



Riverside, 4 Canning Road, Lowestoft, Suffolk,
NR33 0EQ

Planning Committee North

Members:

Councillor Paul Ashdown (Chairman)
Councillor Jenny Ceresa (Vice-Chairman)
Councillor Jocelyn Bond
Councillor Norman Brooks
Councillor Linda Coulam
Councillor Graham Elliott
Councillor Andree Gee
Councillor Malcolm Pitchers
Councillor Craig Rivett

Members are invited to a **Meeting of the Planning Committee North**
to be held in the Conference Room, Riverside,
on **Tuesday, 13 August 2019 at 2:00 pm**

An Agenda is set out below.

Part One – Open to the Public

Pages

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- 1 Apologies for Absence and Substitutions**
 - 2 Declarations of Interest**
Members and Officers are invited to make any declarations of Disclosable Pecuniary or Local Non-Pecuniary Interests that they may have in relation to items on the Agenda and are also reminded to make any declarations at any stage during the Meeting if it becomes apparent that this may be required when a particular item or issue is considered.
 - 3 Declarations of Lobbying and Responses to Lobbying**
To receive any declarations of lobbying in respect of any item on the agenda and also declarations of any response to that lobbying.

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4	Minutes To confirm as a correct record the Minutes of the meeting held on 11 June 2019	1 - 10
5	Appointments to the Local Plan Working Group ES/0100 Report of the Leader of the Council	11 - 15
6	Enforcement Performance Report - April to June 2019 ES/0101 Report of the Head of Planning and Coastal Management	16 - 18
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8	DC/19/0061/FUL - Spexhall Hall, Hall Road, Spexhall, Halesworth ES/0036 Report of the Head of Planning and Coastal Management	32 - 52
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Part Two – Exempt/Confidential

Pages

There are no Exempt or Confidential items for this Agenda.

Close

A handwritten signature in dark ink, appearing to read "Stephen Baker", with a long horizontal flourish extending to the right.

Stephen Baker, Chief Executive

Speaking at Planning Committee Meetings

Interested parties who wish to speak at a Planning Committee meeting will need to register before the start of the meeting, the registration to speak at meetings can take place any time in the five days leading up to the Committee date up to 5pm, the day prior to the scheduled meeting.

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Interested parties permitted to speak on an application are a representative of Town / Parish Council or Parish Meeting, the applicant or representative, an objector, and the relevant ward Members. Interested parties will be given a maximum of three minutes to speak and the intention is that only one person would speak from each of the above parties.

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Unconfirmed



Minutes of a Meeting of the **Planning Committee North**
held in the Conference Room, Riverside, 4 Canning Road, Lowestoft,
on **Tuesday, 11 June 2019** at **2:00pm**

Members of the Committee present:

Councillor Paul Ashdown, Councillor Jocelyn Bond, Councillor Norman Brooks, Councillor Jenny Ceresa, Councillor Linda Coulam, Councillor Graham Elliott, Councillor Andrée Gee, Councillor Malcolm Pitchers

Other Members present:

Councillor Tony Cooper, Councillor Tony Goldson, Councillor David Ritchie

Officers present:

Liz Beighton (Planning Development Manager), Matt Gee (Planning Officer), Mia Glass (Assistant Enforcement Officer), Matt Makin (Democratic Services Officer), Stephen Milligan (Planning Officer), Philip Perkin (Development Management Team Leader - North), Melanie Van de Pieterman (Planning Officer), Debbi Wicks (Assistant Planning Officer), Ben Wright (Planning Officer Policy and Delivery)

1 Apologies for Absence and Substitutions

Apologies were received from Councillor Rivett. Councillor Goldson acted as the substitute for Councillor Rivett.

2 Declarations of Interest

Councillor Ashdown declared a Local Non-Pecuniary Interest in item 3 of the agenda, as Ward Member for Corton. Councillor Ashdown also declared that he had been lobbied on items 3 and 4 of the agenda.

Councillor Goldson declared a Local Non-Pecuniary Interest in item 4 of the agenda, as both Ward Member and County Councillor for Spexhall. Councillor Goldson also declared that he had been lobbied on that item.

Councillors Bond, Brooks, and Ceresa all declared that they had been lobbied, via email, on item 4 of the agenda.

At this point in the meeting, the Chairman advised that he was re-ordering the agenda; item 5 of the agenda was to be heard before items 3 and 4.

5 East Suffolk Enforcement Action – Case Update

The Planning Committee received report **ES/0037** of the Head of Planning and Coastal Management. The report provided a summary of the status of all outstanding planning enforcement cases where action had either been sanctioned under delegated powers or through the Planning Committee.

The report was presented by the Assistant Enforcement Officer. She updated the Committee on enforcement action regarding Land at North Denes Caravan Park, as detailed on page 34 of the report.

The Chairman invited questions to the Officer.

It was confirmed that, as no planning application had been lodged on the North Denes Caravan Park site, nothing was scheduled to be brought before the Committee.

A member of the Committee queried if Enforcement Notices were available online and asked why not if they were not available. The Assistant Enforcement Officer advised that Enforcement Notices were available to members of the public on request, but were not stored online to be viewed. The Planning Development Manager noted that this issue had been raised at the meeting of the Strategic Planning Committee on 10 June 2019 and that work was ongoing to make Enforcement Notices more publicly accessible.

Another member of the Committee asked for an update on enforcement action at the High Street, Lowestoft, as it was not included within the report. The Planning Officer replied that there had been an issue with the Enforcement Notice but that officers were engaging with the owner and the tenant to make improvements to the shop front. She noted that extant planning permission remained on the site and that the building was within the Lowestoft Heritage Asset Zone.

3 DC/19/0920/COU - Broadland Sands Holiday Park, Church Lane, Corton

The Planning Committee received report **ES/0035** of the Head of Planning and Coastal Management. The submitted application covered two sites and sought approval for a change of use of agricultural land to the east of St Bartholomew's Church for the stationing of static caravans and lodges and as an extension to the existing facility of Broadland Sands, Corton, to allow for the re-positioning of some existing vans due to coastal erosion and the installation of a small number of additional vans. The extension was considered necessary to facilitate a short term future-proofing of the business due to coastal erosion and roll-back.

The application was before the Committee due to a previous refusal (DC/18/0813/COU) and at the request of the Head of Planning and Coastal Management on the basis of scale of the development, and for economic, tourism, business and conservation issues regarding the proximity of the Grade II* listed church and its wider setting.

The Committee received a presentation on the application from the Planning Officer. She outlined the site plan and advised that since the previous application had been refused, she had met with the Highways Authority, the Council's Coastal Management

Team, and the applicant and a decision had been taken to split the previous application in to two separate applications.

The Committee was informed that due to the application site's proximity to the coast, some of the vans needed to be relocated from their current positions. The Planning Officer explained that some new vans would be added to the site but approximately three-quarters of the vans on the site would be existing vans moved from their current plots.

The proposed layout plan was displayed. It was explained that the vans currently at the top of the site would be the ones to be relocated to the new site. Photographs of the site were also displayed, setting out the site's proximity to St Bartholomew's Church. A photo montage of proposed planting on the site was also demonstrated. The Committee was advised that Historic England had commented that the harm caused to the church was considered minimal and that the Highways Authority had not raised any concerns. Images of the coastal path access were highlighted.

The key issues were summarised as principle and policy, the setting of the listed building, landscape and heritage impacts, coastal erosion, economy and employment, and tourism. The Planning Officer drew the Committee's attention to the comments regarding year-round occupation that were detailed in the update sheet.

The Chairman invited Mr Butter, agent for the applicant, to address the Committee.

Mr Butter explained that the development was important due to the coastal erosion occurring at the site. He said that it would provide "breathing space" for the holiday park, particularly as the front row of vans was under threat. He explained that the proposal was not for a full rollback but was a short to medium term solution to relieve pressure on the holiday park, with further relocation possible at a future time.

Mr Butter considered that the development would enhance the holiday accommodation through the addition of new vans. He confirmed that no new entrance access was proposed and that traffic safety had not been demonstrated as a concern. The impact on the church was said to be negligible; the site would be separated from the church through existing screening.

It was highlighted by Mr Butter that the NPPF supported holiday park development as a sustainable business and that the latest version of the document stated the need to support and enable such development. He was of the opinion that the development satisfied the relevant policies in the Waveney Local Plan and was worthy of support in the long term as the applicant had already made significant investment into the site. He added that the new development would contribute a further £2.4m a year to the local economy and asked the Committee to support the application.

The Chairman invited questions to Mr Butter.

A member of the Committee queried the comments of the Highways Authority within the report, regarding the net increase of forty-two vans. Mr Butter said that this was the worst case scenario, taken from the transport statement. He reiterated the applicant's intention to populate three-quarters of the site with existing vans.

In response to another question, Mr Butter confirmed that work was being undertaken to open the blocked area of the coastal path.

The Chairman invited questions to the Officer. There being no questions, he then invited the Committee to debate the application that was before it.

A member of the Committee recalled the application that came before Waveney District Council's Planning Committee in December 2018; he noted that the area of the site contained within the new application had not caused that Committee any concerns at the time. He said that the site was a sustainable one and well regarded in the area, and that by approving the application it could be further sustained. He said he would vote in favour of the application.

Several other members of the Committee expressed similar views on the site and advised that they would be voting in favour of the application.

There being no further debate, the Chairman invited the Committee to determine the application. On the proposition of Councillor Brooks, seconded by Councillor Goldson it was unanimously

RESOLVED

That the application be **APPROVED** subject to the following conditions:

1. The development hereby permitted shall be begun within a period of three years beginning with the date of this permission.

Reason: In accordance with Section 91 of the Town and Country Planning Act 1990 as amended.

2. The lodges and caravans shall be occupied for holiday purposes only and shall not be occupied as a person's sole or main place of residence. The owners/operators shall maintain an up-to-date register of the names of all owners-occupiers of individual lodges on the site, and of their main home addresses and shall make this information available at all reasonable times to the local planning authority.

Reason: the proposed units are suitable for holiday accommodation but not suitable for residential use.

3. The use shall not commence until the area(s) within the site shown on Drawing No. SHF.201.087.LA.D.00.001 for the purposes of [LOADING, UNLOADING,] manoeuvring and parking of vehicles has been provided and thereafter that area(s) shall be retained and used for no other purposes.

Reason: To ensure that sufficient space for the on site parking of vehicles is provided and maintained in order to ensure the provision of adequate on-site space for the parking and manoeuvring of vehicles where on-street parking and manoeuvring would be detrimental to highway safety to users of the highway.

4. Before the development is commenced details of the areas to be provided for 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 encourage sustainable travel by providing secure covered cycle storage.

Note: Suffolk Guidance for Parking (2015) recommends 1 stand per 5 pitches.

5. All HGV traffic movements to and from the site over the duration of the construction period shall be subject to a Deliveries Management Plan which shall be submitted to the planning authority for approval a minimum of 28 days before any deliveries of materials commence. No HGV movements shall be permitted to and from the site other than in accordance with the routes defined in the Plan. The site operator shall maintain a register of complaints and record of actions taken to deal with such complaints at the site office as specified in the Plan throughout the period of occupation of the site.

Reason: To reduce and / or remove as far as is reasonably possible the effects of HGV Movements.

6. The alignment, width, and condition of Public Rights of Way providing for their safe and convenient use shall remain unaffected by the development unless otherwise agreed in writing by the Rights of Way & Access Team; any damage resulting from these works must be made good by the applicant.

Reason: To ensure the Public Right of Way is maintained and any damage rectified to the satisfaction of Suffolk County Council Rights of Way & Access Team

7. Prior to the first occupation of the site the applicant shall prepare and implement an Erosion Monitoring/Response Plan that identifies triggers for timely caravan removal and de-commissioning / removal of infrastructure that includes a margin of safety. It is recommend that the safety margin takes account of information in the CEVA that a cliff retreat of 8m in one year is possible as a consequence of an exceptional weather event.

Reason: To ensure that resilience measures are in place in the event of extreme weather events and to ensure the safety of occupants.

8. No development shall take place within a phase or sub-phase of the area indicated [the whole site] until the implementation of a programme of archaeological work for that phase 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:

- i. The programme and methodology of site investigation and recording
- ii. The programme for post investigation assessment
- iii. Provision to be made for analysis of the site investigation and recording
- iv. Provision to be made for publication and dissemination of the analysis

and records of the site investigation

v. Provision to be made for archive deposition of the analysis and records of the site investigation

vi. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

vii. 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.

9. No buildings within a phase of sub-phase 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 approved under Condition 1 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 Policy WLP8.40 – Archaeology of the adopted East Suffolk (Waveney) Local Plan 2019 and the National Planning Policy Framework (2018).

4 DC/19/0061/FUL - Spexhall Hall, Hall Road, Spexhall, Halesworth

The Planning Committee received report **ES/0036** of the Head of Planning and Coastal Management. This application was a revised submission following an application for four dwellings which was refused by Waveney District Council's Planning Committee on 14 August 2018. The current application sought to demolish an agricultural building and replace it with two detached four bed houses. It was also proposed to convert and extend an existing outbuilding to create a two bed dwelling, providing a total of three new dwellings on the site. The site was in the open countryside outside any defined physical limits where there was a presumption against new residential development in accordance with local and national planning policy.

The Committee received a presentation on the application from the Development Management Team Leader (North). The presentation outlined the site location and its proximity to Spexhall Hall, a Grade II listed building. The Development Management Team Leader noted that one of the existing agricultural buildings on the site had permitted development rights to be converted into three dwellings, although this had not been implemented. An aerial photograph of the site was displayed, demonstrating that the application site was within the countryside.

Photographs of the site were shown which highlighted the existing agricultural buildings on the site and views from the site of Spexhall Hall and towards the existing agricultural buildings. The Development Management Team Leader identified which agricultural building had permitted development rights and which was identified for demolition. The Committee was also shown the view along the proposed access to the site, which would run parallel to an existing bridleway.

Drawings demonstrating the proposed elevations and floor plans were displayed, along with the proposed block plan which identified the relation of the proposed dwellings to Spexhall Hall. Each dwelling had amenity space allocated from the existing courtyard.

The Development Management Team Leader explained that the previous application had been refused by Waveney District Council on the grounds that the site was in the open countryside, outside of any settlement boundary and did not comply with exceptions in policy that would allow new housing in the countryside, the impact on the setting of Spexhall Hall, poor layout, and lack of amenity space. He highlighted that the number of dwellings proposed in the new application had been reduced by one unit and now had an appropriate amount of amenity space. The design and appearance of the dwellings was considered to be acceptable.

The Committee was advised that the site was in the open countryside and outside any defined physical limits, where there was a presumption against new residential development in accordance with local and national planning policy. The Development Management Team Leader stated that none of the exceptions that might be applied to these policies of restraint in the open countryside were applicable to the proposed development. The Development Management Team Leader identified that the application was contrary to Waveney Local Plan policies WLP1.2, WLP7.1, WLP8.7, WLP8.11, and WLP8.37, as well as the NPPF (2019), and therefore, was recommended for refusal. He stated that although the new housing to be created would be of benefit, this would be, at best, limited and did not outweigh the harm that would be caused by allowing new housing in an unsustainable location which conflicted with adopted policy. He noted that the policy of achieving 10% of housing growth in rural areas, explaining that of this amount, 70% should be to larger villages, 20% to smaller villages, and the remaining 10% to other rural settlements. In this instance, given the application site comprised of a farmstead divorced from the village, it was not considered to represent a settlement in terms of the policy requirement.

The recommendation to refuse, as set out in the report, was outlined to the Committee.

The Chairman invited Mr Miller, agent for the applicant, to address the Committee.

Mr Miller quoted the remarks of the Leader of the Council at the Full Council meeting of 22 May 2019 regarding a shortage of housing in the district and the Council's ambitions for more housing growth across the district. He stated that the applicant was trying to help fulfil the 10% housing growth target in rural areas, as defined in the Waveney Local Plan. He noted that there had been no objections to the application; Spexhall Parish Council had supported the application, the Highways Authority had not objected, RAMS approval had been gained, no concerns had been raised by Suffolk County Council Archaeology, and the application was supported by Councillor Cackett, as the Ward Member.

It was stated by Mr Miller that, following the refusal of the previous application by Waveney District Council, the applicant had attempted to address the concerns raised at that time. A Chartered Architectural Practice from the local area had been employed and the current application included a reduction in the number of proposed dwellings and now used materials sympathetic to the local area. Mr Miller acknowledged that

one of the agricultural buildings had permitted development rights for conversion to three dwellings.

Mr Miller considered the report to contradict itself in places, as it stated that Spexhall Hall was part of a farm complex but also acknowledged the permitted development rights that existed which would end the site's status as a farm complex, if implemented. He was of the opinion that any harm caused to Spexhall Hall by the development would be less than substantial and that the additional dwellings would support local amenities in the community.

Mr Miller advised the Committee that the site was a small cluster and as such is in the Coastal Plan.

The Chairman invited questions to Mr Miller.

There being no questions to Mr Miller, the Chairman invited questions to the officers.

It was confirmed that, should the development be approved, the site would not become a settlement. The Planning Development Manager stated that in the view of officers, the site was not a cluster, rather, a group of agricultural buildings where some permitted development rights existed. In response to another question, the Planning Development Manager advised that the permitted development rights that existed on the site had been determined by central government.

There being no further questions to the officers, the Chairman invited the Committee to debate the application that was before it.

A member of the Committee, who was Ward Member for Spexhall, noted that he was familiar with the site. He described the agricultural buildings as being in disuse and derelict and considered that they would further decay if not developed. He said that he did not have any problem with seeing a small amount of development of the site as it would improve the area. He noted that the land was not being used for agricultural purposes and was of the opinion that it should be developed.

It was acknowledged by another member of the Committee that the farm was not a working one. He said that the revised designs improved the proposed scheme substantially which was varied in terms of heights and materials. He was of the view that the development would not cause substantial harm to the surrounding area and was in support of the application, noting that Spexhall Parish Council was also in favour of it.

In response, it was highlighted by a member of the Committee that the new Waveney Local Plan had only recently been adopted and made; he noted that the application was contrary to the Local Plan and suggested that it would set a precedent against the new policies should the application be approved. This was supported by another member of the Committee who stated that the 10% housing growth for rural areas should primarily be within settlement boundaries and not scattered across rural areas. He said that the site was not directly linked to local amenities and was at least 1km away from the village hall. He considered that there was no reason to approve the

application when it was contrary to policies and suggested that the Committee should take heed of the Officer's recommendation.

A member of the Committee, who was in support of the application, was of the opinion that an exception should be made. He noted the rural location of the application site and considered that the development would encourage growth of the rural economy by supporting local businesses and amenities, and that the development would not be visible from the road. Another member of the Committee replied that the potential for the homes to be taken up was not a valid reason to go against local and national planning policies.

Another member of the Committee spoke for the application, but was concerned about the size of the houses proposed. She considered that perhaps smaller houses would better suit the needs of the local population. She was of the opinion that the houses would be sold and presumed that they would be used as primary homes.

Another member of the Committee said that, having considered all that had been said during the debate, she had resolved that the current application was overambitious for the site and that a more modest proposal would be suitable. She could not support the application in its current form and said that it would be wrong to approve the application if it was contrary to policy. Several members of the Committee noted that it was not for the Committee to consider alternatives for the site, but to consider the application that was before it.

It was stated by a member of the Committee, who was Ward Member for Spexhall, that the original application had been reduced as requested by the Waveney District Council Planning Committee, and would encourage older people (65 plus) to retire to, and spend money in, the local area which he said would fit in with the demographic of the area. He strongly considered that the design and demographic would fit what people wanted and what was needed.

Another member of the Committee, who also supported the application, reiterated that the Committee was considering the application before it and was of the view that the applicant had addressed the concerns raised previously, and had resolved the lack of amenity space in the original application.

Councillor Pitchers moved that the Committee refused the application as per the Officer's recommendation, citing that the development was too large for the site.

At this point in the meeting, the Planning Development Manager was invited to address the Committee regarding issues raised during the debate. She informed the Committee that the application before it was to be determined and not any possible scheme that may be presented in the future. She reiterated that the Waveney Local Plan had been adopted in March 2019 and although its policies allowed exceptions to development in the countryside, this application did not accord with those relevant policies as it was an isolated development that was not connected to local services. She advised that recent appeal decisions received from the Planning Inspectorate supported this stance and that the development was unsustainable, particularly in instances where new dwellings cannot access services and facilities by footpath or lit road.

The Planning Development Manager also referred to the NPPF, which was clear that the public benefits needed to significantly outweigh the harm to listed buildings and confirmed that officers' views were that this was not the case and that the buildings proposed did not meet the defined housing needs of the area. The Planning Development Manager noted that the reasons for refusal had not been debated as yet, by the Committee.

The Planning Development Manager concluded that the Officer's advice was very clear that the application was contrary to a number of policies recently upheld and adopted, and that if it was the Committee's wish to go against the Officer's recommendation clear reasons needed to be given to justify this.

It was clarified that the development was not considered to be a benefit to the heritage asset, as per the NPPF, and that only 15% of any CIL would be paid to the local Parish Council with the remainder being paid to East Suffolk Council. The Committee was advised that there was no evidence to support that local businesses would fail without the new development.

Councillor Brooks offered to move an alternative recommendation; he was informed by the Chairman that Councillor Pitchers had already moved a recommendation to refuse and sought a member of the Committee to second the motion. Councillor Elliott seconded the motion which was then put to the vote and was not carried.

The Chairman sought an alternative recommendation. On the proposition of Councillor Brooks, seconded by Councillor Goldson, it was by a majority vote

RESOLVED

That the application be **APPROVED**.

