



## STRATEGIC PLANNING COMMITTEE

Thursday, 02 November 2023

<b>Subject</b>	Variation of the designation of the Aldeburgh Conservation Area to exclude five properties erroneously included in the western extension designated on 6 October 2023
<b>Cabinet Member</b>	Councillor Kay Yule Cabinet Member with responsibility for Planning and Coastal Management
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Is the report Open or Exempt?	OPEN
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Category of Exempt Information and reason why it is <b>NOT</b> in the public interest to disclose the exempt information.	Not applicable.
<b>Wards Affected:</b>	Aldeburgh & Leiston

## Purpose and high-level overview

### **Purpose of Report:**

To consider a proposal to vary part of the existing Conservation Area in Aldeburgh to exclude five properties that were erroneously included in the western extension designated on 6 October 2023.

### **Options:**

Agree the report recommendation for variation; or, alternatively, not to agree it and retain the five properties within the Conservation Area designation despite inclusion not being originally intended or merited.

### **Recommendation/s:**

1. That the variation of that part of the Aldeburgh Conservation Area that includes the five properties included in the schedule, attached at Appendix A of this report, to exclude them from the designation be agreed.
2. That it be agreed that the variation of designation date will be Friday, 3 November 2023.

## Corporate Impact Assessment

### **Governance:**

No impacts

### **ESC policies and strategies that directly apply to the proposal:**

Policy SCLP11.5 Conservation Areas of the Suffolk Coastal Local Plan states that “Development within, or which has the potential to affect the setting of, Conservation Areas will be assessed against the relevant Conservation Area Appraisals and Management Plans and any subsequent additions or alterations”.

At paragraph 11.33, the same Local Plan states that “Amendments may be made to individual Conservation Area boundaries as they are re-appraised and consulted upon as part of a separate on-going programme being undertaken by the Council.”

At paragraph 11.34, the same Local Plan states that “Development within Conservation Areas will be required to be consistent with measures set out in the relevant Conservation Area Appraisal or Management Plan, and any related policies in the wider Local Plan.”

### **Environmental:**

No impacts

### **Equalities and Diversity:**

No impacts

### **Financial:**

No impacts

**Human Resources:**

No impacts

**ICT:**

No impacts

**Legal:**

“A local planning authority shall give notice of the designation of any part of their area as a conservation area under section 69(1) or (2) and of any variation or cancellation of any such designation –

- (a) To the Secretary of State; and
- (b) If it affects an area in England and the designation or, as the case may be, the variation or cancellation was not made by the Commission, to the Commission.”

The above is section 70(5) of the Planning (Listed Buildings and Conservation Areas) Act 1990. This Act empowers local planning authorities to vary or cancel, as well as designate, Conservation Areas.

**Risk:**

There are no risks envisaged in relation to the implementation of the recommendation.

**External Consultees:**

Owner/occupiers of all the five affected properties in the Aldeburgh Conservation Area have been sent letters by post to inform them of the error and the steps proposed to rectify it.

## Strategic Plan Priorities

Select the priorities of the <a href="#">Strategic Plan</a> which are supported by this proposal: (Select only one primary and as many secondary as appropriate)		Primary priority	Secondary priorities
<b>T01</b>	<b>Growing our Economy</b>		
P01	Build the right environment for East Suffolk	<input type="checkbox"/>	<input checked="" type="checkbox"/>
P02	Attract and stimulate inward investment	<input type="checkbox"/>	<input type="checkbox"/>
P03	Maximise and grow the unique selling points of East Suffolk	<input checked="" type="checkbox"/>	<input type="checkbox"/>
P04	Business partnerships	<input type="checkbox"/>	<input type="checkbox"/>
P05	Support and deliver infrastructure	<input type="checkbox"/>	<input type="checkbox"/>
<b>T02</b>	<b>Enabling our Communities</b>		
P06	Community Partnerships	<input type="checkbox"/>	<input type="checkbox"/>
P07	Taking positive action on what matters most	<input type="checkbox"/>	<input type="checkbox"/>
P08	Maximising health, well-being and safety in our District	<input type="checkbox"/>	<input type="checkbox"/>
P09	Community Pride	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>T03</b>	<b>Maintaining Financial Sustainability</b>		
P10	Organisational design and streamlining services	<input type="checkbox"/>	<input type="checkbox"/>
P11	Making best use of and investing in our assets	<input type="checkbox"/>	<input type="checkbox"/>
P12	Being commercially astute	<input type="checkbox"/>	<input type="checkbox"/>
P13	Optimising our financial investments and grant opportunities	<input type="checkbox"/>	<input type="checkbox"/>
P14	Review service delivery with partners	<input type="checkbox"/>	<input type="checkbox"/>
<b>T04</b>	<b>Delivering Digital Transformation</b>		
P15	Digital by default	<input type="checkbox"/>	<input type="checkbox"/>
P16	Lean and efficient streamlined services	<input type="checkbox"/>	<input type="checkbox"/>
P17	Effective use of data	<input type="checkbox"/>	<input type="checkbox"/>
P18	Skills and training	<input type="checkbox"/>	<input type="checkbox"/>
P19	District-wide digital infrastructure	<input type="checkbox"/>	<input type="checkbox"/>
<b>T05</b>	<b>Caring for our Environment</b>		
P20	Lead by example	<input type="checkbox"/>	<input type="checkbox"/>
P21	Minimise waste, reuse materials, increase recycling	<input type="checkbox"/>	<input type="checkbox"/>
P22	Renewable energy	<input type="checkbox"/>	<input type="checkbox"/>
P23	Protection, education and influence	<input type="checkbox"/>	<input type="checkbox"/>
<b>XXX</b>	<b>Governance</b>		
XXX	How ESC governs itself as an authority	<input type="checkbox"/>	<input type="checkbox"/>
<p><b>How does this proposal support the priorities selected?</b></p> <p>The proposals for the Aldeburgh Conservation Area primarily support:</p> <p><b>T01 Growing Our Economy</b> of the Strategic Plan, <b>priority of P03</b> - Maximise and grow the unique selling points of East Suffolk as the document will assist in the delivery of the “<i>Protection and enhancement of the natural, built and historic environment</i>” by guiding Development Management decisions to preserve or enhance the historic coastal town of Aldeburgh.</p>			

