



Committee Report

Planning Committee North - 8 December 2020

Application no DC/20/3627/OUT

Location

Ilium House
Henham Park Estate
Henham
NR34 8AN

Expiry date 10 November 2020

Application type Outline Application

Applicant Mr H Rous

Parish Wangford With Henham

Proposal Outline Application (All Matters Reserved) - Replacement dwelling

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1. Summary

- 1.1 This application is for a new Hall within Henham Park, a Grade II listed Registered Park and Garden, to replace the Hall demolished in 1953.
- 1.2 The recommendation is to approve.
- 1.3 It is before Planning Committee (North) for consideration because the development is contrary to the Development Plan. An exception to policy is considered justified in this instance because it would seek to restore and enhance the listed historic parkland, as large significant family homes represent key elements of these landscapes, and which, in the case of Henham Park, was lost in 1953 when the hall was demolished.

2. Site description

- 2.1 Henham Park includes 815 acres of Repton designed parkland which is Grade II listed on the Historic England register of Parks and Gardens of Historic Interest. It is within the Suffolk

Coast and Heaths AONB. It lies approximately five miles west of Southwold, close to Wangford village to the north-east and Blythburgh village and Blyth Estuary to the south. It is bounded to the east by the A12 and to the west by the A145 Beccles to Blythburgh Road. The park is surrounded by mature trees restricting views into the park.

- 2.2 The Henham Estate has been owned by the same family since 1544 and there has been a succession of Halls in the vicinity of the application site. The original Old Hall at Henham Park was destroyed by fire in 1773 and its replacement built in the 1790s, designed by James Wyatt, was demolished in 1953. Both of these buildings were located in the north-west quarter of the park, to the south of the kitchen garden. Historical remnants survive in the form of a loggia, walled garden, stables and Ha Ha. There are several listed buildings and other listed structures within the Estate. Archaeological evidence of the earlier buildings and site layout have been documented. The surrounding parkland is characterised by open grazing meadows and mature forest and specimen trees.
- 2.3 A replacement Hall on the site of the Georgian Hall was granted outline Planning Permission in 1992 which was renewed in 2000, 2003 and 2005. A later outline approval for a hotel and leisure facility was also granted on the site in 2007 with a renewal granted in 2010.

3. Proposal

- 3.1 The application, in outline with all matters reserved, is to create a new landmark building on and around the site of the previous Halls with the intention of it being a family home for the Rous Family.
- 3.2 The applicants explain that their plan to build a new family home in what was the garden of the Georgian Hall will finally restore the focal point of Repton's landscape design from 1791, which was lost when the previous house was destroyed in 1953. A previous approval to build an apartment complex on the site of the Georgian hall however has proved to be difficult to achieve in the aftermath of the global financial crisis and in retrospect will have changed the nature of the park entirely.
- 3.3 The outline application is supported with a Design and Access/Heritage Statement, which includes detailed information on the historic development and significance of the parkland and justification for the siting of the proposed building in the area of the previous buildings, and to respect historical landscape elements and views. Building in front of the stables will ensure this structure will once again become ancillary service buildings to the hall. The site is just east of the Georgian Hall site and will ensure the foundations of both the Georgian and Tudor Halls can be preserved.
- 3.4 Also, one of the determining factors in the selection of this site is aligning the building to achieve the optimal point for solar gain to meet the objective of achieving the most environmentally sustainable building possible.
- 3.5 Access to the Hall would principally be via the entrance off the A145 serving Dairy Farm and the Stables. The grand formal entrance (included for the historical hall) would be from the south, but this would rarely be used.

3.6 It is still the intention to carry on using the parkland for various events including the Latitude Music festival and the charitable events such as The Grand Henham Steam Rally.

4. Consultations/comments

4.1 No third-party representations have been received.

5. Consultees

Parish/Town Council

Consultee	Date consulted	Date reply received
Wangford With Henham Parish Council	22 September 2020	8 October 2020
Summary of comments: No objections		

Consultee	Date consulted	Date reply received
Henstead With Hulver Street Parish Council	17 September 2020	No response
Summary of comments: Response to say application sent to them in error.		

