

## **Development Control Committee** **22 July 2020**

### **Planning Application DC/19/1623/FUL – 17 - 18 Cornhill, Bury St Edmunds**

<b>Date Registered:</b>	08.08.2019	<b>Expiry Date:</b>	07.11.2019 EOT agreed
<b>Case Officer:</b>	Britta Heidecke	<b>Recommendation:</b>	Approve Application
<b>Parish:</b>	Bury St Edmunds Town Council	<b>Ward:</b>	Abbeygate
<b>Proposal:</b>	Planning Application - (i) Redevelopment of old Post Office site with retention of historic facade (ii) 12 no. flats (iii) 2 no. commercial units at ground floor and (iv) enlargement and repaving of public realm/footpath		
<b>Site:</b>	17 - 18 Cornhill, Bury St Edmunds, Suffolk		
<b>Applicant:</b>	West Suffolk Council		

**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.

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## **Background:**

**This application was considered at the 8 November 2019 Development Control Committee meeting with the resolution to approve subject to the signing of a S106. The application was referred to Committee because West Suffolk Council is the applicant.**

**The original Committee report is attached at Working Paper 1.**

**A decision has not yet been issued as the S106 has only this month been completed. Whilst the material planning considerations already considered by Committee and as set out in the Working Paper remain unchanged, during this time the project has advanced to detailed design stage and some minor, but material amendments have been made.**

## **Amendments:**

1. Glazing to ground floor units: The ground floor glazing layout to the shop fronts of both units have been altered to allow for the manufacturer's recommendations of mullion and transom distances for the thermal glazing.
2. To meet Building Regulations, the required thermal glazing cannot be manufactured in the previously proposed glazing sizes and has therefore been reduced. Ventilation grills have been shown to allow retailers to fit their ventilation equipment whilst providing them with a set location.
3. Roof plant area: The existing plant room space on the roof has increased, which has enabled the removal of the basement from the scheme. The plant room remains to be set back to minimise visibility from ground floor level.
4. Market Thoroughfare elevation: The Market Thoroughfare elevation has been simplified by reducing the amount of stonework used. Those elements visible from ground floor level and the first bays from Cornhill and St Andrews Street South continue to show contrasting detailing. The window and coping details have been amended to show aluminium copings and sills, which are at high level.
5. Rendered elevations: Areas to the back of the development (East and South elevations) are proposed in render rather than brickwork. These are not directly visible from the street.
6. Cycle parking: In the original application, 24no off-site cycle parking spaces were proposed within the arc underground car park. The amended scheme reduces the commercial floor space by 7sqm and provides all proposed 24no cycle parking spaces within the development site. 20no spaces are located on the ground floor with separate entrance off Market Thoroughfare (originally the basement plant room access door) and 4no spaces are located on the roof terraces to the top floor flats (2no spaces per flat), which can be accessed via the lift.
7. Car parking: It is proposed that one car parking permit is provided per flat valid for any West Suffolk owned/run car parks within Bury St Edmunds, rather than for the Arc underground carpark only.

## Consultations:

8. A re-consultation was undertaken with all neighbours, contributors and relevant consultees on 16<sup>th</sup> June 2020. The following summarised comments have been received in response to the amendments:
9. **Burt St Edmunds Town Council (BTC):** Objection to the alterations on the grounds of design.
10. **Bury St Edmunds Society (BS):**
  - Considers that the detailing around openings, variety of materials and brick detailing more generally, was an integral design element on the original plans.
  - Changes to Market Thoroughfare elevation should be resisted. Because it cannot be easily viewed from street level is not considered to justify compromise.
11. **Bury St Edmunds Town Trust (BTT):**
  - The development will set a precedent for the quality of future development in the historic core of the town.
  - Savings should not reduce the visual quality of the principle elevations.
  - The scheme as submitted was well-proportioned and detailed. The amended elevation:
    1. undesirably alters the fenestration of the ground floor elevation of Market Thoroughfare and the entrance to the flats
    2. omits important detailing of the upper floors
    3. alters size of some of the upper floor windows which weakens the cohesive nature of the elevation and balance between brick walling and window openings, and
    4. visually weakens the connection to the rounded corner link with St Andrews Street South.
  - The amendments would be visible from St Andrews Street South and the lack of consistency would be apparent. Restricted views also from Market Place and Market Thoroughfare.
  - Integrity of original scheme should be respected, bearing in mind that the north of Market Thoroughfare may be re-developed in the future.
  - It is vital that the original north elevation design should be retained. The changes would diminish the original architectural quality.
  - Request that permission for the amendments to the north elevation be refused.
12. **Highways:** *'Accept the amendments to the cycle provision and whilst it does not quite meet our standards, the provision is an improvement on what has gone before and will allow residents to park their machines close and safe to their homes.*

*The car permits appear to be a better solution in this town centre location.'*

## **Representations:**

- 13.No third party representations have been received in response to the re-consultation on the proposed amendments.

