

Development Control Committee **7 February 2024**

Planning Application DC/23/0812/FUL – 9 **Risbygate Street, Bury St Edmunds**

Date registered:	12 June 2023	Expiry date:	7 August 2023, Extension of Time agreed until 9 February 2024
Case officer:	Connor Vince	Recommendation:	Refuse application
Parish:	Bury St Edmunds Town Council	Ward:	Abbeygate
Proposal:	Planning application - first floor flat above existing restaurant as amended by plans received 08 September 2023		
Site:	9 Risbygate Street, Bury St Edmunds		
Applicant:	Mr Abdullah Gokteke		

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:

This application was referred to the Development Control Committee following consideration by the Delegation Panel. It was referred to the Delegation Panel at the request of Councillor Julia Wakelam as Ward Member.

Bury Town Council recommend refusal in line with the views of the West Suffolk Conservation Officer, and the Officer recommendation is one of REFUSAL.

A site visit is scheduled to take place on Monday 5 February.

Proposal:

1. This application for planning permission seeks to install a first floor rear extension to the existing restaurant with internal and external alterations to create a self-contained residential unit of accommodation at first floor level.
2. The proposal does not incorporate any physical changes nor any residential accommodation to the ground floor as this level is used by the restaurant. However, the existing rear roof of the building's ground floor is of a flat design and this proposal therefore seeks to build on top of this.
3. As originally submitted the proposal was for a taller extension, with some works at second floor level. Amended plans have been received that show a first floor rear extension only.
4. This extension is proposed adjacent to a previously approved, but not yet completed, first floor rear extension to the same property, that received permission for a one bedroom flat, with a pitched roof. This proposal, adjacent to that, seeks to repurpose that already approved space to create two bedrooms, with the development for which permission is hereby sought forming a living room for what will then be a two bedroom flat.
5. The building the subject of this application is a Grade II listed building, and the works proposed will require Listed Building Consent. At the time of writing this report no application for such consent has been submitted.

Site details:

6. No. 9 Risbygate Street comprises an early C19 brick painted grade II listed building within the Bury St Edmunds Town Centre Conservation Area and the defined settlement of Bury St Edmunds. The ground floor of the building currently operates as a restaurant with residential uses above ground floor level.

Planning history:

7.

Reference	Proposal	Status	Decision date
SE/12/1682/FULBC A	Planning Application - (i) Erection of ground floor rear flat roofed extension (following demolition of	Application Granted	20 September 2013

	existing store) (ii) proposed terrace (iii) proposed rear extension at first and second floor & (v) installation of flue as amended by letter and plans received 28 August 2013 which remove the proposed 1st and 2nd floor extensions.		
SE/13/0543/LBCA	Listed Building Application - (i) Erection of ground floor rear flat roofed extension (following demolition of existing store) (ii) internal alterations to accommodate new restaurant on ground floor including removal of staircase (iii) proposed terrace; (vi) proposed rear extension at first and second floor (v) installation of flue and (vi) internal alterations to create residential accommodation on the first and second floors	Application Granted	20 September 2013
DC/15/0174/FUL	Planning Application - (i) first and second storey rear extension (ii) internal and external alterations to create residential accommodation on first and second floors	Application Refused	11 May 2015
DC/15/0175/LB	Application for Listed Building Consent - (i) first and second storey rear extension (ii) internal and external alterations to create residential accommodation on first and second floors	Application Refused	11 May 2015
DC/16/0884/FUL	Planning Application - Provision of 1 no. apartment within existing building; first-floor and second-floor rear extension to provide 1 no. dwelling.	Application Refused	22 February 2017
DC/16/0885/LB	Application for Listed Building Consent - Demolition of existing rear	Application Refused	22 February 2017

