



CABINET

Tuesday, 01 June 2021

Subject	Extensions to existing North Lowestoft Conservation Area and Proposed adoption of the North Lowestoft Conservation Area Appraisal
Report of	Councillor David Ritchie Cabinet Member with responsibility for Planning and Coastal Management
Supporting Officer	Elizabeth Martin Senior Design & Conservation Officer elizabeth.martin@eastsoffolk.gov.uk 07780339527

Is the report Open or Exempt?	OPEN
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Category of Exempt Information and reason why it is NOT in the public interest to disclose the exempt information.	Not applicable
Wards Affected:	Harbour & Normanston Gunton & St Margarets

Purpose and high-level overview

Purpose of Report:

The purpose of this report is to seek the adoption of the North Lowestoft Conservation Area Appraisal with boundary changes as a Supplementary Planning Document; and to consider extensions to the Conservation Area. The Supplementary Planning Document provides guidance on the historic significance of the area to support decision making in the development management planning process.

Options:

Adopt the North Lowestoft Conservation Area Appraisal Supplementary Planning Document. This will mean the Council has an up-to-date Supplementary Planning Document to guide decision making within the planning process for the preservation or enhancement of the North Lowestoft Conservation Area.

An alternative option would be to not adopt the Supplementary Planning Document and continue to use the existing North Lowestoft Conservation Area Appraisal dated March 2007. However, this would be a missed opportunity to provide updated and relevant information on the area that will take account of changed national guidance, the adoption of the Waveney Local Plan and changed circumstances on the ground.

Recommendation/s:

1. That the North Lowestoft Conservation Area Appraisal Supplementary Planning Document be adopted attached at Appendix A.
2. That Cabinet agrees the extension of the North Lowestoft Conservation Area as shown on the map attached at Appendix B and including those properties and land included in the schedule attached at Appendix G.
3. That the Head of Planning and Coastal Management, in consultation with the Cabinet Member with responsibility for Planning and Coastal Management, be authorised to make any presentational or typographical amendments to the North Lowestoft Conservation Area Appraisal Supplementary Planning Document prior to it being published.

Corporate Impact Assessment

Governance:

No Impacts.

ESC policies and strategies that directly apply to the proposal:

The Supplementary Planning Document supports the implementation of the Policy WLP8.39 – Conservation Areas in the Waveney Local Plan.

Which states; ***Development within conservation areas will be assessed against the relevant Conservation Area Appraisals and Management Plans***

The Waveney Local plan states that Conservation Area Appraisals are regularly updated;

8.228 All of the above Conservation Areas have had Conservation Area Appraisals and Management Plans prepared. These are updated regularly and provide an overview, of the character, significance and management of the conservation areas.

Environmental:

No Impacts.

Equalities and Diversity:

No Impacts.

Financial:

The production and adoption of the Supplementary Planning Document is covered by the existing budget of the Development Management Team.

Human Resources:

No Impacts.

ICT:

No Impacts.

Legal:

The Supplementary Planning Document has been produced and been subject to public consultation in accordance with Historic England Guidance.

Risk:

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

External Consultees:	Owner/Occupiers of all the properties in the existing and proposed extensions to the North Lowestoft Conservation Area were sent letters by post, together with emails to other interested organisations/parties (detailed in the report below).
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Strategic Plan Priorities

Select the priorities of the Strategic Plan which are supported by this proposal: <i>(Select only one primary and as many secondary as appropriate)</i>		Primary priority	Secondary priorities
T01	Growing our Economy		
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"/>
T02	Enabling our Communities		
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"/>
T03	Maintaining Financial Sustainability		
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"/>
T04	Delivering Digital Transformation		
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"/>
T05	Caring for our Environment		
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"/>
XXX	Governance		
XXX	How ESC governs itself as an authority	<input type="checkbox"/>	<input type="checkbox"/>
How does this proposal support the priorities selected?			
<p>This Supplementary Planning Document primarily supports T01 Growing Our Economy of the Strategic Plan, priority of P03 - 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 North Lowestoft Conservation Area.</p> <p>The Supplementary Planning Document secondarily supports; T01, Growing Our Economy priority P01 Build the right Environment for East Suffolk, as it serves to support the policies in the <i>“Up to date local plans proving a strategy for growth and place making.”</i> and T02, Enabling our communities, priority P09 - Community Pride, as it as the historic environment contributes to a sense of place and the richness of culture.</p>			

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 conservation areas and determine whether any parts or 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	There are currently 51 Conservation Areas designated across the East Suffolk Council District. The Council has a programme of reviewing all the Conservation Area, as recommended by good practice.
1.3	The North Lowestoft Conservation Area was designated in 1973 and was extended to the north in 1996 and to the south in 2003. The existing North Lowestoft Conservation Area appraisal was adopted in March 2007.
1.4	The existing document is considered to be of an age which requires review and to be updated accordingly to remain relevant/fit for purpose.

