

## **Development Control Committee 5 October 2022**

### **Planning Application DC/22/0026/FUL & Listed Building Application DC/22/0027/LB – Replacement Dwelling 1, 83 - 84 Guildhall Street, Bury St Edmunds**

<b>Date registered:</b>	10 January 2022	<b>Expiry date:</b>	7 March 2022 EOT 7 October 2022
<b>Case officer:</b>	Connor Vince	<b>Recommendations</b>	DC/22/0026/FUL: Refuse DC/22/0027/LB: Grant
<b>Parish:</b>	Bury St Edmunds Town Council	<b>Ward:</b>	Abbeygate
<b>Proposal:</b>	DC/22/0026/FUL: Planning Application - conversion of existing offices and cart lodge to create three dwellings and associated works DC/22/0027/LB: Application for Listed Building Consent - conversion of existing offices and cart lodge to create three dwellings and associated works		
<b>Site:</b>	Replacement Dwelling 1, 83 - 84 Guildhall Street, Bury St Edmunds		
<b>Applicant:</b>	Hodder, Kirk and Sidhu		

#### **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:**

**The applications have been referred directly to Development Control Committee noting the Ward Member interest and the cancellation of the scheduled Delegation Panel on 20 September 2022 at which this item was otherwise intended to be presented.**

**The full planning application is recommended for refusal, which conflicts with the Town Council's comment of "no objection" to both applications. The Listed Building Consent application is recommended for approval given the works are considered acceptable by the Conservation Officer and in accordance with the relevant Development Management Policies. Whilst the recommendation to grant Listed Building consent aligns with the Town Council's stance, for transparency and given both applications are connected, these are brought before the Committee together.**

## **Proposal:**

1. Planning permission and listed building consent is sought for the conversion of existing offices and cart lodge to create three dwellings with associated works.

## **Application supporting material:**

- Application Form
- Covering Letter
- Design & Access Statement
- Commercial Viability Report
- Consultant letter re. DM30 & DM35
- Environmental Statement (Four Parts)
- Heritage Statement
- Land Contamination Questionnaire
- Noise Impact Assessment
- Location Plan
- Existing Site Plan
- Proposed Block Plan
- Amended – Proposed Site Plan
- Main House – Existing Floor Plans
- Main House – Existing Elevations
- Amended – Main House Proposed Ground Floor Plan
- Amended – Main House – Proposed First Floor Plan
- Amended – Main House – Proposed Elevations
- Cartlodge – Existing Floor Plan
- Cartlodge - Existing Elevations
- Cartlodge – Proposed Floor and Roof Plan
- Cartlodge – Proposed Elevations and Sections
- Biodiversity Checklist

## **Site details:**

2. The application site is situated within the Bury St. Edmunds Town Centre Conservation Area, approximately 30 metres south of the Primary Shopping Area. The four storey building is Grade II listed, with Ellisons Solicitors the previous occupiers the ground floor with a wider retail use for the upper floors in place.

### Planning history:

3.

<b>Reference</b>	<b>Proposal</b>	<b>Status</b>	<b>Decision date</b>
SE/04/2959/LB	Listed Building Application - (i) Erection of two storey office extension to rear; (ii) demolition of toilet accommodation attached to rear elevation; and (iii) insertion of window in existing door opening as amended by letter and revised drawing 1106/2B (received 15th September 2004) showing set back to extension, changes to windows and detailing, and providing details of the rooflights to be used	Application Granted	27 September 2004
SE/04/2958/P	Planning Application - Erection of two storey office extension to rear as amended by letter, and revised drawing no. 1106/2B received 15th September 2004 showing set back to extension, changes to window arch detailing, and providing details of the rooflights to be used	Application Granted	27 September 2004
SE/01/3414/LB	Listed Building Application - Sub-division of first floor office by insertion of partitioning	Application Granted	7 January 2002
SE/01/2718/LB	Listed Building Application - Alterations associated with conversion of store/garage building to office accommodation	Application Granted	9 October 2001
SE/01/2717/P	Planning Application - Conversion of store/garage building to office accommodation (Class A2 - Financial and Professional Services) and associated alterations to building	Application Granted	9 October 2001
E/88/2271/LB	Listed Building Application - (i) Sign writing on inside of shop window and provision of brass	Application Granted	7 September 1988

nameplate; (ii) opening p  
of existing door and  
provision of new door  
between 83/84 t ground  
floor level. New lobby; (iii)  
new panelled entrance  
door to replace  
existing;(iv) removal of  
partition at first floor level  
and provision of fire door;  
(v) bricking-up doo r on  
rear elevation as amended  
by letter dated

