

Committee Report

Item No:

Reference: DC/19/00337

Case Officer: Sian Bunbury

Ward: Rickinghall & Walsham.

Ward Member/s: Cllr Jessica Fleming. Cllr Derek Osborne.

RECOMMENDATION – GRANT LISTED BUILDING CONSENT WITH CONDITIONS

Description of Development

Listed Building Consent Application. Works to ground floor to create A5 Hot Food Takeaway. Installation of extract equipment internally and flue through roof. Internal alterations to provide fire and sound-proofing to floors and party walls.

Location

Bell Hill Cottage And The Newsagent , The Street, Rickinghall Inferior, IP22 1BN

Parish: Rickinghall Inferior

Expiry Date: 26/04/2019

Application Type: LBC - Listed Building Consent

Development Type: Listed Building Consent - alterations

Applicant: Mr Yusuf Karakus

Agent: Mrs S Roberts

PART ONE – REASON FOR REFERENCE TO COMMITTEE

The application is referred to committee for the following reason :

A Committee Call In request has been received from Cllrs Fleming and Osborne.

Details of Previous Committee / Resolutions and any member site visit

Members of Committee 'B' considered previous applications on the site (DC/17/04483 - Planning and 04484 - LBC) on 3.1.18 and visited the premises on 24.1.18. These applications were later withdrawn.

DC/18/01379 (Planning refused) and 01380 (LBC granted) were considered by Committee 'B' on 15.8.18.

This current application (together with associated planning application DC/19/00336) have been brought to this committee on the basis that the original applications and site visit was undertaken by committee B members and therefore there should be a degree of familiarity with the site and proposal.

Details of Pre-Application Advice

Prior to the submission of the current application pre-application discussions took place with Building Control, Environmental Health and Heritage Officers.

PART TWO – POLICIES AND CONSULTATION SUMMARY

Summary of Policies

FC01 - Presumption In Favour Of Sustainable Development
FC01_1 - Mid Suffolk Approach To Delivering Sustainable Development
CS05 - Mid Suffolk's Environment
HB01 - Protection of historic buildings
HB03- Conversions and alterations to listed buildings
NPPF - National Planning Policy Framework

Neighbourhood Plan Status

This application site is within a Neighbourhood Plan Area.

The Neighbourhood Plan will be at Examination stage in April.

Accordingly, the Neighbourhood Plan has limited weight.

Consultations and Representations

During the course of the application Consultation and Representations from third parties have been received. These are summarised below.

A: Summary of Consultations

Botesdale Parish Council

Objects :

The application is lacking information.

The current tenants have exposed heritage features. Unfortunately, this is not addressed in the application which shows photographs of the premises when it was a newsagent/post office. It is difficult to assess how the proposals will affect the listed building without up to date information. The Parish Council therefore objects to the application.

Rickinghall Parish Council

Objects :

Rickinghall Parish Council notes that the current tenants have exposed heritage features. Unfortunately, this is not addressed in the application which shows photographs of the premises when it was a newsagent/post office. It is difficult to assess how the proposals will affect the listed building without up to date information. The Parish Council therefore objects to the application.

BMSDC Heritage Team

Recommend approval :

The proposal would cause no harm to a designated heritage asset because physical impact on existing historic fabric is minimised.

Following approval of the previous application, with Heritage support, the agent has sought our informal advice on an alternative approach to upgrading acoustic and fire safety standards in the retail area of the premises. That scheme is now proposed in this application and we support it as resulting in minimal impact on historic fabric while achieving satisfactory standards of safety and amenity. In response to publicity it has been suggested that timber boards now exposed should be left exposed on heritage grounds. In our view it is no surprise to find historic fabric on removing later fittings. Exposure of this fabric does not change understanding of the building's significance. This would only be the case if finding historic fabric in an old building had not been anticipated. The proposal in this and previous applications has been to remove existing fittings and coverings in order to re-line the space, and Heritage has raised no objection to the principle of the proposal. We believe our colleague at Place Services was mistaken in assuming that the 'existing' state was exposed walls. The fabric itself is of rough boarding, probably recycled, installed as a lining for the final covering or fittings, and as such it is not unusual. Aesthetically the boards would appear crude and incongruous in the context of, for instance, a smooth plaster ceiling, and were almost certainly intended to be covered by a finishing layer. Losing them to view again is not considered detrimental to the building's heritage significance.