The meeting concluded at 3:01pm

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Chairman



PLANNING COMMITTEE NORTH

Tuesday, 13 August 2019

APPOINTMENTS TO THE LOCAL PLAN WORKING GROUP

EXECUTIVE SUMMARY

To consider appointments to the membership of the Local Plan Working Group for the 2019/20 Municipal Year.

Is the report Open or Exempt?	Open
Wards Affected:	All Wards in the District
Cabinet Member:	Councillor Steve Gallant Leader of the Council
Supporting Officer:	Matt Makin Democratic Services Officer 01394 444626 matt.makin@eastsoffolk.gov.uk

1 INTRODUCTION

- 1.1 The Council appoints to a number of Working Groups each year as part of its corporate governance framework in support of the democratic process and decision-making arrangements.
- 1.2 At a meeting of Full Council on Wednesday 24 July 2019, report **ES/0049**, proposing Working Groups for 2019/20, was considered. The following Working Groups were agreed and appointed to:
- The Local Plan Working Group
 - The Housing Benefits and Tenant Services Consultation Group
 - The Member Development Steering Group
 - The Lowestoft Transport and Infrastructure Prospectus Working Group
- 1.3 The Working Groups have clear terms of reference outlining their roles, responsibilities and reporting mechanisms, thereby increasing openness and transparency and making the best use of resources.
- 1.4 The Terms of Reference for the Local Plan Working Group state that two members of the Planning Committee shall be appointed to its membership. This information is contained within Appendix A.
- 1.5 At the meeting of Full Council on 24 July 2019, the Leader of the Council suggested that these appointments be delegated to the Planning Committee North and Planning Committee South. This approach was duly agreed by Council, with the expectation that each Committee will nominate one Member each to the Local Plan Working Group.

2 HOW DOES THIS RELATE TO THE EAST SUFFOLK BUSINESS PLAN?

- 2.1 Councillors that are appointed to Working Groups work to help address local issues and to achieve sustainable solutions. This will help to deliver a strong and sustainable local economy and to help improve the quality of life for everyone living and working in the District.

3 FINANCIAL AND GOVERNANCE IMPLICATIONS

- 3.1 Appointment to Working Groups enables more in-depth consideration to be given to specific issues.
- 3.2 Members appointed to Working Groups are able to claim expenses in accordance with the Members' Allowance Scheme and these costs can be accommodated within existing resources.
- 3.3 Reviewing Councillor representation on Working Groups ensures that they are still relevant and fit for purpose and allows back bench Councillors to concentrate on their community leadership roles within their own Wards.

4 CONSULTATION

- 4.1 Consultation has been undertaken with the Group Leaders, seeking nominations for the Working Group positions.
- 4.2 Full Council received report **ES/0049** at its meeting on 24 July 2019, which considered the continuation and membership of Working Groups for the 2019/20 Municipal Year. At this meeting it was suggested by the Leader of the Council that the appointments to the

Local Plan Working Group be delegated to the Planning Committee North and Planning Committee South. This approach was agreed by Council.

- 4.3 This report will also be received by Planning Committee South at its meeting on 27 August 2019, with the expectation that each Committee will nominate one Member each to the Local Plan Working Group.

5 OTHER OPTIONS CONSIDERED

- 5.1 Working Groups are set up to examine specific issues in depth prior to recommendations being put forward to the relevant decision-making body. Should the Planning Committees decide not to appoint to the Local Plan Working Group, then the opportunity for more in-depth consideration of issues could be lost.

6 REASON FOR RECOMMENDATION

- 6.1 To ensure that Members are appointed to the Local Plan Working Group for the 2019/20 Municipal Year.

RECOMMENDATION

That the Planning Committee North appoints one representative to the Local Plan Working Group, for the remainder of the 2019/20 Municipal Year, as outlined in Appendix A to the report.

APPENDICES

Appendix A	Schedule of Working Groups Nominations for 2019/20 (Local Plan Working Group only)
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BACKGROUND PAPERS – None.

EAST SUFFOLK COUNCIL

Appointment of Working Groups for 2019/20

1. Local Plan Working Group

Terms of Reference:

- To act in an advisory/consultative capacity to the Cabinet Member for Planning and Coastal Management and through him/her to Cabinet/Full Council, as appropriate.
- To work with officers to prepare and review Local Plan documents and related documents, such as Supplementary Planning Documents including development briefs, the Statement of Community Involvement, Local Development Scheme, the Authority Monitoring Report and Community Infrastructure Levy (CIL) Charging Schedule.
- Feed in local knowledge and information to inform the preparation of Local Plan documents and related documents.
- Consider the findings of evidence base documents to inform the preparation of documents.
- To work with officers to agree and publish issues and options papers and other draft documents on which to consult the community and other stakeholders.
- Work with Officers to determine the appropriate consultation methods at specific plan/document making stages, taking into account the Council's Statement of Community Involvement and resources.
- Consider representations to the documents and recommend amendments for approval by Cabinet or Full Council, as appropriate.
- Act as a focal point for knowledge and information about the Local Plan and related documents both for members and the community at large.
- Receive progress updates for the preparation of Neighbourhood Plans and other projects, as relevant.
- In preparing Local Plans and other related documents, take into account the wider strategic planning issues and collaboration with other local authorities, particularly those within the same housing market area and functional economic area.
- Provide views, via the Cabinet Member for Planning and Coastal Management, into any Board/s overseeing local authority joint working on Local Plans and related documents.
- Act in an advisory capacity for any other relevant issues relating to the preparation of Local Plan and related documents.
- To scrutinise the preparation of Local Plan documents to ensure they comply with all the regulatory requirements.

The Working Group will meet monthly on an on-going basis, subject to business.

Vice Chairman to be elected at the first meeting of the municipal year.

No substitutes other than Vice Chairman of Planning Committee, where necessary. Other members can be invited at the discretion of the Chairman of the Working Group.

The Working Group maintains a standing invite to the Cabinet Member and relevant officers responsible for the Great Yarmouth, Ipswich, Babergh and Mid Suffolk Local Plans in the

interests of the Duty to Cooperate on strategic planning issues of a cross boundary nature. Other local authority representatives, neighbourhood plan groups and organisations will also be invited as and when appropriate.

<p>Membership - 12</p>	
<p>Cabinet Member for Planning and Coastal Management (Chair)</p>	<p>Cabinet Member for Planning and Coastal Management – David Ritchie</p>
<p>3 x Relevant Cabinet Members</p>	<p>Cabinet Member for Housing – Richard Kerry Cabinet Member for Economic Development – Craig Rivett Cabinet Member for Environment – James Mallinder</p>
<p>2 x Chairman of Planning Committee (Vice-Chairman to substitute if necessary)</p>	<p>Chairman of Planning Committee North – Paul Ashdown (Vice-Chairman - Jenny Ceresa)</p> <p>Chairman of Planning Committee (South) – Debbie McCallum (Vice-Chairman – Tony Fryatt)</p>
<p>2 x Planning Committee Members</p>	<p>2 Planning Committee Members – tbc</p>
<p>Broads Authority Representative</p>	<p>Broads Authority Representative – Andree Gee</p>
<p>3 x Other Members</p>	<p>Mike Deacon Graham Elliott Malcolm Pitchers</p>



PLANNING COMMITTEE NORTH

Title of Report:

Enforcement Performance Report – April to June 2019

Meeting Date

13 August 2019

Report Author and Tel No

**Cate Buck
01394 444290**

Is the report Open or Exempt?

Open

REPORT

To provide information on the performance of the enforcement section

RECOMMENDATION

That the report concerning Enforcement Team statistics be received.

1. Background

1.1 Following the adoption of the new Local Enforcement Plan in March 2019 and the formation of the new East Suffolk Council section it was decided that a report be presented on a quarterly basis from August 2019.

1.2 Between April and June 2019, one Temporary Stop Notice, one Stop Notice, two Enforcement Notices and one Listed Building Enforcement Notice have been served.

Cases Received and Closed April to June 2019

<u>Month</u>	<u>Cases Received</u>	<u>Cases Closed</u>
April	57	31
May	44	26
June	40	36

*Please note all new complaints are logged, site visited and then triaged in accord with the appropriate risk assessment.

Reasons for Closure

<u>Reason</u>	<u>April</u>	<u>May</u>	<u>June</u>
No Breach	19	15	17
Compliance/use ceased	4	5	9
Planning Permission Granted	7	6	10
Permitted Development	0	0	0
Immune/Lawful	0	0	0
Duplicate file	0	0	0
Withdrawn	0	0	0
Not Expedient	0	0	0

Time taken to close cases

<u>Time taken to close cases</u>	<u>Cases Closed in April</u>	<u>Cases Closed in May</u>	<u>Cases Closed in June</u>
<u>1-10 days</u>	4	4	3
<u>11-20 days</u>	4	4	3
<u>21-30 days</u>	2	2	2
<u>31-40 days</u>	0	4	2
<u>41 + Days</u>	21	12	26

Total	31	26	36

Enforcement Notices Served April - June 2019

<u>Type of Notice</u>	<u>Address</u>	<u>Breach</u>	<u>Compliance period</u>
TSN	Land at North Denes, Lowestoft	Unauthorised development	28 days
LBEN	Willow Farm, Chediston	Unauthorised works to a Listed Building	3 months
EN	Dingle Dell, Middleton	Unauthorised change of use	3 Months
EN	Land at North Denes, Lowestoft	Unauthorised Development	3 Months
Stop Notice	Land at North Denes, Lowestoft	Unauthorised Development	Immediate



PLANNING COMMITTEE NORTH

Title of Report:

East Suffolk Enforcement Action– Case Update

Meeting Date

13 August 2019

Report Author and Tel No

**Mia Glass
01502 523081**

Is the report Open or Exempt?

Open

REPORT

The attached is a summary of the status of all outstanding enforcement cases for East Suffolk Council where enforcement action has either been sanctioned under delegated powers or through the Committee up until 30 July 2019. At present there are 16 such cases.

Information on all cases has been updated at the time of preparing the report such that the last bullet point in the status column shows the position at that time. Officers will provide a further verbal update should the situation have changed for any of the cases.

Members will note that where Enforcement action has been authorised the Councils Solicitor shall be instructed accordingly, but the speed of delivery of response may be affected by factors which are outside of the control of the Enforcement Service.

RECOMMENDATION

That the report concerning Outstanding Enforcement matters up to 30 July 2019 be received.

LPA Reference	Date of Authorisation (Panel/Delegated)	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
2008/0193	17/09/2008	25 Kessingland Cottages, Rider Haggard Lane, Kessingland	Breach of Condition Unauthorised use of chalet as main or sole residence	<ul style="list-style-type: none"> • Breach of Condition Notice • Compliance expired following extension of time • Further consideration by Service Manager and Legal • See Enforcement Notice ref 2008/004 for further information – committee aware of personal circumstances of occupants • Officers, seniors and legal held meeting, 23/01/2019 to discuss the options available to move forward with the case. • Contact made with occupants on 6 February 2019 and legal advice been sought on progressing the case. • Further information being gathered from other bodies. 	ONGOING – under review.
EN08/0264 & ENF/2013/0191	15/01/2010	Pine Lodge Caravan Park, Hazels Lane, Hinton	Erection of a building and new vehicular access; Change of use of the land to a touring caravan site (Exemption Certificate revoked) and use of land for the site of a mobile home for gypsy/traveller use. Various unauthorised utility buildings for use on caravan site.	<ul style="list-style-type: none"> • 15/10/2010 - EN served • 08/02/2010 - Appeal received • 10/11/2010 - Appeal dismissed • 25/06/2013 - Three Planning applications received • 06/11/2013 – The three applications refused at Planning Committee. • 13/12/2013 - Appeal Lodged • 21/03/2014 – EN's served and become effective on 24/04/2014/ 04/07/2014 - Appeal Start date - Appeal to be dealt with by Hearing • 31/01/2015 – New planning appeal received for refusal of Application DC/13/3708 	20/09/2019

LPA Reference	Date of Authorisation (Panel/Delegated)	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
				<ul style="list-style-type: none"> • 03/02/2015 – Appeal Decision – Two notices quashed for the avoidance of doubt, two notices upheld. Compliance time on notice relating to mobile home has been extended from 12 months to 18 months. • 10/11/2015 – Informal hearing held • 01/03/2016 – Planning Appeal dismissed • 04/08/2016 – Site re-visited three of four Notices have not been complied with. • Trial date set for 21/04/2017 • Two charges relating to the mobile home, steps and hardstanding, the owner pleaded guilty to these to charges and was fined £1000 for failing to comply with the Enforcement Notice plus £600 in costs. • The Council has requested that the mobile home along with steps, hardstanding and access be removed by 16/06/2017. • 19/06/2017 – Site re-visited, no compliance with the Enforcement Notice. • 14/11/2017 – Full Injunction granted for the removal of the mobile home and steps. • 21/11/2017 – Mobile home and steps removed from site. • Review site regarding day block and access after decision notice released for enforcement notice served in connection with unauthorised occupancy /use of barn. • 27/06/2018 – Compliance visit conducted to check on whether the 2010. 	

LPA Reference	Date of Authorisation (Panel/Delegated)	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
				<ul style="list-style-type: none"> • 06/07/2018 – Legal advice being sought. • 10/09/2018 – Site revisited to check for compliance with Notices. • 11/09/2018 – Case referred back to Legal Department for further action to be considered. • 11/10/2018 – Court hearing at the High Court in relation to the steps remain on the 2014 Enforcement Notice/ Injunction granted. Two months for compliance (11/12/2018). • 01/11/2018 – Court Hearing at the High Court in relation to the 2010 Enforcement Notice. Injunctive remedy sought. Verbal update to be given. • Injunction granted. Three months given for compliance with Enforcement Notices served in 2010. • 13/12/2018 – Site visit undertaken in regards to Injunction served for 2014 Notice. No compliance. Passed back to Legal for further action. • 04/02/2019 – Site visit undertaken to check on compliance with Injunction served on 01/11/2018 • 26/02/2019 – case passed to Legal for further action to be considered. Update to be given at Planning Committee • High Court hearing 27/03/2019, the case was adjourned until the 03/04/2019 • 03/04/2019 - Officers attended the High Court, a warrant was issued due to non-attendance and failure to provide medical evidence explaining the 	

LPA Reference	Date of Authorisation (Panel/Delegated)	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
				<p>non-attendance as was required in the Order of 27/03/2019.</p> <ul style="list-style-type: none"> • 11/04/2019 – Officers returned to the High Court, the case was adjourned until 7 May 2019. • 07/05/2019 – Officers returned to the High Court. A three month suspended sentence for 12 months was given and the owner was required to comply with the Notices by 07/09/2019. 	
EN/09/0305	18/07/2013	Park Farm, Chapel Road, Bucklesham	Storage of caravans	<ul style="list-style-type: none"> • Authorisation granted to serve Enforcement Notice. • 13/09/2013 -Enforcement Notice served. • 11/03/2014 – Appeal determined - EN upheld Compliance period extended to 4 months • 11/07/2014 - Final compliance date • 05/09/2014 - Planning application for change of use received • 21/07/2015 – Application to be reported to Planning Committee for determination • 14/09/2015 – site visited, caravans still in situ, letter sent to owner requesting their removal by 30/10/2015 • 11/02/2016 – Site visited, caravans still in situ. Legal advice sought as to further action. • 09/08/2016 – Site re-visited, some caravans removed but 20 still in situ. Advice to be sought. • Further enforcement action to be put on hold and site to be monitored • Review in January 2019 • 29/01/2019 - Legal advice sought; letter sent to 	April 2021

LPA Reference	Date of Authorisation (Panel/Delegated)	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
				site owner. <ul style="list-style-type: none"> • 18/02/2019 – contact received from site owner. • 04/04/2019 – Further enforcement action to be placed on hold and monitored. • Review in April 2021. 	
EN13/005	13/12/2013	High Grove Wood, Low Road, Great Glemham	Unauthorised siting of a caravan and installation of a portaloo	<ul style="list-style-type: none"> • 13/12/2013 – PCN served • 19/09/2014 – Enforcement Notice served - takes affect 24/10/2014 • 24/02/2015 - Compliance due date 07/07/2015 – Case heard at Ipswich Magistrates Court and referred to Ipswich Crown Court as not guilty plea entered. • 16/07/2015 – Preliminary hearing at Crown Court, next appearance has been set for 18/09/2015. • 02/09/2015 – Enforcement Notice withdrawn on legal advice • 04/03/2016 – New PCN served. • 05/04/2016 – PCN re-served • 27/04/2016 – Completed PCN not returned. • Case is due to be heard at Ipswich Magistrates Court on 01/11/2016 for the offence of failing to return a Planning Contravention Notice. • Case has been adjourned until 06/12/2016 • Trial date set for 03/02/2017 • Trial has been discontinued for further Enforcement Notice to be served. • 27/06/2017 – Enforcement Notice served, Notice effective on 28/07/2017, compliance by 	30/07/2019

LPA Reference	Date of Authorisation (Panel/Delegated)	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
				<p>28/11/2017.</p> <ul style="list-style-type: none"> • 23/01/2018 – site visit undertaken • 08/05/2018 – Site visited on pre-arranged visit, access denied. Another visit arranged for 31/05/2018. • 21/06/2018 – Site visited. • 06/07/2018 – Legal advice being sought as to further action. • 11/09/2018 – Site revisited to check for compliance with Notices. • 12/09/2018 – Case referred back to Legal Department for further action to be considered • 01/11/2018 – Court Hearing at the High Court in relation to the 2017 Enforcement Notice. Injunctive remedy sought. Verbal update to be given. • Injunction granted. Four months given for compliance with Enforcement Notice. • 07/03/2019 – Site visit undertaken to check on compliance with Injunction. • 01/04/2019- File has been passed back to Legal Department for further action. • 07/05/2019 – Case was heard at the High Court for failure to comply with the Enforcement Notice. Case has been adjourned for sentencing until the 26/07/2019 • 26/07/19 – The Council returned to Court for sentencing. The mobile home and portable toilet have now been removed from the site so the enforcement notice has now been 	

LPA Reference	Date of Authorisation (Panel/Delegated)	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
				complied with.	
ENF/2014/0104	16/08/2016	Top Street, Martlesham	Storage of vehicles	<ul style="list-style-type: none"> • 23/11/2016 – Authorisation granted to serve an Enforcement Notice • 22/03/2017 – Enforcement Notice served. Notice takes effect on 26/04/2017. Compliance period is 4 months. • 17/07/2017 – Enforcement Notice withdrawn and to be re-served • 11/10/2017 – Notice re-served, effective on 13/11/2017 – 3 months for compliance • 23/02/2018 – Site visited. No compliance with Enforcement Notice. Case to be referred to Legal Department for further action. • Notice withdrawn • 09/07/2018 – Notice reserved, compliance date 3 months from 06/08/2018 (expires 06/11/2018) • 01/10/2018 - PINS has refused to accept Appeal as received after the time limit. • Time for compliance is by 06/12/2018 • Site visit to be completed after the 06/12/2018 to check for compliance with the Notice • 07/12/2018 – Site visit completed, no compliance, case passed to Legal for further action. • 17/01/2019 – Committee updated that Enforcement Notice has been withdrawn and will be re-served following advice from Counsel. 	30/09/2019

LPA Reference	Date of Authorisation (Panel/Delegated)	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
				<ul style="list-style-type: none"> • 21/02/2019 – Authorisation granted by Committee to serve an Enforcement Notice. Counsel has advised that the Council give 30 days for the site to be cleared before the Notice is served. • 01/04/2019 – Enforcement Notice served. • 28/05/2019 – Enforcement Appeal has been submitted to the Planning Inspectorate. 	
ENF/2016/0292	11/08/2016	Houseboat Friendship, New Quay Lane, Melton	Change of use of land	<ul style="list-style-type: none"> • 11/08/2016 – Authorisation granted to serve Enforcement Notice with an 8 year compliance period. • Enforcement Notice to be drafted • Enforcement Notice served on 20/10/2016, Notice effective on 24/11/ 2016 – 8 year compliance period (expires 24/11/2024). 	24/11/2024
ENF/2016/0425	21/12/2016	Barn at Pine Lodge, Hazels Lane, Hinton	Breach of Condition 2 of PP C/09/1287	<ul style="list-style-type: none"> • EN served on 21/12/2016 • Notice becomes effective on 25/01/2017 • Start date has been received. Public Inquiry to be held on 08/11/2017 • Enforcement Appeal to be re-opened Public Inquiry set for 15/05/2018. • 06/06/2018 – Appeal dismissed. Three months for compliance from 06/06/2018 (expires 06/09/2018). • Site visit to be conducted once compliance period has finished. • 09/10/2018 – Site visit conducted, no compliance with Enforcement Notice. Case to be referred to 	20/09/2019

LPA Reference	Date of Authorisation (Panel/Delegated)	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
				<p>Legal Services for further action.</p> <ul style="list-style-type: none"> • Site visit due on 07/01/2019. • 07/01/2019 – Site visit undertaken, no compliance with Notice. Case referred back to Legal Services for further action. • 26/02/2019 – Update to be given at Committee. • Awaiting update from Legal. • 07/05/2019 – Officers returned to the High Court to seek an Injunction for failure to comply with the Enforcement Notice. An Injunction was granted and the owner is required to comply with the Injunction by 07/09/2019 	
ENF/2017/0170	21/07/2017	Land Adj to Oak Spring, The Street, Darsham	Installation on land of residential mobile home, erection of a structure, stationing of containers and portacabins	<ul style="list-style-type: none"> • 16/11/2017 – Authorisation given to serve EN. • 22/02/2018 – EN issued. Notice comes into effect on 30/03/2018 and has a 4 month compliance period • Appeal submitted. Awaiting Start date • Appeal started, final comments due by 08/02/2019. • Waiting for decision from Planning Inspectorate. 	31/07/2019
ENF/2018/0035	26/04/2018	9 Hillcrest Knodishall	Untidy Site	<ul style="list-style-type: none"> • 26/04/2018 – S215 Notice served • 3 months for compliance from 28/05/2018 • 29/08/2018 – Further action passed to Public Sector Housing Team to take forward. • 09/01/2019 – Site visited, some work has been done to comply with Notice, site to be monitored. 	31/07/2019