These proposals secondarily support;

**T01, Growing Our Economy, priority P01** Build the right Environment for East Suffolk, as it serves to support the policies in the “*Up to date local plans proving a strategy for growth and place making.*” and

**T02, Enabling our communities, priority P09** - Community Pride, as the historic environment contributes to a sense of place and the richness of culture.

## Background and Justification for Recommendation

1 Background facts	
1.1	Section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990 directs that every local authority shall, from time to time, review their existing area and determine whether any further parts of their area should be designated as Conservation Areas; and, if they so determine, they shall designate those parts accordingly.
1.2	On 6 October 2023, following the recommendation of the Strategic Planning Committee on 2 October 2023 (report ref ES-1671), the Aldeburgh Conservation Area was extended in three areas.
1.3	The western extension erroneously included five properties in the ‘Schedule of land and property for inclusion within three areas of proposed extensions to existing Aldeburgh Conservation Area’ at Appendix B of the Strategic Planning Committee report of 2 October 2023 ( <i>op.cit.</i> ). The maps included at Appendix A of the same report correctly showed the five properties excluded.
1.4	Thus, Appendices A and B did not match but, due to human error, this discrepancy was not identified prior to designation of the extensions. The schedule of properties, rather than the maps, is what is used for the statutory designation and hence why the error was carried forward unchecked.
1.5	The five properties proposed for exclusion by variation of the designation – four dwellings and a playgroup building - are all modern buildings of negligible architectural or historical interest and do not merit inclusion within a Conservation Area. These five properties are listed in Appendix A of this report.
2 Current position	
2.1	Five properties have erroneously been included within the recent extension to the Aldeburgh Conservation Area.
2.2	The continued inclusion of the five properties will dilute the quality of the extended Conservation Area which must meet the requirement of the NPPF at paragraph 191 in that, when considering the designation of Conservation Areas, planning authorities should ensure that an area justifies such status because of its special architectural or historic interest.