Statutory consultees

Consultee	Date consulted	Date reply received
The Gardens Trust	20 October 2020	20 October 2020
Summary of comments: Planning permission has previously been obtained for various houses/new hotel within the parkland, so in principle have no objection to the scheme. However, we would wish to reserve judgement until such time as greater details emerge as to the design of the new house are available and how it relates to the surviving Repton parkland.		

Consultee	Date consulted	Date reply received
Suffolk County Archaeological Unit	30 September 2020	30 September 2020
Summary of comments: This proposed development site lies in an area of archaeological potential recorded on the County Historic Environment Record, in close proximity to the site of the 18th Century Henham Hall		

(demolished in 1953), and within an area of formal gardens shown on the Ordnance Survey 1st edition mapping, associated with that building. It is likely that elements of this feature remain buried at the location, which would shed light on the development of the gardens through time. The development site also has potential for archaeological remains from earlier periods, including remains associated with the Tudor Henham Hall (the site of which lies approximately 70m NW). Any permission granted should be the subject of planning conditions to record and advance understanding of the significance of any heritage asset before it is damaged or destroyed.

Consultee	Date consulted	Date reply received
Suffolk County - Highways Department	17 September 2020	7 October 2020
Summary of comments: Recommends conditions relating to details of access, visibility splays and parking.		

Non statutory consultees

Consultee	Date consulted	Date reply received
Landscape Team (Internal)	5 October 2020	16 October 2020
Summary of comments: Addressed in officer report.		

Consultee	Date consulted	Date reply received
Design And Conservation (Internal)	5 October 2020	27 October 2020
Summary of comments: Addressed in officer report.		

Consultee	Date consulted	Date reply received
Environmental Protection (Internal)	17 September 2020	9 October 2020
Summary of comments: Recommend conditions be imposed relating to contamination survey's and remediation.		

Consultee	Date consulted	Date reply received
Ecology (Internal)	17 September 2020	No response
Summary of comments: Referred to in officer report.		

Consultee	Date consulted	Date reply received
Waveney Norse - Property And Facilities	17 September 2020	No response
Summary of comments: Referred to in officer report.		

Consultee	Date consulted	Date reply received
Essex And Suffolk Water PLC	17 September 2020	No response
Summary of comments: No response received.		

Consultee	Date consulted	Date reply received
Suffolk Fire And Rescue Service	22 September 2020	22 September 2020
Summary of comments: Make advisory comments regarding compliance with the Building Regs and advise that given the site is 700m from the nearest fire hydrant would recommend that proper consideration be given to the potential life safety, economic, environmental and social benefits derived from the provision of an automatic fire sprinkler system.		

6. Publicity

The application has been the subject of the following press advertisement:

Category	Published	Expiry	Publication
Departure	13 November 2020	4 December 2020	Lowestoft Journal
Category	Published	Expiry	Publication
Departure	13 November 2020	4 December 2020	Beccles and Bungay Journal

7. Planning policy

- 7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that *“where in making any determination under the planning Acts, if regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise”*.
- 7.2 The National Planning Policy Framework (NPPF) and National Planning Policy Guidance (NPPG) are material considerations when determining the application.
- 7.3 The East Suffolk Council - Waveney Local Plan was adopted on 20 March 2019 and the following policies are considered relevant:

WLP1.2 - Settlement Boundaries (East Suffolk Council - Waveney Local Plan (March 2019))

WLP8.29 - Design (East Suffolk Council - Waveney Local Plan (March 2019))

WLP8.34 - Biodiversity and Geodiversity (East Suffolk Council - Waveney Local Plan (March 2019))

WLP8.35 - Landscape Character (East Suffolk Council - Waveney Local Plan (March 2019))

WLP8.37 - Historic Environment (East Suffolk Council - Waveney Local Plan (March 2019))

WLP8.40 - Archaeology (East Suffolk Council - Waveney Local Plan (March 2019))

