



CABINET

Tuesday, 04 January 2022

Subject	Extensions to existing South Lowestoft Conservation Area and Proposed adoption of the South Lowestoft and Kirkley Conservation Area Appraisal and Management Plan
Report of	Councillor David Ritchie, Cabinet Member with responsibility for Planning and Coastal Management Councillor Craig Rivett, Deputy Leader and Cabinet Member with responsibility for Economic Development
Supporting Officer	Rebecca Styles High Street Heritage Action Zone Project Officer Rebecca.Styles@eastsoffolk.gov.uk

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

Purpose and high-level overview

Purpose of Report:

The purpose of this report is to seek the adoption of the South Lowestoft/Kirkley Conservation Area Appraisal and Management Plan; and to consider extensions to the boundary of the Conservation Area. The appraisal provides guidance on the historic significance of the area to support decision making in the development management planning process.

Options:

Adopt the updated South Lowestoft/Kirkley Conservation Area Appraisal and Management Plan and boundary alterations. This will mean the Council has an up-to-date document to guide decision making within the planning process for the preservation or enhancement of the South Lowestoft/Kirkley Conservation Area.

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

Recommendation/s:

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

Corporate Impact Assessment

Governance:

No Impacts.

ESC policies and strategies that directly apply to the proposal:

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

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

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

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

Environmental:

No Impacts.
Equalities and Diversity: No Impacts.
Financial: The production and adoption of the appraisal has been paid for out of the London Road, Lowestoft High Street Heritage Action Zone project, led by the Regeneration and Growth team.
Human Resources: No Impacts.
ICT: No Impacts.
Legal: The appraisal has been produced and been subject to public consultation in accordance with Historic England Guidance and in consultation with East Suffolk Council's legal team.
Risk: There are no risks envisaged in relation to the implementation of the recommendations.

External Consultees:	Owner/Occupiers of all the properties in the existing and proposed extensions to the South Lowestoft/Kirkley Conservation Area were sent letters by post, together with emails to other interested organisations/parties (detailed in the Consultation Log at Appendix B).
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Strategic Plan Priorities

Select the priorities of the Strategic Plan which are supported by this proposal: <i>(Select only one primary and as many secondary as appropriate)</i>		Primary priority	Secondary priorities
T01	Growing our Economy		
P01	Build the right environment for East Suffolk	<input type="checkbox"/>	<input checked="" type="checkbox"/>
P02	Attract and stimulate inward investment	<input type="checkbox"/>	<input type="checkbox"/>
P03	Maximise and grow the unique selling points of East Suffolk	<input checked="" type="checkbox"/>	<input type="checkbox"/>
P04	Business partnerships	<input type="checkbox"/>	<input type="checkbox"/>
P05	Support and deliver infrastructure	<input type="checkbox"/>	<input type="checkbox"/>
T02	Enabling our Communities		
P06	Community Partnerships	<input type="checkbox"/>	<input type="checkbox"/>
P07	Taking positive action on what matters most	<input type="checkbox"/>	<input type="checkbox"/>
P08	Maximising health, well-being and safety in our District	<input type="checkbox"/>	<input type="checkbox"/>
P09	Community Pride	<input type="checkbox"/>	<input checked="" type="checkbox"/>
T03	Maintaining Financial Sustainability		
P10	Organisational design and streamlining services	<input type="checkbox"/>	<input type="checkbox"/>
P11	Making best use of and investing in our assets	<input type="checkbox"/>	<input type="checkbox"/>
P12	Being commercially astute	<input type="checkbox"/>	<input type="checkbox"/>
P13	Optimising our financial investments and grant opportunities	<input type="checkbox"/>	<input type="checkbox"/>

