



## CABINET

Tuesday, 04 January 2022

<b>Subject</b>	Extensions to existing Bungay Conservation Area and proposed adoption of the Bungay Conservation Area Appraisal and Management Plan
<b>Report by</b>	Councillor David Ritchie Cabinet Member with responsibility for Planning and Coastal Management
<b>Supporting Officer</b>	Karolien Yperman Design and Conservation Officer <a href="mailto:karolien.yperman@eastsoffolk.gov.uk">karolien.yperman@eastsoffolk.gov.uk</a> 07833288984

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>	Bungay & Wainford

## Purpose and high-level overview

### Purpose of Report:

The purpose of the report is to seek the adoption of the Bungay Conservation Area Appraisal and Management Plan with boundary changes and to consider extensions to the Conservation Area. The Appraisal and Management Plan provide guidance on the historic significance of the area to support decision-making in the development management process.

### Options:

Adopt the Bungay Conservation Appraisal and Management Plan (CAAMP). This will mean the Council has an up-to-date document to guide decision-making within the planning process for the preservation or enhancement of the Bungay Conservation Area.

Alternatively, the option is to not adopt the CAAMP and to continue using the existing CAAMP dating from 2007. However, this document does not take into account changed national guidance, the adoption of the Waveney Local Plan and changed circumstances on the ground.

### Recommendation/s:

1. That the Bungay Conservation Area Appraisal and Management Plan attached at Appendix A be adopted.
2. That the extensions of the Bungay Conservation Area as shown on the map attached at Appendix B be agreed and include those properties included in the schedule attached at Appendix E.
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 Bungay Conservation Area Appraisal and Management Plan prior to it being published.

## Corporate Impact Assessment

### Governance:

No Impacts

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

The CAAMP 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.***

<b>Environmental:</b> No Impacts
<b>Equalities and Diversity:</b> No Impacts
<b>Financial:</b> The production and adoption of the CAAMP is covered by the existing budget of the Development Management Team
<b>Human Resources:</b> No Impacts
<b>ICT:</b> No Impacts
<b>Legal:</b> The CAAMP has been produced and been subject to public consultation in accordance with Historic England Guidance.
<b>Risk:</b> There are no risks envisaged in relation to the implementation of the recommendations.

<b>External Consultees:</b>	Owner/Occupiers of all the properties in the existing and proposed extensions to the Bungay 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 <a href="#">Strategic Plan</a> which are supported by this proposal: <i>(Select only one primary and as many secondary as appropriate)</i>		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"/>

#### How does this proposal support the priorities selected?

This CAAMP 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 “*Protection and enhancement of the natural, built and historic environment*” by guiding Development Management decisions to preserve or enhance the Bungay Conservation Area.

The CAAMP secondarily supports;

**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

<b>1</b>	<b>Background facts</b>
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 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 Bungay Conservation Area was designated in 1970, and amended in 1981, 1997 and 2007. The existing Conservation Area Appraisal and Management Plan

	was adopted in 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 Planning (Listed Buildings and Conservation Areas) 1990, to propose the adoption of the revised Bungay Conservation Area Appraisal and Management Plan, (Appendix A) which includes extensions to the Conservation Area boundary, (Appendix B)
2.2	This report will provide a summary of the following; <b>Proposed boundary changes,</b> <b>Identification of positive unlisted buildings,</b> <b>Public consultation,</b> <b>Consequences of proposals,</b> <b>National and local planning policies, and</b> <b>Procedures to be taken for formal and informal notification</b>
2.3	<p><b>Proposed boundary changes</b></p> <p>The boundary of the Conservation Area was reviewed using the guidance provided by Historic England in their Advice Note 1 (Second Edition) 'Conservation Area Designation, Appraisal and Management' (Feb 2019).</p> <p>The proposed boundary changes to the Conservation Area are illustrated in the map attached as Appendix B. This comprises two individual properties and two groups of properties adjacent to the existing Conservation Area boundary. One area of exclusion, adjacent to the Conservation Area boundary was proposed initially, however following the public consultation it was decided to leave this area in (as described in para. 2.6 of this report). The boundaries were also adjusted in four areas, where they cut through building plots or mapping errors appeared to have occurred.</p> <p>The individual properties and groups of properties proposed to be included for their architectural and/or historic interest are:</p> <ul style="list-style-type: none"> <li>• The Old Chapel on Chaucer Street</li> <li>• No.16 Nethergate Street, No.18 Nethergate Street and No.8 Nethergate Street</li> <li>• The Chaucer Club, No.3 Popson Street</li> <li>• No.2 and No.4 Stone Alley</li> </ul> <p>The area initially proposed to be excluded was:</p> <ul style="list-style-type: none"> <li>• 3, 4 and 5 Rose Hall Gardens</li> </ul> <p>The minor boundary adjustments are:</p> <ul style="list-style-type: none"> <li>• 15 St John's Road - <i>Adjusted to include the garden and connect the two parts of the Conservation Area</i></li> <li>• Bungay Primary School - <i>Adjusted to include all buildings and ancillary open space</i></li> <li>• 28, 29 and 30 The Maltings - <i>Adjusted to follow the property boundary lines</i></li> <li>• 2, 4 and Chevington Lodge, Flixton Road - <i>Adjusted to follow the property</i></li> </ul>

