

MID SUFFOLK DISTRICT COUNCIL  
DEVELOPMENT CONTROL COMMITTEE -

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<b>AGENDA ITEM NO</b>	<b>2</b>
<b>APPLICATION NO</b>	4375/15
<b>PROPOSAL</b>	Erection of first floor extension to reinstate former 2 storey rear wing and former separate dwelling, internal alterations including relocation of toilet facilities, to retain the public house as a community facility
<b>SITE LOCATION</b>	The Angel Inn, 5 High Street, Debenham IP14 6QL
<b>SITE AREA (Ha)</b>	
<b>APPLICANT</b>	Mrs S Paine
<b>RECEIVED</b>	December 14, 2015
<b>EXPIRY DATE</b>	February 16, 2016

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**REASONS FOR REFERENCE TO COMMITTEE**

The Head of Economy considers the application to be of a controversial nature having regard to the planning reasoning expressed by the Parish Council and the extent and planning substance of comments received from third parties.

**PRE-APPLICATION ADVICE**

1. No pre application advice was sought prior to the submission of this application.

**SITE AND SURROUNDINGS**

2. The Angel is an established public house standing on the east side of the High Street in Debenham. The building is listed Grade 2 and is within the Debenham Conservation Area.

The public house stands within a mixture of residential and commercial properties typical of a village High Street. Opposite, set back slightly from the High Street, the local Co-operative store, hardware shop, pharmacy and the small associated parking area form the commercial focus for the village

The accommodation is on two floors and currently comprises (as described on the submitted plans):-

- *Ground floor*; entrance lobby, bar area, lounge, store room (in front range - formerly part of public house area), commercial kitchen, toilets and further store room (to rear extension).
- *First floor*; three bedrooms (various sizes), domestic kitchen, bathroom, store room (with en-suite - in front range above ground floor store room).

There is a garden and parking area to the rear of the property, accessed from

the High Street through an 'archway' at the southern end of the building.

The building immediately to the north (no. 3 High Street) is listed Grade 2\*.

### HISTORY

3. The planning history relevant to the application site is:

4374/15	Partial change of use, erection of first floor extension to re-instate former 2 storey rear wing, internal alterations to public house to reinstate former separate dwelling at The Angel whilst retaining the public house as a community facility (revised scheme to that submitted under ref. 2494/14 and 2475/14).	On this agenda for determination
2424/15	Revised Scheme to that submitted ref. 2494/14 & 2475/14 - Partial change of use, first floor extension to re-instate former 2 storey rear wing, internal alterations to public house to reinstate former separate dwelling at The Angel whilst retaining the public house as a community facility	Withdrawn 21/10/2015
2423/15	First floor extension to re-instate former 2 storey rear wing and former separate dwelling, internal alterations including re-location of toilet facilities, to retain the public house as a community facility.	Withdrawn 21/10/2015
2475/14	Re-instatement of a former 2 storey rear wing and further extensions to rear to re-instate former separate dwelling adjacent to the Angel, internal alterations including re-location of toilet facilities, to retain the public house as a community facility.	31/10/2014 Appeal dismissed
2494/14	Partial change of use, re-instatement of former 2 storey rear wing and further extensions to rear, internal alterations to public house to reinstate former separate dwelling at The Angel whilst retaining the public house in a reduced form as a community facility	31/10/2014 Appeal dismissed
2648/13	Re-location of existing wall hung sign depicting "The Angel" and associated lighting	Granted 01/11/2013
2637/13	Advertisement Consent Application: Re-location of existing wall hung sign depicting "The Angel" and associated lighting.	Granted 01/11/2013
1747/11	Erection of a willow panel fence and a gate in the rear garden.	Granted 19/07/2011
1511/11	Remove 5 trees: a mixture of conifers and a sycamore.	Raise No Objection 07/06/2011
0148/03/LB	Re-build damaged out buildings. the walls to be re-built with re-claimed suffolk red bricks. the previous flat asbestos concrete had to be replaced with a pitched roof with ridge in pantiles (re-claimed) to match adjoining buildings.	Granted 22/09/2003

### PROPOSAL

4. This application seeks to create a separate dwelling in an extended northern

bay of the building, whilst retaining the public house in its current form in the remaining southern portion. It is proposed that this will be achieved by:-

- Making permanent the current temporary partitioning off of the bay north of the main chimney stack (noted in 'Site and Surroundings' above as the ground and first floor storerooms to the front range).
- Demolition of the existing flat roofed rear extension at the northern end of the building (this area currently houses store rooms, toilets and a garage) and its replacement with a new two-storey rear extension to the proposed dwelling.

