting of an asset, and that '*any harm or loss should require clear and convincing justification*'. It is also recognised in the NPPF (paragraph 196) 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.
19. In this instance, however, the applications seek to install a modest roller shutter door to the rear of the property, within an existing recess, which is further enclosed by a brick wall & this serves to screen the majority of the shutter when it is in the 'down' position. In addition, the roller will be perforated and externally finished in anthracite grey; these design principles further prevent the shutter from appearing as a visually intrusive addition or from being one that the LPA would otherwise seek to resist.
20. Although the building is listed, and this must of course be noted, the proposal will be installed to the modern red brick addition which faces an existing service yard and a collection of rear elevations which do not contribute positively to the wider locality or the Conservation Area. Accordingly, neither the LPA's Conservation Officer nor Historic England have identified any material harm to the listed building or an adverse impact upon the Conservation Area. The requirement to balance harm against public benefit as contained at paragraph 196 of the NPPF is not therefore invoked. The proposal is therefore judged to represent something which is able to secure the support of both policies DM15 and DM17.
21. In addition, policy DM38 provides that the installation of external security shutters must preserve or enhance the character and appearance of the building and / or locality to which they are proposed. Whilst it must be noted that the installation of the shutter does not *enhance* the appearance, given

that it will only be 'down' when the building is closed, the proposal is able to demonstrate the character of the wider locality is generally preserved. The proposed shutter will be installed into an existing recess and although it is duly noted that this elevation still has a degree of public interaction it will not be a visually prominent addition to the property which materially conflicts with the provisions of DM15, DM17 or DM38.

### **Conclusion:**

22. In conclusion, the principle and detail of the development is considered to be acceptable and in compliance with relevant development plan policies and the National Planning Policy Framework.

### **Recommendations:**

#### **22. Planning application - DC/19/0136/FUL**

It is recommended that planning permission be **GRANTED** subject to the following conditions:

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

Reason: To define the scope and extent of this permission.

<b><u>Reference No:</u></b>	<b><u>Plan Type</u></b>	<b><u>Date Received</u></b>
(-)	Location Plan	25.01.2019
(-)	Block Plan	25.01.2019
002	Existing Ground Floor Plan	25.01.2019
003	Proposed Ground Floor Plan	25.01.2019
004	Existing & Proposed Elevations	25.01.2019

#### **23. Listed building application - DC/19/0135/LB**

It is recommended that Listed Building Consent be **GRANTED** subject to the following conditions:

- 1 The works to which this consent relates must be begun not later than 3 years from the date of this notice.

Reason: In accordance with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

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

Reason: To define the scope and extent of this permission.

<b>Reference No:</b>	<b>Plan Type</b>	<b>Date Received</b>
(-)	Location Plan	25.01.2019
(-)	Block Plan	25.01.2019
002	Existing Ground Floor Plan	25.01.2019
003	Proposed Ground Floor Plan	25.01.2019
004	Existing & Proposed Elevations	25.01.2019

**Documents:**

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online

<https://planning.westsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PLUI96PDLJW00>