8. Planning considerations

- 8.1 The site lies in the countryside where Local Plan policy WLP1.2: Settlement Boundaries indicates new residential development will not be permitted except where specific policies in this Local Plan indicate otherwise, these are WLP8.6 - Affordable Housing; WLP8.7 - Small scale residential development (only applicable to infilling of a gap within a built up area of a settlement in the countryside); WLP8.8 - Rural Workers Dwellings; WLP8.9 - Replacement Dwellings and Extensions (only applicable to replacement of an existing dwelling) and WLP8.11 - Conversion of Rural Buildings. The proposals fail to meet any of these exception policies and so would be contrary to the Development Plan.
- 8.2 All planning applications are required to be determined in accordance with the Development Plan unless material considerations indicate otherwise. As with previous planning consents for a replacement hall in Henham Park, a new hall is considered justified as part of the restoration and enhancement of the listed parkland. It would return a focus back to the designated historic landscape that has been lacking in recent years.
- 8.3 Local Plan policy WLP8.37 - Historic Environment seeks - in line with the NPPF - to preserve and enhance designated heritage assets, which includes Registered Parks and Gardens. The NPPF encourages local authorities to look for opportunities for new development to enhance or better reveal the significance of heritage assets. A new hall will make a positive contribution to the designated heritage asset in line with the NPPF.
- 8.4 The Council's Arboricultural and Landscape Manager is of the view that historic parkland landscapes such as this have always evolved and changed throughout their history, albeit perhaps sometimes with prolonged periods of stagnation. He states: *"Over history, large tracts of designed gardens have been swept aside for new design styles and fashions, especially in the 17th and 18th centuries when formality was cleared for the naturalistic. Large, significant family houses were almost always key elements of these landscapes with landscape designers often having a big influence on siting and orientation of houses. On that basis, the Henham parkland is conspicuous for not currently having a significant house."* He is therefore supportive of a new house in principle and considers that the justification for its siting seems to be well considered and respects the previous evolution of this area of the parkland.

- 8.5 The Council's Design and Conservation Team are also supportive of the principle in the location proposed, based on the information provided in the submitted Heritage Statement. It is noted however that the acceptability of any scheme will depend very much upon the scale, form, materials and architectural design of the building and how this relates to the surrounding gardens, the setting of other heritage assets affected such as the Grade II listed serpentine walling and stables and the remaining wider parkland setting, which will need to be carefully assessed at detailed reserved matters application stage.
- 8.6 Other consultee responses have also been positive such that there is a wide consensus of support for the proposal. It is not considered that increasing the use of the existing access for one additional dwelling will cause highway safety issues.
- 8.7 The proposed design of the new hall and associated works, such as access, parking and private amenity space will need to be carefully considered to ensure the landscape character of the historic parkland and AONB landscape is not harmed and to meet the provisions of policy WLP8.35 - Landscape Character. In terms of wider landscape impact, it is considered there will be minimal visual impact given the extent of mature trees that exist on the periphery of the Park. A planning condition is recommended to remove permitted development rights in order that the local planning authority may retain control over further development within the historic parkland in the interests of preserving the special character of the designated heritage asset.
- 8.8 It is intended that none of the original hidden archaeological remains are removed unless absolutely necessary and accurate measurements and notes would be undertaken to properly record all finds. Positioning the new hall to the east of the Georgian Hall will ensure the foundations remaining are avoided. The County Archaeologists have recommended conditions be imposed requiring the submission and implementation of a programme of archaeological work to be agreed before development takes place. It is thus considered the proposals accord with policy WLP8.40- Archaeology.
- 8.9 The Council's Ecologist confirms the proposal appears unlikely to have a significant adverse impact on protected species or UK Priority species (under Section 41 of the Natural Environment and Rural Communities (NERC) Act (2006)). The site of the proposed dwelling is within an area identified on MAGIC Map as wood pasture and parkland, which is a UK Priority habitat. Given the historic use of the area, that it is comprised of mown grassland and that no trees are proposed for removal, the proposed development is not likely to result in a significant adverse impact on UK Priority habitat.
- 8.10 The development site is within the recreational disturbance Zone of Influence for the following Habitats Sites (European Sites) in East Suffolk, as set out in the Suffolk Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS): Minsmere-Walberswick SPA; the Minsmere-Walberswick Ramsar Site; the Minsmere-Walberswick Heaths and Marshes SAC; the Benacre-Easton Bavents SPA and the Benacre-Easton Bavents Lagoons SAC. Habitats Regulations Assessment of the Local Plan has identified that new residential growth in East Suffolk will result in increased recreational disturbance on Habitats Sites. The in-combination effect of this new growth will, in the absence of adequate mitigation measures, result in an adverse effect on the integrity of Habitats Sites in East Suffolk.