2.3	Further, the continued inclusion of the five properties in the Conservation Area will place continued consequences on property owners/occupiers that are not merited or justified. As a reminder, these consequences are set out below.
2.4	<p><b>Consequences of inclusion within a Conservation Area</b></p> <p>The principal consequences of inclusion within a Conservation Area are as follows:</p> <ul style="list-style-type: none"> <li>• The Council is under a duty to prepare proposals to ensure the preservation or enhancement of the area;</li> <li>• Consent must be obtained from the Council for the demolition of any unlisted building or structure in the area larger than 115 cubic metres; and the local authority or the Secretary of State may take enforcement action or institute a criminal prosecution if consent is not obtained;</li> <li>• It is an offence under section 196D of the Town and Country Planning Act 1990 to undertake ‘relevant demolition’ of an unlisted building in a Conservation Area without the necessary planning permission.</li> <li>• Special publicity must be given to planning applications for development in the area;</li> <li>• In carrying out any functions under the planning Acts and, in particular, in determining applications for planning permission and listed building consent, the Council and the Secretary of State are required to pay special attention to the desirability of preserving or enhancing the character or appearance of the area; and</li> <li>• Six weeks’ notice must be given to the Council before works are carried out to any tree in the area that is more than 75mm in diameter measured at 1.5 metres above ground level. The penalties for undertaking works to trees within a Conservation Area within the six-week period are similar to those for undertaking unauthorised works to a tree covered by a Tree Preservation Order (s.211 Town &amp; Country Planning Act 1990). The requirement to submit a notice in advance of works to a tree in a Conservation Area is free of charge. It is not an application for permission, simply a notice of intent to carry out the works.</li> <li>• The designation of a Conservation Area shall be a local land charge.</li> <li>• <b>Permitted Development Rights.</b> These are planning rights granted by the Government to make changes to dwellings (excluding flats) and to some other uses/buildings without the need for applying for planning permission. The dwellings proposed for inclusion in the extensions to the existing Conservation Area and the proposed new Conservation Area in Aldeburgh fall within the Suffolk Coast and Heaths Area of Outstanding Natural Beauty (AONB). Both AONB and Conservation Areas (along with The Broads, National Parks and World Heritage Sites) are referred to as Article 2(3) land for the purposes of limiting these Permitted Development Rights. Therefore, existing permitted development rights to change windows and doors, add extensions, construct/alter outbuildings and change materials (for example) are already restricted by the AONB designation, and will be largely unaffected by inclusion within a Conservation Area.</li> <li>• The main significant change to those Permitted Development rights is for renewable energy installations (i.e. solar panels, air source heat pumps, flues</li> </ul>

	<p>for bio-mass boilers) on both residential and commercial premises. The Conservation Area designation would still allow for such features to be installed without the need for planning permission, but it would mean that they could not be installed in certain locations that are more likely to affect the character of the area (e.g. on a wall fronting a highway) without the need for planning permission.</p> <ul style="list-style-type: none"> <li>• The only other significant change to these Permitted Development Rights, would be those which relate to works of demolition, which would be reduced by the Conservation Area designation, meaning planning permission would be required. However, it should be noted that outside Conservation Areas, Prior Approval Consent from the Local Planning Authority for demolition works can still potentially be required.</li> </ul>
2.5	<p>Please note that there is no statutory right of appeal against inclusion of a property within a Conservation Area. It is incumbent on the Strategic Planning Committee, therefore, to act to remedy the error identified and described above.</p>
2.6	<p><b>Procedures to be taken for formal and informal notification</b></p> <p>Should the Strategic Planning Committee agree the recommendation of this report, the variation of designation date will be Friday, November 3<sup>rd</sup> 2023.</p> <p>At the variation of designation, the following statutory notifications will take place:</p> <ul style="list-style-type: none"> <li>• The variation of designation will be advertised in the London Gazette;</li> <li>• The variation of designation will be advertised in at least one local newspaper;</li> <li>• The Secretary of State will be notified;</li> <li>• Historic England will be notified; and</li> <li>• The five properties identified at Appendix A will be excluded from Part 3 of the Local Land Charges Register.</li> </ul> <p>The following non-statutory notifications will take place:</p> <ul style="list-style-type: none"> <li>• All property owners/occupiers affected directly by the variation of designation will receive a letter advising of the variation and the date of its effect;</li> <li>• The Town Council and Ward Members will be informed;</li> </ul> <p>Please note that the Aldeburgh Conservation Area Supplement that was adopted by the Strategic Planning Committee on October 2<sup>nd</sup> will not need amendment, as its mapping and contents already exclude the five properties.</p>

### 3 How to address current situation

3.1	To minimise the impacts of the erroneous inclusion of five properties on affected owners and occupiers and to safeguard the status of the Aldeburgh Conservation Area, it is now considered timely to exclude these five properties by variation of designation.
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### 4 Reason/s for recommendation

4.1	In compliance with the Council's statutory duty, it is considered timely and relevant under the Planning (Listed Buildings and Conservation Areas) 1990, to propose the variation of the designation of the recently extended Aldeburgh Conservation Area to exclude five properties that were included in error; and to do so expeditiously to mitigate and minimise the impact on the affected owners/occupiers.
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## Appendices

### Appendices:

<b>Appendix A</b>	Schedule of property for exclusion from the extended Aldeburgh Conservation Area
<b>Appendix B</b>	Map showing location of five affected properties edged in green line