LPA Reference	Date of Authorisation (Panel/Delegated)	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
ENF/2017/0387	14/08/2018	64 Grange Road Felixstowe	Untidy Site	<ul style="list-style-type: none"> • 14/08/2018 – S215 Notice served • 3 months for compliance from 13/09/2018 • 12/11/18 - Site in the process of being cleared. • 24/12/2018 - Site has been predominantly cleared. • 26/02/2019 – Property has recently been sold, final works expected to be done imminently. • Property sold at auction, further time given to clear site. 	31/07/2019
ENF/2015/0279/ DEV	05/09/2018	Land at Dam Lane Kessingland	Erection of outbuildings and wooden jetties, fencing and gates over 1 metre adjacent to highway and engineering operations amounting to the formation of a lake and soil bunds.	<ul style="list-style-type: none"> • Initial complaint logged by parish on 22/09/2015 • Case was reopened following further information on the 08/12/2016/ • Retrospective app received 01/03/2017. • Following delays in information requested, on 20/06/2018, Cate Buck, Senior Planning and Enforcement Officer, took over the case, she communicated and met with the owner on several occasions. • Notice sever by recorded delivery 05/09/2018. • Appeal has been submitted. Awaiting Start date. • Start letter received from the Planning Inspectorate. Statement due by 30/07/19. 	30/10/2019

LPA Reference	Date of Authorisation (Panel/Delegated)	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
ENF/2018/0057/	15/11/2018	The Stone House, Low Road, Bramfield	Change of use of land for the stationing of chiller/refrigeration units and the installation of bunds and hardstanding	<ul style="list-style-type: none"> Enforcement Notices served on 10/12/2018 Notice effective on 24/01/2019 3 months given for compliance Appeal submitted awaiting Start Date. Start letter received from the Planning Inspectorate. Statement due by 30/07/19. 	30/10/2019
ENF/2018/0276	23/11/2018	Bramfield Meats, Low Road, Bramfield	Breach of Condition 3 of planning permission DC/15/1606.	<ul style="list-style-type: none"> Breach of Condition Notice served Application received to Discharge Conditions Application pending decision 	31/07/2019
ENF/2018/0319/COND	19/12/2018	Windy Acres Mutfordwood Lane Mutford	Change of use of 'Day Room' to permanent residential accommodation.	<ul style="list-style-type: none"> Retrospective planning application submitted 26/10/2018 Planning application refused 29/11/2018 Enforcement Notice served to rectify breach relating to the change of use of 'day room to residential dwelling' on 19/12/2018. Site visit to be conducted to check for compliance with the Enforcement Notice. 	30/07/2019
ENF/2018/0330/LISTM	17/05/2019	Willow Farm, Chediston Green, Chediston	Unauthorised double glazed windows installed into a Listed Building	<ul style="list-style-type: none"> Listed Building Enforcement Notice served on 17/05/2019. Notice takes effect on 20/06/2019. Three months for compliance 	20/09/2019
ENF/2018/0543/DEV	24/05/2019	Land at North Denes Caravan Park The Ravine Lowestoft	Without planning permission operational development involving the laying of caravan bases, the construction	<ul style="list-style-type: none"> Temporary Stop Notice Served 02/05/2019 and ceases 30/05/2019 Enforcement Notice served 24/05/2019, comes into effect on 28/06/2019 Stop Notice Served 25/05/2019 comes into 	28/09/2019

LPA Reference	Date of Authorisation (Panel/Delegated)	Location	Breach	Status	Date by which Compliance Expected (or Prosecution Date)
			of a roadway, the installation of a pumping station with settlement tank and the laying out of pipe works in the course of which waste material have been excavated from the site and deposited on the surface.	<p>effect 28/05/2019.</p> <ul style="list-style-type: none"> • Appeal has been submitted. Awaiting Start date. 	

PLANNING COMMITTEE NORTH– 13 August 2019

APPLICATION NO DC/19/0061/FUL

EXPIRY DATE: 3 March 2019

APPLICATION TYPE: Full

APPLICANT: Mr Tim Sheldon

LOCATION: Spexhall Hall, Hall Road, Spexhall, Halesworth

PARISH: Spexhall

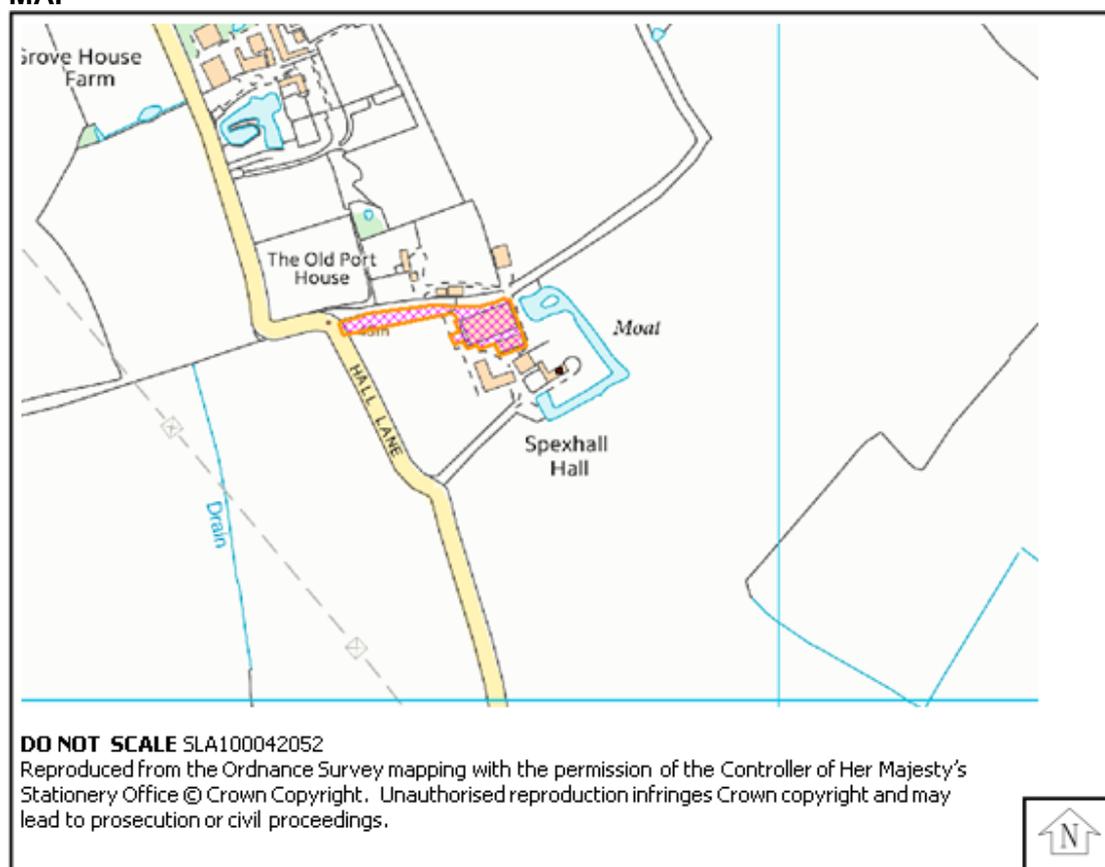
PROPOSAL: Demolish redundant agricultural buildings and build two residential dwellings. Also, to convert and extend the existing brick building to create three dwellings in total

CASE OFFICER : Philip Perkin / Liz Beighton

Email: Philip.Perkin@eastsuffolk.gov.uk / liz.beighton@eastsuffolk.gov.uk

Phone: 01502 523073 / 01394 444778

MAP



1 EXECUTIVE SUMMARY

- 1.1 This application is a revised submission following an application for four dwellings which was refused by the former Waveney District Council Planning Committee on 14 August 2018.
- 1.2 The application seeks to demolish an agricultural building and replace it with two detached four bedroom houses. It is also proposed, via this application, to convert and extend an existing outbuilding to create a further two bedroom dwelling. Therefore, the application proposes an additional three dwellings on the site.
- 1.3 The site lies in the open countryside outside any defined physical limits where there is a presumption against new residential development in accordance with local and national planning policy. None of the exceptions that might apply to set aside these policies of restraint are applicable in this instance and the applicants have not proposed that the development meets any of these exceptions as part of their formal submission. The proposed development is therefore contrary to adopted policy. It is important to note that the local policy relating to such development is newly adopted within the Council and was found to be sound and compliant with national policy.
- 1.4 Spexhall is a Grade II listed building. The proposed development would be harmful to its setting and the benefits of permitting the scheme do not in this instance outweigh the harm that would occur. The application therefore fails the tests for preserving the setting of listed buildings set out in the NPPF and legislation and any benefits that do accrue are private benefits not public benefits.
- 1.5 The application is contrary to Local Plan policies WLP1.2, WLP7.1, WLP8.7, WLP8.11 and WLP8.37 and the NPPF (2019).
- 1.6 This application is before the Planning Committee at the request of the Referral Panel.
- 1.7 There have been no additional responses received since the last Committee meeting heard this item in June 2019.
- 1.8 The application had not previously been advertised as a Departure, which is required to ensure any decision is sound. This is being undertaken, however the recommendation is one of authority to determine once the 15 working day advertisement period has expired.

2 BACKGROUND AND CURRENT POSITION

- 2.1 The application was presented to the East Suffolk Council North Planning Committee on the 11 June 2019. The recommendation to refuse permission was not supported by the Planning Committee who resolved to present an alternative recommendation of approval. The motion to approve was made on a vote of five for and four against. This is recorded in the minutes of the meeting.
- 2.2 Following the close of the Committee meeting, Officers sought to engage with legal representation on the grounds that no reasons for countering the officer recommendation were made at the meeting, at the time the alternative recommendation was proposed, or formally recorded in the minutes.

- 2.3 It is important to acknowledge that the Committee are entitled to reject the recommendation of the officer. That is an uncontroversial proposition. However, where a committee does reject the officer's recommendation, and grants permission, this will usually give rise to a common law duty to give reasons for that decision.
- 2.4 It is accepted that there are some exceptions, set out in case law, where it is not necessary for reasons to be provided. The view of the legal advice sought was that this is not one of those cases. Although there was no specific controversy (in that no-one objected to the application) nonetheless the application was a departure from the very recently adopted development plan, and also occasioned harm to a listed building. The officer's report was detailed and cogent in this regard. Therefore Counsel's advice was that reasons were required for the Committee's decision in this instance.
- 2.5 The resolution to grant is just that – it does not amount to a grant of planning permission until such time that the decision notice leaves the Authority. If the resolution to grant planning permission of 11 June 2019 was converted into a planning permission and issued tomorrow, without any further reasons being given, in the view of Counsel it would be highly susceptible to a challenge by way of Judicial Review, not least because of the absence of any reasons for the decision. It is important to note that anyone is able to bring about a legal challenge to an application whether they are connected with this application or not.
- 2.6 The legal advice received was that the 'safest' course of action therefore would be to refer the matter back to the North Planning Committee; and that the Committee should consider:
- Whether their decision should, in fact, be confirmed (whether subject to conditions or not); and if so
 - What the reasons for the decision to grant planning permission are, having particular regard to the statutory primacy of the development plan, and to the specific requirements in the NPPF and case law as to how harm to designated heritage assets (here, the listed building) should be treated.
 - The Committee could then essentially elect whether to confirm their decision and provide their reasons for doing so, or to come to a different decision (again, where necessary, providing reasons for so doing).

The Position on the Prior Approval application (Part Q)

- 2.7 The Planning Committee report makes reference to the Part Q conversion of an agricultural barn for three dwellings, adjacent to the current application site but within the existing farm holding. Members sought additional clarification on this conversion at the meeting which unfortunately was not available at that time or evident in the body of the report. This information has subsequently been sought and officers are of the view that it is important for Members to understand this position so that they can fully appreciate the development of the site as a whole.
- 2.8 Prior approval was granted via application reference DC/16/1723/PN3 on the 14 December 2016.

2.9 One of the conditions of a Part Q approval (as stated in the legislation – Town and Country Planning (General Permitted Development) (England) Order 2015) states:

(3) Development under Class Q is permitted subject to the condition that development under Class Q (a), and under Class Q (b), if any, must be completed within a period of three years starting with the prior approval date.

2.10 Accordingly, for the permission to remain live the consent needs to be completed by the 13 December 2019. Unfortunately it has been brought to officer's attention that an error was contained on the original decision notice granting Prior Approval, in that it included a standard three year time limit condition. This was included in error and the applicant has been advised in writing and verbally that the regulations take precedent over any inaccurate condition. Whilst this inclusion is unfortunate, the legislation is clear in this regard and the applicant / agent would have been aware of such when reviewing their submission against the regulations.

2.11 Furthermore, there are two pre-commencement conditions which need to be formally discharged before work can commence. Condition 3 relates to contamination and Condition 7 relates to details for bin storage. Details in respect of these conditions have yet to be submitted to this Authority for formal consideration and no discussion with regards to such has been had.

2.12 Officers are therefore of the view that there is insufficient time left within the permission timeframe to accord with the Prior Approval Regulations and that as such the consent will fall. It will therefore be the responsibility of the applicant to re-apply for permission and include sufficient information to demonstrate compliance with Part Q of the regulations including a structural survey and appropriate evidence to demonstrate that the barn can be converted without significant works or alterations.

2.13 Officers have sought to seek information from the applicant as to the nature of intent for implementing the prior approval and their intention for the site as a whole, with appropriate timescales, but no information has been forthcoming. Officers are in dialogue with the agent and will seek to gain some more information and advise Members accordingly if this is received before the late papers cut-off time.

Relevant Appeal Decision

2.14 Since the Committee meeting the Council is in receipt of an appeal decision which contains a number of similarities to the proposal at hand. The full decision notice is contained as an appendix to this report. Officers believe that this decision represents a material consideration to the determination of this application.

2.15 The appeal (application reference DC/18/2588/FUL) sought permission for a single-storey dwelling at Hill Farm Barn, London Road Weston. The appeal decision was issued on the 18 June 2019 and the appeal was dismissed.

2.16 There were two main issues associated with the appeal, namely:

- i. Whether the appeal site is a suitable location for a dwelling having particular regard to the settlement strategy and the accessibility of services; and

- ii. The effect of the proposal on the setting of a nearly listed building, Hill Farm House.
- 2.17 Regarding the location it was acknowledged that the site was outside any settlement boundary and therefore in the countryside for planning purposes. The Inspector found that the site conflicted with the policies in the local plan which allow for housing in the countryside. Furthermore, it was found that accessing services and facilities in Beccles by a safe means (i.e. footpath and bridleway) was not possible particularly for the more vulnerable groups and any future occupants would be heavily reliant on the private car. This weighed significantly against the proposal.
- 2.18 Turning to the impact on the listed building it was noted that the harm was 'less than substantial harm' which in turn requires an assessment against the public benefits of the proposal, as advocated in the NPPF. Paragraph 22 of the appeal decision deals with this matter and states that "*I find the provision of one dwelling would make only a very modest contribution to the housing supply*". Any benefits via construction and upkeep would, in the view of the Inspector, be modest and mainly temporary. In conclusion, the Inspector noted that there was insufficient benefit to outweigh the harm to the setting of the heritage asset and therefore failed the tests in the Framework.
- 2.19 Officers believe there is a great deal of synergy between the proposals and indeed can be argued that the environmental credentials with the appeal proposal provided a stronger case of support. The application as submitted is similar to the appeal site in terms of its physical location and access to services and occupiers will be reliant on the private car to access key services and facilities. The site is remote with no safe, lit access to such facilities.
- 2.20 Likewise, the development of three large residential units has no public benefits that outweigh the harm identified. The NPPF is clear that such benefits need to be identified in such instances. Three dwellings would make a very modest increase in housing supply. The Council is able to maintain a five year supply of housing and as such is not reliant upon such speculative developments to make up its shortfall. The proposal does not meet an identified need for affordable, or low cost housing and no evidence has been supplied to demonstrate that key services (i.e. shop, pub, school) will fail without this additional income from the future occupiers. Accordingly, officers are of the view that the public benefits arising do not outweigh the harm identified in this instance.
- 2.21 Accordingly, Officers advise that the recommendation on the application should be consistent with this recent appeal decision. Not to take a consistent approach would be perverse and create confusion and conflict with Policy. Furthermore, it is necessary to ensure consistency for the purpose of customers so that there is clarity and certainty on the success or otherwise with proposals.
- 2.22 Officers do not believe that any evidence has been supplied to enable an alternative recommendation to be tabled. If however, Members take an alternative approach, then there is a need to provide clear justification for such evidence the difference between the appeal proposal and that before them and how the proposal meets the key tests on setting clearly identify how the revised scheme has overcome the initial reasons for refusal on the previous application, two of which relate to matters of principle.

3 SITE DESCRIPTION

- 3.1 The application site is adjacent to Spexhall Hall, a Grade II listed farmhouse, an isolated site in the countryside. To the northwest of the Hall are two large agricultural buildings. One of these buildings (a concrete block/metal clad portal framed building) has permitted development rights to be converted to three dwellings following the submission of a Prior Notification application in 2016 (Ref. DC/16/4723/PN3).
- 3.2 Immediately to the south of these buildings is a red brick and pantiled building and covered storage area which is within the application site. Adjacent to this building is a single storey building that is outside the application site and opposite this building is a further range of single storey buildings that are also outside the application site.
- 3.3 Spexhall was listed on the 1 September 1953 under listing number 1352609, with the following listing description:

Farmhouse. Late C15 and later. 2 storeys and attics to main range. Timber-framed and rendered; black glazed pantiles; a red brick gable on the east incorporating a chimney-stack with a plain square shaft. A lean-to on the west side, and a 1½ storey rear range at right-angles to the front, are both encased in colour-washed brick. The main range has an internal chimney-stack with short diagonally-set attached shafts; 3-light old mullion-and-transome type windows; and a 6-panel door with raised fielded panels, and surround with half-round pilasters, entablature, and an oblong fanlight with diagonal glazing bars. Basically, a late medieval 3-cell house, of which only the 2-bay open hall survives: this was high, with embattled ornament on the middle rails at what is now the level of the inserted ceiling. A fine doorway in the north-west corner, with 4-centred arched head and cavetto moulding, led to the parlour, replaced by the present lean-to. The main beam of the inserted ceiling has ovolo-moulding and stepped stops with jewel; the inserted stack, with 2 back-to-back hearths, is at the west end of the hall. At the east end, a later studded partition divides off the present entrance hall; the original service area was extended or replaced to form a parlour in the late C16. The roof over the former open hall, although altered, is smoke-blackened, and was apparently of simple rafter construction; over the eastern end there are clasped side purlins. The wing at the rear is an early-to-mid C17 service range with the main beams partly reused, probably from the earlier house: one has the remains of mouldings and Tudor flower motifs. The house stands on a rectangular moated site.

- 3.4 The listing description notes the importance of the setting of the Hall, by acknowledging it being within a moated site. The building is clearly a building of importance historically and still retains these important features.

4 PROPOSAL

- 4.1 This application seeks full planning permission to demolish the agricultural building (former pig shed) adjacent to the agricultural building with permitted development rights for conversion to three dwellings, and replace it with two new four bedroom houses within the existing building envelope. It is also proposed to convert and extend the existing red brick and pantiled building to provide a two-storey two bedroom house.

- 4.2 In total therefore this application seeks consent for three new houses in addition to the agricultural building to be converted to three dwellings under permitted development rights.
- 4.3 The materials for the proposed dwellings include:
- Red brick plinths
 - Part red brick and part larch weatherboard walls
 - Black weatherboard walls
 - Red clay pantiles and natural slate roof coverings
 - Windows and doors which are to be timber frame
 - Black pantile roof covering
- 4.4 Each proposed dwelling has a double oak framed garage. A new access to the site is proposed from Hall Road which would run parallel to an existing bridleway running east-west immediately to the north of the application site. The proposed driveway would have a width of 5m.
- 4.5 The application is supported by a Design and Access Statement including a marketing report and contaminated land report; a Historic Assessment Report and a Preliminary Ecological Appraisal.

5 CONSULTATIONS/COMMENTS

- 5.1 Spexhall Parish Council : The Council does not object to this planning application. While the Council believes that it is good to have new housing in Spexhall on this site, the Council does suggest that construction traffic should only approach the site via Grub Lane and not via the Spexhall crossroads in order to avoid congestion.
- 5.2 Suffolk County Council - Highways Department: No objection subject to conditions.
- 5.3 Suffolk County Council Archaeology: No objection subject to conditions.
- 5.4 Suffolk County Council Rights of Way: Bridleway 4 is recorded along the access of the proposed development area. Whilst we do not have any objections to this proposal - informative notes apply.
- 5.5 Suffolk Fire and Rescue Service: General comments on fire fighting facilities and water supply.
- 5.6 Essex and Suffolk Water: No objection.
- 5.7 Suffolk Wildlife Trust: Advise that they have read the ecological survey reports (Bats (Jul 2018), Great Crested Newts (Jun 2018), Reptiles (Jun 2018), all Abrehart Ecology) and note the conclusions of the consultant. The surveys identify that mitigation and protected species licences are required for bats and great crested newts and we request that, should permission be granted, a mitigation strategy and copies of the relevant Natural England licences are secured by condition. It is suggested that British Standard BS 42020:2013 (Biodiversity – Code of practice for planning and development) model conditions D.2.1

(Biodiversity method statements and D.6.2 (Submission of a copy of the EPS licence) could be used to secure this.