- 8.11 The applicant has made the required financial contribution under the Suffolk Coast RAMS to mitigation measures to address this impact. It can therefore be concluded that this development will not result in an in-combination adverse effect on the integrity of Habitats Sites in accordance with the requirements of Local Plan policy WLP8.34 and NPPF Chapter 15.

9. Conclusion

- 9.1 The proposals to restore a new family home within Henham Park is considered justified as a departure from the Development Plan because of the benefits that would be gained in preserving and enhancing this designated heritage asset.

10. Recommendation

- 10.1 Approve subject to the following controlling conditions.

11. Conditions:

1. a) Application for approval of any reserved matters must be made within three years of the date of this outline permission and then

b) The development hereby permitted must be begun within either three years from the date of this outline permission or within two years from the final approval of the reserved matters, whichever is the later date.

Reason: To comply with section 92 of the Town and Country Planning Act 1990.

2. Details relating to the layout, scale, appearance, access and landscaping of the site (the "reserved matters"), shall be submitted to and approved by the Local Planning Authority before any development is commenced.

Reason: To comply with Sections 91 and 92 of the 1990 Act.

3. No development shall take place within the area indicated [the whole site] until the implementation of a programme of archaeological work has been secured, in accordance with a Written Scheme of Investigation which has been submitted to and approved in writing by the Local Planning Authority. The scheme of investigation shall include an assessment of significance and research questions; and:
 - a) The programme and methodology of site investigation and recording
 - b) The programme for post investigation assessment
 - c) Provision to be made for analysis of the site investigation and recording
 - d) Provision to be made for publication and dissemination of the analysis and records of the site investigation
 - e) Provision to be made for archive deposition of the analysis and records of the site investigation

- f) Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
- g) The site investigation shall be completed prior to development, or in such other phased arrangement, as agreed and approved in writing by the Local Planning Authority.

Reason: The site is potentially of archaeological and historical significance.

- 4. No building shall be occupied until the site investigation and post investigation assessment has been completed, submitted to and approved in writing by the Local Planning Authority, in accordance with the programme set out in the Written Scheme of Investigation previously approved and the provision made for analysis, publication and dissemination of results and archive deposition.

Reason: To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development, in accordance with Strategic Priority 3 and WLP8.40 of the Waveney Local Plan (2019) and the National Planning Policy Framework (2019).

- 5. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECOW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that ecological receptors are adequately protected as part of the development.

- 6. Concurrently with the first submission of reserved matters details of the areas to be provided for the [LOADING, UNLOADING,] manoeuvring and parking of vehicles including secure cycle storage shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter and used for no other purpose.

Reason: To ensure the provision and long term maintenance of adequate on-site space for the parking and manoeuvring of vehicles in accordance with Suffolk Guidance for Parking (2015) where on-street parking and manoeuvring would be detrimental to highway safety.

7. No development (including any construction, demolition, site clearance or removal of underground tanks and relic structures) approved by this planning permission, shall take place until a site investigation consisting of the following components has been submitted to, and approved in writing by, the local planning authority:

1) A desk study and site reconnaissance, including:

- * a detailed appraisal of the history of the site;
- * an inspection and assessment of current site conditions;
- * an assessment of the potential types, quantities and locations of hazardous materials and contaminants considered to potentially exist on site;
- * a conceptual site model indicating sources, pathways and receptors; and
- * a preliminary assessment of the risks posed from contamination at the site to relevant receptors, including: human health, ground waters, surface waters, ecological systems and property (both existing and proposed).

2) Where deemed necessary following the desk study and site reconnaissance an intrusive investigation(s), including:

- *the locations and nature of sampling points (including logs with descriptions of the materials encountered) and justification for the sampling strategy;
- *explanation and justification for the analytical strategy;
- *a revised conceptual site model; and
- *a revised assessment of the risks posed from contamination at the site to relevant receptors, including: human health, ground waters, surface waters, ecological systems and property (both existing and proposed).