E/88/2270/P	Change of use from retail to offices	Application Granted	21 June 1988
E/81/3171/P	ERECTION OF INTERNAL PARTITION	Application Granted	2 November 1981
E/81/2601/LB	ALTERATIONS - FORMATION OF BASEMENT STRONG ROOM & FIRST FLOOR FIRE ESCAPE	Application Granted	9 September 1981
E/75/2977/P	PROVISION OF TOILET BUILDING	Application Granted	6 January 1976
E/75/1228/P	GARAGE AND LOFT OVER AT THE REAR	Application Refused	6 March 1975

#### **Consultations:**

#### **4. Bury St. Edmunds Town Council:**

- "No objection based on information received subject to Conservation Area issues and Article 4 issues"

#### **5. Ward Members:**

- Councillor Julia Wakelam 20 July 2022: "...I would like this Application to be referred to the Delegation Panel for the following reasons:
  - a. The majority of the other listed offices in this part of Guildhall Street, including those formerly occupied by Bankes, Ashton & Partridge & Wilson, have been granted permission to be converted to residential use & are now highly attractive houses. They, like this building, were patently unsuitable as offices in the 21<sup>st</sup> Century. I fear that the Council will clearly be seen to be inconsistent given that fact.
  - b. I absolutely share the desire to keep the town centre viable and agree that the blanket PDO is very unhelpful. However, I think it is highly unlikely that this building could be attractive as retail premises despite the modern & jarring shop front. From my knowledge of the building, I think a great deal of work would need to be done to make it a useable shop space & there would then be the issue of servicing it. It is accepted that the upper floors are suitable for residential use so they would require the garden space to the rear. Servicing a shop from Guildhall |Street would cause all sorts of problems. Moreover, it is not in a location that would attract

much footfall – it worth noting that the old Partridge & Wilson building is far closer to the main shopping area.

- c. I note the lack of a marketing campaign but there is a great deal of unfilled office space in Bury already. Moreover, I suspect that the building has not been well maintained &, if left empty, it will not be long before it deteriorates.
- d. I also think it likely that an Appeal would succeed with possible cost consequences.

- Councillor Jo Rayner 04 August 2022: Supports comments of Councillor Wakelam and requests referral to Development Control Committee

#### 6. **Suffolk County Council Highway Authority:**

- No objections subject to conditions for bin storage details, EV charging to be provided, cycle storage to be provided and parking/manoeuvring as per the submitted details.

#### 7. **Environment Team:**

- No objections subject to EV charging condition.

#### 8. **Economic Development:**

- **11 February 2022** - This Service objects to the scheme for the following reasons.

The site is in the defined Town Centre of Bury St Edmunds and whilst not in the Primary Shopping Area it is very close to that area.

The pandemic has been particularly hard on bricks and mortar businesses located in our town centres. The Economic Development team seek to support businesses and ensure that town centres in West Suffolk towns remain attractive, viable and vibrant places that serve the residents of Bury St Edmunds, West Suffolk and the wider region as it has done previously.

This service remains very concerned about new prior approval legislation that allows conversion from a range of non-residential uses to residential uses without a formal planning application. The new prior approval is seen by this service as a very real threat to our town centres and as such when proposals need to go through the formal planning process this service would look to the LPA to ensure that town centres uses are not lost without very comprehensive justification and reasoning.

Policy DM35 of the JDMPD is the primary and relevant policy. The scheme proposes residential development on the ground floor of a unit that is located in the defined town centre of Bury St Edmunds and would appear to be contrary to policy DM35. Whilst the site is inside the housing settlement boundary of Bury St Edmunds, Policy DM35 guides appropriate uses in town centres and does not support residential development at ground floor. We acknowledge that the policy supports residential units at first floor and above but this is for very valid reasons which support the town centre as per para 7.7. Residential development above street level does not undermine the town centre by reducing the amount

of possible units that would help create a vibrant and attractive town centre. Indeed if the LPA allowed residential units at ground floor on the basis that DM35 allowed such uses this would ultimately lead to the gradual fatal erosion of our town centres.

I can see no justification at all within the submitted supporting documents on line and ask that the LPA refuse this application. Officers could consult BID Information - Our Bury St. Edmunds ([ourburystedmunds.com](http://ourburystedmunds.com)) who seek to improve the trading environment for all members in Bury St Edmunds. It is presumed that they also would object to the loss of a unit from a town centre use in the town centre. However this service does not speak for the BID and if their comments were considered helpful they should be formally consulted.

- **22 August 2022** - Thank you for seeking our further comment. I have noted a few further comments which I've set out below. I hope these are helpful.

Policy DM30 requires 'one or more of the following criteria to be met (as appropriate to the site/premises and location)'. In this case this should be read that it is necessary to apply all criteria as relevant to the site/premises, which includes criteria b.