5.8 Head of Environmental Services – No objection subject to conditions

5.9 Third Party Representations - None received

6 PUBLICITY:

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

Category	Published	Expiry	Publication
Public Right of Way, Curtilage of Listed Building	18.01.2019	08.02.2018	Beccles and Bungay Journal
Public Right of Way, Curtilage of Listed Building	18.01.2019	08.02.2018	Lowestoft Journal

7 SITE NOTICES

7.1 The following site notices have been displayed:

General Site Notice Reason for site notice: Public Right of Way; Curtilage of Listed Building.
Date posted 17.01.2019 Expiry date 07.02.2019

8 PLANNING POLICY

8.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that “*where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise*”.

8.2 s66(1) of the Planning (Listed Building and Conservation Areas Act) 1990 states :
(1)In considering whether to grant planning permission [F1or permission in principle] for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

8.3 National Planning Policy Framework (NPPF) (2019)

8.4 The East Suffolk Council - Waveney Local Plan was adopted on 20 March 2019 and the following policies are considered relevant:

- WLP1.1 – Scale and Location of Growth

- WLP1.2 – Settlement Boundaries
- WLP7.1 – Rural Settlement Hierarchy and Housing Growth
- WLP8.7 – Small Scale Residential Development in the Countryside
- WLP8.11 – Conversion of Rural Buildings to Residential Use
- WLP8.37 – Historic Environment

9 PLANNING CONSIDERATIONS

Planning History

- 9.1 This application is a revised submission following the refusal of an application for four dwellings at a Planning Committee meeting held on 14 August 2018 (DC/18/0051/FUL). The application was refused for the following reasons by means of decision notice dated 17 August 2018:
1. The site lies in open countryside outside the physical limits defined by Development Management Policy DM01. Development Management Policy DM22 states that housing development will not be permitted in the open countryside except where it can be demonstrated to be essential for an agricultural or forestry worker to live at or close to a workplace, where housing would meet an identified local housing need, where it would constitute infill development or where the proposal would replace dwellings affected by coastal erosion. The proposed development does not fall into any of these categories and is therefore contrary to Policies CS01 and CS17 of the Core Strategy and Development Management Policies DM01 and DM22.
 2. The site is within the setting of the Spexhall Hall a Grade II listed building. The proposed development would have a negative impact on the setting of the listed building contrary to paragraphs 193 and 194 of the National Planning Policy Framework and Policy CS17 and Policy DM30. The benefits of the proposal are not considered to outweigh the harm that would be caused.
 3. The proposed layout results in a poor relationship between the dwellings leading to restricted outlook and amenity space contrary to Development Management Policy DM02 and the NPPF.
- 9.2 It is important to note that there have been no changes to the site or nature of the development since the refusal. Therefore, whilst the applicant is able to seek to overcome the third reason for refusal by reducing the number of units, in the view of officers the current application is unable to deal with the first two reasons for refusal which relate to the principle of development, which remains unacceptable. No additional evidence has been supplied to the Local Planning Authority as a response to these two reasons for refusal which relate to matters of principle rather than design.

Principle of Development and Development Plan Policies

- 9.3 The National Planning Policy Framework (NPPF - 2019) states that planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.
- 9.4 The NPPF also states that the purpose of the planning system is to contribute to the achievement of sustainable development. There are three dimensions to sustainable development: economic, social and environmental.
- The economic role includes contributing to building a strong, responsive and competitive economy.
 - The social role aims to support strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and the
 - environmental role aims to contribute to protecting and enhancing our natural, built and historic environment. The NPPF advises that these roles should not be undertaken in isolation, because they are mutually dependent.
- 9.5 Waveney (East Suffolk) Local Plan (March 2019) Policy WLP1.2 defines settlement boundaries. Land which is outside of settlement boundaries is considered as the Countryside and new residential development will not be permitted in the Countryside except where specific policies in the Local Plan indicate otherwise. The application site is located within the Countryside. The application has not been submitted to meet any of the key exceptions to policy as identified the Local Plan or the NPPF.
- 9.6 In order to sustainably deliver the housing growth targets set out in the Waveney Local Plan (2019). Policy WLP1.1 proposes that 56% of new residential development will take place within the Lowestoft Area and 34% in the four market towns (Beccles and Worlingham, Halesworth and Holton, Bungay and Southwold and Reydon). 10% of housing growth is expected to take place in the rural areas in accordance with Policy WLP7.1.
- 9.7 Policy WLP7.1 identifies a rural settlement hierarchy for housing growth in the rural areas. The overall objective of the rural strategy is to deliver development that reflects the character of a rural settlement and contributes towards sustainable development that will support their needs and enable them to grow and prosper in the long term. Within the rural areas most new housing is identified through site allocations in both the Local Plan and in Neighbourhood Plans.
- 9.8 Policy WLP7.1 focusses housing growth in the larger villages where there is a relatively better provision of day to day services. These larger villages are generally able to accommodate larger amounts of development without unduly impacting upon the character of the village. Policy WLP7.1 also identifies some smaller villages in the rural area where land is allocated for residential development.
- 9.9 Spexhall is not within either a larger village or a smaller village as identified within the rural settlement hierarchy.

- 9.10 Policy WLP7.1 supports limited amounts of development elsewhere in other rural settlements that are not identified as either larger or smaller villages. In these locations growth is expected to be facilitated by Neighbourhood Plans and by Policies WLP8.6, WLP8.7, WLP8.8 and WLP8.11. Dealing with these in turn:
- WLP8.6 – Affordable Housing in the Countryside. The proposal is not for affordable housing and therefore this Policy is not relevant to the consideration of this application. Even if it were it is considered that the proposal would not meet the criteria within the Policy.
 - WLP8.7 - Small Scale Residential Development in the Countryside. This is the Policy that is considered most relevant to this application. Policy WLP8.7 allows for small scale residential development in the countryside of up to three dwellings where:
 - The site constitutes a clearly identifiable gap within a built up area of a settlement within the countryside;
 - There are existing residential properties on two sides of the site; and
 - The development does not extend further into the undeveloped Countryside than the existing extent of the built up area surrounding the site.
- 9.11 The application site currently consists of a redundant agricultural building adjacent to another agricultural building. There is one dwelling (the listed Spexhall Hall) to the south of the site and one other neighbouring property (The Old Port House) approximately 100m away to the north west beyond the existing bridleway. The application site cannot therefore be considered to constitute a 'clearly identifiable gap within a built up area of a settlement'.
- 9.12 The application site is not a settlement within the countryside. It is considered to be sporadic development within the countryside not in accordance with the policies which seek to allow some development in the countryside.
- 9.13 The existing buildings on the site contribute to a strong rural character to the site. The complex appears as a farm within the wider countryside setting, made up of the farmhouse and associated agricultural buildings. Agricultural buildings are characteristic of rural areas, however they do not and cannot constitute settlements. Similarly the two existing dwellings do not constitute a settlement. Whilst it is acknowledged that the agricultural building adjacent to the application site has permitted development rights to be converted to three dwellings the conversion has yet to be implemented (and for the reasons outlined earlier is unlikely to be implemented). It is therefore the case that the proposed development conflicts with Policy WLP8.7.
- 9.14 WLP8.8 – Rural Workers Dwellings in the Countryside. The proposal is not seeking consent for rural workers dwellings and therefore is not applicable.
- 9.15 WLP8.11 – Conversion of Rural Buildings to Residential Use. One element of this application includes the conversion (and extension) of an existing building. Policy WLP8.11 sets down certain criteria for the conversion of redundant rural buildings in the

countryside. In particular the conversion should secure or safeguard a heritage asset or the building should be locally distinctive and of architectural merit and the conversion requires only minimal alteration. It is not considered that the extensive works proposed to the building would comply with this policy. In any event, the two new builds would conflict with this policy. The proposal therefore conflicts with this policy.

- 9.16 It is considered that the settlement hierarchy set down in Policy WLP7.1 identifies a number of opportunities for new residential development in appropriate locations within the rural areas thereby allowing appropriate levels of development. The proposed development does not comply with Policy WLP1.2 or any of the exceptions set down in Policies WLP8.6, WLP8.7, WLP8.8 and WLP8.11 that might otherwise allow housing in the countryside. The proposal departs significantly from the recently adopted settlement hierarchy in the Local Plan and there is no justification for new residential development on the application site.
- 9.17 Accordingly therefore it is considered that the principle of residential development on this site is not acceptable.

Heritage Considerations

- 9.18 The application site is adjacent to the Grade II listed building of Spexhall Hall. There is intervisibility between the site and the agricultural building to be demolished and Spexhall Hall. However the agricultural building is not considered to be of much historic significance and the Council's Senior Design and Conservation Officer does not object to its demolition. It does however contribute to the strong agricultural character of the site and the complex appears as a farm within the wider countryside setting.
- 9.19 The proposal looks to replace the existing barn with two detached houses each with a double garage. These have been designed to appear as converted historic agricultural buildings/barns. However this approach is considered to seriously confuse the evolution of the site and the context of the adjacent listed building.
- 9.20 In comparison to the previous scheme the proposed dwellings are pushed further north-east, past the extent of the existing building line making them more in view of the rear of the listed building and closer to the "moat", which is noted in the listed building description as an important element of the building. Therefore it is considered that this part of the proposal has a high negative impact on the setting of the historic building. This affects the significance of the Listed building by confusing the relationship of the Farmhouse to its historic farmstead.
- 9.21 The building proposed to be extended and converted is not considered to be of high historic significance. However the proposed conversion is considered to have a negative impact on the setting of the listed building caused by the residential character created by the flue, rooflights, fenestration and the creation of a domestic curtilage.
- 9.22 It is considered that the proposed dwellings adversely change the setting of the adjacent listed Spexhall Hall considerably. The character is altered from that of a farmstead to a residential hamlet. The impact of all the associated domestic paraphernalia of cars, bins, washing lines, patio furniture etc and the erection of site divisions for numerous dwellings will also have a cumulative effect which will add further negative impact. Rather than the

listed farmhouse sitting isolated in the countryside with its related farm building complex it will become part of a residential development.

- 9.23 The significance of which is close connection between the farmhouse and its associated farm buildings and rural quality it currently provides. This reflects the agricultural nature of the complex which has been the case since the farmhouse was built in the 1400's. However, the creation of a pseudo historic barn complex confuses the sites evolution and the context in which the listed building is experienced in.
- 9.24 The Senior Design and Conservation Officer is of the view that in NPPF terms the proposal will lead to "*less than substantial harm*" to the significance of the designated heritage asset of Spexhall Hall. However, there is still a high level of harm caused to the significance of the Listed Building by the change to its setting both immediate and the wider countryside setting. It is this harm which has to be weighed against the public benefit. The proposal is therefore considered to be contrary to Policy WLP8.37 which seeks to conserve or enhance Heritage Assets and their settings. This amounted to a reason for refusal on the previous application.

Design and Layout Considerations

- 9.25 Design is a material consideration in the determination of planning applications and improving design quality is a key theme of the NPPF. Local Plan Policy WLP8.29 requires development proposals to demonstrate high quality design which reflects local distinctiveness. Proposals should protect the amenity of the wider environment, neighbouring uses and provide a good standard of amenity for future occupiers of the proposed development.
- 9.26 One of the reasons for refusing the previous scheme was on the grounds of a poor relationship between the dwellings leading to restricted outlook and amenity space. Whilst the reduction in the number of dwellings proposed from four to three improves the relationship between them they nevertheless remain in close proximity to one another. Each proposed dwelling has a reasonable amount of amenity space albeit in the form of an enclosed courtyard. On balance it is considered that the layout and relationship between the dwellings is acceptable and therefore the earlier reason for refusal can be discounted.

Ecology

- 9.27 The application is supported by a Preliminary Ecological Appraisal which identifies that further surveys are required for protected species including bats, great crested newts and reptiles. These surveys have now been carried out and they identify that mitigation and protected species licences are required for bats and great crested newts. The surveys recorded no reptiles on the site. It can therefore be concluded that subject to the proposed mitigation the proposal would not result in harm to protected species. This could be secured by condition as recommended by Suffolk Wildlife Trust were the application to be approved.

The Planning Balance

- 9.28 The provision of new housing in a rural location might be regarded as a benefit arising, however this proposal is not being promoted as one that would meet an identified housing

need and even if it were it is not considered to meet the tests of a “rural housing exceptions site” as detailed in paragraph 8.12 above. The proposal is also considered contrary to all other policies that might otherwise allow housing in the countryside. It is acknowledged that there would also be some limited economic benefits during construction, but as alluded to in the appeal decision; these are temporary and should not weigh in favour of the development.

- 9.29 No evidence has been provided with the application to demonstrate that these additional dwellings are required to ensure that an existing service or facility (i.e. shop, public house, school) continues. Evidence of such would be required as demonstrated by appeal decisions.
- 9.30 The NPPF states that there are three dimensions to sustainable development: economic, social and environmental. These roles should not be undertaken in isolation, because they are mutually dependent. The environmental role includes the protection and enhancement of the natural and historic environment. Given that the proposal is contrary to countryside policies and harms the setting of the listed building the proposal is not considered to constitute sustainable development.
- 9.31 It is advised that the public benefits of the proposed development are, at best, limited. Indeed, it is argued that the main benefits are private benefits to the landowner in terms of the uplift in revenue and value of the land. Officers are not of the opinion that the scheme would yield any public benefits.
- 9.32 In view of the harm caused by this development to the setting of the listed building together with harm due to the conflict with the Development Plan, which is recently adopted, it is not considered that this harm is outweighed by the benefits of the development.
- 9.33 Furthermore, as stated earlier in the report, the proposals do not seek to overcome the first two reasons for refusal attached to the previous application which related to principle as opposed to detail. In the absence of any clear evidence or change in nature of the proposals, the scheme is unable to satisfy the policy conflict which has been identified by this Council.

Habitat Mitigation

- 9.34 The application site lies within the 13km 'zone of influence' for recreational disturbance affecting the Minsmere to Walberswick Heaths & Marshes SAC and the Benacre to Easton Bavents Lagoons SAC/SPA. It is expected that new housing development in this area is 'likely to have a significant effect', when considered either alone or in combination, upon the interest features of these European Sites, due to the risk of increased recreational pressure caused by development.
- 9.35 The applicant has made the appropriate contribution towards the Suffolk Recreational Disturbance Avoidance and Mitigation Strategy (RAMS). As such it can be concluded that the impacts on European sites arising from the proposal can be satisfactorily mitigated.

10 CONCLUSION

- 10.1 The site lies in the open countryside outside any defined physical limits boundary where there is a presumption against new residential development in the interests of sustainable development. None of the exceptions that apply to this general policy of restraint are applicable to this proposal. The application is therefore contrary to policies WLP1.2, WLP7.1 and WLP8.7 and the NPPF.
- 10.2 The proposed conversion of the existing brick building entails significant alterations that would not comply with Policy WLP8.11 which states that conversions should require only minimal alterations. Furthermore the conversion would not safeguard a heritage asset and the application has not been submitted with this intention.
- 10.3 The site falls within the setting of Spexhall Hall, a Grade II listed building. It is considered that the proposal would result in a high level of harm to the setting of the listed contrary to Policy WLP8.37.
- 10.4 The benefits of the proposal are considered to be, at best, limited and temporary. The harm that would be caused to the character and appearance of the area and the setting of the listed building would significantly outweigh the limited benefits and therefore the proposal conflicts with the NPPF. This accords with the appeal decision referred to in this report.
- 10.5 Accordingly, it is recommended that the application is refused. The proposal is located in an unsustainable location, it conflicts with adopted policy and does not yield public benefits. It is important to note the previous refusal was on the grounds of it being an unsustainable location and harm to the listed building and these matters have not been overcome or addressed via this submission. Furthermore, a recent, very similar application was refused for identical reasons and to take a different approach in this instance, especially where the appeal proposal had additional environmental benefits than this scheme, would be inconsistent and perverse.
- 10.6 If Members wish to deviate from the Officer recommendation, having had the benefit of sight of all material considerations, then clear justification needs to be provided based on legislation, the previous decision and the appeal decision referred to, so as to ensure that any decision issued is sound.

11 RECOMMENDATION

That the Head of Planning and Coastal Management be delegated to **REFUSE** planning permission upon the expiry of the advertisement period for the following reasons:

1. The site lies in open countryside outside the physical limits defined by Policy WLP1.2 of the East Suffolk Council Waveney Local Plan (March 2019). The application site does not constitute a clearly identifiable gap within a built up area of a settlement in the countryside neither does it have existing residential properties on two sides. The proposal is therefore contrary to Policies WLP1.2, WLP8.7 (Small Scale Residential Development in the Countryside) and WLP7.1 (Rural Settlement Hierarchy).

2. The existing brick building is not a heritage asset nor is it locally distinctive and of architectural merit. The proposed conversion and extension constitutes more than minimal alteration to the building contrary to the provisions of Policy WLP8.11 (Conversion of Rural Buildings to Residential Use).

3. The site is within the setting of the Spexhall Hall a Grade II listed building. The proposed development would have a negative impact on the setting of the listed building contrary to Policy WLP8.37 and paragraphs 193 and 196 of the National Planning Policy Framework. The harm that would be caused to the character and appearance of the area and the setting of the listed building would significantly outweigh the limited benefits which would accrue.

BACKGROUND INFORMATION:

See application ref: DC/19/0061/FUL at www.eastsuffolk.gov.uk/public-access



Appeal Decision

Site visit made on 20 February 2019

by E. Brownless, BA (Hons), Solicitor

an Inspector appointed by the Secretary of State

Decision date: 18th June 2019

Appeal Ref: APP/T3535/W/18/3216317

Hill Farm Barn, London Road, Weston, NR34 8TE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Nigel Herrod against the decision of Waveney District Council.
 - The application Ref: DC/18/2588/FUL dated 15 June 2018, was refused by notice dated 9 October 2018
 - The development proposed is described as 'proposed custom designed single storey two-bedroom, self-build, retirement dwelling and site wild scaping'.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. Following submission of this appeal, Waveney District Council is now part of East Suffolk Council and the East Suffolk Council Waveney Local Plan was adopted on the 20 March 2019(LP). As a consequence, the LP has superseded policies within the Waveney District Council Core Strategy Development Plan Document (January 2009) and Development Management Policies (January 2011). I have allowed the parties the opportunity to provide their comments on this matter and accordingly I have taken these into account in determining the appeal.

Main Issues

3. The main issues are:
 - i) whether the appeal site is a suitable location for a dwelling with particular regard to the settlement strategy and the accessibility of services; and
 - ii) the effect of the proposal on the setting of a nearby listed building, Hill Farm House.

Reasons

Settlement Strategy

4. LP Policy WLP1.2 states that land which is outside of settlement boundaries is considered as countryside where new residential development will not be permitted except where specific policies within the LP indicate otherwise. The appeal site lies outside of any defined settlement boundary as identified on the Policies Map and as such, the appeal site is located within the countryside.

5. LP Policy WLP8.7 is permissive of a limited amount of housing in the countryside subject to meeting specified criteria. It continues to state that for small scale development of up to three dwellings that there must be existing residential properties on two sides of the site. The appeal site lies to the side of Hill Farm House and a small cluster of barns that have been converted to residential use, however, as there is built development only to one side of the appeal site, the proposal fails to satisfy this element of the policy.
6. LP Policy WLP8.7 also allows for small scale development of up to five dwellings on the edge of a settlement where there is demonstrable public support. However, the appeal site is not located close to any defined settlement boundary and other than the existing dwellings there are no services or facilities immediately available. Whilst the availability of services and facilities within a settlement is not entirely determinative, taken together with the limited number of dwellings, I find that the appeal site and its neighbouring dwellings do not amount to a settlement in their own right but rather a small sporadic cluster of buildings adjacent to the original farmhouse.
7. Accordingly, I find that the appeal site does not lie within nor adjacent to a settlement and would therefore fail to satisfy the requirements of LP Policy WLP8.7 for small scale development of up to five dwellings. In addition, irrespective of Parish Council support, the proposal has not demonstrated the meaningful pre-application consultation envisaged by the LP for local needs housing at the edge of settlements.

Accessibility of services

8. In this case, the appeal site is accessed via a private drive of approximately 400 metres, from London Road, a classified A road. I agree that it is in a reasonable state of repair. At the time of my site visit, London Road received a constant flow of traffic, including vans and HGV's. It was unlit and there were no footways along the majority of its length.
9. Whilst the distance from the appeal site to services and facilities at Beccles would be acceptable for a cyclist, this would not be the case for pedestrians. Given the absence of a footway, pedestrians would need to walk within the carriageway. Even though there are grass verges that could provide refuge to pedestrians, in places those verges are narrow, adjacent to thick vegetation and some are overgrown. From my observations, it is reasonable to consider that a large percentage of pedestrians would not feel safe having to walk within the carriageway and attempting to take refuge from approaching vehicles which would be passing in very close proximity. I also consider that taking into account the amount of traffic including vans and HGV's, that the route would not be an attractive environment for cyclists particularly inexperienced ones such as children.
10. A designated bus stop is available some 200 metres away at Hill Cottages. To my mind, whilst the distance is reasonably walkable, for the reasons given above, the nature of the route to access the bus stop would discourage use of the bus for many journeys, particularly for those with limited mobility, parents with young children or at night or during inclement weather.
11. I am advised by the appellant that the Konnect bus 90 service operates between Beccles and Southwold four times per day at approximately 2.5 hour intervals, however, there is limited detailed evidence before me regarding this

- service. The bus would be capable of being hailed from the parking layby close to the private drive to the appeal site. To my mind, the parking layby is reasonably walkable and safe to access. However, whilst the bus could provide access to employment, retail and educational facilities and services and other day to day needs, the limited regularity of the service reduces its potential as an alternative mode of transport.
12. The appellant has drawn my attention to his use of nearby footpaths and bridleways to access a local public house and retail facilities at Beccles. However, there is no detailed information before me as to the nature and length of these routes.
 13. Therefore, I consider that walking and cycling to the services and facilities would not be perceived as safe and convenient by future occupiers of the dwelling. Thus, I do not consider that it would be used on a regular basis for walking and cycling and the location would not be well served in terms of walking and cycling to access local services and facilities, particularly for more vulnerable groups.
 14. I am mindful of the advice in the National Planning Policy Framework (Framework) that opportunities to maximise sustainable transport solutions will not be the same in rural areas as in urban locations. Taking everything into account, even though there would be safe a convenient access to public transport from the lay-by, I consider that future occupants of the proposed dwelling would be highly reliant on the use of a private car.
 15. Whilst the number of daily movements which would be generated by the proposed dwelling would be modest, future occupants would have a limited choice of transport mode, contrary to the objectives of the Framework, and the overall aim of the LP to deliver sustainable development. This is a significant matter weighing against the proposal.
 16. For the reasons given above, I therefore conclude that the appeal site is not a suitable location for a new dwelling with particular regard to the settlement strategy and accessibility to services. The proposed development would therefore be contrary to LP Policy WLP1.2 in so far as this policy seeks to locate new development within settlement boundaries.