P14	Review service delivery with partners	<input type="checkbox"/>	<input type="checkbox"/>
T04	Delivering Digital Transformation		
P15	Digital by default	<input type="checkbox"/>	<input type="checkbox"/>
P16	Lean and efficient streamlined services	<input type="checkbox"/>	<input type="checkbox"/>
P17	Effective use of data	<input type="checkbox"/>	<input type="checkbox"/>
P18	Skills and training	<input type="checkbox"/>	<input type="checkbox"/>
P19	District-wide digital infrastructure	<input type="checkbox"/>	<input type="checkbox"/>
T05	Caring for our Environment		
P20	Lead by example	<input type="checkbox"/>	<input type="checkbox"/>
P21	Minimise waste, reuse materials, increase recycling	<input type="checkbox"/>	<input type="checkbox"/>
P22	Renewable energy	<input type="checkbox"/>	<input type="checkbox"/>
P23	Protection, education and influence	<input type="checkbox"/>	<input checked="" type="checkbox"/>
XXX	Governance		
XXX	How ESC governs itself as an authority	<input type="checkbox"/>	<input type="checkbox"/>

How does this proposal support the priorities selected?

This appraisal primarily supports T01 Growing Our Economy of the Strategic Plan, priority of P03 - Maximise and grow the unique selling points of East Suffolk as the document will assist in the delivery of the *“Protection and enhancement of the natural, built and historic environment”* by guiding Development Management decisions to preserve or enhance the North Lowestoft Conservation Area.

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

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

T05, Caring for our Environment P23 ‘protection, education and influence’ as the appraisal identifies the special character of the Conservation Area so it can be protected in planning decision, and acts as an tool to educate property owners about best practice approaches to caring for their historic properties.

Background and Justification for Recommendation

1	Background facts
1.1	Section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990 directs that every local authority shall, from time to time, review their existing Conservation Areas and determine whether any parts or any further parts of their area should be designated as Conservation Areas; and, if they so determine, they shall designate those parts accordingly.
1.2	There are currently 51 Conservation Areas designated across the East Suffolk Council District. The Council has a programme of reviewing all the Conservation Area, as recommended by good practice.
1.3	The existing South Lowestoft Conservation Area was designated in 1978, extended in 1996 and 2003, with an Article 4 Direction introduced in 1997. The existing appraisal dates from 2007, and the Council has a statutory duty to review its Conservation Areas from time to time which has led to this current review of the South Lowestoft Conservation Area.

1.4	The revised appraisal has been drafted to reflect updated best practice guidance, legislation and local planning policy changes since 2007. It is also proposed under this review to rename the Conservation Area the South Lowestoft/Kirkley Conservation Area to reflect local identity.
1.5	The London Road, Lowestoft High Street Heritage Action Zone (HSHAZ) launched in October 2020, with funding provided through the project to produce the reappraisal of the Conservation Area to support the heritage led regeneration aim of the HSHAZ.

2 Current position

2.1	Given the current London Road, Lowestoft HSHAZ project, it is considered timely and relevant under Section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to propose the adoption of the revised South Lowestoft/Kirkley Conservation Area Appraisal and Management Plan (Appendix C) which includes extensions to the Conservation Area boundary (Appendix A).
2.2	This report will provide a summary of the following: <ul style="list-style-type: none"> • Proposed boundary changes (2.3) • Identification of positive unlisted buildings (2.4) • Public consultation (2.5) • Consequences of proposals (2.6) • National and local planning policies (2.7) • Procedures to be taken for formal and informal notification (2.8)
2.3	<p>Proposed boundary changes</p> <p>The boundary of the Conservation Area was reviewed using the guidance provided by Historic England in their Advice Note 1 (Second Edition) 'Conservation Area Designation, Appraisal and Management' (2019).</p> <p>The proposed boundary changes to the Conservation Area are illustrated in the map attached as Appendix A. This comprises six areas adjacent to the existing Conservation Area boundary and the exclusion of a small area, also adjacent to the boundary.</p> <p>The proposed boundary changes are as follows:</p> <ol style="list-style-type: none"> 1. Include the full extent of the station building and platforms Signal Box and former stables: extend the area to include the rest of the station and platform, as the boundary currently appears to dissect the building. The station is a notable mid-nineteenth century building, which makes a key contribution as an unlisted positive building, which makes a key contribution to our understanding of the development of South Lowestoft. The Signal Box is also a notable building and shares a historic and continued relationship with the railway. The former stables are visible on the first edition Ordnance Survey map of the area, and the single storey building faces onto Denmark Street, making a notable contribution to the streetscape and marking the boundary of the Conservation Area. 2. Include the Beach and Claremont Pier: There is a strong historic association and visual relationship between the beach and Conservation Area. The beach forms a key component of the Conservation Area, as the reason for the development of the South Lowestoft resort, and continues to play an important role in shaping the character of the area.

