

Committee Report

Committee Date: 30 June 2017

Item No: 4

Reference: B/16/00955/FUL

Case Officer: Ian Ward

Planning Application: B/16/00955: Additional report on revised proposals

Introduction and Background

The above application was considered by the Planning Committee on 1 March 2017 (report attached) at which a decision was deferred with the following resolution:-

RESOLVED That Committee is minded to approve Application No B/16/00955/FUL but in view of the need for further information concerning heritage and policy issues that the decision be deferred to allow a site visit on a date to be confirmed, and allow time for officers to engage in further consultation with Historic England, the Applicant and Agent to explore common ground and to comment upon policy related issues and report back to Committee with additional information in due course.

In accordance with the resolution, a meeting has been held between the applicant's agent and the Council's heritage consultants Historic England and Place Services. The meeting was held on 18 April and proceeded in a positive manner focussing on reducing the impact of the tower element of the development on the setting and appreciation of the designated Heritage Assets and the wider landscape.

Revisions to the Proposal Following the Meeting

As a result of the discussions at the meeting, the application has been revised as follows:-

- The Cor-Ten (corten) steel tower has been reduced in height by 1.26m.
- The floorplan has been adjusted to introduce a less vertical angle to sides of the tower when viewed from certain angles (although this has the effect of producing a more emphatic vertical from other angles).
- The directional emphasis of the cladding has been changed from vertical to horizontal (now essentially rectangular panels)
- The colour of the window frames has been changed to match the corten steel of the elevations.
- The fenestration pattern has been altered slightly – the most significant change being the removal of a window from the centre of the west elevation.

Consultee Responses

Lindsey Parish Council, Historic England and Place Services were consulted on the revised plans. Their responses are attached in full to this report but can be summarised as follows:-

- **Lindsey Parish Council** acknowledge the changes which appear to have been carried out to address the concerns of other consultees and confirm that they do nothing to dilute their support for the proposal. They refer to their previous supportive response to the original proposal.
- **Historic England** note that their response is to be read in conjunction with their previous advice.

They broadly welcome the changes and the applicant's willingness to address their concerns. They acknowledge that the changes, in conjunction with the enhanced landscaping have reduced the visual intrusion to, and therefore the impact on, the nearby designated Heritage Assets. However they have continuing reservations about the (albeit reduced) impact on Heritage assets and certain specific elements including; the increased verticality from some views caused by the adjustment to the floorplan, the impact on the landscape and the lack of any update to the submitted heritage statement.

They consider that there is still harm to the setting and appreciation of designated Heritage Assets and the landscape in general and remind the local planning authority that, in the case of the former, this must be balanced against any perceived public benefit.

They state that they 'will not be objecting to the development in principle' and suggest certain design changes including 'changes....to better reflect the traditional style, scale, form and materials of the surrounding built development' (but are not more specific about how this might be achieved). They are also clear that it is only the corten tower element of the scheme that they are objecting to – any harm caused by the lower part of the dwelling which seeks to integrate with the landform is considered acceptable.

This response is to be read in conjunction with their previous advice.

- **Place Services** also note that their previous advice remains relevant.

They acknowledge that the revisions will help to mitigate the level of harm to designated Heritage Assets. However, they still consider that the revised proposal both fails to satisfy the requirements of para. 55 of the National Planning Policy Framework (NPPF, the Framework) and continues to cause harm, albeit more limited than before, to the designated Heritage Assets. This harm derives from the visual impact on the setting of the Assets and is 'less than substantial' in the parlance of the NPPF. They note that it should then be balanced against public benefits.

Update to Report

It is clear that the contentious element of this proposal remains the corten steel tower. The lower part of the dwelling, whilst partly visible, is considered by the specialist consultees to be not significant in terms of harm to either the setting of designated Heritage Assets or the wider landscape.

Whilst the reduction in height and amendments to the cladding detail and fenestration are accepted as reducing the impact and mitigating the harm of the proposal, the alterations to the floorplan aimed principally at reducing its vertical emphasis have had less overall effect. The conclusion of the specialist consultees is that there is still harm to the setting and experience of designated Heritage Assets and the harm will need to be weighed against the public benefits. Historic England also point out that para. 137 of the NPPF seeks that proposals should better reveal or enhance the setting of Heritage Assets and they do not consider that to be the effect here.

As a private dwelling the public benefit to be offset against the harm is considered to be negligible.

Members will also be aware that since the meeting of 01 March, it has been established that Babergh District cannot demonstrate a deliverable five year supply of housing land. In such circumstances para. 49 of the NPPF states that 'Relevant policies for the supply of housing should not be considered up-to-date'.

In most circumstances that would have the effect of reducing the 'weight' which can be applied to policy CS2 of the adopted Core Strategy in reaching a decision. However, recent judgments suggest that local planning authorities retain the ability to allocate weight to their adopted policies where such policies remain consistent with the NPPF. Furthermore, para. 14 of the NPPF, which reinforces the presumption in favour of sustainable development and the principles of the Framework, is clear at footnote 9 that in the case of, *inter alia*, designated Heritage Assets, 'where specific policies of the Framework indicate development should be restricted' the presumption of permission where 'relevant policies are out of date' does not apply. It is therefore considered that any reduction in weight to be applied to policy CS2 is offset by the general application of footnote 9 to paras. 132 and 134 of the Framework, and saved Local Plan Policy CN06 which is consistent with the Framework.

The overall conclusion therefore must be that there is identified harm to designated Heritage Assets. The harm remains a material consideration in terms of the application of the NPPF as a whole and adopted local policy, and is not offset by the public benefit of the proposal.

Recommendation

That the application be REFUSED for the reasons set out in the original report (attached)