
Item No:	1	Reference:	B/16/01254/FUL
Parish:	LONG MELFORD	Ward Members:	Cllrs. Richard Kemp and John Nunn
Proposal:	Erection of single storey detached annexe		
Location:	Scutchers, Westgate Street, Long Melford, Sudbury, CO10 9DP		
Applicant:	Mr N Barrett		
Case Officer:	Melanie Corbishley	Date for Determination:	1 December 2016

This application is referred to Planning Committee as the applicant is related to a Councillor.

THE SITE

1. The application site contains Scutchers Restaurant and a large garden area at the rear. The first floor of the restaurant building is used as residential accommodation. This building is grade II listed and the whole site is located within a Conservation Area. The site is located within the Built Up Area Boundary of Long Melford.
2. There is a change in levels across the rear portion of the site, increasing in height at the northern end of the site.
3. The site is surrounded by listed buildings, including a terrace of 6 cottages that are located to the west of the application site.
4. To the rear of the site, on higher land, is a development of housing that dates from the late 1990's.
5. The site is located within a Special Landscape Area and an archaeological site.
6. There are no other applicable constraints to the site.

THE PROPOSAL

7. The application seeks planning permission for the erection of a single storey detached annexe. The annexe would be occupied by the applicant's father.
8. The annexe would be located in the rear garden of the site, where there is currently a vegetable patch. The annexe is single storey with a flat roof. The annexe would provide two bedrooms, one for a carer, an open plan living, kitchen area and wet room.
9. The application documents can be viewed online via the planning pages on the District Council website.
10. The development has been completed and is now occupied, but this does not alter the consideration of the merits of the proposal.

RELEVANT HISTORY

11. The application is reported back to Committee following the quashing of the decision under Jenkins v BDC and Mr and Mrs N Barrett 2017. The application falls to be determined afresh.
12. B/03/00847/FUL- Erection of two-storey building (to provide parking at ground floor level with a single residential unit at first floor level). Refused 28.7.2003

13. B/01/00212/FUL- Erection of detached two storey dwelling with garage. Erection of a detached store to serve Scutchers. Construction of parking spaces to serve Scutchers and associated turning area (as amplified by agent's letter dated 13.3.01). Refused 26.3.2011. Dismissed on Appeal 16.10.2001
14. B/00/00671/FUL- Erection of a detached two storey dwelling with garage and construction of vehicular access. Erection of a detached store to serve Scutchers. Construction of parking spaces to serve Scutchers and Scutchers Cottages (as amended by agent's letter dated 19.6.00 and revised plans received by Local Planning Authority on 19.6.00 and further amended by agent's letter dated 30.6.00 and revised plans received by Local Planning Authority on 30.6.00 and further amended by agent's letter dated 4.7.00 and revised plans received by Local Planning Authority on 4.7.00) Refused 15.8.2000. Appeal dismissed 16.10.2001
15. B/89/01901/OUT- Outline - erection of a pair of semi-detached 'cottage style' dwellings. Refused 16.2.1990
16. The above history relates to the erection of separate, two storey dwellings, which differs significantly from the proposal at hand which is for a single storey detached annexe building.

NATIONAL PLANNING POLICY FRAMEWORK

17. The National Planning Policy Framework (NPPF) contains the Government's planning policies for England and sets out how these are expected to be applied. Planning law continues to require that applications for planning permission are determined in accordance with the Development Plan unless material considerations indicate otherwise. The policies contained within the NPPF are a material consideration and should be taken into account for decision-making purposes.
18. The NPPF is supported by the Planning Practice Guidance (PPG), which assists applicants and decision makers to interpret the NPPF. Both the NPPF and PPG are referred to within this report where relevant to the assessment.

PLANNING POLICIES

19. The Development Plan comprises the Babergh Core Strategy (2014) and saved policies in the Babergh Local Plan (Alteration No.2) adopted 2006. The following policies are applicable to this proposal;

Babergh Core Strategy 2014

- **CS1** - Applying the Presumption in Favour of Sustainable Development in Babergh
- **CS3** – Strategy for Growth and Development
- **CS15** - Implementing Sustainable Development in Babergh

Babergh Local Plan Alteration No.2 (2006)

- **HS35**- Residential Annexes
- **CR04**- Special Landscape Areas
- **CN01**- Design Standards
- **CN06**- Listed Buildings
- **CN08**- Conservation Areas
- **TP15**- Parking Standards- New Development

20. The relevant policies can be viewed online. Please see the notes attached to the schedule.

CONSULTATIONS:

21. **Long Melford Parish Council** – No comments received.
22. **The Archaeological Service-** The development area lies in an area of archaeological potential recorded on the County Historic Environment Record, within the historic core of the medieval settlement area of Long Melford (LMD 183). Archaeological test pit excavation in particular has indicated that there is a longer historic focus of earlier medieval activity closer to the church in the northern part of the settlement. As a result, there is potential for groundworks associated with the development to damage or destroy any archaeological remains which exist.
23. There are no grounds to consider refusal of permission in order to achieve preservation *in situ* of any important heritage assets. However, in accordance with the *National Planning Policy Framework* (Paragraph 141), any permission granted should be the subject of a planning condition to record and advance understanding of the significance of any heritage asset before it is damaged or destroyed.
24. Two standard conditions are recommended regarding a programme of archaeological work along with a written scheme of investigation.