The site lies within the town centre boundary as defined in the adopted local plan policies map, whereby policy DM35 also applies. This policy does not support residential use on the ground floor, therefore the proposal is contrary to policy.

I will be guided by your knowledge on whether the proposed use is permitted under the provision in the Use Classes order. If it is then this should be explored further. Otherwise the proposals appears to be contrary to policy and potentially a departure and it will be for the officer to consider the material considerations when making a recommendation.

#### 9. **Public Health & Housing:**

- The proposal is for the conversion of the existing offices and cart lodge to create three dwellings. The proposal is in close proximity to licensed premises, the applicant has submitted a noise assessment prepared by sound solution consultants, reference:37102-1-R1, Dated: 30/9/21. The noise assessment was undertaken when the venues were in operation. in order to achieve the internal noise levels mitigation measures are required prior to occupation of the proposed dwellings. in the interest of the future occupants the Public Health and Housing Team would recommend the following conditions:

Noise mitigation, construction hours, noise & dust, construction management plan

#### 10. **Conservation Officer:**

- **09 March 2022** - The proposed works involve the subdivision of existing offices into two dwellings and the conversion of existing garaging to the rear fronting onto St Andrews Street South to a single residential unit.

The conversion of the main building fronting onto Guildhall Street involves the removal of a modern shopfront and the reinstatement of the former brick frontage incorporating front door and window to enable the reinstatement of what is likely to have been the original arrangement. I therefore have no objections to this particular part of the application subject to details. The internal layout generally lends itself to the conversion reinstating the building back to its former use as two separate dwellings. The works however involve areas of demolition the significance of which is unclear in some instances due to the absence of sufficient information regarding their significance. These areas include the partial removal of what is assumed to be the original rear wall to include sash window at ground floor level to no. 83 to provide a large kitchen diner; the complete demolition of chimney breasts to both ground and first floor and stack to the later 19th century rear range. Further information regarding the significance of all areas affected are required to offer comment. It is felt likely however that the retention of the sash window will be desirable and whilst the chimney breasts and stack relate to a later 19th century element based on the list description this was an early extension built soon after the construction of the original range. Its significance should not therefore be automatically dismissed on the grounds of it being a later extension. In the absence of assessment it is considered likely that both chimney breasts and stack should also remain.

The other conversion works appear largely acceptable with the exception of the proposed ensuite to bedroom 1 on the first floor of no. 83. The significance of this room is unclear due to absence of assessment. Photos may help with this however the chamfered corner arrangement would appear contrived adversely affecting a well-proportioned room irrespective of impact on any architectural detailing. Other rooms have similarly been subdivided to provide ensembles it is noted however these rooms already appear to have been previously compromised with the provision of later internal partitions - photos would help to confirm this - please request.

Re conversion of existing garaging to the rear. Modifications to the west elevation already appear to have been undertaken historically. The approach adopted is not dissimilar to that of the attached neighbouring building incorporating large dormer windows to first floor level, whilst retaining two of the large timber doors. I therefore have no objections to the principle of the proposal - details of conditions to be provided upon receipt of the above additional information.

**20 September 2022** - The amended details retain the chimney breast and stack as requested which was the only outstanding issue from a conservation subject to the detail of the proposals.

I therefore have no objections subject to the following conditions

New and replacement windows

New and replacement doors

matching existing work general

Bricks to match existing bricks in terms of size, shape, colour and texture

Brick course and mortar mix to match existing

Masonry detailing to include recessed arrangement of ground floor window

and associated brickwork, elliptical arches over window and door openings

and string course to exactly match that of existing ground floor front

window and door to 84 Guildhall Street.

Drawn details of door and door case to include columns, fan light, elliptical arches and string course at a scale of 1:10 elevation and 1:2 continuous cross section both horizontal and vertical, to be submitted to and approved in writing with LPA.

details of conservation rooflights to be submitted to and approved in writing with the LPA.

Drawn details to illustrate relationship of proposed ground floor front window with masonry surround to include elliptical arches at a scale of 1:10 elevation and 1:2 continuous cross section to be submitted to and approved in writing with LPA.

## **11. Our Bury St. Edmunds BID:**

- (Mark Cordell) - "I am the CEO of the Our Bury St Edmunds Business Improvement District and our organisation represents over 450 local town centre businesses.

The geographical area of the BID includes Guildhall Street and Kings Road. I understand that a planning application has been submitted requesting to convert the former Gross & Co offices in Guildhall Street (83/84) into three residences.

Over the past few years, the town centre of Bury St Edmunds has reduced in size in regards of retail and commercial properties as the shopping habits of consumers have changed. This has been most noticeable on the streets that abut Abbeygate Street and in particular Guildhall Street where Solicitors such as Partridge & Wilson and Ashtons have, in recent years, left the Street and their office accommodation has been or soon will be converted into high end residences.