	lean-to; internal alterations to provide 1 no. apartment within existing building; first-floor and second-floor rear extension to provide 1 no. dwelling; replacement of windows; replacement of roof tiles.		
DCON(B)/12/1682	Application to Discharge Conditions 2 (archaeological investigation), 4 (ventilation/extraction system) and 6 (facing and roofing materials) of SE/12/1682/FULBCA.	Condition(s) Part Discharged	16 November 2016
DCON(A)/SE/13/0543	Application to Discharge Condition 3 (Door details) of Listed Building Consent SE/13/0543/LBCA.	Application Refused	8 September 2016
DCON(B)/SE/13/0543	Application to Discharge Condition 3 (Door details) of Listed Building Consent SE/13/0543/LBCA.	Application Refused	8 December 2016
DC/18/2223/FUL	Planning Application - (i) first and second storey rear extension (ii) internal and external alterations to create residential accommodation on first and second floors	Application Refused	25 March 2019
DC/18/2224/LB	Application for Listed Building Consent - (i) first and second storey rear extension (ii) internal and external alterations to create residential accommodation on first and second floors	Application Refused	25 March 2019
DC/19/2103/FUL	Planning Application - 1no. first floor flat above existing restaurant (Previous Application DC/18/2223/FUL)	Application Granted	5 May 2020
DC/19/2104/LB	Application for Listed Building Consent - 1no. first floor flat above existing restaurant (Previous Application DC/18/2224/LB)	Application Granted	5 May 2020
DC/20/1442/FUL	Planning application -Two storey rear extension to	Application Refused	20 November 2020

	provide flat for accommodation		
DC/20/1443/LB	Listed building application - Two storey rear extension to provide flat for accommodation	Application Refused	20 November 2020
SE/11/0597	Listed Building Application - (i) Internal alterations in association with the conversion of first and second floors to 3 no. residential flats (ii) erection of single storey rear extension to restaurant following demolition of existing store and (iii) provision of flue on rear elevation as amended by e-mail dated 19th August 2011 and accompanying revised plans deleting alterations to shopfront and three storey rear extension and revising internal layout to flats	Application Granted	30 September 2011
SE/11/0596	Planning Application - (i) Conversion of first and second floors to 3 no. residential flats (ii) erection of single storey rear extension to restaurant (following demolition of existing store) and (iii) provision of new flue on rear elevation as amended by e-mail dated 19th August 2011 and accompanying revised plans deleting alterations to shopfront and three storey rear extension and revising internal layout to flats	Application Granted	30 September 2011
SE/08/0995	Listed Building Application - (i) alterations to shopfront (ii) erection of 4 storey rear extension including basement following demolition of rear additions and store to facilitate the enlargement of restaurant and creation	Application Refused	27 October 2008

SE/08/0994	<p>of 3 flats (iii) removal of 2no. softwood windows on front elevation (2nd floor) and replacement with sash windows (iv) internal alterations including alterations to partitions, blocking of doors and formation of new openings, replacement of ceilings, removal of ground floor walls and excavation of floor, breaking out base of existing staircase and formation of 4 new steps down to shop level as amended by letter and accompanying revised plans received 3rd September 2008 indicating (1) revised site area (2) substituting alterations to detailing of existing shopfront for insertion of new shopfront and (3) revisions to internal layout</p>	<p>Application Refused</p>	<p>27 October 2008</p>
SE/08/0939	<p>Planning Application - (i) alterations to shopfront (ii) erection of 4 storey rear extension including basement (following demolition of rear additions and store) to facilitate the enlargement of restaurant and creation of 3 flats (iii) removal of 2no. softwood windows on front elevation (2nd floor) and replacement with sash windows as amended by letter and accompanying revised plans received 3rd September 2008 indicating (1) revised site area (2) substituting alterations to detailing of existing shopfront for insertion of new shopfront and (3) revisions to internal layout</p>	<p>Application Granted</p>	<p>27 October 2008</p>

replacement of ceilings (iii)
installation of sash
windows on front and rear
elevations as amended by
A. letter received 3rd
September 2008 and
accompanying revised
plans indicating (1) revised
site area (2) alteration to
shopfront detailing (3)
revisions to first floor
layout and (4) provision of
horns to sash windows B.
letter dated 18th
September 2009 and
accompanying revised plan
Drawing No. 3815/11C
indicating revisions to
proposed door to first floor
and providing additional
specifications and C. letter
dated 20th October 2008
and accompanying plan
3815/11D and sash
window details on plan
3815.14A

SE/08/0938

Planning Application -
Alterations to existing
shopfront including
entrance door to give
access to flat on upper
floors as amended by A.
letter received 3rd
September 2008 and
accompanying revised
plans indicating (1) revised
site area (2) alteration to
shopfront detailing (3)
revisions to first floor
layout and (4) provision of
horns to sash windows B.
letter dated 18th
September 2008 and
accompanying revised plan
3815/11C indicating
revisions to door to first
floor and additional
specifications and C. letter
dated 20th October 2008
and accompanying plan
3815/11D and sash
window details on plan
3815/14A

Application
Granted

27 October
2008

Consultations:

8. Officer Note – plans originally supplied by the applicant included the provision of a two storey rear extension. Where comments were received in relation to these originally submitted plans, this is noted below with the use of italics.