Setting of a listed building

17. The appeal site comprises an area of grassland including the concrete bases to a historic agricultural building. It lies towards the end of the existing private driveway beyond Hill Farm House, a Grade II listed building (LB) and a number of barns converted to residential use. Hill Farm House is a 16th Century farmhouse that I consider derives its significance from its form, fabric, architectural features and its setting within the open countryside.
18. The proposal would be largely screened from public views from London Road due to the presence of existing barns and intervening vegetation. Furthermore, by reason of the proposal being single storey, partially sunken into the ground, the use of land grading together with existing vegetation along the boundaries and the use of fast-growing additional landscaping, the proposal would blend well into its surroundings, such that the proposal would be largely imperceptible from views from the private driveway and the wider countryside. Notwithstanding this, the proposal would be obliquely visible from the LB itself.

Given that the rural character of the LB is emphasised by the agricultural land that surrounds it, such that it appears relatively isolated, the proposal would introduce built form, hard surfaced areas for parking and outdoor amenity space and domestic accoutrements into an area that is largely undeveloped. Consequently, I find that the proposal would harmfully erode the open character of the site and the relative isolation of the LB. As such, the proposal would detract from the rural and open setting of the LB.

19. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, requires the decision maker in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest.
20. The Framework advises that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. Paragraph 193 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.
21. The harm identified would amount to "less than substantial harm" and in the context of paragraph 196 of the Framework, which requires such harm to be balanced against the public benefits of the proposal.
22. The appellant has identified a number of public benefits including the provision of an additional dwelling to support the vitality of the rural community and financial support for local services, the release of a large family home, the use of local materials and labour during construction and the generation of income through the local jobs market for maintenance and upkeep of the proposed dwelling. However, I find the provision of one additional dwelling would make only a very modest contribution to housing supply and as such these benefits to be modest and mainly temporary. Albeit there would be some environmental benefits such as low-carbon performance, the remediation of contaminated land and the inclusion of a wildlife meadow, pond and significant tree planting, these would be modest and do not outweigh the harm I have identified above.
23. Accordingly, the proposal would harmfully erode the setting of the LB. It would therefore be contrary to LP Policy WLP8.37 insofar as this policy seeks to ensure that development proposals conserve or enhance heritage assets or their settings. I find that there would be insufficient public benefit to outweigh the identified harm, to which I attach great weight, and therefore I conclude the proposed development would also fail to comply with national policy outlined in section 16 of the Framework.

Other Matters

24. I have had regard to government policy which is supportive of self-build schemes and I have carefully considered the appellant's intention to construct the proposal in a timely manner as a carbon neutral project, the inclusion of technologies to reduce reliance on domestic power supplies, high levels of insulation and a design to take into account opportunities for later life occupancy. In addition, I have also had regard to the siting of the proposal on

the footprint of the existing concrete bases, recycling and re-use of the concrete bases and the remediation of the surrounding land. I attach modest weight to these matters however, I conclude that these are insufficient to outweigh the harm I have identified above.

25. I have carefully considered the appellant's intention to use electric powered cars and the availability of high-speed fibre broadband. However, I am not persuaded that a condition could effectively control this usage, or other essentially personal lifestyle choices relating to the carbon footprint of future occupiers of the proposed dwelling.
26. I recognise the appellant's desire to downsize to a smaller dwelling and remain living within the area. However, personal circumstances can seldom outweigh general planning considerations.
27. The site is within the zone of influence of the Special Protection Areas and Special Areas for Conservation along the Suffolk Coast. The proximity of these European sites means that determination of the application should be undertaken with regard to the requirements of the Habitats Regulations 2017. The appellant has made a Section 111 financial contribution to the Council towards a Suffolk wide management scheme known as the Recreational Avoidance and Mitigations Strategy. The Council considers this would mitigate any harm to the SPA/SAC. However, as the appeal is failing because of the harm which has been identified in relation to the main issues the development is not going ahead and therefore any harm to the SPA/SAC would not occur. Therefore, I do not need to give any further consideration to these matters in this appeal.
28. By reason of the recent adoption of the LP, the Council are presently able to demonstrate a five-year housing land supply and accordingly, I give full weight to the policies within the LP.
29. The appellant has drawn my attention to a number of previous appeal decisions¹. However, there is little substantive information relating to the particular circumstances of these developments and whether the circumstances are therefore comparable to the appeal proposal. In addition, these decisions were undertaken at a time when the Council was unable to demonstrate a five-year housing land supply and accordingly relevant policies were afforded differing weights. As such, a comparison is of limited relevance in this instance and I have considered the appeal before me on its individual planning merits.

Overall Balance and Conclusion

30. I have found that there would be environmental harm arising from the appeal site's unsuitable location with poor access to services and facilities together with harm to the setting of a heritage asset. Whilst there would be modest benefits associated with the proposal, I consider that there are no material considerations of such weight to lead me to the conclusion that the proposal should be determined other than in accordance with the development plan. Having regard to all other matters raised I therefore conclude that the appeal is dismissed.

E Brownless - INSPECTOR

¹ APP/J3530/W/16/3142099 and Z1510/W/16/3150953

PLANNING COMMITTEE NORTH – 13 August 2019
APPLICATION NO. DC/19/2129/FUL

ES/0103

EXPIRY DATE: 31 July 2019
APPLICATION TYPE: Full Application

APPLICANT: Mr Philip Scarfe

LOCATION: Hall Farm, Flixton Road, Bungay, Suffolk, NR35 1PD

PARISH: Bungay

PROPOSAL: Subdivision of the existing farmhouse and annex into two dwellings and replacement side extension.

CASE OFFICER : Joe Blackmore
Email: Joe.Blackmore@eastssuffolk.gov.uk
Phone: 01394 444 73



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Scale 1:1,250
Date 01/08/2019



1 EXECUTIVE SUMMARY

The application seeks full planning permission for the sub-division of the dwelling at Hall Farmhouse to create two dwellings, along with a replacement side extension.

The application site is located in the countryside and the principle of a new dwelling through sub-division is contrary to the Local Plan which does not explicitly permit such development. However, the 2019 National Planning Policy Framework (NPPF) supports new isolated homes in the countryside where it comprises sub-division of an existing residential dwelling. In this regard the Local Plan is inconsistent with the NPPF and therefore the policy conflict has to be given reduced weight.

The site is located less than one mile from the town of Bungay and notwithstanding the rural location of the site it is proximate to a sustainable settlement whereby future occupiers will have good access to local shops, services and facilities via only a short car journey.

There are no significant adverse impacts identified and officers consider that the Local Plan policy conflict is outweighed by the policy support found in the NPPF. The item is therefore before members as a departure from the Local Plan with an officer recommendation of approval.

2 SITE DESCRIPTION

- 2.1 The application site is located in the countryside within the parish of Bungay. The site comprises Hall Farmhouse which is an agricultural farmhouse located in the countryside to the south of Flixton Road and west of St Margaret's Road. The site is located less than one mile from the western end of Bungay.
- 2.2 The site comprises the farmhouse and adjoining two-storey annex which was added to the western side of the dwelling in the late 20th Century (planning ref. DC/89/1376/FUL). The annex is connected internally to the Farmhouse. It is understood that the annex used to accommodate an elderly relative but that this accommodation is no longer required. Since then the room configuration has changed and it no longer functions as an annex: it has been subsumed into the Farmhouse. The site also contains substantial domestic gardens; various outbuildings; garages; and areas of parking.
- 2.3 The site is located in the countryside, for planning purposes. It is not affected by any landscape designations and it falls within the lowest risk flood zone 1. There is a grade II listed building at Upland Hall some 145 metres to the southwest of the farmhouse.

3 PROPOSAL

- 3.1 This application seeks full planning permission for the sub-division of the dwelling at Hall Farmhouse to create two dwellings. This would involve the attached two-storey extension (formerly and annex) becoming an independent dwelling. The proposal also includes the demolition of the existing lean-to at the western end of the Farmhouse and its replacement with a slightly larger single storey side extension: a gabled structure with the

walls clad in timber and the roof covered in tiles. All other works would be internal to facilitate the sub-division.

- 3.2 The proposal seeks to utilise the existing highways access onto Flixton Road and there are no proposed changes to the existing parking provision and areas of hardstanding. There are currently two separate driveways that are adjacent one another to the front (south) side of the dwelling that are utilised for vehicle parking. Although outside the application site, there is also a parking area to the north side of the group of agricultural buildings associated with Upland Hall.

4 CONSULTATIONS/COMMENTS

Bungay Town Council: “RESOLVED that these plans are recommended for APPROVAL with no comments.”

Suffolk County Highways Authority: No objections; standard conditions recommended.

Essex and Suffolk Water: No objections.

Third Party Representations: One letter of support that raises the following key points (inter alia):

- Dividing the house into two would help the applicant’s family to stay together; and
- The house is too big and would easily divide into two without compromising the look of the property.

5 PUBLICITY

- 5.1 The application has been subject of the following advertisement in the press:

Category	Publication date	Expiry	Publication
Affects setting of Listed Building; and Departure from Development Plan.	14.06.2019	05.07.2019	Beccles and Bungay Journal; and Lowestoft Journal

6 SITE NOTICES

- 6.1 The following site notice has been displayed at the site:

Site Notice Type	Reason	Date Posted	Expiry Date
General Site Notice	Affects setting of Listed Building; and Departure from Development Plan.	14.06.2019	05.07.2019

7 PLANNING POLICY

- 7.1 National Planning Policy Framework (2019)

- 7.2 East Suffolk Council (Waveney) Local Plan (2019) policies:

- WLP1.2 – Settlement Boundaries
- WLP8.7 – Small Scale Residential Development in the Countryside
- WLP8.21 – Sustainable Transport
- WLP8.29 – Design
- WLP8.37 – Historic Environment

8 PLANNING CONSIDERATIONS

- 8.1 Section 38(6) of the Planning and Compulsory Purchase Act requires that, if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, determination must be made in accordance with the plan unless material considerations indicate otherwise. The relevant planning policies are set out in section 7 of this report.

Principle of Development

- 8.2 Local Plan Policy WLP1.2 defines settlement boundaries around towns and villages. Land outside of these settlement boundaries is defined as Countryside. The policy makes clear that new residential development will not be permitted in the Countryside except where other policies in the plan indicate otherwise. There are no policies which explicitly allow for subdivision in the Countryside where the dwelling to be subdivided is entirely isolated. As such, the proposal to sub-divide the dwelling is contrary to the Local Plan because there is no policy that specifically permits such subdivision. The proposal also does not accord with the objectives of WLP8.7 which allows for some limited residential development subject to strict controls.
- 8.3 The Local Plan was examined under the 2012 version of the NPPF and the policy approach above was found to be sound in accordance with the 2012 NPPF. However paragraph 79 of the 2019 version of the NPPF now allows for new isolated homes in the countryside if they comprise a subdivision of an existing residential dwelling.
- 8.4 The NPPF is a material consideration in all decision-taking and paragraph 213 of the NPPF states that the weight to be given to policies adopted before the NPPF should be based on the degree of consistency with the NPPF. Therefore in the case of subdivision in the countryside (as proposed), Policy WLP1.2 should be afforded less weight due to its inconsistency with the NPPF in this regard. However it is important to note that the policy can be considered fully up to date with respect to other types of residential development within the Countryside.
- 8.5 Therefore for cases of subdivision of a dwelling as now proposed, consideration must be given to whether the policy approach in Paragraph 79 of the NPPF outweighs the conflict with the Local Plan. The relevant part of Paragraph 79 reads:

*“Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:
d) the development would involve the subdivision of an existing residential dwelling;”*

- 8.6 In this particular instance, the existing dwelling is considered to be isolated as there are no immediate neighbours and it is accessed via a long rural track. That being said, Bungay is one of the larger more sustainable towns in the former Waveney area comprising a number of shops, services and employment opportunities. Bungay is allocated 6% of the District housing growth over the plan period with the expectation that 485 homes will be delivered in the town along with 3 hectares of employment land west of St Johns Road. The site itself is less than 1 mile from this major site allocation and also the existing facilities at the High School and Sports Centre. For an isolated, countryside location the site is fairly close to a sustainable settlement. It is unlikely occupants of the new dwelling would walk to Bungay and therefore travel would likely be dependent on private motor vehicle, something that Local Plan Policy WLP8.21 (Sustainable Transport) does discourage. However, given the close proximity of Bungay to the site, any car travel for day-to-day activities would likely be limited to short trips. NPPF paragraph 103 also acknowledges that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. Clearly in rural areas there will be less availability of public transport and often it is the proximity to sustainable settlements that is critical to reducing car travel.
- 8.7 As the Local Plan does not explicitly allow for sub-division in an isolated, countryside location it has to be accepted that the proposal is contrary to the Local Plan. In accordance with the section 38(6) exercise it then turns to whether there are material considerations that would indicate determination other than in accordance with the Plan. The NPPF is a material consideration and paragraph 79 explicitly allows isolated new homes where it comprises sub-division of an existing dwelling. Given that the proposal would only create a single dwelling and car travel to-and-from the site would be limited by virtue of the close proximity of the town of Bungay, officers consider that a departure from the Local Plan is appropriate and the principle of development should be supported in accordance with the objectives of NPPF paragraph 79.

Heritage Considerations

- 8.8 West of the application site is an early 19th century, two-storey stucco building with a hipped roof. This building is listed grade II and known as Upland Hall. There is a complex of curtilage buildings associated with the Hall that are to the west and south-west of the application site. The driveway from Flixton Road is shared on approach to the complex until it reaches the development, where it forks to serve the hall to the right and Hall Farm to the left. There is an element of inter-visibility between the listed Hall and the application building at Hall Farm, but this is relatively low. There are a couple of smaller side windows in Upland Hall which are understood to be to a bedroom and landing where a view across to Hall Farm can be obtained. These are concluded not to be principal rooms and the buildings are some distance apart at 145 metres approx.
- 8.9 The Council's Senior Design and Conservation Officer has reviewed the planning history for this property and provided guidance on whether the farmhouse is a curtilage listed building as it appears that the property was in the same ownership of the listed Upland Hall until relatively recently.
- 8.10 The building appears to pre-date the listed building. When the hall was built it is not clear in what capacity Hill Farm house functioned; at the time of listing in 1972 was it an independent dwelling/ still a farmhouse or was it used in association with the Hall for

housing staff etc.? This is impossible to answer without historic information. However, from planning history it appears that no listed building consent was sought for the extension which was granted planning permission in 1989. It would appear that the Council did not consider the property to be curtilage listed at this time and there is no reason to now conclude otherwise.

- 8.11 Whilst the application building is not curtilage listed it does fall within the setting of the grade II listed Upland Hall. The Planning (Listed Buildings and Conservation Areas) Act 1990 ("The Act") sets out, in section 66, the statutory duty of decision-takers in respect of listed buildings:

"In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

This statutory requirement is reflected in chapter 16 of the NPPF which sets out (inter alia):

- That heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance (para. 184);
- That great weight should be given to the conservation of heritage asset's and, the more significant the asset, the greater the weight should be (para. 193);
- That any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification; and
- That where harm would arise, it must be properly weighed against the public benefits of the development (paras. 195 &196).

- 8.12 In this particular instance, there would be only limited changes to the existing building and the replacement of the conservatory with a lean-to extension would be a visual improvement. There is also very limited inter-visibility between the application building and the listed Hall; therefore it seems very unlikely that there would be any appreciable impact on the significance of the listed building. The only potential adverse impact could come from the erection of inappropriate boundary treatments (fences, walls etc.) - particularly on the western side of the application site. Therefore a removal of permitted development rights in this respect would allow the Local Planning Authority to retain control over such development, ensuring the listed building would not be harmed. Otherwise, it is concluded that this proposal would not result in harm to the grade II listed Upland Hall. Thus, there is no conflict with the statutory requirements of The Act; the Heritage objectives of the NPPF; and the Historic Environment objectives of Local Plan Policy WLP8.37.

Design of Development

- 8.13 Hall Farm was extended in the latter part of the 20th Century with a two-storey side extension that clearly reads as a later addition to the more historic farmhouse. To utilise these two elements separately as independent dwellings would not result in any visual amenity issues. In any event, the site is not viewable from the public realm.

- 8.14 There is also a single storey conservatory to the west side of the later extension that is not a particularly well-designed addition. To replace the conservatory with a modest, well-designed side extension would be a visual improvement. Otherwise, there are no significant external works proposed with the alterations being internal to allow the sub-division.
- 8.15 Given the limited scope of external development, it is not considered there would be any appreciable impact on the living conditions of either of the dwellings.
- 8.16 There are two separate parking areas that could be utilised by each dwelling. There are no objections from the County Council Highways Authority and the proposal would make appropriate provision for parking of vehicles within the application site.
- 8.17 For the reasons given, the design of development and impact on residential amenity is considered to be acceptable in accordance with the objectives of Local Plan Policy WLP8.29 (Design).

9 CONCLUSION

- 9.1 The Local Plan does not explicitly allow sub-division of isolated dwellings in the countryside; however such development is explicitly allowed by NPPF paragraph 79. Thus, the conflict with the Local Plan is given reduced weight due to Policy WLP1.2 being inconsistent with the NPPF in this regard. Given that the site location is proximate to Bungay as a sustainable market town, officers consider that a departure from the Local Plan is appropriate, in this instance, and that the principle of development is supported by NPPF paragraph 79. There would be no adverse impacts on the grade II listed Upland Hall, nor the living conditions of the dwellings (both existing and proposed). On balance, the proposal is considered to be a sustainable form of development and planning permission should be granted.

10 RECOMMENDATION

- 10.1 APPROVE, subject to the following planning conditions:

1. Time Limit

The development hereby permitted shall be begun within a period of three years beginning with the date of this permission.

Reason: In accordance with Section 91 of the Town and Country Planning Act 1990 as amended.

2. Plan Compliance

The development hereby permitted shall be carried out in accordance with the following plans and documents: Application Form, Planning & Heritage Statement, Drawing Nos. 20-001, 20-003, 20-004, 20-005, 20-007 and 20-008; all received 28 May 2019.

Reason: For the avoidance of doubt as to what has been considered and approved.

3. External Materials of Extension

There shall be no development above slab level until precise details of the materials to be used in the construction of the external surfaces of the hereby approved extension have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interest of good design to secure a high quality finish.

4. Parking and Maneuvering Areas pre-occupation

The use shall not commence until the area(s) within the site shown on Drawing No. 20-004 for the purposes of maneuvering and parking of vehicles has been provided and thereafter that area(s) shall be retained and used for no other purposes.

Reason: To ensure that sufficient space for the on site parking of vehicles is provided and maintained.

5. Removal of PD Rights (fences and means of enclosure)

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, [or any order revoking/re-enacting the said order with or without modification] no screen wall, boundary fence or other means of linking or enclosure shall be erected on the site (denoted by the red line area indicated on Site Location Plan Drawing No. 20-001) unless express planning permission is granted by the Local Planning Authority for such development.

Reason: In the interest of preserving the setting of the Grade II Listed Upland Hall.