Reconfiguration of the existing car parking/external dining/garden area to the rear of the public house to provide a small paved courtyard area for off-street parking spaces for the pub. The proposed dwelling will have a graveled turning and parking area and a grassed garden. Access to both of these spaces is from the High Street is retained along the southern edge of the existing car park, via the coaching arch. A 1.2 metre high brick wall with 0.8 metre high osier fence above is to divide the pub rear space and rear space associated with the proposed dwelling. Vehicular access is gained for the dwelling from the land associated with the public house.

## POLICY

### 5. Planning Policy Guidance

See Appendix below.

## CONSULTATIONS

6. Below is a summary of the consultations responses received. Copies of the full consultation response is provided within the agenda bundle.
- **Parish Council:** Strongly recommend refusal. No material differences to the previously submitted application. The pub was successful in the past. Reference made to policy and SPG context.
  - **Heritage Team:** The Heritage Team considers that, although the addition of a two storey rear extension as proposed will cause no harm the physical fabric of the "host" building, nor to the character, appearance, setting or significance of the conservation area or any adjacent heritage asset, the principle of sub-division to create a separate dwelling will in itself to cause harm to significance through fragmentation of the asset, with harmful implications for its future management.
  - **Historic England:** Do not offer detailed advice on the subdivision of the grade II property as this is not in line with their remit. Concerned over the impact upon the structure of the adjacent Grade II\* listed building.

## LOCAL AND THIRD PARTY REPRESENTATIONS

7. This is a summary of the representations received:

- The submitted plans contravene the Supplementary Planning Guidance on the Retention of Shops, Post Offices and Public House.
- The intended changes do not demonstrate an intention to retain or further the viability of the business but to diminish the business potential and profitability by reducing the opportunities available at the public house. The reduced floor space, lack of garden and effective parking, closing of all accommodation and very reduced main public bar all prohibit growth of the business.
- There is a willingness to support the business from the village.
- The letter from Birketts stating that only two thirds of the ground floor has ever been used for front of house facility is not correct.
- There has been no evidence provided within the application to substantiate the claim that the viability of the business would be secured by reducing the overheads.
- The Angel provides a public house for all mobilities.
- There are alternative places for residential development.
- This premises is an employment opportunity, this would be increased if The Angel was back to its original layout.
- In its current layout there is not sufficient room for large parties and organisations to congregate.
- Once permission has been granted for a dwelling it is unlikely to revert back to a pub at a later stage.
- A larger public house would encourage visitors to the village.
- The application states 'approximate measurements'.
- No details of surface or rainwater discharge.
- The structural engineers plans and details still do not comply with the requirements set by Historic England.
- The plans show inaccuracies including tree references.
- The schedule of works is thin in detail and specification.
- The covenants on the property appear to have been overlooked.
- No Flood Risk Assessment has been provided. Given the flooding in the UK should a precautionary approach be taken.
- The proposed extension would have a disproportionate impact on the Grade II parts, in particular the viewing gallery. The proposed materials are not in keeping with the original fabric of the property. The proposed rooflights are out of keeping with the character of the surroundings and cause light pollution.
- The window in the easterly gable of the extension will directly overlook No. 3 High Street.
- The hard landscaping including subdivision walls will have a detrimental impact upon its setting of both The Angel and the neighbouring Grade II\* building.
- Prior to the subdivision of The Angel there was circa 12 car parking spaces within the rear parking area. The High Street is very congested and therefore it is important that all of the car parking spaces remain.
- The removal of some of the trees and re-establishment of a garden is likely to have a minimal impact upon wildlife.
- The removal of the flat roofed buildings would be of benefit.
- It must be in the best interest of this building and its Grade II listed to keep it as a single property. The internal changes proposed would have a major impact upon the fabric and the space within. Many important part of the fabric of the building need to be kept as one entity such as the viewing gallery, the hidden staircase and the bressemer beams over the fireplaces