From the BID perspective these changes are just part of an evolving town centre, that fortunately, in Bury St Edmunds, remains vibrant and continues to attract new businesses to the BID area.

The key to the offer we have in the town centre to consumers is quality and not quantity in regards of retail, commercial and residential units and therefore a small reduction in the number of businesses in the town centre, over recent years does not appear to have any detrimental effect on the perspective of Bury St Edmunds as a top notch visitor and retail centre. This is evidenced by footfall number exceeding 2019 levels, which is the exception, rather than the rule across the UK and the reducing number of commercial units in the town centre which currently sits at around 7%, whereas the national average is 11.7%.

These changes, together with the huge increase of houses and apartments on the periphery of the town centre, within the vicinity of the railway station and Tayfen Road (with Weston Homes planning to build nearly 200 apartments on the old Gas Holder site) has meant that there has been created a huge number of new potential customers for our businesses, all living within a short walk of the town centre.

This has been a huge boost for our members as they have had to face numerous challenges, none of their making, over the past few years. Bury St Edmunds is the envy of many town centres where the mix of residential, retail and commercial units here is so complimentary and



beneficial to all.

The number of offices in the town centre reducing is inevitable but to date these changes have had no visible negative impact upon the health of the town centre.

In regards of this specific case I am absolutely delighted that Ellisons have chosen to remain in the town centre and within the BID boundary in relocating into their new offices at 146, Kings Road, and with extended capacity for even more of their staff to visit our town centre.

I have no objections whatsoever to the application to convert the former offices of Gross & Co to two residences and cannot foresee that this would have noticeable detrimental effect on the health of the town centre or our local economy."

### **Representations:**

12.No third-party comments received.

### **Policy:**

13.On 1 April 2019 Forest Heath District Council and St Edmundsbury Borough Council were replaced by a single authority, West Suffolk Council. The development plans for the previous local planning authorities were carried forward to the new Council by regulation. The development plans remain in place for the new West Suffolk Council and, with the exception of the Joint Development Management Policies Document (which had been adopted by both councils), set out policies for defined geographical areas within the new authority. It is therefore necessary to determine this application with reference to policies set out in the plans produced by the now dissolved St Edmundsbury Borough Council.

The following policies of the Joint Development Management Policies Document and St Edmundsbury Core Strategy 2010 & Vision 2031 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 2031 Document**

Vision Policy BV1 - Presumption in Favour of Sustainable Development

Vision Policy BV2 - Housing Development within Bury St Edmunds

Vision Policy BV25 - Conserving the Setting and Views from the Historic Core

### **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 DM16 Local Heritage Assets and Building Protected by an Article 4 Direction

Policy DM17 Conservation Areas

Policy DM18 New Uses for Historic Buildings

Policy DM22 Residential Design

Policy DM30 Appropriate Employment Uses and Protection of Employment Land and Existing Businesses

Policy DM35 Proposals for main town centre uses

Policy DM46 Parking Standards

### **Other planning policy:**

National Planning Policy Framework (NPPF)

The NPPF was revised in July 2021 and is a material consideration in decision making from the day of its publication. Paragraph 219 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 provision of the 2021 NPPF that full weight can be attached to them in the decision making process.

### **Officer comment:**

14. The matters to be considered within the determination of these applications are as follows:

- Principle of Development
- Design, Form, Scale & Residential Amenity Impacts
- Heritage Impacts
- Biodiversity Matters
- Air quality Matters
- Highway Matters
- Other Matters

### **Principle of Development**

15. At paragraph 38 of the NPPF, decision makers are advised that support should be offered for proposals which represent sustainable development. The NPPF aims to direct development towards locations which are well connected, allocated for re-development or suitable in other regards.