2 Current position

2.1 It is considered timely and relevant under Section 69 of the 1990 Act, to propose the adoption of the revised North Lowestoft Conservation Area Appraisal, (Appendix A) which includes extensions to the conservation area boundary, (Appendix B), as a Supplementary Planning Document.

2.2 This report will provide a summary of the following;
Proposed boundary changes,
Identification of positive unlisted buildings,
Public consultation,
Consequences of proposals,
National and local planning policies, and
Procedures to be taken for formal and informal notification.

2.3 **Proposed boundary changes**
The boundary of the conservation area was reviewed in accordance with paragraph 10.11 of conservation management plan of the revised document and using the guidance provided by Historic England in their Advice Note 1 (Second Edition) 'Conservation Area Designation, Appraisal and Management' (Feb 2019).

The proposed boundary changes to the conservation area are illustrated in the map attached as Appendix B and scheduled in Appendix G. This comprises six areas adjacent to the existing conservation area boundary and the exclusion of a small area, also adjacent to the boundary.

The areas identified to be added are;

- The Ravine: The Denes Recreation Ground or 'Oval', (including adjacent cliff).
- Corton Road: Short length on the west side of the road, adjacent to the existing boundary, to include two Arts & Crafts houses.
- Royal Avenue: Short length adjacent to the existing boundary to include two dwellings.
- Arnold Street: Short length of street adjacent the existing boundary to include a nineteenth century Drill Hall and one dwelling.
- High Street/Artillery Way: A short section of road at the intersection of Artillery Way with the High Street to connect the otherwise separated sections of the Conservation Area. This area forms the historic line of the High Street where the two roads cross; no additional structures are located in this area.
- London Road: No.170 (The Volunteer PH) which plays a key part in the setting of the adjoining Grade II Listed chapel and schools complex.

The area identified for removal;

- Whapload Road: A small area to the south side of the net drying area. This does not follow any existing historic boundary and appears to be a mapping error.

The following building/structures are within the above proposed extensions;
Bellevue Character Area;

- Nos.31-33 Corton Road,
 - Nos. 85-87 (odd) Royal Avenue,
 - The curtain wall, lodges, and pavilions of the Denes Recreation Ground or 'Oval'.
- High Street Character Area;
- Former Drill Hall Arnold Street,
 - No.38 Arnold Street,

2.4 **Identification of Positive Unlisted Buildings**

The current North Lowestoft Conservation Area Appraisal (see background reference papers below) identifies “Locally Listed” buildings. However, in the majority of East Suffolk Conservation Area Appraisals such historic assets are referred to as positive unlisted buildings.

In order to unify the terminology across all of East Suffolk Council’s Conservation Area appraisals, when they are periodically updated, such assets are being referred to as positive unlisted buildings, which will eventually lead to all the appraisals to be consistent.

Therefore, such structures/buildings in the revised Conservation Appraisal are identified as positive unlisted buildings. These are illustrated on the mapping within the document and described in the text.

This change in terminology does not change the level of protection currently afforded to those referred to as locally listed in the planning process. They are not protected by statutory listing but are considered to make a positive contribution to the character or appearance of the Conservation Area. Identifying positive unlisted buildings means that extra care will be taken when considering development proposals that would affect them. Demolition of a positive unlisted building would be viewed unfavourably.

Identifying positive unlisted buildings within the Conservation Area Appraisal, allows a mechanism for their periodic review and public consultation on which structures are considered to contribute in this way.

The fieldwork was undertaken by a consultant viewed from public thoroughfares and this work was supplemented with information from published material and map regression studies. The structures identified in the appraisal as being positive unlisted buildings are not claimed to be exhaustive, as other structures of significance may exist that are not readily visible from public footpaths and roads.