## **Officer Comment:**

- 14.The principle and detail of the proposal have been considered and approved by committee in November 2019. The s106 has now been agreed. Since then, amendments have been proposed to relocate the cycle storage from the arc underground car park into the building. This is an improvement to the original proposal as it will be more easily accessible to future occupants and will therefore more likely be used.
- 15.The changes to the roof plant, to omit the basement and render to rear elevation (east and south) are proposed. These will not significantly affect the appearance of the development.
- 16.Minor design changes to the north elevation have been proposed to meet building regulations (changes to fenestration) and some detailing has been removed or changed due to cost implications. However, only the middle section of the Market Thoroughfare elevation has been simplified. The first bays from Cornhill and also St Andrews Street South continue to have the stone banding and stone detailing as originally proposed. This detailing was continued so that the view from Cornhill and St Andrews Street South remain largely unchanged.
- 17.The Conservation Officer has raised no objections to the changes, as they will not affect prominent views in and out of the conservation area.
- 18.However, in response to the comments and objections from the BTC, BTT and BS the following details have been re-introduced to the middle section of Market Thoroughfare to address their concerns:
  - Brickwork detail added to window heads on the North Elevation (as per original scheme)
  - Traditional cill detail added to windows on the North Elevation (as per original scheme)
  - Detail added to residential entrance on North Elevation
- 19.On the basis of the above, the proposal is considered to comply with policies DM2 and DM17.
- 20.The proposal as a whole will, as set out in the working paper at para 104 onwards, deliver on several of the key aspirations of the current Bury St. Edmunds Town Centre Masterplan; to improve the public realm and to facilitate the connection between market square and the arc development.
- 21.The scheme will retain, repair and improve the Victorian façade of the building, improve the link between the historic town and the arc shopping centre by providing an active shop frontage and a wider walkway. The amended simplified middle section of Market Thoroughfare is not considered to be harmful to the character and appearance of the Conservation Area and the proposed scheme as a whole will continue to enhance the overall environment of Market Thoroughfare by addressing surfaces, lighting,

signage and pedestrian flow. These are all public benefits which continue to weigh in favour of the development.

22.The site is in a highly sustainable location, which will reduce reliance on the car. Cycle storage (two per unit) will now be within the building and car parking permits on a one per unit basis will be provided, which will be valid in any West Suffolk run car park in Bury St Edmunds.

### **Conclusion:**

23.In conclusion, subject to the use of conditions and S106 agreement, the principle and detail of the development, including the minor material amendments, are considered to be acceptable and in compliance with relevant development plan policies and the National Planning Policy Framework.

24.A S106 legal agreement has been completed to secure financial contributions towards enhanced education and library provision and the provision of a commuted sum for 30% affordable housing.

25.S106 Heads of terms:

- Primary school contribution **£33,192**
- Pre-School Provision **£16,596**
- Libraries **£192**
- Affordable Housing **£454,000**

### **Recommendation:**

26.It is recommended that planning permission be **APPROVED** 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:

<b>Reference No:</b>	<b>Plan Type</b>	<b>Date Received</b>
4000	Location & Block Plan	08.08.2019
5000	Demolition plan	08.08.2019
22787UG-01	Utilities Assessment	08.08.2019
5201	Demolition Elevations	08.08.2019
5200	Existing Elevations	08.08.2019
5101	Sections	08.08.2019
5100	Sections	08.08.2019
5004	Demolition plan	08.08.2019
5003	Demolition plan	08.08.2019
5002	Demolition plan	08.08.2019
5001	Demolition plan	08.08.2019
2012-P1	Proposed First Floor Plan	15.06.2020

2013-P1	Proposed Second Floor Plan	15.06.2020
2014-P1	Proposed Third Floor Plan	15.06.2020
2015-P1	Proposed Roof Plan	15.06.2020
2030-P1	Section A-A	15.06.2020
2031-P1	Section B-B	15.06.2020
2032-P1	Section C-C D-D E-E	15.06.2020
2010-P2	Proposed Site Plan	25.06.2020
2021-P2	South and West Elevations	08.06.2020
2011-P3	Proposed Ground Floor Plan	08.06.2020
2020-P2	Proposed North & East Elevations	08.06.2020

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

- 3 No development shall take place on site until the implementation of a programme of archaeological work has been secured, in accordance with a Written Scheme of Investigation which has been submitted to and approved in writing by the Local Planning Authority. The scheme of investigation shall include an assessment of significance and research questions; and:
- a. The programme and methodology of site investigation and recording.
  - b. The programme for post investigation assessment.
  - c. Provision to be made for analysis of the site investigation and recording.
  - d. Provision to be made for publication and dissemination of the analysis and records of the site investigation.
  - e. Provision to be made for archive deposition of the analysis and records of the site investigation.
  - f. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
  - g. Timetable for the site investigation to be completed prior to development, or in such other phased arrangement, as agreed and approved in writing by the Local Planning Authority.