BACKGROUND INFORMATION:

See application ref: DC/19/2129/FUL at:

<https://publicaccess.eastsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PS1SK0QXK9700>

PLANNING COMMITTEE NORTH –13 August 2019

APPLICATION NO: DC/19/1978/LBC

EXPIRY DATE: 15 July 2019

APPLICATION TYPE: Listed Building Consent

APPLICANT: Mr & Mrs Fennell

LOCATION: Green Farm House Green Lane Somerleyton NR32 5PW

PARISH: Ashby Herringfleet and Somerleyton

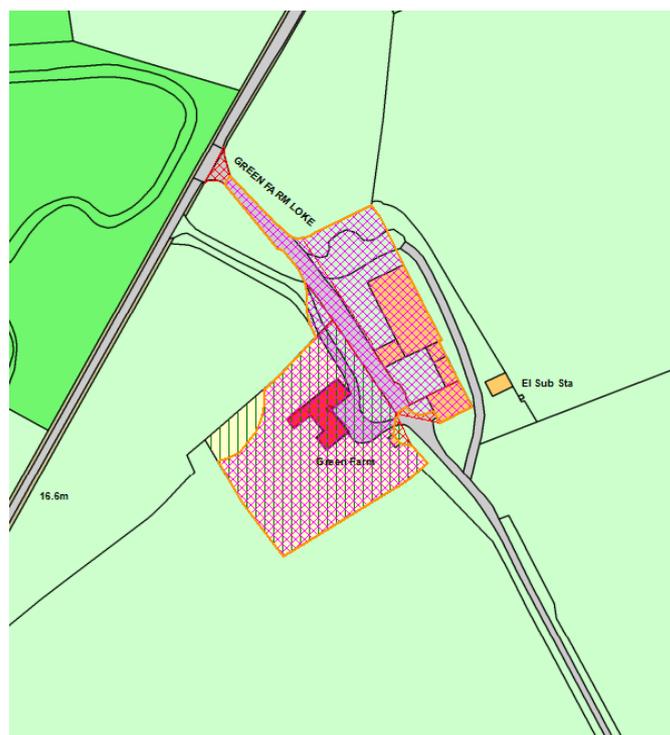
PROPOSAL: Listed Building Consent - Knock though to open kitchen & dining room together and alterations to make w.c. into shower room. Removal of chimney

CASE OFFICER : Chris Green

Email: Chris.Green@eastsoffolk.gov.uk

Phone: 01502 523022

MAP



Scale 1:1,250
Date 31/07/2019



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1 EXECUTIVE SUMMARY

- 1.1 This application seeks consent for internal alterations and the removal of a modern chimney. While the removal of a wall is considered to remove part of the original fabric, require insertion of a supporting structure and change the cellular room form found in traditional design, this stance differs from the opinion of the Parish Council, who have recommended approval.
- 1.2 The referral panel were of the opinion that this application required committee debate.

2 SITE DESCRIPTION

- 2.1 The application site is the listed farmhouse off Green Lane a narrow country lane running between Lound and Somerleyton to the south of the Somerleyton Hall walled parkland.
- 2.2 The house is Listed Grade II as Green Farmhouse the List description states; "*Farmhouse. C17 with later wing to rear. Colour-washed brick, pantiled roof. 2 storeys and attic. 3-cell form. 3 windows, 3-light mullion and transom casements of C19 and C20, mostly with large panes. Internal stack (rebuilt) and a smaller gable stack to the right, set forward of the roof ridge. Single-storey wing to right. Entrance door to rear. Interior largely modernised; some ovolo-moulded floor beams. The roof has 2 rows of butt purlins.*"

3 PROPOSAL

- 3.1 Consent is requested to remove the internal wall between kitchen and dining room with insertion of supporting timber, the external modern chimney stack and insert shower entailing the removal of an historic portion of wall.

4 CONSULTATIONS/COMMENTS

- 4.1 Somerleyton, Ashby And Herringfleet Parish Council "*The Parish Council recommends that the application be approved*"
- 4.2 The National Amenity Society : no response received
- 4.3 Third Party Representations – none received

5 PUBLICITY:

Category	Published	Expiry	Publication
Listed Building,	31 May 2019	21 June 2019	Beccles and Bungay Journal
Listed Building,	31 May 2019	21 June 2019	Lowestoft Journal

6 SITE NOTICES

The following site notices have been displayed: General Site Notice
Reason for site notice: Listed Building, Date posted 31 May 2019, Expiry date 21 June 2019
General Site Notice

7 PLANNING POLICY

- 7.1 Section 38(6) of the Planning and Compensation Act 1990
- 7.2 The National Planning Policy Framework (2019) and National Planning Policy Guidance (NPPG) forms a material consideration in the determination of this application.
- 7.3 Planning (Listed Buildings and Conservation Areas) Act 1990, Part II
- 7.4 East Suffolk (Waveney) Local Plan 2019
- WLP8.29 – Design
 - WLP8.37 – Historic Environment
 - Supplementary Design Guidance “Built Heritage and Design Supplementary Planning Document” - April 2012

8 PLANNING CONSIDERATIONS

- 8.1 This proposal had received pre-application advice; suggestions made are not fully followed in this submission.
- 8.2 NPPF clause 193 states: *"When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance"*. This is an early example of surviving domestic architecture..
- 8.3 Paragraph 194 states: *"Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification"*. It is considered that no substantive case has been made to support the changes identified as harmful that are proposed.
- 8.4 Policy WLP8.37 – Historic Environment requests that *"All development proposals which have the potential to impact on Heritage Assets or their settings should be supported by a Heritage Impact Assessment, ...and that "The level of detail of a Heritage Impact Assessment should be proportionate to the scheme proposed and the number and significance of heritage assets affected"*
- 8.5 It is considered that the submitted assessment does not identify the nature of the fabric in the areas where new opening are proposed for the shower and the opening up of the kitchen and dining area..
- 8.6 Officers consider that the removal of the chimney is acceptable as it is a rebuilt stack. While there is trimming evident considered to be contemporary with the original roof structure the materials of which the stack itself is constructed are modern. This is not the one of the stacks referred to in the List description which is in the main range of the Listed Building. Currently an Aga uses this flue and the stack is corbelled above without other support. There is no evidence of a historic fire place.

- 8.7 The proposed creation of large opening between Kitchen and the adjoining Dining Room will create an opening to nearly the full width of the internal space and the cellular character found in this historic building will be harmfully diminished.
The proposed introduction of heavy timber framing in this brick built building is also an alien feature in a building that is not timber framed and an historic door and door frame would be removed and lost.
- 8.8 The installation of the shower proposed is considered acceptable in principle; however this proposal removes the entire wall, bar two small nibs each side. Although at the time of the internal inspection of the property, officers thought the wall to be modern, further referral to the building survey shows a thicker load bearing wall. Further information as to the age and make up of this wall is required to properly determine the proposal.
- 8.7 Further details of mechanical ventilation and any above ground foul drainage would be required, by way of pre-commencement condition

9 CONCLUSION

- 9.1 Officers do not support approval of this application due to the harm caused to the significance of the Listed building by the change to the layout by merging spaces and loss of fabric, in the form of the historic door way and walling.

10 RECOMMENDATION

- 10.1 Recommendation is for refusal for the following reason:

The proposal will cause harm to historic fabric and to the understanding of the original layout and character of the building from within the building and where the submitted Heritage Assessment is considered not to fully examine these points. The proposal is therefore considered to be contrary to the requirements of adopted East Suffolk (Waveney area) local plan policy WLP8.37 where heritage assessments are required to be sufficient and to National Planning Policy Framework paragraphs 193 and 196 where harms identified to a heritage asset should reflect the value of that asset as well as the degree of harm or be justified by a public benefit. No public benefit has been identified in this proposal.

BACKGROUND INFORMATION:

See application ref: DC/19/2007/FUL
at www.eastsuffolk.gov.uk/public-access
Chris Green, Senior Planning Officer, Riverside, Lowestoft
01502 523022

PLANNING COMMITTEE NORTH – 13 August 2019

APPLICATION NO DC/19/2286/FUL

EXPIRY DATE 31 July 2019

APPLICATION TYPE Householder

APPLICANT Mr & Mrs M Baker

LOCATION Sandalwood, Stirrups Lane, Corton, Lowestoft, NR32 5LD

PARISH Corton

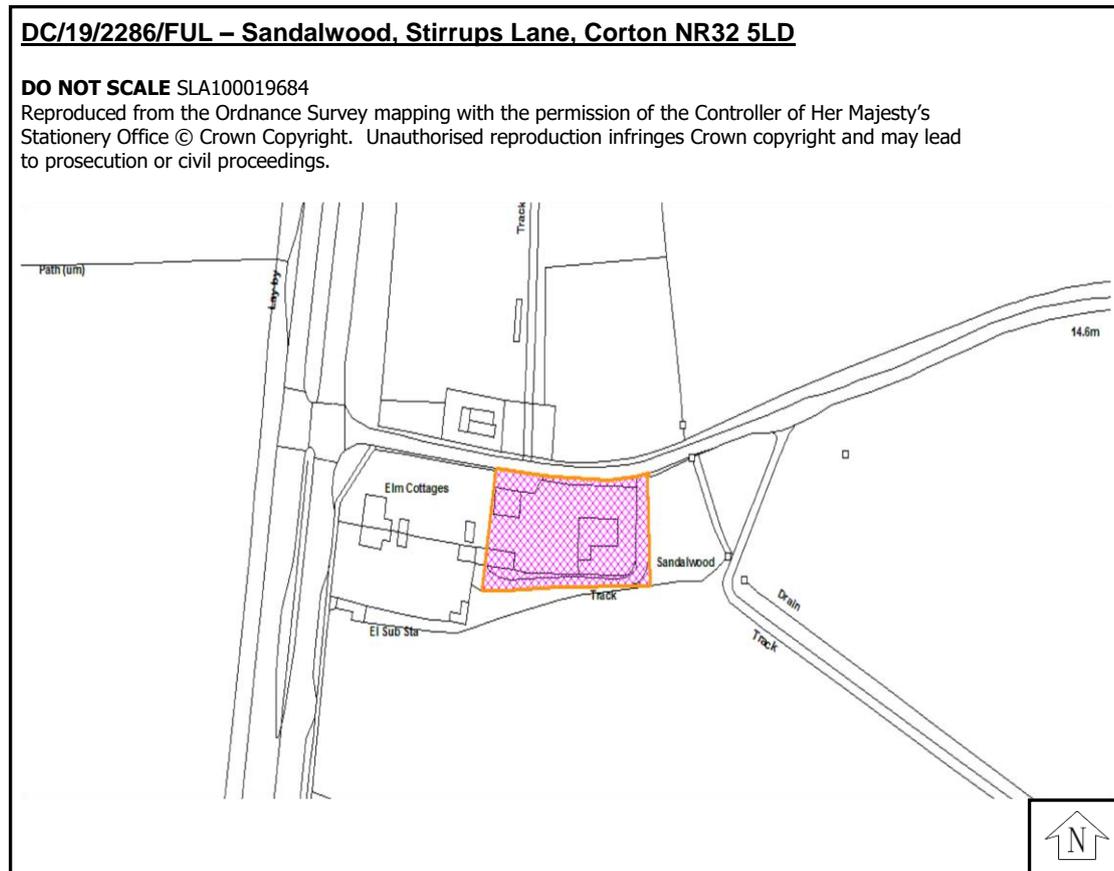
PROPOSAL Demolition of existing outbuildings and construction of new Garages and Stables

CASE OFFICER Melanie van de Pieterman

Melanie.vandePieterman@eastsuffolk.gov.uk

01502 523023

MAP



1 EXECUTIVE SUMMARY

- 1.1 The application seeks planning permission for the demolition of existing outbuildings and construction of new garages and stables.
- 1.2 The application is presented to Planning Committee as the applicant is related to one of the Elected Members of the Council.

2 SITE DESCRIPTION

- 2.1 The host dwelling is a one and a half storey brick and tile modern property located on the eastern side of Stirrups Lane at the western end of the lane close to the junction with the A47. There is a pair of semi-detached late Victorian/early Edwardian two-storey dwellings to the west which face directly onto the A47 whose gardens extend to the application site. These gardens are approximately 30 metres long and contain some outbuildings which are separated from the application site by mature hedging and a 1.8m high close boarded fence.

3 PROPOSAL

- 3.1 This application seeks full planning permission to demolish the existing outbuildings and replace them with a garage and stable block.
- 3.2 The proposed garage is a single storey brick and tile three car structure with storage areas measuring 12.6 by 6.1 metres and is approximately 5 metres in height. It is of a linear form and will abut the western boundary of the dwelling running north to south and there is an established access directly off Stirrups Lane which would serve the garage.
- 3.3 The proposed stable block is a traditional 'L' shape and measures 7.6 by 3.6 and is 4.5 metres in height, containing two stables and a tack room. It is proposed to be located in the south western corner of the site and there is an existing access track around the perimeter form an access to the eastern end of the curtilage.

4 CONSULTATIONS/COMMENTS

- 4.1 Corton Parish Council: No response received
- 4.2 Suffolk County Highways Authority: No objection
- 4.3 ESC Head of Environmental Services: No comments received
- 4.4 Third Party Representations: None received

5 PUBLICITY: None

6 SITE NOTICES

- 6.1 The following site notices have been displayed:

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, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise”.
- 7.2 National Planning Policy Framework (NPPF) (2019)
- 7.3 The East Suffolk Council - Waveney Local Plan was adopted on 20 March 2019 and the following policy is considered relevant:
- WLP8.29 - Design

8 PLANNING CONSIDERATIONS

- 8.1 The main considerations in the determination of this application concern the appearance of the proposed buildings and the impact on residential amenity. There would be some views of the garage roof, however it is of a form that is not uncommon in rural domestic settings such as this and would not be an alien or discordant feature within the wider landscape, where views would be very limited and it would not have a significant or detrimental impact on the amenities of nearby residents by virtue of distance, screening, massing and orientation.
- 8.2 As already stated in paragraph 2.1, the neighbouring dwellings will be separated from the stable block and garage by a distance of some 30 metres and there are outbuildings within the neighbouring gardens that further obscure views, along with mature hedging and trees. The neighbouring properties are to the west of the application site and the heights of the proposed buildings will not cause any overshadowing or loss of light to the garden areas.
- 8.3 With regards to the stable block there will be some views of the roof and structures when driving or walking along Stirrups Lane however this would not be of a significant level and is of an appropriate level in a rural domestic setting where this type of development is not unusual and given the heights and location it is considered that it would have a less than substantial impact on the landscape and the amenities of nearby residents due to scale, siting, screening and the loss of the existing buildings.
- 8.4 Policy WLP8.29 (Design) of the East Suffolk (Waveney) Local Plan 2019 states that design development proposals will be expected to demonstrate high quality design which reflects local distinctiveness. Applications for planning permission should demonstrate a clear understanding of the form and character of the built, historic and natural environment and use this understanding to complement local character and distinctiveness. In this respect the proposed garage and stables block are of a similar form to the main dwelling and adjacent buildings insofar as materials and overall character.

- 8.5 Furthermore policy WLP8.29 requires developments to respond to local context and the form of surrounding buildings in relation to the overall scale and character of the area, the layout and site coverage, the height and massing of existing buildings and their subsequent relationship between buildings and spaces and by using the materials appropriate to the local vernacular. Finally the proposals must protect the amenity of the wider environment, neighbouring uses and provide a good standard of amenity for future occupiers of the proposed development. As has already been stated, officers are satisfied with the proposed development and that their overall design, scale, siting and form constitutes an acceptable form of development within a rural domestic setting and complies with the provisions of policy W8.29.

9 CONCLUSION

- 9.1 For the reasons given above the proposed development is considered to constitute an acceptable form of development which complies with policy WLP8.29 of the adopted East Suffolk (Waveney) Local Plan 2019.
- 9.2 The buildings would be of a domestic form within a rural domestic setting and there is sufficient distance between the properties to alleviate any very limited potential for overshadowing of the garden areas.

10 RECOMMENDATION

- 10.1 That planning permission be granted subject to the following conditions:

1. The development hereby permitted shall be begun within a period of three years beginning with the date of this permission.

Reason: In accordance with Section 91 of the Town and Country Planning Act 1990 as amended.

2. The development hereby permitted shall be completed in all respects strictly in accordance with plans numbered 200519-1A (Block Plan) and 200519-3 (proposed floor plans and elevations) received 6 June 2019, for which permission is hereby granted or which are subsequently submitted to and approved by the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.

Reason: For the avoidance of doubt as to what has been considered and approved.

3. The materials to be used in the construction of the external surfaces of the buildings hereby permitted shall match those used in the existing building unless annotated otherwise on the drawing hereby approved.

Reason: To ensure the satisfactory external appearance of the development.

BACKGROUND INFORMATION: See application ref: DC/19/2286/FUL
at www.eastsuffolk.gov.uk/public-access

PLANNING COMMITTEE NORTH – 13 August 2019

APPLICATION NO: DC/19/2007/FUL

EXPIRY DATE:

APPLICATION TYPE: Full

APPLICANT: for Mr James Rudd Park Holidays UK Ltd

LOCATION: 24 Suffolk Road, Lowestoft NR32 1DZ

PARISH: Lowestoft

PROPOSAL: Change of front elevation windows on ground and first floor. Change of front door and surround.

CASE OFFICER : Chris Green

Email: Chris.Green@eastsoffolk.gov.uk

Phone: 01502 523022

MAP



Scale 1:750
Date 31/07/2019



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1 EXECUTIVE SUMMARY

- 1.1 This application is for the replacement of windows to the frontage of a commercial property in the adopted Lowestoft Conservation Area with upvc replacements.
- 1.2 The application is presented to the Committee as the applicant is the son of a serving Elected Member.
- 1.3 It should also be noted that the officer opinion differs from the opinion of the Town Council, who have recommended approval.

2 SITE DESCRIPTION

- 2.1 The application site is located within the Town Centre area of Lowestoft as defined in the Local Plan.
- 2.2 This site is also located within the Conservation Area
- 2.3 The South Lowestoft Conservation Area Appraisal describes Suffolk Road: *“extends from Station Square to the east and continues the commercial character from London Road North and Station Square, although at a lesser scale. Curving round to meet Battery Green Road, the streetscape encloses views and comprises buildings of late 19th and 20th century date, of understated but varied architectural style. Shop fronts again dominate the ground floor, with large plate glass windows across the Godfreys store to the north and remnants of historic shop fronts to the south such as pilasters and console brackets. The construction of short terraces and individual buildings by separate owners along Suffolk Street has resulted in a shifting roofscape throughout the street, and particularly along its south side”*.

3 PROPOSAL

- 3.1 Planning permission is sought for the installation of upvc vertical sliding sash windows and a composite timber door to the frontage of this unlisted commercial building in the extended Lowestoft Conservation Area
- 3.2 Planning permission is required because while no Article 4 direction was put in place when the South Lowestoft Area was extended across the bridge to encompass this area, this was because as all the property encompassed was either commercial or flats, they enjoyed no permitted rights to change appearance, as confirmed by Part 7 of the 2015 General Permitted Development Order. This covers Non-domestic extensions and alterations and allows alteration generally but at paragraph A.1 (aa) article 2(3) land (which encompasses Conservation Areas , is excluded from the right thus requiring planning permission.

4 CONSULTATIONS/COMMENTS

- 4.1 Lowestoft Town Council *“The Planning and Environment Committee of Lowestoft Town Council considered this application at a meeting on 11 June 2019. There seems to be some confusion if this application is for number 22 or number 24 as the photograph submitted is*

misleading. Perhaps it is a retrospective application? However, the Committee were in agreement to support the replacement windows and door”.

4.2 Third Party Representations – none received

5 PUBLICITY:

Category	Publication date	Expiry	Publication
Conservation Area,	30.05.2019	20.06.2019	Beccles & Bungay Journal
Conservation Area,	30.05.2019	20.06.2019	Lowestoft Journal

6 SITE NOTICES

The following site notices have been displayed: General Site Notice

Reason for site notice: Conservation Area, Date posted: 30.05.2019 Expiry date 20.06.2019

7 PLANNING POLICY

7.1 Section 38(6) of the Planning and Compensation Act 1990

7.2 The National Planning Policy Framework (2019) and National Planning Policy Guidance (NPPG) forms a material consideration in the determination of this application.

7.3 Planning (Listed Buildings and Conservation Areas) Act 1990, Part II

7.4 East Suffolk (Waveney) Local Plan 2019

- WLP8.29 – Design
- WLP8.39– Conservation Areas
- Supplementary Design Guidance “Built Heritage and Design Supplementary Planning Document” - April 2012

8 PLANNING CONSIDERATIONS

8.1 This application seeks permission for the replacement of timber windows in the conservation area with upvc windows of vertical sliding sash type. The design and access statement submitted as part of this application does not attempt to describe the condition of the existing windows merely stating that the existing are of poor thermal performance. The photo supplied by the applicant with this application, represents No.22, adjacent, and shows works to that property rather than the application site. The works to number 22 building were approved as 18/3969/FUL. In the report to that application the officer concluded that the windows to that property were not original, but a subsequent replacement.

8.2 Policy WLP8.39 – Conservation Areas states: *“Proposals for replacement doors, windows and porches in conservation areas where Article 4 Directions are in place must be of a suitable design and constructed in appropriate materials. Applications will be assessed with reference to the prominence of the location, the historic and architectural value of the building and the historic and architectural value of the feature to be replaced”*

- 8.3 Policy WLP8.37 – Historic Environment further directs applicants that *“Proposals should take into account guidance included in the Built Heritage and Design Supplementary Planning Document”*
- 8.4 The Supplementary Planning Document "Built Heritage and Design" is a retained document referenced by the current Local Plan adopted 2019, while this document is currently under review, this is in the early stages and there is no suggesting that the overall approach taken by the SPD should be considered out of date.
- 8.5 The windows policy uses a point score to guide officers as to whether replacement should be contemplated. Suffolk Road was at the time of compilation a through route on the one way system and accorded a full three point score. This score might be considered as reduced now that the traffic system has been changed. The officer dealing with the application for the adjacent number 22 did also consider the locational point score could be reduced in her analysis in her delegated report to application reference DC/18/3969/FUL. Even however, if one accords one point only for “location”, the existence of all original windows not demonstrated as in poor order confers a three point score and the condition of the existing building and group which is substantially in its as built form also confers a high 3 point score, giving a total of 7 points.
- 8.6 This indicates a refusal would normally be considered appropriate. The site visit showed that the ground floor timber windows currently in place are in good order in that the joinery is sound with no sign of rot at any point, including the cills, where no softness could be detected. All the windows are to the original pattern (probably also contemporary with the erection of the building) and are architecturally cohesive in appearance.
- 8.7 No condition survey report refuting this view has been provided by the applicant. The applicant has stated that *“First floor window frames are in a poor state and three have cracked panes so these will need replacing in any case”*, this is however a minor matter that would not require planning permission. The applicant notes upper windows are fixed shut to eliminate leakage. There are many products available that can upgrade existing timber sash windows to provide seals such that uncontrolled ventilation can be controlled. The applicant regards the internal aesthetic appearance of the window to be poor. This presumably reflects poor decorative finishes rather than being a critique of the detailing of late Victorian buildings.
- 8.8 Thermal performance could be addressed by insertion of sealed units into the existing frames or the use of secondary glazing.
- 8.9 The current front door is a 20th century design also considered to score 7 points because it is considered to be of a form architecturally appropriate to the building and conservation area character as described at para 2.3 of this report.. The point score again derived from the location (1 point), the quality of the component part which is proposed replaced (3 points) and the cohesive character of the building and its neighbours (3 points).
- 8.10 The composite design represents a serious architectural debasement in form as well as material. Upgrading the existing door with seals routed into the door-leaf could easily offer the necessary thermal performance upgrade. The door to number 24 is considered

to probably be of a slightly later date than that to the adjacent number 22 (where the original door was retained in the approval).