All site investigations must be undertaken by a competent person and conform to current guidance and best practice, including BS8485:2015+A1:2019, BS10175:2011+A2:2017 and the Land Contamination Risk Management.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

8. No development (including any construction, demolition, site clearance or removal of underground tanks and relic structures) approved by this planning permission, shall take place until a detailed remediation method statement (RMS) has been submitted to, and approved in writing by, the LPA. The RMS must include, but is not limited to:
- *details of all works to be undertaken including proposed methodologies, drawings and plans, materials, specifications and site management procedures;
 - *an explanation, including justification, for the selection of the proposed remediation methodology(ies);
 - *proposed remediation objectives and remediation criteria; and
 - *proposals for validating the remediation and, where appropriate, for future maintenance and monitoring.

The RMS must be prepared by a competent person and conform to current guidance and best practice, including BS8485:2015+A1:2019 and Land Contamination Risk Management.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

9. Prior to any occupation or use of the approved development the RMS approved under condition 8 must be completed in its entirety. The LPA must be given two weeks written notification prior to the commencement of the remedial works.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

10. A validation report must be submitted to and approved in writing by the LPA prior to any occupation or use of the approved development. The validation report must include, but is not limited to:

- *results of sampling and monitoring carried out to demonstrate that the site remediation criteria have been met;

- *evidence that the RMS approved under condition 9 has been carried out competently, effectively and in its entirety; and

- *evidence that remediation has been effective and that, as a minimum, the site will not qualify as contaminated land as defined by Part 2A of the Environmental Protection Act 1990.

The validation report must be prepared by a competent person and conform to current guidance and best practice, including BS8485:2015+A1:2019, CIRIA C735 and Land Contamination Risk Management.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

11. In the event that contamination which has not already been identified to the Local Planning Authority (LPA) is found or suspected on the site it must be reported in writing immediately to the Local Planning Authority. Unless agreed in writing by the LPA no further development (including any construction, demolition, site clearance, removal of underground tanks and relic structures) shall take place until this condition has been complied with in its entirety.

An investigation and risk assessment must be completed in accordance with a scheme which is subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and conform with prevailing guidance (including BS8485:2015+A1:2019, BS 10175:2011+A2:2017 and Land Contamination Risk Management) and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority.

Where remediation is necessary a detailed remediation method statement (RMS) must be prepared, and is subject to the approval in writing of the Local Planning Authority. The RMS must include detailed methodologies for all works to be undertaken, site management procedures, proposed remediation objectives and remediation criteria. The approved RMS must be carried out in its entirety and the Local Planning Authority must be given two weeks written notification prior to the commencement of the remedial works. Following completion of the approved remediation scheme a validation report that demonstrates the effectiveness of the remediation must be submitted to and approved in writing by the LPA.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

12. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 or any Order revoking or re-enacting the said Order] no development of any kind specified in Part 1, Classes A, B, C, D, E, and H; Part 2 Classes A and C; and Part 14 Class A of Schedule 2 of the said Order shall be carried out unless unless prior application is made to the local planning authority and their approval in writing obtained thereto.

Reason: In order that the local planning authority may retain control over further development within the historic parkland in the interests of preserving the special character of the designated heritage asset.

Informatives:

1. The Local Planning Authority has assessed the proposal against all material considerations including planning policies and any comments that may have been received. The planning application has been approved in accordance with the objectives of the National Planning Policy Framework and local plan to promote the delivery of sustainable development and to approach decision taking in a positive way.
2. East Suffolk Council is a Community Infrastructure Levy (CIL) Charging Authority.

The proposed development referred to in this planning permission may be chargeable development liable to pay Community Infrastructure Levy (CIL) under Part 11 of the Planning Act 2008 and the CIL Regulations 2010 (as amended).