Historic England

Do not wish to offer any comments. Suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

B: Representations

(Summarised insofar as they relate to the listed building aspect of the proposal. Planning matters are summarised on the related planning application report DC/19/00336. Comments are available to view online.)

- Given the need for fire protection, noise insulation and air movement to prevent dry rot etc in the party wall cavities adjacent to historic fabric and materials to prevent transmission of vibration nuisance and potential damage to the attached historic property, the material and processes described here and elsewhere require clarification. It is insufficient to attach marketing material without a proper expert report to either support or expose the true position.
- The view up the hill from the market square includes the Bell and Bell Hill House with the attached shop, the oblique front/side view of which dominated the street scene. For staff and patrons of The Bell using the pub's terrace and for all living nearby, this outlook will now be spoiled and blemished by the branding and on-street promotion that a vast food outlet needs.
- Increased risk of damage or destruction
The creation of noise and fire-retarding cladding inside the premises, with the cavity between existing and new, offers a double risk to this historic building and its occupants. If the cladding is fit to prevent fire spreading, it means sealed spaces adjacent to historic timber framing and laths that create conditions ideal for dry rot, fungal growth and insect attack that will not be accessible for inspection and treatment. If there is sufficient accessibility and air movement to minimise these risks, the spaces may act as fire conduits, spreading flames rather than containing them. It is not sufficient that the applicant gives assurances about these concerns without the submission of a report in the use of such materials from an independent expert who would understand and explain the scientific evidence for such assertions.
- Loss of historic character

This is a conservation area. The villages of Botesdale and Rickinghall along The Street - most particularly where the village converge west of the market square, are rich in history, with buildings of architectural beauty and importance. The Grade II listed building that comprises Bell Hill House and the attached shop is a landmark that dominates the historic street scene and has done so for centuries. The vibrant branding that attaches itself to the proposed use will no doubt have the same bold signage. This will be an aesthetic scar on the street view. Presumably this is why no details of signage have been submitted. Yet another underhand attempt by the Applicant - as with opening hours - we shall no doubt be horrified about if this application is successful.

- This application puts at risk a vulnerable listed building, diminishing the visual amenity and historic integrity of a building and its setting in a key part of a conservation area.
- Photos within the Planning Statement show the internal aspect of the front area of the shop, which dates to the 17th century (not the 16th century as stated in their Planning Statement), are old and out of date and not representative of the current state of the internal walls. The current occupants of the shop have renovated the walls, revealing an attractive oak boarded wall on one side (east wall). If boarding were allowed to be put up over these renovated walls this local heritage asset would be denied to the local community.
- Moisture from cooking could travel through the plasterboard linings and cause damage to the wood contained in both walls. This would have an impact on party walls and the flying freehold.
- Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and would argue that both Bell Hill House and the 17th century part of the Newsagent and Bell Hill Cottage deserve protection under this General Duty. Also, with regard to para 185 of the NPPF, under Conserving and enhancing the historic environment 'c) desirability of new development making a positive contribution to local character and distinctiveness', we would argue that a Hot Food Takeaway in a listed building would neither make a positive contribution to the character or distinctiveness of Rickinghall.
- If planning permission is granted there should be a restriction on the use of lit-up/neon signs etc as they would be detrimental to the look of a listed building.

PLANNING HISTORY

REF: DC/17/04483	Planning Application - Part change of use to form A5 hot food takeaway with extraction equipment and flue.	DECISION: WDN
REF: DC/17/04484	Listed Building Application - Insertion of internal extraction equipment with external flue, internal sound proofing and fire-proofing partitions and new internal door.	DECISION: WDN
REF: DC/18/01379	Planning Application - Change of use of rear of building to A5 Hot Food Takeaway. Retention of existing front room for retail use, installation of extract equipment internally, flue through roof and internal alterations to provide sound and fire proofing to party wall.	DECISION: REF
REF: DC/18/01380	Application for Listed Building Consent. Works to facilitate change of use of rear of building to hot food takeaway, retention of existing front room for retail use, extract	DECISION: GTD

	equipment internally and flue through roof, internal alterations as per Schedule of Works.
REF: DC/19/00336	Planning Application. Change of Use of ground floor to A5 Hot Food Takeaway. Installation of extract equipment internally and flue through roof. Internal alterations to provide sound and fire-proofing to party walls and floors.