16. In this regard, policy BV2 of the Bury St Edmunds Vision Document provides that within the defined Housing Settlement Boundaries, planning permission for new residential development will typically be granted where it is not contrary to other planning policies.
17. In this instance, the application site is located within the Housing Settlement Boundary of Bury St Edmunds and as such the principle of additional residential dwellings is acceptable given that policies CS1 and CS4 and the identified settlement hierarchy direct residential development toward sustainable locations such as the area's Key Service Centres. This approach is in line with the advice set out within the NPPF.
18. In addition, it should be further noted the policy DM18 advocates the re-use of historic buildings and this provides some further support for the proposed change of use of 83-84 Guildhall Street.
19. As clarified above, the scheme comprises three new dwellings which front onto St Andrews Street South to the west and Guildhall Street to the east. Policy DM30 is therefore relevant with respect to the proposed conversion as the current / last known use of 83-84 Guildhall Street is that of an A2 office use.
20. With respect to the acceptability of the principle of residential development to the rear of the site, policy DM30 is particularly relevant as this policy seeks to ensure that established and valuable employment sites are not lost. Where non employment uses are proposed on sites and premises which are used for established employment purposes, proposals to move away from such a use will only be permitted if the LPA are satisfied that the scheme is able to demonstrate adequate compliance with other relevant planning policies and where one or more of the following have been met:
  - A. there is a sufficient supply of alternative and suitable employment land available to meet local employment job growth requirements;
  - B. evidence can be provided that genuine attempts have been made to sell/let the site in its current use, and that no suitable and viable alternative employment uses can be found or are likely to be found in the foreseeable future;
  - C. the existing use has created over-riding environmental problems (e.g. noise, odours or traffic) and permitting an alternative use would be a substantial environmental benefit that would outweigh the loss of an employment site;
  - D. an alternative use or mix of uses would assist in urban regeneration and offer greater benefits to the community in meeting local business and employment needs;
  - E. it is for an employment related support facility such as employment training/education, workplace crèche or industrial estate café;
21. In order to demonstrate compliance with policy DM30, applicants are typically required to provide evidence of the historic marketing which relates to site/premises in question, which is usually a 12-month

marketing assessment. In considering evidence such as this, it is for the LPA to adopt a pragmatic and flexible approach noting the degree of support offered to the principle of the development and to ensure the evidence required is not so onerous as to unjustifiably stymie the site's potential for redevelopment.

22. The agent has provided a "commercial viability report" (CVP). The CVP provides analysis of the site in relation to criterion A of DM30. However, given the wording of criterion B stating 'genuine attempts' have been made in relation to alternative uses at the site. Officers do not believe that "genuine attempts" have been made at the site to market the property(ies) for alternative uses. Policy DM30 also states that "one or more" of the above criterion will need to be met, based on the context of any given application site. Officers consider criterion A and B both equally applicable in this scenario and given the identified conflict, the proposal is not considered to comply with the relevant provisions of DM30.

23. Policy DM35 concerns proposals for main town centre uses. The application site is within the defined Bury St. Edmunds Town Centre. For clarity, Policy DM35 refers to the previous iteration of the Use Classes Order. The Use Class Order was amended in 2020. A1, A2, A3 and B1 uses now fall within Class E, A4, A5 and D2 within Sui Generis. Class E covers a wide range of commercial and business uses. However, paragraph 47 of the NPPF states that "Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise." As such, Policy DM35 is considered to remain relevant and wholly applicable in the determination of the planning application.

24. Policy DM35 states that within the town centres, as defined on the policies maps, support will be given, subject to compliance with other policies, to proposals for main town centre uses such as the following:

- i. shopping (Use Class A1);
- ii. financial and professional services (A2);
- iii. food and drink (A3, A4, A5);
- iv. leisure, culture, arts, tourism and more intensive sport and recreation including D2 uses;
- v. business (B1) offices;
- vi. visitor accommodation; and

in addition to the main town centre uses above:

- vii. health facilities and other community uses;
- viii. residential, A2 or B1 uses on upper floors.

25. Furthermore, policy DM35 goes on to state that a balance between shops (A1) and non-A1 commercial uses (A2, A3, A4 and A5 uses) will be maintained to secure the vitality and viability of the Primary Shopping Areas, albeit with a predominance of shopping uses maintained. The change of use of ground floor A1 units within a Primary Shopping Area, to other appropriate main town centre uses, will therefore only be permitted if the balance of retail vitality and viability is not likely to be harmed and all of the following criteria are met:

- a. the proposal will not result in three or more non-A1 units in adjoining premises within the Primary Shopping Area;
- b. the proposal will retain or provide a shop front with a display function and entrances which relate well to the design of the host building and the street scene and its setting in terms of its materials, form and proportions;
- c. the proposal will not remove existing or potential beneficial use of upper floors; and
- d. the proposal will not adversely affect the amenity of the surrounding area by virtue of noise, litter, congestion on pavements, or disturbance arising from late night opening.

26. The applications propose the complete conversion of all floors attributed to 83-84 Guildhall Street as well as the conversion of the cartlodge to the rear to a residential dwelling. Therefore, the entire shopfront will be lost as a result of the conversion.

27. Officers acknowledge that although the policy does not explicitly preclude ground floor conversion, this is not supported by that policy and the advice from Policy colleagues through internal discussion therefore is that there is conflict in this respect. Economic Development Officers also object to the application for the reasons set out above. Regard must be had to the site's location and importance within close proximity to the primary shopping area (PSA). Where proposals would result in the loss of vibrancy or adversely impact the viability of the town centre, DM35 would seldom support such applications. As such, the introduction of a residential use here, on the edge of the PSA is deemed to represent a material conflict with DM35. For clarity, officers have no concerns in principle with the conversion to residential on the upper floors of the main building and conversion of cartlodge to residential. Officers would seek to retain the shopfront of 83-84 Guildhall Street for the aforementioned reasons.