	<ol style="list-style-type: none"> 3. Include the railway bridge on Mill Road: This bridge is an unlisted positive feature, which follows the former line to South Quay. 4. Exclude the Toyota dealership: This building makes a negative contribution to the character and appearance of the Conservation Area. Its massing, materials and expanse of glazing on the ground floor level are not in keeping with the area, and the introduction of parked cars, large signage and flags to the front of the building create a cluttered appearance. These elements make a negative contribution to the street scape and the building lacks special interest, and it is therefore proposed that the boundary excludes this modern building. 5. Include the South Lowestoft Methodist Church: This church is of historic and architectural interest, and as well as serving an important role for the local community, therefore making a positive contribution to the area. It was built in 1962-1963 to replace old Lorne Park Road Church, originally built in 1904. 6. Include the London Road Baptist Church: This church, constructed 1972-73, was designed by the architect Wally Thomson, of Piper, Whalley & Partners who was also architect of the North Lowestoft Trinity Methodist Church, built a few years prior. The church is of local architectural interest and is of value to the community.
2.4	<p>Identification of Positive Unlisted Buildings</p> <p>The current South Lowestoft Conservation Area Appraisal (see background reference papers below) identifies “Locally Listed” buildings. However, in the majority of East Suffolk Conservation Area Appraisals such historic assets are referred to as positive unlisted buildings.</p> <p>In order to unify the terminology across all of East Suffolk Council’s Conservation Area appraisals, when they are periodically updated, such assets are being referred to as positive unlisted buildings, which will eventually lead to all the appraisals to be consistent.</p> <p>Therefore, such structures/buildings in the revised Conservation Appraisal are identified as positive unlisted buildings. These are illustrated on the mapping within the document and described in the text.</p> <p>This change in terminology does not change the level of protection currently afforded to those referred to as locally listed in the planning process. They are not protected by statutory listing but are considered to make a positive contribution to the character or appearance of the Conservation Area. Identifying positive unlisted buildings means that extra care will be taken when considering development proposals that would affect them. Demolition of a positive unlisted building would be viewed unfavourably.</p> <p>Identifying positive unlisted buildings within the Conservation Area Appraisal, allows a mechanism for their periodic review and public consultation on which structures are considered to contribute in this way.</p> <p>The fieldwork was undertaken by a consultant viewed from public thoroughfares and this work was supplemented with information from published material and map regression studies. The structures identified in the appraisal as being positive unlisted buildings are not claimed to be exhaustive, as other structures of significance may exist that are not readily visible from public footpaths and roads.</p>
2.5	<p>Public Consultation</p> <p>There is no statutory requirement to undertake consultation on proposals to extend an existing Conservation Area. However, Historic England’s guidance on</p>

Conservation Area designation states under the heading ***‘Finalising, reviewing and publicising the Conservation Area boundary’*** that ***“Involving the community at an early stage is advisable”*** (para.76).

The South Lowestoft/Kirkley Conservation Area Appraisal and Management Plan underwent a six week period of public consultation from 15th July until 26th August 2021.

Letters were sent out via the post to the owner/occupiers of all properties within the existing Conservation Area boundary and the proposed extensions to inform them of the proposal to extend the Conservation Area; to provide a summary of the consequences of designation; to inform them of the identification of positive unlisted buildings within the Conservation Area and to seek their views on the proposal.

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

A total of 13 responses were received by email and letter from members of the public.