	<i>boundary lines</i>
2.4	<p><b>Identification of Positive Unlisted Buildings</b></p> <p>The current Bungay Conservation Area Appraisal (see background reference papers below) identifies “Buildings that contribute to the Conservation Area”. However, in the majority of East Suffolk Conservation Area Appraisals such historic assets are referred to as positive unlisted buildings.</p> <p>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.</p> <p>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.</p> <p>This change in terminology does not change the level of protection. 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.</p> <p>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.</p> <p>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 and its Appendices 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.</p>
2.5	<p><b>Public Consultation</b></p> <p>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 <i>‘Finalising, reviewing and publicising the Conservation Area boundary’</i> that <i>“Involving the community at an early stage is advisable”</i> (para.76).</p> <p>The public consultation on the draft Bungay Conservation Area Appraisal and Management Plan (Appendix C) was undertaken by ESC between September 24<sup>th</sup> 2021 and November 5<sup>th</sup> 2021 (six weeks).</p> <p>An inspection copy of the document was sent to Bungay Library, to be displayed during opening hours.</p>

Letters were sent out via the post to the owner/occupiers of all properties within the existing Conservation Area boundary (895 No.), the proposed extensions (8 No.) and the proposed exclusions (3 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 Bungay 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; Invitations for responses were also sent to the following bodies: Historic England, The Suffolk Preservation Society, Suffolk County Council Archaeological Service, the Broads Authority and the Bungay Castle Trust.

During the consultation period the associated Bungay Conservation Area Appraisal Draft Consultation webpage on the Council's website had 139 page views, with 108 of these being unique.

Following the start of the public consultation, we received 7 responses that the map we sent out with the letters was not sufficiently readable. Therefore, an amended map at a larger scale was sent out by post to all owners/occupiers within the existing Conservation Area boundary and the proposed extensions and exclusions. The amended map was uploaded onto the consultation page on the Council's website.

A total of 33 responses were received by email; phone call and letter.

Of these there were;

- 12 No. Requests for printed copies/large print map/further information
- 11 No. Observation only;
- 6 No. Support (for the proposed inclusions);
- 3 No. Opposed (to the proposed exclusion);
- (1 No. contained support for the proposed inclusions and objection to the proposed exclusion).

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

2.6	<p>Following the end of the public consultation in light of the objections to the proposed exclusion of 3, 4 and 5 Rose Hall Gardens, this was given further consideration. It was concluded that this area, by virtue of the low scale and massing of the existing development, does make a contribution to the character and appearance of the Conservation Area. The bungalows are unintrusive and their scale allows an element of openness adjacent to Rose Hall, and a connection to the landscape on this western edge of the Conservation Area. It is therefore proposed to retain 3, 4 and 5 Rose Hall Gardens in the Conservation Area and to not amend the boundaries in this location.</p> <p>Minor amendments were made to the text of the Appraisal and Management Plan to reflect comments received, as well as minor amendments to the formatting of the document and maps, for clarity and ease of reading.</p>
2.7	<p><b>Consequences of the Proposal on extended areas</b></p> <p>The principal consequences of Conservation Area designation 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;</li> <li>• The details as to the limits of what works may be carried out without planning permission are different and are summarised at Appendix F; 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).</li> </ul> <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 para.53 of the NPPF (as revised in July 2021) which requires such Directions to apply to the smallest geographical area possible.</p>