Heritage Team

25. The Heritage Team considers that the proposal would cause:
- Less than substantial harm to a designated heritage asset because the historic significance and setting of the listed building and those adjacent will not be detrimentally reduced by the siting of an annexe, subject to some alterations to this specific proposal, but it is considered that there will be adverse impact on the character of the area in the scheme's current form.
 - The Heritage Team recommends that amendments be sought to the proposal prior to any decision in order to preserve and enhance the special character of the setting of the listed buildings and the conservation area.
26. Amendments to be sought relate to policies CN01 & CN06 which detail that scale, form, design and materials should be appropriate to the site and preserve the special character of an area with minimal impact. The current scheme details a single ply membrane to be used for the roof coverings. An alternative such as a green roof would reduce visual impact of the development within the setting of the listed buildings and the conservation area, enabling better preservation and enhancement of the character of the area and would harmonize into the setting along with a reduced overall finished height of the proposed annexe.

REPRESENTATIONS

27. Five letters of representation have been received making the following comments:
- Loss of view from No.4 Scutchers Cottages
 - Loss of value to property
 - Loss of privacy to neighbouring properties
 - Loss of light to nearby cottages
 - Proposal not in keeping with the Conservation Area and the nearby listed properties
 - Insufficient parking for the property which would impact on the neighbouring properties
 - Access to Scutchers Cottage could become compromised

- Concern about the future use of the building and its impact on neighbours
- The specific use should be restricted by condition to stop the building being used as a holiday let
- The applicant did not consult neighbours prior to the application submission
- Reference is made to earlier application and question the difference
- Proposal will visually encroach No.2 Scutchers Cottages, harming their visual amenity
- This is not an annexe this is an infill
- Concerned about the precedent this application would set for a two storey dwelling
- Large flat roof would be noticeable

PLANNING CONSIDERATIONS

Main Considerations

28. In light of the above planning policy context and the representations/consultation responses received, the following are identified as the main considerations in assessing this application;
- Principle of a free standing annexe
 - The Impact of the New Building on the setting of the nearby listed buildings and the Conservation Area
 - The Impact of the New Building on Neighbour Amenity

Principle of a Free Standing Annex

29. Policy HS35 states that proposals for an annex in the form of a free standing building will only be considered when it can be demonstrated satisfactorily that an annex cannot be provided in the form of an extension. In this case a large extension to the rear of a listed building would not be appropriate within the context of Policy CN06. Furthermore the commercial ground floor use of the building would not be conducive to the close proximity of living quarters.
30. In this set of circumstances it is considered that the principle of a free standing annex building can be considered appropriate and acceptable.

The Impact of the New Building on the setting of the nearby listed buildings and the Conservation Area

31. Section 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a duty on Local Planning Authorities to have special regard to the desirability of preserving the setting of listed buildings.
32. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Local Planning Authority to pay special attention to the desirability of "preserving or enhancing" the character or appearance of conservation areas. The site is within the Long Melford Conservation Area and therefore the impact of this development on the Conservation area is a material planning consideration.
33. It should be noted that development does not have to be publicly visible to harm the character of the conservation area. Indeed it is for this reason that Section 72 (1) is drafted to distinguish between *character* and *appearance*.
34. Scutchers is a grade II listed building standing within Long Melford Conservation Area, in proximity to the central and historic village green and surrounded by a prolific number of listed buildings along Westgate Street to the west, Church Walk to the north east and The Green to the south east.

35. This application seeks to erect an annexe in the grounds of a listed building, north of Scutchers. The heritage implications for this proposal relate to the impact on the setting of Scutchers as a listed building, adjacent listed buildings being Scutchers Cottages, and Long Melford Conservation Area as the wider sensitive context.
36. The Heritage Team has raised no objection in principle to the annexe building set to the north of Scutchers in its current position, as it is considered unlikely to cause a detrimental impact to the setting and special historic interest of the listed building. Similarly, there will be some impact but minimal harm to the setting of those listed buildings standing to the west of the proposed site, particularly due to the raised gradient of the site to north. Some influence in the annexe's design has been drawn from this early 19th century timber boarded terrace in terms of material finishes but the overall impression of the annexe is a modern design example in the setting of listed buildings and the conservation area.
37. However concerns have been raised by our heritage officer regarding the overall height of the building and the use of a single ply membrane for the roofing material. An alternative such as a green roof would reduce visual impact of the development within the setting of the listed buildings and the conservation area, enabling better preservation and enhancement of the character of the area and would harmonize into the setting. This alternative would overcome the 'harm' identified and therefore address the concerns raised, thereby presenting a development which could be supported by officers.
38. The applicant's agent had been asked to investigate the use of a green roof on the building and the agent has confirmed that the weight and cost implications of a 'green roof' would create unacceptable issues for the modular system to be employed. A number of other options, including a pitched slate roof and an alternative plastic roof covering, were suggested by the applicant's agent, however the Heritage Team felt that these alternatives were not appropriate for this sensitive location and therefore the proposal remains as originally submitted, with the a single ply membrane roof.
39. The building would have a maximum external height of 2.85m which is considered fairly modest and not harmful in this sensitive location.
40. The Heritage Team have indicated than less than substantial harm would be caused by the design, finish and appearance of the proposed flat roof. Paragraph 134 of the NPPF states that 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, including securing its optimum viable use.
41. In this case the proposal would not lead to any public benefits, as the scheme would provide benefits for the applicant's father only. Therefore the harm indicated by the Heritage Team cannot be outweighed and the proposal is considered to conflict with paragraph 134 of the NPPF and policies CN06 and CN08 from the Local Plan.