Revised plans were received on 8 September, reducing the scale of the proposal to being a first floor rear extension above an existing ground floor flat roofed element.

9. Bury Town Council –
Comments dated 13 July 2023 - *Based on information received Bury St Edmunds Town Council recommends REFUSAL following concerns similar to those of the Victorian Society about a lack of a heritage statement and non-compliance with paragraph 194 of the NPPF.*

Comments dated 21 August 2023 - *That based on information received and subject to any Conservation Area and Article 4 issues Bury St Edmunds Town Council recommends REFUSAL; on grounds of insufficient information.*

Comments dated 30 November 2023 - *That based on information received Bury St Edmunds Town Council recommends REFUSAL in accordance with Conservation Officers comments.*

10. Bury St. Edmunds Society –
Comments dated 17 July 2023. *The Bury Society would like to comment on this application but feel unable at this stage. The drawings and description appear to be at odds with each other. The original description suggested the conversion of the ground floor to a flat, whereas the drawings suggest a new build extension at 1st and 2nd floor level and we seek clarification on the proposals. Insufficient information has been provided to properly assess this application.*

No further comments were received.

11. The Victorian Society –
Comments dated 6 July 2023 – *Objected on the basis of the lack of a heritage assessment.*

Comments dated 2 August 2023 - *The Victorian Society is grateful for the Heritage Statement which has now been provided for this application. However, we continue to have concerns.*

9 Risbygate Street is a significant Grade II listed building within the Bury St Edmunds Town Centre Conservation Area, with a high number of listed buildings nearby. While we accept that the proposed development would not be constructed on top of any historic part of the building, we share the Conservation Officer's concerns regarding the scale of the new development. At 3.5 storeys it would be taller than the listed 9 Risbygate Street and the smaller historic buildings to the east of the site. This would harm the significance of the Conservation Area and the setting of nearby historic buildings. As such it would contravene policy DM15 of the local plan.

NPPF paragraph 206 states: 'Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance.' This proposal would not enhance the significance of the listed building, Conservation Area or other nearby heritage assets. We recommend that the application is refused.

Comments dated 15 September 2023 - The Victorian Society is grateful for the reduction in scale of the proposals, I can confirm that this has addressed any concerns we have with the scale of the proposed development and we wish to make no further comments on the application.

12. The Georgian Group –

Comments dated 4 September 2023 - *Thank you for informing the Georgian Group of an application to extend the above grade II listed early nineteenth century building which is located within a conservation area.*

The Group has significant concerns about these proposals for the following reasons. No.9 Risbygate Street is an early nineteenth century structure with later nineteenth century alterations which forms part of a significant group of historic buildings including the adjoining grade II listed No.10, of which it once appears to have formed part. At the rear of the building is an earlier lower wing of eighteenth-century appearance which is also visible from the street. It is proposed to construct an addition to the building's rear to form an apartment which will rise from an existing rear addition.

Whilst the Group has no objection in principle to discreetly extending the building, the proposed addition is a relatively large structure in comparison to the host building and other adjacent heritage assets. Through its scale and massing it will dominate these historic structures causing harm to their setting and to the surrounding conservation area.

The NPPF (2021), paragraph 200 makes clear that 'any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification'. In this case a clear and convincing justification for the construction of a structure of this harmful scale and massing has not been provided.

When making a decision on all listed building consent applications or any decision on a planning application for development that affects a listed building or its setting, a local planning authority must have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Preservation in this context means not harming the special interest of the building or other designated asset, as opposed to keeping it utterly unchanged. This obligation, found in sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (1), applies to all decisions concerning listed buildings. Under section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 they also have a duty to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

NPPF 199 also states that 'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.'

The Group would strongly recommend that the applicant withdraws their proposals until a less harmful scheme can be formulated. If the applicant is unwilling to do so, then consent should be firmly refused for this development.