Associated planning application

PART THREE – ASSESSMENT OF APPLICATION

1. The Site and Surroundings

1.1. The site comprises a former Newsagents and Post Office with residential accommodation, known as Bell Hill Cottage. The premises are currently in use as an Antique shop with ancillary residential accommodation to the rear and above. The residential accommodation benefits from an enclosed rear garden. The existing shop and residential property do not benefit from any off-road parking. The site is situated along The Street which is a main route through Rickinghall and Botesdale. Bell Hill Cottage is attached to Bell Hill House, and together they form a Grade 2 Listed Building. The building retains its traditional shop front window with central door as detailed in the buildings listing description. The building has a modern rear extension erected in the 1980s which contains the residential accommodation.

1.2. The site is located adjacent to the Bell Inn Public House and is separated by the vehicular access off the Street leading to the Pub car park which wraps around the rear of the building. This car park slopes away from the road. Opposite the site a change in road surface delineates parking spaces, predominately utilised by residential properties.

1.3. Other than the pub, the site is surrounded by dwellings and is situated within the Rickinghall and Botesdale Conservation Area.

1.4. Rickinghall and Botesdale are designated as a Key Service Centre and benefit from a Co-op, pubs, fish and chip shop and Chinese takeaway, School, Churches and Village Hall.

2. The Proposal

2.1. The application for listed building consent seeks consent for alterations to the listed building associated with the planning application for change of use of the ground floor to A5- Hot Food Takeaway (DC/19/00336). Extract equipment is to be provided internally with a flue through the roof. Internal alterations, including provision of sound and fire-proofing to flying freehold rooms, party walls and floors is proposed. New independent timber stud walls and ceiling are proposed to the front room of the building. This is self-supported and does not touch the existing. No historic fabric is affected and the work is reversible.

A self-supporting decorative glazed partition will be inserted within the entrance lobby, and which does not form part of the sound-proofing. A new aperture in the masonry wall is proposed as a serving counter, and formed part of the previous proposals. Access to the first floor flat is via a side door and an existing staircase, with fireproof upgrading.

2.2. The works include the insertion of a glass partition under the main downstand cross-beam. The line of this partition will denote the original structural line of the historic building. Works to the modern ceiling at the rear of the unit will provide both fire separation and acoustic. There will be the installation of extract and filtering ducting internally (within a 60min. fireproof and acoustic cupboard) and an external flue. There are no other external works other than the flue. Signage to the building will be subject to a separate advertisement consent and listed building consent to be assessed on their own merits, however it is considered that an acceptable presentation could be agreed in that respect.

3. The Principle Of Development

3.1 Members will be aware that support for sustainable economic growth is a principle which underpins the National Planning Policy Framework (NPPF) and which local planning authorities are urged to put at the heart of their decision making.

3.2. Policy HB3 states that listed building consent for alterations to Listed Buildings should meet high standards of design, detailing, materials and construction. The works should not detract from the architectural or historic character of the building or its setting and should not alter the structure of a timber framed building and its infill material.

3.3. Consideration must also be given to the provisions of the NPPF where works to a heritage asset must be justified and assessed as to their impact on the buildings significance.

4. Design And Layout [Impact On Street Scene]

4.1. The listed building would not be altered on its front elevation and thus the impact on the street scene and Conservation Area would be unaltered.

5. Heritage Issues [Including The Impact On The Character And Appearance Of The Conservation Area And On The Setting Of Neighbouring Listed Buildings]

5.1. Both the NPPF and Core Strategy place significant emphasis on safeguarding heritage as an important component of sustainable development.

5.2. With reference to the treatment of the submitted application, the Council embraces its statutory duties and responsibilities in relation to listed buildings, notably the general duties under sections 16, 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires the local planning authority to have "special regard to the desirability of preserving [a] building or its setting or any features of special architectural or historic interest which it possesses".

5.3. Local Plan Policy HB1 (Protection of Historic Buildings) places a high priority on the protection of the character and appearance of historic buildings, including their setting. Policy HB3 also details that conversion of listed buildings will only be permitted in exceptional circumstances and will be required to meet high standards of design, detailing, material and construction. Listed Building Consent will be granted if the Planning Authority is satisfied that the proposal would not detract from the architectural or historic character of the existing building or its setting and for timber frame buildings, the structure of the frame including its infill material remains largely unaltered.