2.5 **Public Consultation**

There is no statutory requirement to undertake consultation on proposals to extend an existing conservation area. However, Historic England’s Advice Note 1 on conservation area designation (2019.) states under the heading ***‘Finalising, reviewing and publicising the conservation area boundary’*** that ***“Involving the community at an early stage is advisable”*** (para.76).

The public consultation on the North Lowestoft Conservation Area Appraisal Draft document (Appendix C) was undertaken by ESC between the 15th of February to the 26th of March 2021(six weeks).

Letters were sent out via the post to the owner/occupiers of all properties within the existing conservation area boundary (1,105 No.) and the proposed extensions (10 No.) to inform them of the proposal to extend the conservation area; to provide a summary of the consequences of designation; to inform them of the identification of positive unlisted buildings within the conservation area and to seek their views on the proposal.

The letter advised of the consultation period and gave a weblink to the Council’s

website where the draft appraisal document could be viewed/downloaded. Enclosed with the letter was a printed map of the proposed extended Conservation Area boundary and the offer to send a printed copy on request for those not able to access the information digitally.

The Lowestoft Town Council was emailed, informing them of the consultation and giving them the weblink to the Council's website where the document could be viewed/downloaded.

The ward members for East Suffolk Council were informed of the consultation dates together with the web link to the draft document and invited to comment.

County Council ward members for the area were also emailed informing them of the consultation and giving them the weblink to the Council's website where the document could be viewed/ downloaded.

The Draft Appraisal was placed on the Council's website for viewing/downloading; A press release was issued. Invitations for responses were also sent to the following bodies: Historic England, The Suffolk Preservation Society, Suffolk County Council Archaeological Service and the Lowestoft Civic Society.

During the consultation period the associated North Lowestoft Conservation Area Appraisal Draft Consultation webpage on the Council's website had 266 page views, with 232 of these being unique. The document was viewed 115 times.

A total of 14 responses were received by email; phone call and letter.

Of these there were;

4No. Requests for printed copies/ large print map/further information

1No. Observation only

7No. Support;

2No. Opposed; (1No.of mixed views).

A summary of the public responses received together with the Council's response/actions is appended to this report (Appendix D).

Only one response regarding the proposed extensions to the Conservation Area was from a party directly affected by the proposal. This was Lowestoft Town Council, which owns The Denes 'Oval' and part of the cliff. The Town Council support the document with the exception of the proposed extension of this area, to which they have expressed an objection. This states: ***"that the Town Council is opposed to adding the whole of the Denes Oval (a Lowestoft Town Council owned asset) to the Conservation Area as the Town Council is already respecting the history of the site."***

However, it is the Officer's view that inclusion of this area within the Conservation Area should not negatively affect the Town Council's ability to continue to respect the history of the site as stated but will recognise and protect its contribution to the area going forward. Therefore, it remains within the revised boundary.

Extra explanatory information as to why this area is deemed to warrant inclusion are set out in detail in the email sent to the Town Council 26.02.21 (Appendix E)

2.6 Consequences of the Proposal on extended areas

The principal consequences of conservation area designation are as follows:

- The Council is under a duty to prepare proposals to ensure the preservation or

	<p>enhancement of the area;</p> <ul style="list-style-type: none"> • 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; • 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. • Special publicity must be given to planning applications for development in the area; • 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; • The details as to the limits of what works may be carried out without planning permission are different and are summarised at Appendix E; and • 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 & Country Planning Act 1990). <p>The existing Conservation Area has the additional planning control of an Article 4 Direction issued upon it. This restricts the scope of permitted development rights. The order has been applied over the whole of the existing Conservation Area, resulting “blanket” coverage of all qualifying buildings. This will stay in place on the area on which it is issued, until it is reviewed. Any new Article 4 direction is likely to be much more focused, identifying certain buildings within the Conservation Area in conformance with forthcoming Government changes to the NPPF that will require such Directions to apply to the smallest geographical area possible.</p>
2.7	<p>Paragraph 201 of the National Planning Policy Framework (NPPF) states that the <i>‘loss of a building... which makes a positive contribution to the significance of the conservation area... should be treated either as substantial harm or less than substantial harm’</i>. Therefore, the buildings identified as positive unlisted buildings will be protected by national planning policy. Identification of them is aimed at ensuring that planners, owners and developers are aware of the building’s positive contribution and that permission for demolition is unlikely to be granted. The loss of a positive unlisted building within a conservation area would normally represent less than substantial harm to the conservation area which is a designated heritage asset.</p> <p>According to paragraph 196 of the NPPF ‘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’. This would be the test that either the Planning Officer or Planning Committee would have to apply when deciding whether to approve the demolition of a positive unlisted building.</p>
2.8	<p>Procedures to be taken for formal and informal notification</p> <p>Should the Cabinet resolve to adopt the North Lowestoft Conservation Area Appraisal the designation date of the proposed extensions will be at the end of the call-in period for Cabinet decisions, which will be 5pm on the 12th June 2021.</p>