Reason: To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development in accordance with policy DM20 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 16 of the National Planning Policy Framework and all relevant Core Strategy Policies. This condition is required to be agreed prior to the commencement of any development to ensure matters of archaeological importance are preserved and secured early to ensure avoidance of damage or lost due to the development and/or its construction. If agreement was sought at any later stage there is an unacceptable risk of lost and damage to archaeological and historic assets.

- 4 No building shall be occupied or otherwise used until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under Condition 3 and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and

timely investigation, recording, reporting and presentation of archaeological assets affected by this development in accordance with policy DM20 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 16 of the National Planning Policy Framework and all relevant Core Strategy Policies.

- 5 All HGV and construction traffic movements to and from the site over the duration of the construction period shall be subject to a Construction and 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.

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 and construction traffic in sensitive areas, in the interest of highway safety, in accordance with policy DM2 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 9 of the National Planning Policy Framework and all relevant Core Strategy Policies.

- 6 Notwithstanding the submitted details of the existing loading bay adjacent to the development on St Andrews Street South details of the bay shall be submitted to and approved in writing by the Local Planning Authority before first occupation. The approved loading bay shall be laid out and constructed in its entirety prior to first occupation. Thereafter the bay shall be retained in its approved form.

Reason: To ensure that adequate provision for loading by commercial units is designed and constructed to an appropriate specification and made available for use at an appropriate time, in accordance with policy DM2 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 9 of the National Planning Policy Framework and all relevant Core Strategy Policies.

- 7 Notwithstanding the submitted details of drainage and surface materials on adopted highway, no development above ground excluding demolition shall take place until details have been submitted to and approved in writing by the Local Planning Authority showing the means of surface water and surface treatment provision. The approved scheme shall be carried out in its entirety prior to first occupation and shall be retained thereafter in its approved form.

Reason: To ensure that suitable surface water and surface treatment provision is delivered to prevent slips and trips on the public highway, in accordance with policy DM2 and DM6 of the West Suffolk Joint Development Management Policies Document 2015, Chapters 9 and 14 of the National Planning Policy Framework and all relevant Core Strategy Policies.

- 8 No above ground development excluding demolition shall take place until details of the provision to be made for parking for cycles to meet the current Suffolk Parking Guidance have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out

in its entirety before the development is brought into use and shall be retained thereafter and used for no other purpose.

Reason: To ensure that sufficient space for the storage of bikes is provided, in accordance with policy DM2 and DM46 of the West Suffolk Joint Development Management Policies Document 2015, Chapters 9 and 12 of the National Planning Policy Framework and all relevant Core Strategy Policies.

- 9 One car parking permit per dwelling hereby approved shall be made available from first occupation in West Suffolk Council owned/run car parks within Bury St Edmunds and shall be provided thereafter unless agreed otherwise.

Reason: In the interests of highway safety to prevent car parking illegally in the vicinity of the development that would be detrimental to all road user safety, in accordance with policy DM2 and DM46 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 9 of the National Planning Policy Framework and all relevant Core Strategy Policies.

- 10 No development above ground level excluding demolition shall take place until details in respect of the following have been submitted to and approved in writing by the Local Planning Authority.

- i) Samples of external materials and finishes
- ii) details of the connection between the new building and the historic section of the adjoining building (W H Smith)

The works shall be carried out in full accordance with the approved details unless otherwise subsequently approved in writing by the Local Planning Authority.

Reason: To protect the special character, architectural interest and integrity of the building, in accordance with policy DM15 and DM16 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 15 of the National Planning Policy Framework and Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and all relevant Core Strategy Policies.

- 11 No works involving new/replacement windows shall take place until elevation(s) to a scale of not less than 1:10 and horizontal and vertical cross-section drawings to a scale of 1:2 fully detailing the new/ replacement windows to be used (including details of glazing bars, sills, heads and methods of opening and glazing) have been submitted to and approved in writing by the Local Planning Authority. Unless otherwise approved in writing by the Local Planning Authority all glazing shall be face puttied. The works shall be carried out in complete accordance with the approved details.

Reason: To protect the special character, architectural interest and integrity of the building, in accordance with policies DM15 and DM17 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 15 of the National Planning Policy Framework and Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and all relevant Core Strategy Policies.