- 8.11 The existing context within the street is one where there have been past losses on material in other properties. There remain however a cluster of properties at the east end of the street, of which NO. 24 is in a part that retain original features. No. 20 has an original shopfront and sash windows above, the property of the corner of Suffolk Road and Battery Green Road has original sash windows and the former library opposite this site on the north side of the road features excellent original fenestration.
- 8.12 The applicant states that the downstairs windows had work to remove rotten wood several years ago and now signs of dilapidation are beginning to occur once again.
- 8.13 At the site visit (30th May 2019) no such dilapidation was noted and the property received grant under the Townscape Heritage Initiative scheme in the early years of this century.
- 8.14 The recommendation for the refusal of this proposal is not inconsistent with the approval for the replacement of windows to the adjacent number 22, because the windows that had existed at that address were not all original and were visibly more deteriorated when examined
- 8.15 The delegated report to DC/18/3969/FUL stated *“the proposed replacement windows could be considered to constitute a visual improvement to the area. The existing windows are in a poor state of repair and they are not original despite them being of a traditional sash form appearance and style and the proposed sash replacements would not have such a significant impact as to raise officer's concerns on the resultant impact on the street scene and urban landscape as a whole”*.
- 8.16 While paragraph 191 of the National Planning Policy Framework says the state of a heritage asset should not inform decision making, the Adopted Supplementary Planning Document does allow economic repair to form part of decision making for window and door replacement. No repair cost quotations have been provided to demonstrate that the windows are beyond economic repair.
- 8.17 On one level the proposal would generate a certain consistency in terms of materials with the neighbour but on the other the retaining where possible of historic features is fundamental to the approach taken by the new Local Plan and East Suffolk Council
- 8.18 There is no doubt that the proposed windows are of a good quality and combined with number 22 would offer congruity. The replacement door however is not considered to offer such a good level of congruity. The policy approach is to retain original fabric.
- 8.19 The applicant mentions the economic benefit of the construction work. Locally sourced craftsmen working in timber are also a valuable resource and so placing work with such businesses helps economic activity and the generation of craft skills.
- 8.9 The applicant has offered to provide photos to illustrate the condition of the windows, but has not offered a report by an expert in the repair of historic windows. If such a report were to be submitted this would carry considerable weight if it demonstrated the windows were beyond repair.

9 CONCLUSION

- 9.1 The proposal is contrary to the policy of the Council with regard to retaining historic features and congruity therefore within Conservation Areas.

10 RECOMMENDATION

- 10.1 REFUSE permission for the following reason:

The proposal will lead to the replacement of windows that appear to be contemporary with the construction date of the building, and appear externally to be in good order. Furthermore no evidence has been provided by way of a report demonstrating in detail the condition of the windows and door and then proceeding to demonstrate that the windows and door are beyond economic repair and therefore the proposal will conflict with Policy WLP8.39 – Conservation Areas and the Supplementary Design Guidance "Built Heritage and Design Supplementary Planning Document" - April 2012

BACKGROUND INFORMATION:

See application ref: DC/19/2007/FUL
at www.eastsuffolk.gov.uk/public-access
Chris Green, Senior Planning Officer, Riverside, Lowestoft
01502 523022

PLANNING COMMITTEE NORTH – 13 August 2019

APPLICATION NO: DC/19/2004/FUL

EXPIRY DATE: 18.07.2019

APPLICATION TYPE: Full

APPLICANT: Mr Robert Taylor

LOCATION: The Old Chapel, 5 Mill Lane, Southwold, Suffolk, IP18 6HW

PARISH: Southwold

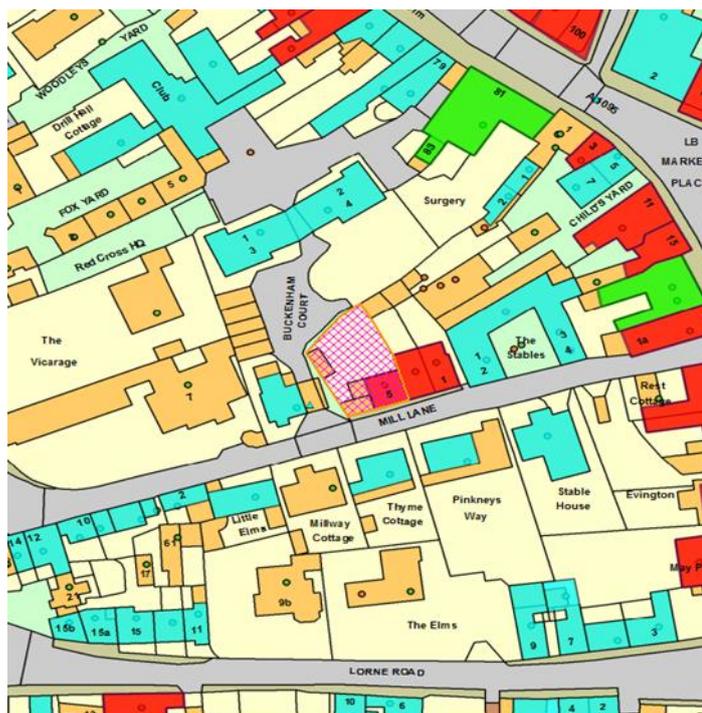
PROPOSAL: Full Planning - Material amendments to approval DC/17/4306/FUL. a) Increasing length of new build extension by 900mm; b) Increasing privacy by raising conservatory wall to 2m; c) alterations to windows of new build extension and removal of external door

CASE OFFICER : Chris Green

Email: Chris.Green@eastsoffolk.gov.uk

Phone: 01502 523022

MAP



Scale 1:750
Date 31/07/2019



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1 EXECUTIVE SUMMARY

- 1.1 This application is a full application that seeks to vary an approval given in 2017 for the removal of a 1980 vintage side extension to a listed non-conformist chapel near the centre of Southwold with a linking mainly glazed building and a substantial rebuild and enlargement of an outbuilding at the rear to replace space lost and provide additional space for living accommodation.
- 1.2 The Town Council have objected to this proposal and those preceding this and referral panel suggested this should be brought to committee to enable appropriate discussion to ensue.

2 SITE DESCRIPTION

- 2.1 The non-conformist place of worship is attached to a listed residence to the east, no. 1 Mill Lane and is now in use as a single dwelling. It is a Grade II listed building situated in the Southwold Conservation Area. To the west of the original chapel there is a 1980 built extension set forward on the plot to the back of the footway and incorporating a garage.

- 2.2 The listing description states:

Methodist chapel, now house. 1799, converted to house 1839; late C20 alterations and extension. Built by William Samkin. Red brick with pantile hipped roofs.
EXTERIOR: 2-storey 3-window front with 2-storey 1-window extension to left. Central panelled double-leaf doors, now sealed, flanked by one 2-light casement on each side: these 3 openings have keyed semicircular arched heads, now blocked. Two 2-light casements on first floor flank sundial with gnomon and legend: tempus fugit. Raised first floor band; dentil eaves cornice.
INTERIOR: not inspected.
(Bottomley A & Hutchinson J: Discovering Southwold: Southwold: 1988-: 5).

3 PROPOSAL

- 3.1 The application seeks permission to demolish the 1980's two-storey extension added to the side of the building and restore the chapel as close as possible to its original form. The accommodation lost by the removal of the extension is to be accommodated in a two-storey structure that replaces the garage and on the site of an earlier two-storey building, and which is to be linked to the former chapel by a glazed conservatory.
- 3.2 Two parking spaces will be provided on the site of the demolished extension. Beyond this behind a brick wall a courtyard space is created from which access into the glazed link and two storey building is provided.

4 CONSULTATIONS/COMMENTS

- 4.1 Southwold Town Council "*Recommendation*"
 - *Request a) Increasing length of new build extension by 900mm.*

Any increase in the depth of the “stand alone” building, even if there is a corresponding decrease in the depth of the glass structure, will increase the mass and dominance of an architecturally insignificant building, and the impact on neighbour amenity. REFUSE

- *Request b) Increasing privacy by raising conservatory wall.
Extending the brick wall may have the virtue of partially concealing the glass structure. DESIGN REQUIREMENTS - Sensitive detailing of the brick wall to match existing historic brick walls in this part of the Conservation Area will help to mitigate the harm caused by the glass structure and should be made a condition of consent.*
- *Request C) Alterations to windows of new build extension and removal of external door.
DESIGN REQUIREMENTS Provided the changes in fenestration and the door are not visible from the street or adjoining properties, the Town Council has no objection.*

Description of character of dwelling and area

The Old Chapel is a Grade II listed building in the Southwold Conservation Area. A previous scheme for an extension to the Old Chapel by this agent was refused and the refusal was upheld on appeal. The Inspector’s decision explains the building’s character and the importance of the existing space around the building to its significance.

The significance of the building derives from its historical record of the evolution of religious progression and non-conformist traditions. Its simple elevations with symmetrical detailing and fenestration [are] arranged to reflect the internal use of spaces. The existing alterations and extensions harm the original form and shape of the building and its original setting. Whilst constructed attached to the adjoining cottages, there was space around the building to the side and rear, along with some surrounding buildings, albeit unattached. These factors all contribute to the significance of the listed building.

History of Application

The Inspector went out to express concerns that the refusal scheme, which involved removing the 1982 extension, would “add significant additional footprint and bulk and mass to the built form on the site... The extension would appear excessively large for the host building and the combination of elements would add competition and confusion to the simple form of the listed building. Rather than appear subservient, it would compete and detract from it. The open front car port is a particularly modern and unrepresentative feature.”

A new scheme was submitted, which was consented (despite the objection of the Town Council, because it had all of the defects of the refused scheme). The Town Council was especially concerned about the glass conservatory/stairwell and the size and lack of architectural merit of the stand-alone building, which is linked to the Old Chapel by the glass structure.

Issues

The poor quality of the drawings makes it difficult to understand the changes and their impact, when built. With that caveat,

- *Request a) Increasing length of new build extension by 900mm. Any increase in the depth of the “stand alone” building, even if there is a corresponding decrease in the depth of the glass structure, will increase the mass and dominance of an architecturally insignificant building, and the impact on neighbour amenity. The request increases the lack of subservience and overdevelopment of the original build. This request could have an impact on the neighbour at Gatehouse. REFUSE*
- *Request b) Increasing privacy by raising conservatory wall. Extending the brick wall may have the virtue of partially concealing the glass structure. DESIGN REQUIREMENTS - Sensitive detailing of the brick wall to match existing historic brick walls in this part of the Conservation Area will help to mitigate the harm caused by the glass structure and should be made a condition of consent.*

We would want the Conservation Officer to consider the wall design and the materials used. We would have expected to have been provided with these details as part of this application – as it was condition 3 of the application DC/17/4306/FUL. The significance of the design of this wall cannot be underestimated.

- *Request C) Alterations to windows of new build extension and removal of external door. DESIGN REQUIREMENTS Provided the changes in fenestration and the door are not visible from the street or adjoining properties, the Town Council has no objection. The effect of the alteration makes a symmetrical aspect now not symmetrical - but it would appear that its visual effect will be limited due to the wall mentioned above,*

*Policies to which the application is contrary to;
Guidance for Historic Buildings and Conservation Areas SDP – para 4.11 – extensions.*

NPPF – section 12 – Designing Well-designed places

NPPF – Section 16 – Conserving and Enhancing the historic environment

Waveney New Local Plan – Policy WLP8.29 – Design

Waveney New Local Plan – Policy WLP 8.37 – Historic Environment””.

4.2 Third Party Representations – six letters of objection have been received their comments are summarised below:

- Impact on parking
- Impact on light pollution
- The scale of the proposal
- The design of the proposal
- Lack of detail
- Lack of notice

5 PUBLICITY:

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

Category	Published	Expiry	Publication
Conservation Area, Listed Building,	7 June 2019	28 June 2019	Beccles and Bungay Journal
Conservation Area, Listed Building,	7 June 2019	28 June 2019	Lowestoft Journal

6 SITE NOTICES

The following site notices have been displayed:

General Site Notice	Reason for site notice: Conservation Area, Listed Building, Date posted 30 May 2019, Expiry date 20 June 2019
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6.1 Related application

Reference No	Proposal	Decision	Date
DC/19/2005/LBC	Listed Building Consent - Material amendments to approval DC/17/4306/FUL. a) Increasing length of new build extension by 900mm; b) Increasing privacy by raising conservatory wall to 2m; c) alterations to windows of new build extension and removal of external door		
DC/17/4306/FUL	Construction of a two storey extension at rear and conservatory	Application Permitted	4 December 2017
DC/17/4307/LBC	Listed Building Consent - Construction of a two storey extension at rear and conservatory	Application Permitted	4 December 2017

7 PLANNING POLICY

7.1 Section 38(6) of the Planning and Compensation Act 1990

7.2 The National Planning Policy Framework (2019) and National Planning Policy Guidance (NPPG) forms a material consideration in the determination of this application.

7.3 Planning (Listed Buildings and Conservation Areas) Act 1990, Part II

7.4 East Suffolk (Waveney) Local Plan 2019

- WLP8.29 – Design
- Policy WLP8.37 – Historic Environment
- WLP8.39– Conservation Areas
- Supplementary Design Guidance “Built Heritage and Design Supplementary Planning Document” - April 2012

8 PLANNING CONSIDERATIONS

- 8.1 Built as a place of worship the Old Chapel is now in use as a single dwelling. It is a Grade II listed building situated in the Southwold Conservation Area.
- 8.2 The proposal is to amend the previous decision DC/17/4306/FUL which was to demolish a 1980's two-storey extension added to the side of the building and restore the chapel as close as possible to its original form, and to reveal that form by removing parts of the later additions.
- 8.3 The accommodation lost by the removal of the extension is to be accommodated in a two-storey structure that replaces the garage and on the site of an earlier two-storey building, and which is to be linked to the former chapel by a glazed conservatory. Two parking spaces will be provided on the site of the demolished extension. Beyond this behind a brick wall a courtyard space is created from which access into the glazed link and two storey building is provided.
- 8.4 The earlier application DC/17/4306/FUL and the associated listed building application DC/17/4307/LBC were approved in December 2017.
- 8.5 This application revises that proposal slightly by increasing the length of the rear two storey accommodations forward towards the highway by 900mm over that approved earlier and making the glazed linking circulation space, incorporating the staircase 900mm shorter in depth so that the front of the link remains the same distance from the highway. Officers consider that this small change over that originally consented to has no material impact on the streetscene and the better understanding of the historic chapel that was gained in the original approval is not prejudiced by this proposal.
- 8.6 The ridge height of the proposal is no different to that originally approved, so no increased mass is considered by officers to occur. The proposal to raise the wall at the front of the conservatory to two metres is considered beneficial, obscuring the staircase from public view. The proposed adjustments to the fenestration of the rear building's front elevation and the removal of a door is considered minor in impact and unobjectionable.
- 8.7 It is considered that the proposed scheme does not alter the merits of the approved scheme, will preserve the special interest of the listed building and its positive contribution to the character and appearance of the conservation area, and accords therefore with Development Plan policies WLP8.29, WLP8.37 and WLP8.39 which seek to protect and enhance the historic environment.

9 CONCLUSION

- 9.1 The proposed revisions to the scheme approved in December 2017 are considered not to cause harm and offer the same benefits that were realised in that earlier approval, where the form of the original building is to be revealed by removal of extensions of late 20th century date.

10 RECOMMENDATION

Recommend APPROVAL with the following conditions:

1. The development hereby permitted shall be begun within a period of three years beginning with the date of this permission.

Reason: In accordance with Section 91 of the Town and Country Planning Act 1990 as amended.

2. The development hereby permitted shall not be carried out other than in complete accordance with Drawing Nos 140905A; 140914C; 00902B; received on 17/05/19 and 140909 received on 10/10/17.

Reason: For the avoidance of doubt as to what has been considered and approved.

3. No development shall commence until details/detailed drawings of the following matters shall be submitted to the local planning authority for approval in writing:
[i] full specification of external materials, including hard surfacing within the curtilage;
(ii) boundary walls and gates.

The approved details shall be implemented in their entirety before the extensions are first occupied.

Reason: To ensure the works preserve and enhance the special character of the building and the character and appearance of the Conservation Area: the application did not include the necessary details for consideration.

4. The first floor windows in the west elevation of the two-storey extension shall be fitted with obscure glazing and shall thereafter be retained.

Reason: To avoid undue loss of privacy to neighbouring residents in the interests of residential amenity.

BACKGROUND INFORMATION: See application ref: DC/19/2004/FUL and 2005LBC at www.eastsuffolk.gov.uk/public-access
Chris Green, Senior Planning Officer, Riverside,
Lowestoft 01502 523022

Appendix one

Delegated report relating to original permission DC/17/4306/FUL approved 04.12.2017
Built as a non-conformist place of worship the Old Chapel is now in use as a single dwelling.
It is a Grade II listed building situated in the Southwold Conservation Area.

The proposal is to demolish a 1980's two-storey extension added to the side of the building and restore the chapel as close as possible to its original form. The accommodation lost by the removal of the extension is to be accommodated in a two-storey structure that replaces the garage and on the site of an earlier two-storey building, and which is to be linked to the former chapel by a glazed conservatory. Two parking spaces will be provided on the site of the demolished extension. Beyond this behind a brick wall a courtyard space is created from which access into the glazed link and two storey building is provided.

The submission follows pre-application planning advice given by the Principal Design and Conservation Officer and the Central Area Team Leader.

Commenting on this application the Principal Design and Conservation Officer confirms:-

"I can confirm that the submitted scheme conforms closely to that which we discussed and that, therefore, I support it as I judge that there is no harm arising from the proposal and that there are welcome benefits.

I can confirm that the submitted Historic Assessment Report is acceptable for the purposes of paragraph 128 of the NPPF. The significance of the chapel is derived from its evidential value in respect of non-conformist worship; its very modest architectural qualities; and its positive street-scene contribution. The internal character of the chapel is somewhat compromised by later alterations such that its contribution to the building's significance is lower but still of value (survival of the gallery floor, for example). The setting of the chapel is formed of the open space to the rear and associated outbuilding (there were more of these historically). These contribute somewhat to the building's significance. The back-edge-of the road façade of the chapel contributes importantly to the dense urban character of the conservation area in this part of it, which is historic, established and very attractive. Undoubtedly, the grisly 1980s extension detracts from the chapel, street-scene and conservation area.

In arriving at my views, I have been mindful of the results of the previous planning appeal at this site and also the content of the Southwold conservation area appraisal.

I support this application as I judge that it will better reveal the significance of the heritage asset that is the listed chapel and also enhance its contribution to the character and appearance of the conservation area. This is for the following reasons:

- o There is no obligation or requirement for the applicant to remove the poorly designed 1980s flank extension to the chapel which actively detracts from the listed building and harms its special interest. However, the applicant's proposal to demolish this addition is a significant benefit that should not be under-rated by any of those with an interest in this proposal. Demolition will remove a blot on the building, streetscene and conservation area; and largely restore the original form of the building thus restoring some of the lost significance of the heritage asset. This is a very important and welcome conservation gain - and unusual - and I strongly support it.

o It is entirely reasonable, therefore, that, by removing the extension, the applicant would seek to reinstate the lost accommodation through an alternative arrangement in a manner that is better considered than that which was judged acceptable in the 1980s. I judge, therefore, that the principle of the replacement extension now proposed is acceptable.

o I judge also that the design of the replacement extension is acceptable. It takes the form of a linked rear range of 1.5 storeys scale. Its position is set well back within the site and occupies one corner of it. Thus, its position, size and scale are entirely secondary and subordinate to the chapel and will not detract from the chapel's special interest. The majority of the rear open space is left unaltered.

o The architectural form, style and choice of materials of the attached rear range are entirely traditional, modest and quiet such that it will not draw the eye to it when viewed from the street, which is appropriate for a replacement extension. Contrast that with the current arrangement.

o The proposed glazed link to the chapel will still allow the original form the chapel to be read whilst contributing an attractively designed but modest addition which is evidence of the 21st century's continued evolution of this altered building.

o The proposed changes to the chapel building itself are largely in the nature of reinstatement of lost features and this is also welcome, alongside some further modest adaptation.

On these bases, therefore, I judge that the proposal will enhance the character and appearance of the conservation area and better reveal the significance of the listed building as a designated heritage asset and preserve its special interest. I judge that there will be no harm arising from this proposal and that paragraph 134 of the NPPF is not, thereby, engaged."

Having regard to the above views it is considered the scheme accords with Development Plan policies CS17 and DM30 which seek to protect and enhance the historic environment.