Two drop-in sessions were also held on Thursday 5th August 2021 where people could ask any questions or make comments about the draft South Lowestoft and Kirkley Conservation Area Appraisal. These were held at:
Parcels Office, Lowestoft Train Station, NR32 2EG between 12:30pm-3:30pm
The Kirkley Centre, 154 London Road South, NR33 0AZ between 5pm-8pm

19 number of people attended these drop in events.

The draft appraisal was placed on the Council’s website for viewing/downloading; A press release was issued. Invitations for responses were also sent to standard consultees identified on the Local Plan mailing list. 9 consultees responded to the consultation draft.

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

Following the first round of public consultation, several comments were received which recommended the Council consider a further extension of the Conservation Area boundary around the train station to also include the signal box and stables on Denmark Road.

As such, a second round of public consultation was initiated in this respect, from 22nd October 2021 until 12th November 2021. A notice of consultation was published in the local paper on 22nd October alerting the local community of the consultation, and the landowner who would be affected by the proposed boundary inclusion (Network Rail) were written to directly to notify them of the proposed extension.

No comments were received during this second round of consultation.

2.6

Consequences of the proposed areas for extension

The principal consequences of Conservation Area designation are as follows:

- The Council is under a duty to prepare proposals to ensure the preservation or enhancement of the area;
- Consent must be obtained from the Council for the demolition of any unlisted building or structure in the area larger than 115 cubic metres; and the local authority or the Secretary of State may take enforcement action or institute a criminal prosecution if consent is not obtained;
- It is an offence under section 196D of the Town and Country Planning Act 1990 to undertake 'relevant demolition' of an unlisted building in a Conservation Area without the necessary planning permission.
- Special publicity must be given to planning applications for development in the area;
- In carrying out any functions under the planning Acts and, in particular, in determining applications for planning permission and listed building consent, the Council and the Secretary of State are required to pay special attention to the desirability of preserving or enhancing the character or appearance of the area;
- The details as to the limits of what works may be carried out without planning permission are different and are summarised at Appendix E; and
- Six weeks' notice must be given to the Council before works are carried out to any tree in the area that is more than 75mm in diameter measured at 1.5 metres above ground level. The penalties for undertaking works to trees within a Conservation Area within the six-week period are similar to those for undertaking unauthorised works to a tree covered by a tree preservation order (s.211 Town & Country Planning Act 1990).

The existing Conservation Area has the additional planning control of an Article 4 Direction issued upon it. This restricts the scope of permitted development rights. The Direction has been applied over the whole of the existing Conservation Area, resulting "blanket" coverage of all qualifying buildings. This will stay in place on the area on which it is issued, until it is reviewed. Any new Article 4 Direction is likely to be much more focused, identifying certain buildings within the Conservation Area in conformance with para.53 of the NPPF (as revised in July 2021) that requires such Directions to apply to the smallest geographical area possible. No changes to the existing Article 4 Direction are proposed for adoption at this time.

2.7

Paragraph 201 of the National Planning Policy Framework (NPPF) states that the ***'loss of a building... which makes a positive contribution to the significance of the Conservation Area... should be treated either as substantial harm or less than substantial harm'***. Therefore, the buildings identified as positive unlisted buildings will be protected by national planning policy. Identification of them is aimed at ensuring that planners, owners and developers are aware of the building's positive contribution and that permission for demolition is unlikely to be granted. The loss of a positive unlisted building within a Conservation Area would normally represent less than substantial harm to the Conservation Area which is a designated heritage asset.