5.4. In paragraph 184 of the NPPF it makes it clear that development should conserve heritage assets "These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future

generations". Para 192 goes on to state that in determining planning applications, local planning authorities should take account of; the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and the desirability of new development making a positive contribution to local character and distinctiveness. Furthermore Paras 193 and 194 state "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. 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". The Planning Authority is required to give any such harm considerable importance and weight.

5.5. The proposed development is to change the use of part of the building to A5- Hot Food Takeaway. To implement this change of use internal works are proposed in the interest of neighbour amenity and fire safety. The application is supported by a Listed Building Justification Statement and Schedule of Works.

5.6. The Statement identifies that the existing shop and back office on the ground floor and the first-floor dressing room and en-suite bathroom on the first floor (part of Bell Hill House) are part of the historic building. The listing description describes this area as a 17th Century service addition with shop; ground floor early 19th Century bowed shop front with a central two-thirds glazed door, flanking 12-light windows, panelled jambs and a fascia board, first floor 2-light glazing bar casements, attached to rear a 1 storey C17 service outbuilding. This service addition is attached to the 16th Century core (Bell Hill House). The existing ground floor and first floor residential accommodation of Bell Hill Cottage is an annexe built in the 1980s. As such the extraction equipment and flue project through the floor and roof of the modern extension and will not remove any historic fabric.

5.7. Sound insulation and fire lining/separation will be fully reversible. The entire front entrance room would be sound and fire-proofed all round without physical connection to the party wall or ceiling.

5.8. It is also noted in the Statement that the previous shop fittings largely hid this original party wall. Photographs of the shop when it was in operation have been provided within the Statement.

5.9. Given the extent of fixtures which obscured the original walls when the premises were occupied as a shop, that the internal works will allow for protection of the historic fabric, there will be no loss of historic fabric and the works will ensure the adjacent residential amenity is protected; the internal works are not considered to harm the character of the historic building and its significance. The sloping ceiling and retained exposure of the beam in the main 'shop' area will ensure the character is not significantly impacted. The works therefore would allow for the commercial use to continue and would not harm the historic character or understanding of this building. The main features of the two bays with two first floor casements and front shop window will remain unaffected.

5.10. Officer's consider that the submitted Statement adequately addresses the Heritage concerns regarding the impact and significance of the building. The works are not deemed to harm the significance or importance of the historical building and are reversible. Sections showing the internal ceiling and its relationship with the front window, beam and walls have been submitted.

5.11. The Heritage team does not oppose the introduction of the flue in the roof slope of the east elevation. The proposed flue would be installed in the 1980s addition to the listed building. The flue does not project

far above the ridge and is of a modest scale. The building features a large central chimney, whilst the eastern elevation of the building features an external stack. Whilst the flue would read as a modern introduction, it is not considered that the flue would harm the character of Bell Hill Cottage, or the significance of the Conservation Area.

5.12. The Heritage Team have commented at pre-application stage and on this listed building application, They consider that the proposal would cause no harm to the designated heritage asset because physical impact on existing historic fabric is minimised.

5.13. The proposed internal works will allow for protection of the historic fabric, there will be no loss of historic fabric and the works will ensure the adjacent residential amenity is protected; the internal works are not considered to harm the character of the historic building and its significance. LBC was previously granted DC/18/01380. This current application differs mainly in the provision of a self-supporting sound and fire-proofing structure, which is considered to be acceptable.

PART FOUR – CONCLUSION

6. Planning Balance and Conclusion

6.1. The proposed works to facilitate this change of use have been evaluated in terms of their impact on the heritage asset and its significance. The works allow for the protection and retention of historic fabric and are fully reversible. The works will ensure the use of the building does not harm the historic fabric and protects the amenity of the adjacent residential uses. Externally the flue is not considered to harm the character of Bell Hill Cottage, or the significance of the Conservation Area.

6.2. The proposed development is considered to accord with the Development Plan and, in accordance with the provisions of the NPPF, permission should be granted where development accords with the Development Plan.

RECOMMENDATION

That authority be delegated to Acting Chief Planning Officer - Growth & Sustainable Planning to grant Listed Building Consent subject to the following conditions :

- Standard time limit
- To be in accordance with submitted plans, drawings and details

(3) And the following informative notes as summarised and those as may be deemed necessary by the Corporate Manager:

- Pro active working statement
- Support for sustainable development principles
- Standard listed building note