The proposed two-storey structure will be positioned alongside the access and parking area for Buckenham Court, a small residential complex to the side and rear of the Old Chapel. It will be positioned close to the property adjoining to the west, which extends over the access way. The increase in the scale of the building from single storey to 1.5 storey would not unduly impact on this property by virtue of loss of light as the window most affected by the new build is an obscure glazed window. The window to bedroom 1 in the west elevation would however result in overlooking to rooms in the neighbours rear wing. This is a second window to the bedroom and therefore to avoid loss of privacy to the neighbour the window should be obscure glazed. This will be controlled by way of a condition.

Given the new building is of a 1.5 storey scale it will not appear unduly overbearing to the surrounding residents. It is also well set back from the road and thus will not be overbearing or intrusive in the street scene. The proposal will still leave a reasonable sized garden area for the property and space for the parking of two vehicles so is not considered to be an over-development of the site.

Consequently therefore the proposal accords with Development Plan policies CS02 and DM02.

PLANNING COMMITTEE NORTH – 13 August 2019

APPLICATION NO: DC/19/2005/LBC

EXPIRY DATE: 18 July 2019

APPLICATION TYPE: Listed Building Consent

APPLICANT: Mr Robert Taylor

LOCATION: The Old Chapel, 5 Mill Lane, Southwold, Suffolk, IP18 6HW

PARISH: Southwold

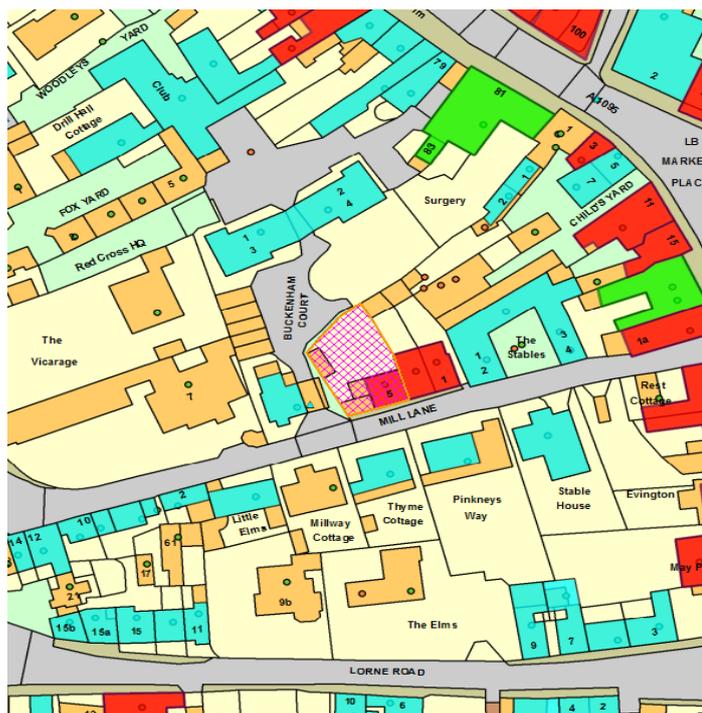
PROPOSAL: Listed Building Consent - Material amendments to approval DC/17/4306/FUL. a) Increasing length of new build extension by 900mm; b) Increasing privacy by raising conservatory wall to 2m; c) alterations to windows of new build extension and removal of external door

CASE OFFICER : Chris Green

Email: Chris.Green@eastsoffolk.gov.uk

Phone: 01502 523022

MAP



Scale 1:750
Date 31/07/2019



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1 EXECUTIVE SUMMARY

- 1.1 This application is a listed building application that seeks to vary an approval given in 2017 for the removal of a 1980 vintage side extension to a listed non-conformist chapel near the centre of Southwold with a linking mainly glazed building and a substantial rebuild and enlargement of an outbuilding at the rear to replace space lost and provide additional space for living accommodation. The Town Council have objected to this proposal and those preceding this and referral panel suggested this should be brought to committee.

2 SITE DESCRIPTION

- 2.1 The non-conformist place of worship is attached to a listed residence to the east, no. 1 Mill Lane and is now in use as a single dwelling. It is a Grade II listed building listed in 1971, situated in the Southwold Conservation Area. To the west of the original chapel there is a 1980 built extension set forward on the plot to the back of the footway and incorporating a garage.

3 PROPOSAL

- 3.1 The proposal is to demolish a 1980's two-storey extension added to the side of the building and restore the chapel as close as possible to its original form from the frontage. The accommodation lost by the removal of the extension is to be accommodated in a two-storey structure that replaces the garage and on the site of an earlier two-storey building, and which is to be linked to the former chapel by a glazed conservatory. Two parking spaces will be provided on the site of the demolished extension. Beyond this behind a brick wall a courtyard space is created from which access into the glazed link and two storey building is provided.

4 CONSULTATIONS/COMMENTS

- 4.1 Southwold Town Council *“Recommendation*
- *Request a) Increasing length of new build extension by 900mm. Any increase in the depth of the “stand alone” building, even if there is a corresponding decrease in the depth of the glass structure, will increase the mass and dominance of an architecturally insignificant building, and the impact on neighbour amenity. REFUSE*
 - *Request b) Increasing privacy by raising conservatory wall. Extending the brick wall may have the virtue of partially concealing the glass structure. DESIGN REQUIREMENTS - Sensitive detailing of the brick wall to match existing historic brick walls in this part of the Conservation Area will help to mitigate the harm caused by the glass structure and should be made a condition of consent.*
 - *Request C) Alterations to windows of new build extension and removal of external door. DESIGN REQUIREMENTS Provided the changes in fenestration and the door are not visible from the street or adjoining properties, the Town Council has no objection.*

Description of character of dwelling and area

The Old Chapel is a Grade II listed building in the Southwold Conservation Area. A previous scheme for an extension to the Old Chapel by this agent was refused and the refusal was upheld on appeal. The Inspector's decision explains the building's character and the importance of the existing space around the building to its significance.

The significance of the building derives from its historical record of the evolution of religious progression and non-conformist traditions. Its simple elevations with symmetrical detailing and fenestration [are] arranged to reflect the internal use of spaces. The existing alterations and extensions harm the original form and shape of the building and its original setting. Whilst constructed attached to the adjoining cottages, there was space around the building to the side and rear, along with some surrounding buildings, albeit unattached. These factors all contribute to the significance of the listed building.

History of Application

The Inspector went out to express concerns that the refusal scheme, which involved removing the 1982 extension, would "add significant additional footprint and bulk and mass to the built form on the site... The extension would appear excessively large for the host building and the combination of elements would add competition and confusion to the simple form of the listed building. Rather than appear subservient, it would compete and detract from it. The open front car port is a particularly modern and unrepresentative feature."

A new scheme was submitted, which was consented (despite the objection of the Town Council, because it had all of the defects of the refused scheme). The Town Council was especially concerned about the glass conservatory/stairwell and the size and lack of architectural merit of the stand-alone building, which is linked to the Old Chapel by the glass structure.

Issues

The poor quality of the drawings makes it difficult to understand the changes and their impact, when built. With that caveat,

- *Request a) Increasing length of new build extension by 900mm. Any increase in the depth of the "stand alone" building, even if there is a corresponding decrease in the depth of the glass structure, will increase the mass and dominance of an architecturally insignificant building, and the impact on neighbour amenity. The request increases the lack of subservience and overdevelopment of the original build. This request could have an impact on the neighbour at Gatehouse. REFUSE*
- *Request b) Increasing privacy by raising conservatory wall. Extending the brick wall may have the virtue of partially concealing the glass structure. DESIGN REQUIREMENTS - Sensitive detailing of the brick wall to match existing historic brick walls in this part of the Conservation Area will help to mitigate the harm caused by the glass structure and should be made a condition of consent.*

We would want the Conservation Officer to consider the wall design and the materials used. We would have expected to have been provided with these details as part of this application – as it was condition 3 of the application DC/17/4306/FUL. The significance of the design of this wall cannot be underestimated.

- *Request C) Alterations to windows of new build extension and removal of external door.
DESIGN REQUIREMENTS Provided the changes in fenestration and the door are not visible from the street or adjoining properties, the Town Council has no objection.
The effect of the alteration makes a symmetrical aspect now not symmetrical - but it would appear that its visual effect will be limited due to the wall mentioned above,*

*Policies to which the application is contrary to;
Guidance for Historic Buildings and Conservation Areas SDP – para 4.11 – extensions.
NPPF – section 12 – Designing Well-designed places
NPPF – Section 16 – Conserving and Enhancing the historic environment
Waveney New Local Plan – Policy WLP8.29 – Design
Waveney New Local Plan – Policy WLP 8.37 – Historic Environment””.*

4.2 **Statutory Consultees:**

4.3 Non Statutory Consultees

4.4 Third Party Representations – Six letters of objection have been received their comments are summarised below:

1. Impact on parking
2. Impact on light pollution
3. The scale of the proposal
4. The design of the proposal
5. Lack of detail
6. Lack of notice

5 **PUBLICITY:**

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

Category	Published	Expiry	Publication
Conservation Area, Listed Building,	7 June 2019	28 June 2019	Beccles and Bungay Journal
Conservation Area, Listed Building,	7 June 2019	28 June 2019	Lowestoft Journal

6 **SITE NOTICES**

The following site notices have been displayed:

General Site Notice	Reason for site notice: Conservation Area, Listed Building, Date posted 30 May 2019, Expiry date 20 June 2019
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6.1 Related application

Reference No	Proposal	Decision	Date
DC/19/2005/LBC	Listed Building Consent - Material amendments to approval DC/17/4306/FUL. a) Increasing length of new build extension by 900mm; b) Increasing privacy by raising conservatory wall to 2m; c) alterations to windows of new build extension and removal of external door		
DC/17/4306/FUL	Construction of a two storey extension at rear and conservatory	Application Permitted	4 December 2017
DC/17/4307/LBC	Listed Building Consent - Construction of a two storey extension at rear and conservatory	Application Permitted	4 December 2017

7 PLANNING POLICY

7.1 Section 38(6) of the Planning and Compensation Act 1990

7.2 The National Planning Policy Framework (2019) and National Planning Policy Guidance (NPPG) forms a material consideration in the determination of this application.

7.3 Planning (Listed Buildings and Conservation Areas) Act 1990, Part II

7.4 East Suffolk (Waveney) Local Plan 2019

- WLP8.29 – Design
- Policy WLP8.37 – Historic Environment
- WLP8.39– Conservation Areas
- Supplementary Design Guidance “Built Heritage and Design Supplementary Planning Document” - April 2012

8 PLANNING CONSIDERATIONS

8.1 This application was reported to referral panel on 16th July 2019, and members of the panel referred it to committee.

8.2 Built as a place of worship the Old Chapel is now in use as a single dwelling. It is a Grade II listed building situated in the Southwold Conservation Area.

8.3 The proposal is to amend the previous decision DC/17/4306/FUL which was to demolish a 1980's two-storey extension added to the side of the building and restore the chapel as close as possible to its original form, and to reveal that form by removing parts of the later additions.

8.4 The accommodation lost by the removal of the extension is proposed to be accommodated in a two-storey structure that replaces the garage and on the site of

an earlier two-storey building, and which is to be linked to the former chapel by a glazed conservatory. Two parking spaces will be provided on the site of the demolished extension. Beyond this behind a brick wall a courtyard space is created from which access into the glazed link and two storey building is provided.

- 8.5 The submission of DC/17/4307/LBC and DC/17/4306/FUL followed pre-application planning advice and the current application was further reviewed by the planning team and advice given that increase in the length of the addition and the corresponding reduction in the depth of the linking “conservatory” now proposed would have only a minor effect on the appearance of the design and its quality and that this will not be adverse, providing this did not increase the ridge height. It is considered that as the footprint does not increase in the direction of the span width of any roof that there is no reason why the ridge height would vary at all. The proposal to raise the wall at the front of the conservatory to two metres was considered beneficial, obscuring the staircase from public view. The proposed adjustments to the fenestration of the rear building’s front elevation and the removal of a door were considered minor in impact and unobjectionable.
- 8.6 It is considered that the proposed scheme does not alter the merits of the approved scheme, will preserve the special interest of the listed building and its positive contribution to the character and appearance of the conservation area, and accords therefore with Development Plan policies WLP8.29, WLP8.37 and WLP8.39 which seek to protect and enhance the historic environment.

Other issues

- 8.7 Previous refused applications in 2016 (reference DC/16/3272/FUL and DC/16/3273/LBC) were appealed against and it is considered that the Inspector’s comments do offer some guidance as to what might be more satisfactory. In that particular application the 1980s vintage side extension was retained and so offered little of the benefit now realised by removal of that element.
- 8.8 At paragraph 10 of the appeal decisions APP/T3535/W/16/3165419 and APP/T3535/Y/16/3165423 the Inspector commented:

The extension would add significant additional foot print and bulk and mass to the built form on the site. The first floor element with the ‘gasket’ and gable ends would appear as an isolated element and the ‘gasket’ itself, with the pyramidal roof light would add a further complicating element to the overall composition. The extension would appear excessively large for the host building and the combination of elements would add competition and confusion to the simple form of the listed building. Rather than appear subservient it would compete and detract from it.

- 8.9 The first sentence reflects the 80 square metre footprint increase proposed in the 2016 proposal, whereas the current proposal and its predecessor approved DC/17/4307/LBC only extends the footprint by around 50 square metres by virtue of the removal of the 1980s element.
- The word gasket implies a filling piece between two mating surfaces, presumably a reference to the reworked side extension built around 1982 and other parts to be attached to this. The approved scheme and this latest proposal while connecting

the original chapel to the rear element do so in a much looser manner via a more lightweight and visually receding joining element.

8.10 At Paragraph 11 the Inspector finds

“The open front car port is a particularly modern and unrepresentative feature. It would sit uncomfortably on the front elevation and expose views through expressing the remainder of the bulk and mass of the extension beyond”

8.11 This proposal removes the car port. The space created to the side of the chapel allows its form to be appreciated and while the two storey part will be evident behind the harm associated with this is more than offset by the revealing of the flank of the chapel so that its original form can be more clearly read.

9 CONCLUSION

9.1 Having approved the 2017 applications there would need to be substantive new issues arising with this revised version for a different view to be arrived at. Officers are of the opinion that in this instance there are no substantive issues identified in terms of policy, precedent or the site to warrant an alternative recommendation be reached. Accordingly the application is recommended for approval with the imposition of appropriate conditions.

10 RECOMMENDATION

That planning permission be APPROVED with the following conditions:

1. The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.
Reason: This condition is imposed in accordance with Section 18 of the Act (as amended).
2. The development hereby permitted shall not be carried out other than in complete accordance with Drawing Nos 140905A; 140914C; 00902B; received on 17/05/19 and 140909 received on 10/10/17.
Reason: For the avoidance of doubt as to what has been considered and approved.
3. No development shall commence until details/detailed drawings of the following matters shall be submitted to the local planning authority for approval in writing:
[i] full specification of external materials, including hard surfacing within the curtilage;
[ii] restored balconies;
[iii] restored arched windows;
[iv] new opening to the chapel to the first floor flank; other works to remediate and repair historic brick where uncovered by the works to remove the 1980 vintage extension.
[v] boundary walls and gates.

The approved details shall be implemented in their entirety before the extensions are first occupied.

Reason: To ensure the works preserve and enhance the special character of this listed building: the application did not include the necessary details for consideration.

BACKGROUND INFORMATION: See application ref: DC/19/2004/FUL and 2005LBC at www.eastsuffolk.gov.uk/public-access
Chris Green, Senior Planning Officer, Riverside,
Lowestoft 01502 523022

APPENDIX 1

Appeal Statement referred to in appeal on DC/16/3272/FUL and DC/16/3273/LBC (APP/T3535/W/16/3165419 and APP/T3535/Y/16/3165423)

Appeal Decisions

Site visit made on 30 May 2017

**by Kenneth Stone BSc Hons DipTP MRTPI
an Inspector appointed by the Secretary of State for Communities and Local
Government**

Decision date: 22nd June 2017

Appeal A: APP/T3535/W/16/3165419
5 Mill Lane, Southwold IP18 6HW

The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.

The appeal is made by Mr Robert Taylor against the decision of Waveney District Council. The application Ref DC/16/3272/FUL, dated 3 August 2016, was refused by notice dated 2 December 2016.

The development proposed is the construction of a single and two storey side addition replacing existing side addition and internal alterations.

Appeal B: APP/T3535/Y/16/3165423
5 Mill Lane, Southwold IP18 6HW

The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.

The appeal is made by Mr Robert Taylor against the decision of Waveney District Council. The application Ref DC/16/3272/LBC, dated 3 August 2016, was refused by notice dated 2 December 2016.

The works proposed are the construction of a single and two storey side addition replacing existing side addition and internal alterations.

Decisions

Appeal A

1. The appeal is dismissed.

Appeal B

2. The appeal is dismissed.

Procedural Matter

3. The appellant refers to various submission plans provided to the Council and suggests that the appellant would have a preference for the plan originally submitted to the Council but which was subsequently amended prior to the determination of the application. The Council considered the proposals on the basis of 140908A - proposed plan and 140909 - window joinery details; and determined the proposals on this basis. I have determined these appeals on the basis of these plans.

Main Issues

4. The main issues are:

in relation both appeals, A and B, whether the proposals would preserve the Grade II listed building known as 5 Mill Lane, or any features of special architectural interest that it possesses or its setting; and

in relation to appeal A only, whether the proposed development would preserve the character and appearance of the Southwold Conservation Area.

Reasons

Listed Building

5. 5 Mill Lane was constructed as a Methodist chapel, around 1799; it was subsequently converted into a house in the mid-19th century and has been significantly extended and altered, most notably with a large side extension in the 1980's.

6. The list description describes the building as a two storey property of red brick and pantile hipped roof. Its front and rear elevations retain much of the original design with double leaf doors flanked by casement windows on each side with keyed semi-circular arched heads at the front. The rear elevation accommodating two elongated long windows with semi-circular heads with the cill set above an implied plinth of brickwork laid in English bond. Little remains of the original internal finishes of fixtures although the gallery level is retained as an important feature, albeit with enclosed rooms.

7. The significance of the building derives from its historical record of the evolution of religious progression and the non-conformist traditions. Its simple elevations with symmetrical detailing and fenestration arranged to reflect the internal use of spaces. The existing alterations and extensions harm the original form and shape of the building and its original setting. Whilst constructed attached to the adjoining cottages, there was space around the building to the side and rear, along with some surrounding buildings, albeit unattached.

8. These factors all contribute to the significance of the listed building.

9. The proposals would remove the existing harmful extension which would be beneficial. The proposed replacement extension would provide a large single storey wing the depth of the plot and providing an open fronted car port to the street. A first floor would be provided that would be within the depth of the existing building but designed with a 'gasket' section to separate it from the original building. The first floor extension would be provided with a gable ended roof with the ridge running away from the road and gables fronting the road and rear.

10. The extension would add significant additional foot print and bulk and mass to the built form on the site. The first floor element with the 'gasket' and gable ends would appear as an isolated element and the 'gasket' itself, with the pyramidal roof light would add a further complicating element to the overall composition. The extension would appear excessively large for the host building and the combination of elements would add competition and confusion to the simple form of the listed building. Rather than appear subservient it would compete and detract from it.

11. The open front car port is a particularly modern and unrepresentative feature. It would sit uncomfortably on the front elevation and expose views through expressing the remainder of the bulk and mass of the extension beyond.

12. For the reasons given above I conclude that the proposed extension would harm the Grade II listed building known as 5 Mill Lane, including the features of special architectural interest that it possesses and its setting. As such the proposal would conflict with Policy CS17 of the Core Strategy Development Plan Document, 2009 and Policy DM30 of the Development Management Policies, 2011, which seek to protect heritage assets.

Conservation Area

13. The appeal site is located within the Southwold Conservation Area which covers an extensive area across most of the town. It derives its significance from the town's seaside location and historical development from medieval times, it retains some of the original street patterns. There are significant and important Victorian and Edwardian buildings also adding to the later phases of its development. Mill Lane includes a number of listed buildings from the 18th and 19th century and a number of buildings of merit. It has a narrow and intimate feel that adds to the experience of the existing listed building.

14. I have concluded that the proposed extension would harm the listed building and in so doing this would harm the conservation area. In particular the uncomfortable nature of the first floor addition, the open carport front elevation and the many roof forms that add to give the extension an ill-conceived and jumbled appearance. This would be particularly visible and discordant when viewed against the restrained and symmetrical appearance of the listed building. This would harm the appearance of the street scene and thereby the conservation area.

15. For the reasons given above I conclude that the proposed development would result in material harm to the appearance of the Southwold Conservation area, which would therefore not be preserved. Consequently the proposal would conflict with policies CS02, and CS17 of the Core Strategy Development Plan Document, 2009 and Policies DM02 and DM30 of the Development Management Policies, 2011 which seek high quality development and seek to protect heritage assets.

Other matters

16. The listed building and the Conservation Area are in themselves separate designated heritage assets, both of which are harmed by the proposed development. However, in the context of the Framework I agree that this harm is less than substantial. That is not, as the appellant suggests, to say it is minimal, as any harm to a heritage asset is to be given great weight and importance.

17. The appellant has not directed me to any specific public benefits and the benefits that the appellant would derive from improved living conditions are not a public benefit. Also the removal of a harmful extension is not a benefit in this case as it is to be replaced by a proposal which in itself leads to harm, and which in my view would be greater than that existing.

Overall conclusions

18. Paragraph 134 of the Framework requires that I weigh the less than substantial harm I have identified against the public benefits of the proposal, including securing its optimum viable use. The property would remain as a dwelling and there is no suggestion it would not be viable to do so. There are no other public benefits and therefore these would not

outweigh the less than substantial harm to the heritage assets, to which I have given great weight and importance.

19. For the reasons given above I conclude that both appeals should be dismissed.

Kenneth Stone
Inspector