2.8	<p>Paragraph 207 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 202 of the NPPF <i>'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'</i>. 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>
2.9	<p><b>Procedures to be taken for formal and informal notification</b></p> <p>Should the Cabinet resolve to adopt the Bungay Conservation Area Appraisal and Management Plan 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 January 14<sup>th</sup> 2022.</p> <p>After the designation of the extended Conservation Area, the following statutory notifications will take place:</p> <ul style="list-style-type: none"> <li>• The new designation will be advertised in the London Gazette;</li> <li>• The new 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 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.</li> </ul> <p>The following non-statutory notifications will take place:</p> <ul style="list-style-type: none"> <li>• 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;</li> <li>• The Town Council and Ward Members will be informed;</li> <li>• Public utilities, local estate agents, surveyors, architects, builders and tree surgeons will be informed as far as reasonable; and</li> <li>• Other relevant departments within the Council will be informed.</li> <li>• The Conservation Area Appraisal will be available to download from the Conservation Area pages of the Council's website.</li> </ul>

### 3 How to address current situation

3.1	The current Bungay Conservation Area Appraisal and Management Plan is 14 years old. Adoption of the revised Bungay Conservation Area Appraisal and Management Plan would allow the Council to maintain an up-to-date and relevant guidance to support informed decision-making in the development management planning process.
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### 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, 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. <i>“Protection and enhancement of the natural, built and historic environment.”</i> It will secondarily support the delivery of 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>
4.3	The document if adopted supports the implementation of the Policy WLP8.39 – Conservation Areas in the Waveney Local Plan by providing <i>“relevant Conservation Area Appraisals and Management Plans”</i> .
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	Officers judge the proposed extensions are appropriate as these areas have been assessed to have architectural and/or historic interest, which it is desirable to preserve and enhance through forming part of the Bungay Conservation Area.  The minor adjustments to the boundary, to correct mapping errors, are believed to be appropriate to allow the Conservation Area boundary to be logical and concise.

## Appendices

Appendices:	
<b>Appendix A</b>	Bungay Conservation Area Appraisal and Management Plan (Including Separate Appendix 4: Structures That Make a Positive Contribution to the Conservation Area)
<b>Appendix B</b>	Map of the proposed Conservation Area boundary
<b>Appendix C</b>	Link to Draft Bungay Conservation Area Appraisal and Management Plan
<b>Appendix D</b>	Summary of Responses to the Public Consultation/Council Responses/Actions
<b>Appendix E</b>	Schedule of properties to be added in boundary changes to the Bungay Conservation Area
<b>Appendix F</b>	Summary of Works that may be carried out without planning permission.

**Background reference papers:**

<b>Date</b>	<b>Type</b>	<b>Available From</b>
1990	Planning (Listed Building and Conservation Areas) Act 1990	<a href="https://www.legislation.gov.uk/ukpga/1990/24">Planning (Listed Buildings and Conservation Areas) Act 1990 (legislation.gov.uk)</a>
2007	Existing Bungay Conservation Area Appraisal and Management Plan	<a href="https://www.eastsuffolk.gov.uk/assets/Planning/Design-and-Conservation/Conservation-Area-Appraisals/Bungay-Conservation-Area-Character-Appraisal.pdf">https://www.eastsuffolk.gov.uk/assets/Planning/Design-and-Conservation/Conservation-Area-Appraisals/Bungay-Conservation-Area-Character-Appraisal.pdf</a>
2019	Conservation Area Appraisal, Designation and Management Historic England Advice Note 1 (Second Edition)	<a href="https://historicengland.org.uk/images-books/publications/conservation-area-appraisal-designation-management-advice-note-1/heag-268-conservation-area-appraisal-designation-management/">https://historicengland.org.uk/images-books/publications/conservation-area-appraisal-designation-management-advice-note-1/heag-268-conservation-area-appraisal-designation-management/</a>