According to paragraph 196 of the NPPF 'where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal'. This would be the test that either the Planning Officer or Planning Committee would have to

	apply when deciding whether to approve the demolition of a positive unlisted building.
2.8	<p>Procedures to be taken for formal and informal notification</p> <p>Should the Cabinet resolve to adopt the South Lowestoft/Kirkley Conservation Area Appraisal and Management Plan the designation date of the proposed extensions will be at the end of the call-in period for Cabinet decisions, which will be 5pm on the 14th January 2022.</p> <p>After the designation of the extended Conservation Area, the following statutory notifications will take place:</p> <ul style="list-style-type: none"> • The new designation will be advertised in the London Gazette; • The new designation will be advertised in at least one local newspaper; • The Secretary of State will be notified; • Historic England will be notified; and • The inclusion of a building in a Conservation Area is a ‘Planning Charge’ and all properties within the extensions to the Conservation Area will be included in Part 3 of the Local Land Charges Register. <p>The following non-statutory notifications will take place:</p> <ul style="list-style-type: none"> • All property owners/occupiers and landowners affected directly by falling within the extensions to the Conservation Areas will receive a letter advising of the designation; the date of designation; and including a guidance leaflet on Conservation Areas; • The Town Council and Ward Members will be informed; • Other relevant departments within the Council will be informed. • The Conservation Area Appraisal will be available to download from the Conservation Area pages of the Council’s website.

3 How to address current situation

3.1	The current South Lowestoft Conservation Area Appraisal is 14 years old. Adoption of the revised South Lowestoft/Kirkley Conservation Area Appraisal would allow the Council to maintain an up-to-date and relevant document to support informed decision making in the development management planning process.
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4 Reason/s for recommendation

4.1	Under section 71 of the Planning (Listed Buildings and Conservation Areas) Act 1990 East Suffolk Council has a statutory duty to draw up and publish proposals for the preservation and enhancement of Conservation Areas in its district from time to time.
4.2	<p>The document, if adopted, will assist in delivery of the Strategic Plan 2020-2024, by supporting delivery of T01 Growing Our Economy of the Strategic Plan, priority of P03.</p> <p><i>“Protection and enhancement of the natural, built and historic environment.”</i> The secondarily support the delivery of priority P01 Build the right Environment for East Suffolk, as it serves to support the policies in the <i>“Up to date local plans proving a strategy for growth and place making.”</i></p>

4.3	The document if adopted supports the implementation of the Policy WLP8.39 – Conservation Areas in the Waveney Local Plan by providing “ <i>relevant Conservation Area Appraisals and Management Plans</i> ”.
4.4	Officers judge that the public consultation exercise undertaken has demonstrated that, amongst those who responded that there is a majority in support of the proposals.
4.5	Officers judge the proposed extensions, which covers properties and land, are required as these areas have been assessed as part of a boundary review and found them to be of a quality equal to that within the existing boundary. Their character contributes positively to the existing Conservation Area which the preservation or enhancement of as part of the Conservation Area would be desirable.

Appendices

Appendices:	
Appendix A	Map of the proposed Conservation Area Boundary
Appendix B	Consultation Log
Appendix C	South Lowestoft/Kirkley Conservation Area Appraisal and Management Plan (Document to be adopted)
Appendix D	List of buildings/sites added to/removed from the South Lowestoft/Kirkley Conservation Area boundary in 2022
Appendix E	Summary of Works that may be carried out without planning permission

Background reference papers:		
Date	Type	Available From
1990	Planning (Listed Buildings and Conservation Areas) Act 1990	https://www.legislation.gov.uk/ukpga/1990/9/contents
2007	Existing South Lowestoft Conservation Area	https://www.eastsuffolk.gov.uk/assets/Planning/Design-and-Conservation/Conservation-Area-Appraisals/South-Lowestoft-Conservation-Area-Character-Appraisal-with-Management-Plan.pdf
2019	Conservation Area Appraisal, Designation and Management Historic England Advice Note 1 (Second Edition)	https://historicengland.org.uk/images-books/publications/conservation-area-appraisal-designation-management-advice-note-1/heag-268-conservation-area-appraisal-designation-management/
2021	South Lowestoft and Kirkley Conservation Area Appraisal and Management Plan (Consultation Draft)	https://www.eastsuffolk.gov.uk/assets/Planning/Design-and-Conservation/Conservation-Area-Appraisals/South-Lowestoft-and-Kirkley-CAAMP-Consultation-Draft.pdf