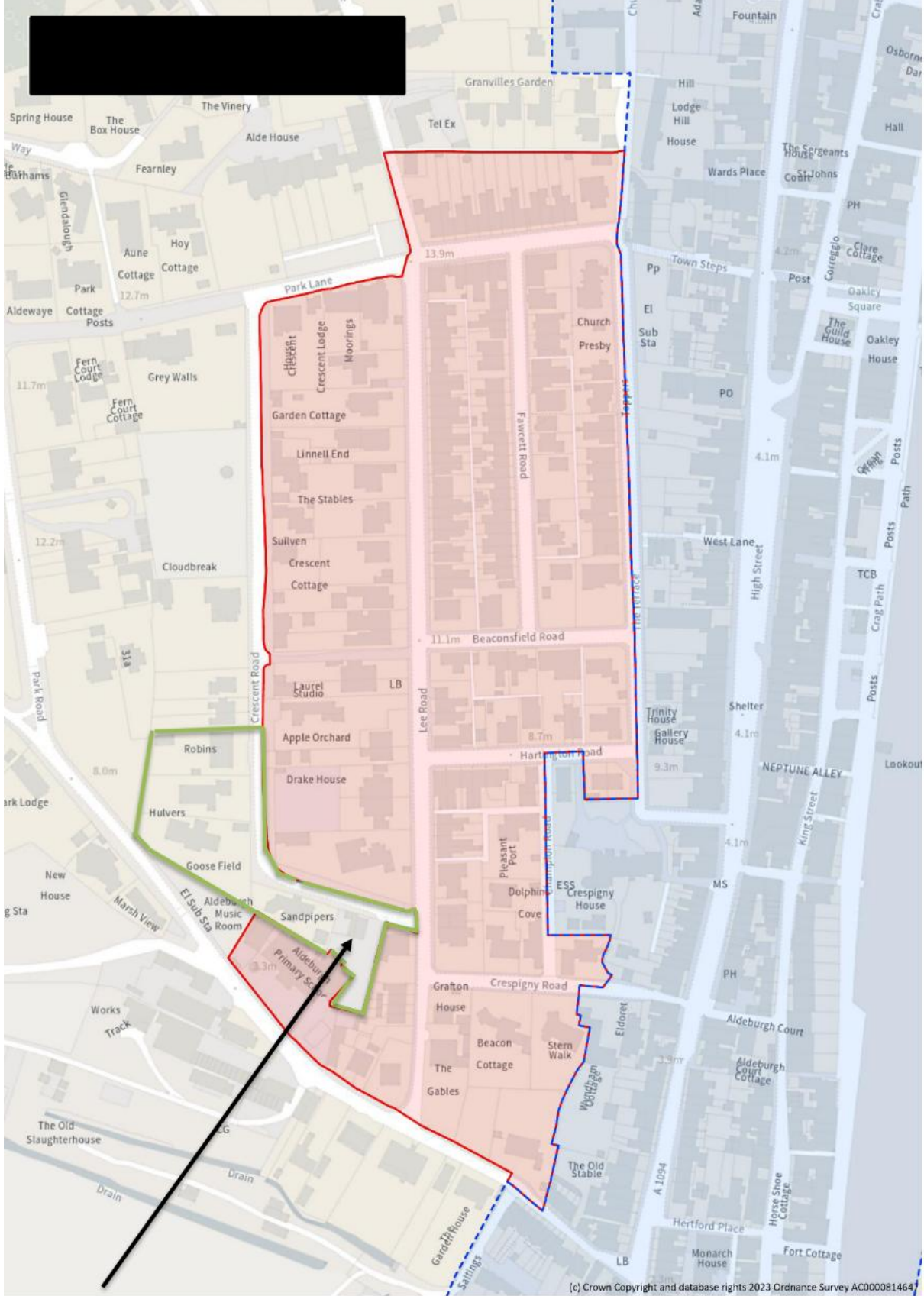
### Background reference papers:

Date	Type	Available From
1990	Planning (Listed Building and Conservation Areas) Act 1990	<a href="https://www.legislation.gov.uk">Planning (Listed Buildings and Conservation Areas) Act 1990 (legislation.gov.uk)</a>
2013	Aldeburgh Conservation Area Appraisal and Supplement	<a href="https://www.eastsuffolk.gov.uk">Aldeburgh-Conservation-Area-Appraisal.pdf (eastsuffolk.gov.uk)</a>



<b>Appendix A</b>		Schedule of property for exclusion from the extended Aldeburgh Conservation Area	
<b>House Name</b>	<b>Street</b>	<b>Town</b>	<b>Post Code</b>
Sandpipers	Crescent Road	Aldeburgh	IP15 5HW
Goosefield	Crescent Road	Aldeburgh	IP15 5HW
Hulvers	Crescent Road	Aldeburgh	IP15 5HW
Robins	Crescent Road	Aldeburgh	IP15 5HW
Aldeburgh Play Group	Crescent Road	Aldeburgh	IP15 5HW

**Appendix B** Map showing location of five affected properties edged in green line



**Aldeburgh Play Group**

- Area in red shows Conservation Area extension designated on October 6<sup>th</sup> 2023, excluding that area now proposed to be removed (edged in green).
- Area in blue shows part of Aldeburgh Conservation Area prior to above extension.