- 12 No hard-standing areas to be constructed until the works have been carried out in accordance with the surface water strategy by Pick Everard ref.

Reason: To prevent environmental and amenity problems arising from flooding, in accordance with policy DM6 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 14 of the National Planning Policy Framework and all relevant Core Strategy Policies. The condition is pre-commencement as it may require the installation of below ground infrastructure and details should be secured prior to any ground disturbance taking place.

- 13 Prior to any below ground construction (excluding any works necessary to support existing structures including the basement, neighbouring properties and the retained façade), an investigation in to the presence of any underground features associated with potential mining in the area shall be submitted to, and approved in writing by, the Local Planning Authority. Any land instability encountered by the investigation shall be mitigated for within the design of the structure.

Reason: To ensure that the site is suitable for its intend use and is not adversely impacted by land instability, in line with paragraph 178 of the NPPF.

- 14 Prior to commencement of development, including any works of demolition, a Construction Method Statement shall be submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i) The parking of vehicles of site operatives and visitors
- ii) Loading and unloading of plant and materials
- iii) Site set-up including arrangements for the storage of plant and materials used in constructing the development and the provision of temporary offices, plant and machinery
- iv) The erection and maintenance of security hoarding including external safety and information signage, interpretation boards, decorative displays and facilities for public viewing, where appropriate
- v) Wheel washing facilities
- vi) Measures to control the emission of dust and dirt during construction
- vii) A scheme for recycling/disposing of waste resulting from demolition and construction works
- viii) Hours of construction operations including times for deliveries and the removal of excavated materials and waste
- ix) Noise method statements and noise levels for each construction activity including piling and excavation operations
- x) Access and protection measures around the construction site for pedestrians, cyclists and other road users including arrangements for diversions during the construction period and for the provision of associated directional signage relating thereto.
- xi) Mechanical road sweepers

Reason: To ensure the satisfactory development of the site and to protect the amenity of occupiers of adjacent properties from noise and disturbance, in accordance with policies DM2 and DM14 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 15 of the National Planning Policy Framework and all relevant Core Strategy Policies. This condition requires matters to be agreed prior to commencement to

ensure that appropriate arrangements are put into place before any works take place on site that are likely to impact the area and nearby occupiers.

- 15 Demolition or construction works shall not take place outside 08:00 hours to 18:00 hours Mondays to Fridays and 08:00 hours to 13:00 hours on Saturdays and at no time on Sundays, public holidays or bank holidays unless otherwise previously agreed in writing with the Local Planning Authority.

Reason: To protect the amenity of occupiers of adjacent properties from noise and disturbance, in accordance with policies DM2 and DM14 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 15 of the National Planning Policy Framework and all relevant Core Strategy Policies.

- 16 The development shall be implemented in accordance with the recommendations of the Acoustic Design Report by aja Adrian james acoustics limited ref. 11899 Report 2 (dated November 2018) to achieve the following Internal noise levels to the residential units:

- iÜ 35dB LAeq,(16hr) daytime (Living rooms, Dining and Bedrooms)
- iÜ 30dB LAeq,(8hr) night-time (Bedrooms only)
- iÜ 45dB LAmx(fast) night-time (Bedrooms only) and noise from plant and services including ventilation systems must not exceed the above criteria.

Reason: To protect the amenities of occupiers of properties in the locality, in accordance with policies DM2 and DM14 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 15 of the National Planning Policy Framework and all relevant Core Strategy Policies.

- 17 Prior to occupation of the hereby approved commercial units a delivery management plan will be submitted to and approved in writing by the Local Planning Authority. The plan shall include, times of delivery, location and access points, types of vehicles to be used. Deliveries shall be carried out in accordance with the approved plan thereafter.

Reason: To protect the amenities of occupiers of properties in the locality, in accordance with Policies DM2 and DM14 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 15 of the National Planning Policy Framework and all relevant Core Strategy Policies.

- 18 All ecological measures and/or works shall be carried out in accordance with the details contained in ECOLOGICAL IMPACT ASSESSMENT (June 2018) as already submitted with the planning application and agreed in principle with the Local Planning Authority prior to determination.

Reason: To secure biodiversity enhancements commensurate with the scale of the development, in accordance with policy DM12 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 15 of the National Planning Policy Framework and all relevant Core Strategy Policies.

- 19 The dwelling(s) hereby approved shall not be occupied until the optional requirement for water consumption (110 litres use per person per day) in part G of the Building Regulations has been complied with and evidence of compliance has been obtained.

Reason: To ensure that the proposal meets with the requirements of sustainability, in accordance with policy DM7 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 14 of the National Planning Policy Framework and all relevant Core Strategy Policies.

**Documents:**

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/19/1623/FUL](#)

Working paper 1 – Committee report 8.11.2019