28. To conclude, the planning application is considered to conflict with both policies DM30 and DM35 for the reasons identified above and is therefore not supportable as a matter of principle. Other policy and material planning considerations are addressed below.

### **Design, Form, Scale and Residential Amenity Impacts**

29. In conjunction with policy DM2, policy DM22 indicates that residential development proposals should maintain or create a sense of place and/or character by utilising the characteristics of the locality to create buildings and spaces that have a strong sense of place and distinctiveness, using an appropriate innovative design approach and incorporating a mix of housing and unit sizes that is appropriate for the location. In addition, paragraph 126 of the NPPF provides that good design is a key and vital aspect of sustainable development in making development acceptable to communities. In this regard, the scheme has been designed to ensure that it is able to meet the requirements of DM2 and DM22.

30. With an increased focus on good design, the revised NPPF is particularly relevant as proposals which do not relate well to the street scene & their immediate context are unable to garner policy support.

31. The applications propose boundary treatments and both internal and external modifications in order to facilitate the conversions. A modest single storey rear extension is also proposed to the main building. The site will be divided into two separate dwellings with their own rear garden areas, alongside the conversion of the cartlodge on the western boundary of the site into a detached residential dwelling. The two dwellings in the main house will have four and three bedrooms respectively, with a two bedroomed dwelling in the converted cartlodge.
32. Access to the buildings will be through the existing remodelled doorways with further pedestrian and vehicular access from St Andrews Street South. Parking for all the three properties is proposed on St Andrews Street South plus garaging for the two houses. The vehicular spaces and garages exist at present for the existing offices.
33. Guildhall Dental Practice borders the site to the north-west, with Oakes Barn public house to the south. Residential dwellings in the form of flats are located to the north of the site, with a mix of residential and commercial properties surrounding the site on Guildhall Street.
34. With regards to fenestration changes to the main house, no adverse residential amenity impacts are considered to arise as a result of the changes. Minor changes are proposed to the eastern and western elevations, with the removal of two windows at ground floor, two at first floor and the addition of three rooflights to the second floor of the later extension. These changes are to the northern and southern elevations. Given the locational context of the additions, no adverse impacts are considered to arise.
35. In relation to the conversion of the cartlodge on the western edge of the site, the dwelling would be accessed via a door on the north-western corner of the structure, with two parking spaces retained in the garage. A hallway with WC and one bedroom with staircase would be on the ground floor, with a living/dining room, bedroom, bathroom and en-suite on the first floor. Eight rooflights are proposed with two dormer windows on the western elevation. Given the relative location of the cartlodge, with a walkway to Guildhall Dental Practice immediately north and high-level rooflights being proposed, no adverse residential amenity impacts are considered to arise.
36. A noise impact assessment has been submitted accompanying the application. Public Health and Housing have confirmed they are content with the findings and noise mitigation measures identified, subject to the imposition of conditions accordingly.
37. The proposal is therefore considered to comply with the provisions of both policies DM2 and DM22.

## **Heritage Impacts**

38. Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 require the Local Planning Authority to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess. In addition, section 72(1) of the Planning (Listed Buildings

and Conservation Areas) Act 1990 requires the Local Planning Authority to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas and section 38(6) of the Planning and Compulsory Purchase Act 2004 to determine planning applications in accordance with the development plan unless material considerations indicate otherwise. This requirement for the safeguarding of heritage assets and their settings is echoed in local policies DM15 and DM17.

39. Policy DM16 states that proposals for the demolition, extension or alteration of buildings identified as being Local Heritage Assets, or protected by an Article 4 direction or subsequent legislation, will be permitted where they demonstrate a clear understanding of the significance of the building and/or its setting, alongside an assessment of the potential impact of the proposal on that significance, respect the historic fabric, design, materials, elevational treatment and ornamentation of the original building, will not entail an unacceptable level of loss, damage or covering of original features and have regard to the setting, plot layout and boundary features.
40. The application site lies within the Bury St Edmunds Town Centre Conservation area, as well as being Grade II Listed. Accordingly, the impact upon these heritage assets must be considered fully as per the statutory duty placed on the LPA by paragraphs 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
41. In policy terms the National Planning Policy Framework 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 7, 8, 10 and 11). The core planning principles of the National Planning Policy Framework 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.
42. At paragraph 199 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, and that 'this is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance'. Paragraph 200 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 201) 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.
43. The conversion of the main building fronting onto Guildhall Street involves the removal of a modern shopfront and the reinstatement of the former brick frontage incorporating front door and window to enable the reinstatement of what the Conservation Officer has asserted is likely to have been the original arrangement.