13. Historic England – Suggest that you seek the views of your specialist conservation and archaeological advisers.

14. Conservation Officer –

Comments dated 31 July 2023 – This application is the resubmission of a 2020 application for a 3 storey extension on top of an existing ground floor extension to the rear of a 2 ½ storey listed building. The proposed extension will tower above the ridge line of the main roof and the subservient extensions to the rear failing to respect the existing building and its setting proving contrary to policy DM15 due to its inappropriate scale, form, height and massing causing harm to significance.

The application is recommended for refusal.

Comments dated 12 September 2023 - The provision of what will effectively amount to a two storey flat roof extension within the curtilage of the LB does not address concerns previously raised instead raises further concerns due to its inappropriate design failing to relate to the dual pitched roofs of the host building.

The recommendation continues to be one for refusal.

15. Private Sector Housing And Environmental Health – No objections subject to the imposition of conditions.

Representations:

16. No letters of representation have been received.

Policy:

17. 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.

18. The following policies of the Joint Development Management Policies Document and the St Edmundsbury Core Strategy 2010 and Vision 2031 have been taken into account in the consideration of this application:

Vision Policy BV1 - Presumption in Favour of Sustainable Development

Vision Policy BV2 - Housing Development within Bury St Edmunds

Core Strategy Policy CS1 - St Edmundsbury Spatial Strategy

Core Strategy Policy CS2 - Sustainable Development

Core Strategy Policy CS3 - Design and Local Distinctiveness

Core Strategy Policy CS4 - Settlement Hierarchy and Identity

Policy DM1 Presumption in Favour of Sustainable Development

Policy DM2 Creating Places Development Principles and Local Distinctiveness

Policy DM11 Protected Species

Policy DM12 Mitigation, Enhancement and Monitoring of Biodiversity

Policy DM14 Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from hazards

Policy DM15 Listed Buildings

Policy DM17 Conservation Areas

Policy DM22 Residential Design

Other planning policy:

19. National Planning Policy Framework (NPPF)

20. The NPPF was revised in December 2023 and is a material consideration in decision making from the day of its publication. Paragraph 225 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 2023 NPPF that full weight can be attached to them in the decision making process.

Officer comment:

21. The matter is before the Development Control Committee following consideration by the Delegation Panel. It was referred to the Delegation Panel following a request from Councillor Julia Wakelam. The Town Council

object to the proposal, as does the Council's Conservation Officer. Both object based on the inappropriate design of the proposal and the consequential adverse impacts on the Listed Building. There have been no letters of representation received from third parties.

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

- Principle of Development
- Design, form, scale and resultant impact on heritage assets
- Impact on Residential Amenity
- Highways Implications
- Other Matters

The principle of development

23. 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 supported where it is not contrary to other planning policies.

24. In this instance, the application site is located within the Housing Settlement Boundary of Bury St Edmunds and as such the broad principle of an additional residential unit is acceptable given that policies CS1 and CS4 both direct residential development towards the town; having regard to the identified settlement hierarchy. This supports the general support offered by both Policy BV1 and Policy DM1.

25. Notwithstanding this, it must be noted that the application site lies within the Bury Conservation Area and is also a Grade II listed building. Whilst the broad principle of residential development may be considered as generally acceptable, any proposal must, if it is to garner policy support, be able to demonstrate that it meets the requirements of policies DM15 (Listed Buildings) and DM17 (Conservation Areas).

Design, form, scale and resultant impact on heritage assets

26. As set out in the NPPF, heritage assets should be conserved in a way that is appropriate to their significance. Heritage assets include an extensive range of features that include archaeological remains, Scheduled Ancient Monuments, Listed Buildings and Conservation Areas.

27. The Planning (Listed Buildings and Conservation Areas) Act 1990 (under Section 66) requires the decision maker to have special regard to the desirability of preserving or enhancing a listed building or its setting or any features of special architectural or historic interest which it possesses. Furthermore section 72 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area.

28. DM17 states that proposals within Conservation Areas should preserve or enhance the character or appearance of the conservation area, or its setting, views into, through and out of the area and be of an appropriate scale, form, massing and design. DM15 states that development affecting the setting of a listed building will be permitted where it is not detrimental

to the buildings character, architectural or historic features that contribute to its special interest.