After the designation of the extended conservation area, the following statutory notifications will take place:

- The new designation will be advertised in the London Gazette;
- The new designation will be advertised in at least one local newspaper;
- The Secretary of State will be notified;
- Historic England will be notified; and
- The inclusion of a building in a Conservation Area is a ‘Planning Charge’ and all properties within the extensions to the Conservation Area will be included in Part 3 of the Local Land Charges Register.

The following non-statutory notifications will take place:

- All property owners/occupiers and landowners affected directly by falling within the extensions to the Conservation Areas will receive a letter advising of the designation; the date of designation; and including a guidance leaflet on Conservation Areas;
- The Town Council and Ward Members will be informed;
- Public utilities, local estate agents, surveyors, architects, builders and tree surgeons will be informed as far as reasonable; and
- Other relevant departments within the Council will be informed.
- The Conservation Area Appraisal will be available to download from the Conservation Area pages of the Council’s website.

3 How to address current situation

3.1 The current North Lowestoft Conservation Area Appraisal is 14 years old. Adoption of the revised North Lowestoft Conservation Area Appraisal would allow the Council to maintain an up-to-date and relevant Supplementary Planning document to support informed decision making in the development management planning process.

4 Reason/s for recommendation

4.1 Under section 71 of the Planning (Listed Buildings and Conservation Areas) Act 1990 East Suffolk Council has a statutory duty to draw up and publish proposals for the preservation and enhancement of conservation areas in its district from time to time.

4.2 The document, if adopted, as Supplementary Planning Document will assist in delivery of the Strategic Plan 2020-2024, by supporting delivery of T01 Growing Our Economy of the Strategic Plan, priority of P03.
“Protection and enhancement of the natural, built and historic environment.” The secondarily support the delivery of 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.”*

4.3 The document if adopted as Supplementary Planning Document supports the implementation of the Policy WLP8.39 – Conservation Areas in the Waveney Local Plan by providing *“relevant Conservation Area Appraisals and Management Plans”*.

4.4 Officers judge that the public consultation exercise undertaken has demonstrated that, amongst those who responded that there is a majority in support of the proposals.

4.5	<p>Officers judge the proposed extensions, which covers properties and land, are required as these areas have been assessed as part of a boundary review and found them to be of a quality equal to that within the existing boundary. Their character contributes positively to the existing conservation area which the preservation or enhancement of as part of the conservation area would be desirable.</p> <p>The omission of a small area of land, believed to be a mapping error is desirable as it fails to contribute to the Conservation Area to a level which requires its inclusion. Removal will allow the Conservation Area boundary to be logical and concise.</p>
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Appendices

Appendices:	
Appendix A	North Lowestoft Conservation Area Appraisal (Final document - to be adopted) Supplementary Planning Document.
Appendix B	Map of the proposed Conservation Area Boundary.
Appendix C	North Lowestoft Conservation Area Appraisal Draft document. (Consultation Document). Public Consultation - North Lowestoft Conservation Area Appraisal » East Suffolk Council
Appendix D	Summary of Responses to the Public Consultation/Council response/Action
Appendix E	Email to Town Council Lowestoft Town Council 26.02.21 with reasons for the proposal to extend the North Lowestoft Conservation Area to include the Denes 'Oval'.
Appendix F	Summary of Works that may be carried out without planning permission.
Appendix G	Schedule of properties and land to be added and omitted in boundary changes to the North Lowestoft Conservation Area.

Background reference papers:		
Date	Type	Available From
2007	Existing North Lowestoft Conservation Area	Part 1 RevB (eastsuffolk.gov.uk)
2019	Conservation Area Appraisal, Designation and Management Historic England Advice Note 1 (Second Edition)	https://historicengland.org.uk/images-books/publications/conservation-area-appraisal-designation-management-advice-note-1/heag-268-conservation-area-appraisal-designation-management/