44. The conservation officer previously raised concern regarding the reconfiguration of the internal layout, in particular the demolition of certain areas/structures which had not been justified by supporting information. Since these comments, the agent has provided further information directly to the conservation officer, who has now confirmed they are content with the revised proposal considering the chimney stacks are now proposed to be retained, subject to the imposition of the conditions identified.
45. The proposals are therefore considered to comply with the provisions of policies DM15, DM16, DM17 and DM18 accordingly. As such, whilst the full planning application is considered to conflict with policies DM30 and DM35, the Listed Building application is considered to be acceptable. As such the Listed Building application is recommended for approval.

### **Biodiversity Matters**

46. As required by the National Planning Policy Framework (2021) at paragraphs 8c, 174 and 179 the LPA have a duty to consider the conservation of biodiversity and to ensure that valued landscapes or sites of biodiversity are protected when determining planning applications. At a local level, this is exhibited through policies CS2, CS3, DM11 and DM12.
47. Policy DM11 states that development will not be permitted unless suitable satisfactory measures are in place to reduce the disturbance to protected species and either maintain the population on site or provide alternative suitable accommodation. Section 40 of the Natural Environment and Rural Communities Act 2006 requires that public authorities (which explicitly include the Local Planning Authority) must have regard to the purpose of conserving biodiversity.
48. Policy DM12 seeks to ensure that, where there are impacts to biodiversity, development appropriately avoids, mitigates or compensates for those impacts. The policy requires that all development proposals promote ecological growth and enhancement.
49. The National Planning Policy Framework (2021) indicates that when determining planning applications, local planning authorities must aim to conserve and enhance biodiversity and that opportunities to incorporate biodiversity in and around developments should be encouraged (Paragraph 180). This is underpinned by Paragraph 8 of the National Planning Policy Framework, which details the three overarching objectives that the planning system should try to achieve and it is here that the Framework indicates that planning should contribute to conserving and enhancing the natural environment.
50. In this instance, the proposal is not judged to be one which has the potential to inflict harm upon local biodiversity or require further supporting information. No valuable habitats are at risk and the site is not subject to any special protection from an ecological perspective. As such, a phase 1 ecology report has not been submitted nor requested by the LPA.



51. Therefore, given the urban context of the application site, the proposal is not judged to be one which poses a significant risk to the area's existing biodiversity credentials.

### **Air Quality Matters**

52. Section 3.4.2 of the Suffolk Guidance for Parking provides that "Access to charging points should be made available in every residential dwelling." Policy DM2(l) and DM46 seek to ensure compliance with the parking standards and to promote more sustainable forms of transport.

53. The National Planning Policy Framework (2021) at paragraph 107 seeks to ensure an adequate provision of spaces for charging plug-in and other ultra-low emission vehicles and para 112 (e) provides that 'within this context, applications for development should be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.' In addition, DM14 of the Joint Development Management Planning Policies Document seeks to ensure that development proposals include measures, where relevant, to limit emissions and reduce pollution.

54. On this basis a condition is recommended to ensure an operational electric vehicle charge point is provided for each dwelling. This is a condition further endorsed by the Environment Team who have no objections to the proposed development.

### **Highway Matters**

55. The 2021 NPPF at paragraph 110 provides that applications for planning permission should, where it is possible to do so, enable safe use of public highways for all stakeholders. The extent to which this is required will of course be dependent upon and commensurate to the scale of development proposed. Policy DM2 of the Joint Development Management Policies Document (2015) also requires proposals to maintain or enhance the safety of the highway network. Policy DM46 states that proposals must comply with Suffolk Parking Guidance.

56. The application proposes the provision of three vehicular parking spaces on the western boundary of the site, adjacent to St. Andrews Street South. No objections are raised by the Highway Authority and given the town centre location; this provision is considered to be wholly acceptable.

57. Therefore, subject to planning conditions which seek to control the following, the Highway Authority raise no objection:

- Provision and retention of parking
- Provision of areas for refuse / bin storage
- EV charging provision (as above)
- Provision of cycle storage