29. In addition to this legislative context, the 2023 National Planning Policy Framework identifies the protection and enhancement of the historic environment as an important element of sustainable development and also establishes a presumption in favour of sustainable development in the planning system. 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.
30. Paragraph 203 dictates that account should be taken of 'the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation' and, 'the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality'. The NPPF at paragraph 205 requires 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 206 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'.
31. It is also recognised in the NPPF (paragraph 208) 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. With respect to the above material considerations, it should be noted that an appeal was dismissed by the Planning Inspectorate in October 2017 (APP/E3525/W17/3172762) following the appellant's appeal against the refusal of both DC/16/0884/FUL and DC/16/0885/LB. Although the proposal (as refused) was larger, and taller, than the current, the Inspector provided a thorough commentary which addressed the perceived harm upon the listed building, the Conservation Area and the lack of overriding public benefit to justify the identified (less than substantial) harm.
32. No.9 Risbygate Street is an early nineteenth century structure with later nineteenth century alterations which forms part of a significant group of historic buildings including the adjoining grade II listed No.10, of which it once appears to have formed part. At the rear of the building is an earlier lower wing of eighteenth-century appearance which is also visible from the street. It is proposed to construct an addition to the building's rear wing to form an apartment which will rise from an existing rear addition.
33. Through its scale and massing, and for reasons of unsympathetic approach, in particular its flat roofed design being in conflict with the steeply pitched roofs of the host building to include historic extensions, it will dominate the historic structures causing harm to their setting and to the surrounding Conservation Area.
34. The NPPF makes clear that 'any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from

development within its setting), should require clear and convincing justification'. In this case a clear and convincing justification for the construction of a structure of this harmful scale and massing has not been provided and the proposal is therefore contrary to the provisions of DM15, and also DM17.

35. Permission has previously been granted for a first floor unit of residential accommodation. The applicant advises that this is in the process of being implemented thereby providing staff / manager accommodation at the premises.
36. As supported by National Planning Policy, Policy DM15 of the JDMP states that alterations and extensions to listed buildings should not give rise to a detrimental impact upon the special architectural or historic interest of the building or its surroundings. Policy CS3, as supported by Policy DM2, further provides that development should incorporate designs of a scale, density, massing, height and materials compatible with the locality and where located in a Conservation Area it should preserve or enhance the Conservation Area's character.
37. For the reasons articulated above the development as proposed is not considered to be in accordance with policies DM1, DM2, DM15, DM17 or with policy CS3.

Impact on residential amenity

38. Both policies DM2 and DM22 seek to secure development proposals which do not have an adverse impact on existing or indeed proposed residential amenity. This requirement is particularly relevant to the proposal under consideration as the application site is in an area of tightly knitted urban grain with residential developments in relatively close proximity to each other; as would be expected in an overtly urban location.
39. The extension is subservient in terms of its scale, relative to the host building and the surrounding property, albeit the potential for adverse impact must be considered carefully noting the proximity to off site dwellings and noting the first floor rear window proposed. The elevated position of the extension and the proximity of dwellings to the rear, plus the generally tightly grained development in the vicinity suggest there will be some, albeit not extensive, adverse impact arising. However, the impact from the overbearing relationship and from the position of the rear facing window in relation to offsite property can be considered not of sufficient concern to justify a reason for refusal, noting the town centre context of this proposal.
40. Permission has previously been granted for a first floor unit of accommodation and the applicant has advised that this is in the process of being implemented. That permission is not tied to or otherwise linked with the restaurant on the ground floor, notwithstanding that access to the first floor flat was only available, via an external door and access across the flat roof, through the existing restaurant accommodation at the front of the site. Neither was an assessment of the effects of the operation of the restaurant on the amenities of that dwelling made. The current proposal has been submitted as a 'manager's flat'.

41. Policy DM14 requires that all applications where the existence of pollution is suspected (for example, in this case, noise and odour from the existing ground floor restaurant, and the effects of such on the reasonable living conditions of occupiers of the proposed accommodation) to contain sufficient information to enable the Authority to make a full assessment of potential hazards. In this case no information has been submitted. However, it is noted that the proposal has been justified on the basis that it is to be occupied in conjunction with the operation of the restaurant, as a manager's dwelling. The imposition of a condition restricting the accommodation to such a form of occupation would address any concerns in relation to the amenity effects arising from the proximity of the dwelling to the restaurant, and in relation to the access otherwise being obtained through the existing accommodation associated with 9 Risbygate Street.
42. Officers within the Private Sector Housing and Environmental Health team have confirmed there is no objection, although based on the location of the site, and the nearby existing uses, have recommended the imposition of a condition relating to the acoustic glazing of the property. If the recommendation was otherwise for approval, the imposition of such a condition would be considered reasonable.
43. Policy DM14, plus the provisions of Policies DM2 and DM22 in relation to amenity, and similar provisions within the NPPF, can therefore be considered satisfied.