The Impact of the New Building on Neighbour Amenity

42. The new building would be located to the rear of the main Scutchers building. The land to the rear of this building slopes up so that the dwellings to the rear in Rectory Gardens sit on higher land. The building would be located on a flat area of land that is currently occupied by a vegetable patch. The northern elevation of the building would contain a bedroom, bathroom and kitchen window. These windows would overlook the flank side wall of the property to the rear, No.3 Rectory Gardens and a boundary wall, however as this property sits on higher land, it is highly unlikely that the occupiers of this annexe would be able to overlook this neighbouring property. It is considered that this relationship is acceptable.

43. To the west of the annexe is a row of listed cottages. From the section drawing submitted as part of the application, these cottages appear to be located on land that would be the same level as the annexe. There would be a gap of approximately 14.5m between the front walls of the cottages and the side wall of the annexe. As the annexe would be single storey, it is considered that it would not materially harm the outlook or light the occupiers of these properties currently enjoy.
44. The western facing wall of the annexe does not contain any openings and there is a 1.8m close boarded fence located along the western boundary of the site. Therefore the privacy of the neighbouring occupiers would be suitably protected and not harmed by the siting of the annexe.
45. The use of the annexe could be controlled by planning condition, ensuring that the use of the building could only be occupied for purposes incidental and ancillary to the first floor residential accommodation of Scutchers. Should the applicant propose to use the building for any other purposes at a future date, a planning application would be required and this would be considered on its own merits.

Car Parking Provision and Access

46. Concerns have been raised regarding the insufficient parking arrangement presently at Scutchers. The applicant has indicated that the site is capable of providing 10 off street car parking spaces.
47. Policy TP15 states that proposals for all types of new development will be required to provide parking in accordance with parking standards adopted as Supplementary Planning Guidance. The Suffolk Guidance for Parking (November 2015) document states that restaurants should provide one parking space per 5sqm of public floor area. It is not clear from the application how large the public area of the restaurant is, however it is considered that the creation of an annexe would not materially affect the parking provision required on the site.

Other matters raised

48. Whilst the loss of value of a property has been raised by objectors, this is not a valid planning consideration. Concerns have been raised regarding the loss of the view from the neighbouring cottages. Unfortunately no property has the right to view and views from properties cannot be controlled through the planning system. Any disruption to the pedestrian access to Scutchers Cottages would be a private matter between the occupiers of the cottages and Scutchers.

Crime and Disorder

49. Consideration has been given to the provisions of Section 17 of the Crime and Disorder Act, 1998, in the assessment of this application but the proposal does not raise any significant issues.

Biodiversity and Protected Species

50. In assessing this application due regard has been given to the provisions of the Natural Environment and Rural Communities Act, 2006, in so far as it is applicable to the proposal and the provisions of Conservation of Habitats and Species Regulations, 2010 in relation to protected species.

Planning Balance/Conclusion

51. Having reference to all policies and legislation outlined above it is considered that the proposal is unacceptable for the reasons as set out below. Under these circumstances as the annexe is built, if determined as recommended, the LPA will need to consider the expediency of taking enforcement action.

STATEMENT REQUIRED BY ARTICLE 35 OF THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) ORDER 2015 (as amended)

52. When determining planning applications The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires Local Planning Authorities to explain how, in dealing with the application they have worked with the applicant to resolve any problems or issues arising. In this case the application could not be approved and requests have been made to alter the roof finish to make the design acceptable in this location. The applicant has stated that this cannot be done as the weight and cost implications of a 'green roof' would have created unacceptable issues for the modular system to be employed

RECOMMENDATION

That planning permission be refused for reasons including:

- Unacceptable harm to the setting of a number of listed buildings contrary to saved Policy CN06 from the Local Plan.
- The proposal would neither preserve nor enhance the character of a conservation area or its setting contrary to saved Policy CN08 of the Local Plan and guidance from the NPPF.