58. The proposals are therefore considered to comply with the provisions of the NPPF, DM2 and DM46.

### **Other Matters**

59. It is noted that the conversion of office units to residential is generally permitted development via a prior notification process by reason of the 2015 General Permitted Development Order. Such a conversion in this instance is not permitted development however here due to the building's listed status. This means that the LPA is able to exercise control in relation to changes of use in such cases.
60. A supporting statement was submitted by the agent in relation to inconsistencies from the LPA in determining applications and an assessment in relation to both DM30 & DM35 is presented. The policy conflict in relation to Policy DM35 is explained in previous paragraphs of this report. In relation to DM30, a requirement for a 12-month marketing assessment is explained. However, when examining existing employment uses the locational context of an application site must be given consideration in determining whether there is material conflict with this policy. The consultant has made reference to the applicant only needing to meet one of the criteria mentioned (and has argued it does meet). However, the policy states "and one or more of the following criteria has been met (as appropriate to the site/premises and location)" The application site is within the Town Centre and, whilst not specifically within the Primary Shopping Area, is merely 30 metres to the south. Therefore, given the listed building context, location within the town centre conservation area, proximity to the primary shopping area and existing employment use within this aforementioned area, the LPA consider insufficient information has been submitted in relation to DM30.
61. Each planning application must be considered on its own merits and, whilst reference is made to other 'similar' planning application where consent has been given, the LPA must proceed based on the up-to-date information to hand. Therefore, given the identified combined conflicts with policies DM30 & DM35, the full planning application is recommended for refusal.

**Conclusion:**

62. In conclusion, whilst it is acknowledged that there are some short-term economic and social benefits in the re-use of the buildings at 83-84 Guildhall Street, given the policy requirements of both policies DM30 and DM35 and the material harm in the permanent loss of a retail unit alongside the insufficient information submitted to support the full planning application, it is considered that the planning application fails to comply with the relevant policies of the development plan and recommend refusal.
63. In relation to the Listed Building application, whilst it is acknowledged that there is conflict with policies DM30 and DM35 in relation to the full planning application, the Conservation Officer has confirmed that in relation to the Listed Building application, the proposed works are considered acceptable. Therefore, the Listed Building application is recommended for approval.

## Recommendations:

64.DC/22/0026/FUL: It is recommended that planning permission be **REFUSED** for the following reasons:

1. Policy DM30 states that "where non employment uses are proposed on sites and premises which are used for established employment purposes...evidence can be provided that genuine attempts have been made to sell/let the site in its current use, and that no suitable and viable alternative employment uses can be found or are likely to be found in the foreseeable future." Officers do not believe that "genuine attempts" have been made at the site to market the property(ies) for alternative uses. Policy DM30 also states that "one or more" of the above criterion will need to be met, based on the context of any given application site. Officers consider criterion A and B both equally applicable in this scenario. The LPA do not consider the 'Economic Viability Report' sufficient in evidence to accord with criterion B of Policy DM30 accordingly. Given insufficient evidence has been presented to the LPA that alternative uses for the unit have been explored, the proposals must be considered to conflict with the relevant policy accordingly.
2. Whilst policy DM35 does not explicitly preclude ground floor conversion, this is not supported by that policy. Regard must be had to the site's location and importance within close proximity to the primary shopping area. Where proposals would result in the loss of vibrancy or adversely impact the viability of the town centre, DM35 would seldom support such applications. As such, the introduction of a residential use on the ground floor of the building, which is currently used as a commercial office, on the edge of the Primary Shopping Area is deemed to represent a material conflict with DM35.

65.DC/22/0027/LB: It is recommended that Listed Building Consent is **GRANTED** subject to the following conditions:

1. The works to which this consent relates must be begun not later than three 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, unless otherwise stated below:

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

3. 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. The drawn details will illustrate the relationship of the

proposed ground floor front window with masonry surround to include elliptical arches at a scale of 1:10 elevation and 1:2 continuous cross section.

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.

4. No works involving new/replacement doors 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 internal/external doors and surrounds to be used (including details of panels and glazing where relevant) 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. The drawn details of the doors and door case are to include columns, fan light, elliptical arches and string course at a scale of 1:10 elevation and 1:2 continuous cross section both horizontal and vertical.

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.

5. All new external and internal works and finishes and works of making good to the retained fabric shall match the existing historic work adjacent in respect of materials, methods, detailed execution and finished appearance unless otherwise 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 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.

6. The new facing brickwork shall match the existing brickwork adjacent in respect of material, colour, texture, face bond, mortar mix and pointing unless otherwise approved in writing by the Local Planning Authority.

The masonry detailing shall include the recessed arrangement of ground floor window and associated brickwork, elliptical arches over window and door openings and string course to exactly match that of existing ground floor front window and door to 84 Guildhall Street.

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.

7. No works involving the installation of conservation rooflights shall take place until details of the works including a schedule and annotated plans/drawings showing the full extent of the proposed works have been submitted to and approved in writing by the Local Planning Authority. The approved works shall be carried out in full unless otherwise agreed in writing by the Local Planning Authority.

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.

**Documents:**

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/22/0026/FUL](https://www.westsuffolk.gov.uk/DC/22/0026/FUL)