If your development is for the erection of a new building, annex or extension or the change of use of a building over 100sqm in internal area or the creation of a new dwelling, holiday let of any size or convenience retail, your development may be liable to pay CIL and you must submit a CIL Form 2 (Assumption of Liability) and CIL Form 1 (CIL Questions) form as soon as possible to CIL@eastsoffolk.gov.uk

A CIL commencement Notice (CIL Form 6) must be submitted at least 24 hours prior to the commencement date. The consequences of not submitting CIL Forms can result in the loss of payment by instalments, surcharges and other CIL enforcement action.

CIL forms can be downloaded direct from the planning portal:

https://www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy/5

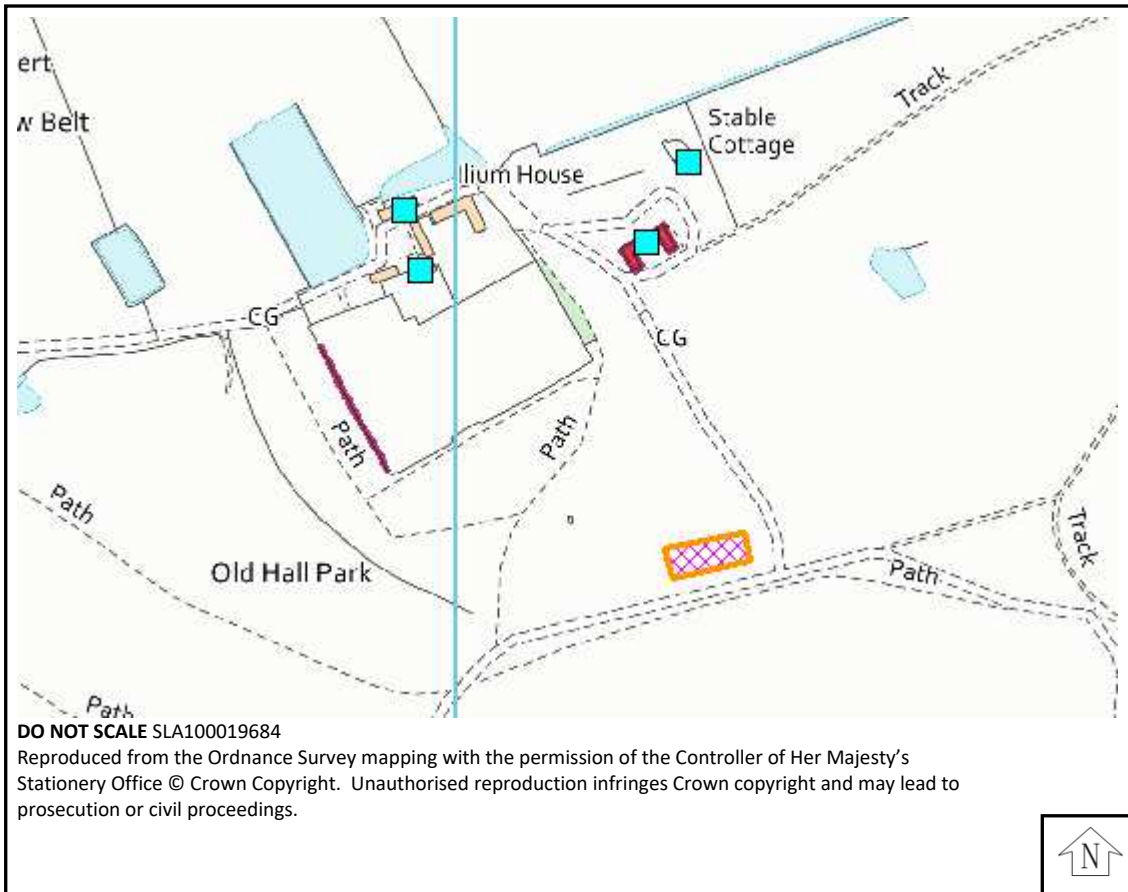
Guidance is viewable at: <https://www.gov.uk/guidance/community-infrastructure-levy>

3. The applicant is advised to seek pre-application planning advice, prior to the submission of a Reserved Matters application, of the proposed design and scale of the building, materials to be used and access arrangements.





Background Papers

See application reference DC/20/3627/OUT on [Public Access](#)

Map



Key

-  Notified, no comments received
-  Objection
-  Representation
-  Support