Highways implications

44. Although the proposal is not judged to have an adverse impact upon the safe operation of the existing highway network in terms of traffic generation, the proposal includes no detail pertaining to vehicular parking or secure cycle storage.
45. In such a sustainable, central location it is accepted that not all residential proposals will include allocated parking spaces. However, where this is the case, it is usually reasonable to expect the provision of secure cycle storage to be clearly illustrated on a plan. In this instance, no such information has been provided but given the first floor nature of the proposal and the lack of a rear 'garden' or amenity space, providing such an area would be difficult in any event. It is also noted that the extant permission for a single bedroom first floor flat in this location did not include any cycle storage details.
46. In lieu of such being provided, the LPA cannot reliably conclude that the proposal encourages the use of sustainable forms of transport; as specifically required by policy DM2(k). This is a matter that weighs against the proposal in the balance of considerations, albeit noting the circumstances of this site, and the previous decision to allow a first floor flat without the provision of any car parking or cycle storage facilities, it is not considered sufficiently harmful to justify a refusal of planning permission.

Other Matters

47. As required by the National Planning Policy 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, DM11 and DM12.

48. The National Planning Policy Framework 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.

49. In this instance, given that the proposal is within an area which is above an existing restaurant and within a busy, developed and urban location, a formal ecology report has not been submitted and the LPA are content that the application does not give rise to significant ecological harm.

Conclusion

50. Policy DM15 provides that alterations and extensions to listed buildings should not be detrimental to the special architectural or historic interest of the building or its surroundings whilst DM17 requires proposals within the locality's Conservation Areas to preserve or enhance their character and appearance. Policy CS3, as supported by Policy DM2, further provides that development should incorporate designs of a scale, density, massing, height and materials compatible with the locality. The development proposed is not able to demonstrate adequate compliance with these requirements and is therefore considered to represent a material conflict with policies DM2, DM15 and DM17, and with policy CS3 and the advice contained within the 2023 National Planning Policy Framework.

51. In light of the harm identified and the conflict with the national framework, the proposals cannot be considered as sustainable development for which the Framework, and JDMP Policy DM1 presumes in favour. There are no other reasons to withhold the grant of planning permission. However, the impacts on the Listed Building and Conservation Area are considered significant, and sufficient to justify a refusal of planning permission.

Recommendation:

52. It is recommended that planning permission be **REFUSED** for the following reason:

1. As set out in the NPPF, heritage assets should be conserved in a way that is appropriate to their significance. Heritage assets include an extensive range of features that include archaeological remains, Scheduled Ancient Monuments, Listed Buildings and Conservation Areas.

DM17 states that proposals within Conservation Areas should preserve or enhance the character or appearance of the conservation area, or its setting, views into, through and out of the area and be of an appropriate scale, form, massing and design. DM15 states that development affecting the setting of a listed building will be permitted where it is not detrimental to the buildings character, architectural or historic features that contribute to its special interest.

No.9 Risbygate Street is an early nineteenth century structure with later nineteenth century alterations which forms part of a significant group of

historic buildings including the adjoining grade II listed No.10, of which it once appears to have formed part. At the rear of the building is an earlier lower wing of eighteenth-century appearance which is also visible from the street. Through its scale and massing, and for reasons of unsympathetic approach, in particular its flat roofed design being in conflict with the steeply pitched roofs of the host building to include historic extensions, the proposed extension will dominate the historic structures causing harm to their setting and to the surrounding Conservation Area.

The proposed therefore development fails to respect the host building and its historic context, proving contrary to policies DM2, DM15, DM17 of the Joint Development Management Policies Document 2015 and policy CS3 of the St Edmundsbury Core Strategy 2010. The development fails to preserve or enhance the character of the Conservation Area, and would adversely impact on the listed building itself, causing less than substantial harm. There is insufficient public benefit to outweigh this harm which results in a material conflict with paragraph 208 of the 2023 National Planning Policy Framework.

Documents:

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/23/0812/FUL](#)