- with witch markings.
- If the pub closes will it reopen.
  - The redevelopment of the site for residential affects the quality of life as the disappearance of the pub as a focal point for the community disappears.
  - No evidence has been provided to demonstrate that reasonable efforts have been made to sell or let the pub and that it is not economically viable.
  - The change of use of a pub should be resisted where there is local support.
  - Any changes to the building should conserve or enhance the Conservation Area. This development does not take this into account.
  - Policy E6 regarding the retention of commercial sites states that Ipsas should recognise local employment opportunities of commercial sites.
  - When all three rooms were open these were fully occupied and the pub was thriving.
  - There has been an expression of interest from the community to buy the pub as a community asset.
  - Tourism and service industries are a vital part of a thriving village.
  - The plans show the removal of the existing oil tank but does not identify the two replacements for the pub and dwelling.
  - Without the garden the pub is not suitable for families.
  - The proposed development is unsuitable as a residential property with locating bedroom windows directly above the Angels outdoor smoking patio area.
  - The plans leave the pub too small and without the opportunity to properly serve food.
  - This area is prone to flooding.
  - The public house is essential to the vitality and sustainability of this growing Key Service Centre and policy and guidance.
  - At what point was the site a dwelling.
  - Debenham village is ever growing and has a diverse range of local businesses on the High Street and these should be protected at all costs.
  - If this is approved this will set a precedent for other sites in the district.
  - The proposal represents overdevelopment of the site.
  - The proposed plans threaten to cause structural damage to Tudor House. The application fails to include a statement of methodology from a structural engineer. Historic England has raised this as a concern in their response.
  - Paragraph 134 of the NPPF requires where development proposal will lead to less than substantial harm to the significance of the designated heritage asset, the harm should be weighed against the public benefits of the proposal, including securing its optimum use. The applicants have failed to do this.
  - The same planning issues apply and have not been addressed in any form.
  - To allow the works would mean more sensitive restoration and conservation of the historic gallery would not be possible.

## **ASSESSMENT**

### 8. **Background:**

Material to the consideration of this application is the Inspectors decision on an appeal for a similar proposal to that sought under this application. Applications 2475/14 and 2494/14 sought planning permission and listed building consent for the *"partial change of use, re-instatement of former 2 storey rear wing and*

*further extensions to rear, internal alterations to public house to reinstate former separate dwelling at The Angel whilst retaining the public house in a reduced form as a community facility". A copy of the Inspectors decision is included within the agenda bundle for Members reference. The assessment of this application will make reference to this appeal decision.*

Both of these applications were dismissed on the basis that the *"proposal would cause harm to the significance of the listed building, the listed neighbouring building and Conservation Area" (Paragraph 23 Inspectors decision).*

The proposals remains similar as that previously dismissed at appeal as follows:

- The proposed change of use of part of the public house to be converted into a dwelling.
- The permanent internal division between the proposed dwelling and remainder public house.
- The demolition of existing single storey rear extension and erection of a two storey rear extension (scale and design amended).
- Subdivision of land to be divided between the proposed dwelling and the public house.

The proposed development sought under this application differs from that sought under applications 2475/14 and 2494/14 as follows:

- A reduction in the size of the two storey rear extension.
- It does not include a 1 1/2 linked element on the boundary with No. 3 High Street.

Matters to be considered:

Development Plan Policies and the NPPF seek to ensure that works to, within, or affecting the setting of a designated heritage asset do not cause harm to the fabric, character or appearance that or any other designated Heritage Asset.

The consideration of this application is:

- The effect of the proposed works on the applicant historic building, neighbouring historic buildings and the character and appearance of the Debenham Conservation area.

It should be noted that this consideration was amongst the main issues that the Inspector highlighted in the appeal decision.

- The effect on the applicant building itself:

There is no objection to the proposed demolition of the modern single storey flat roofed extension to the rear of the property. This extension is out of keeping and detrimental to the overall character and appearance of the listed building and its removal is welcomed.

However the effect of the proposal to separate the northern bay of the property from the remainder and create a new dwelling is more complex and would

involve internal alterations and the erection of a two storey rear extension. Local Plan Policies HB3 and HB4 state that the conversion of or alteration of listed buildings will only be permitted in exceptional circumstances and will be required to meet high standards of design, detailing, material and construction and furthermore the proposal should not detract from the architectural or historic character of the building. The criteria set out in para. 134 of the National Planning Policy Framework (NPPF) is also pertinent to this proposal. This paragraph states:

*"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."*

In the recent appeal decision the Inspector considered that *"the significance of the appeal building and its listed neighbour largely derives from their age, use, historic fabric, form and features of special interest"* (para. 9). Specific reference in the appeal decision was made to the rare 16th century first floor rear gallery within The Angel.

This application has amended the scale and design of the rear two storey extension to address the Inspector's objection that the development *"due to its scale, the extent of development proposed would result in an unsympathetic addition to the appeal building"* (para. 12). The two storey extension proposed under this application has been reduced in scale and this is considered to be an extension that would be acceptable to this listed building. The extension is of more modest proportions and does not extend further than the rear wing of the neighbouring property (Tudor House). Furthermore there is evidence of a former two-storey range on the site of the proposed extension and no remaining historic fabric in the rear wall of the public house where access would be gained at ground and first floor.

Notwithstanding that an acceptable two storey rear extension has been designed, your Officers consider the principle of the subdivision of The Angel to create a separate dwelling to be unacceptable. In the previous appeal decision the Inspector comments that the permanent subdivision of the heritage asset would in itself cause harm to its significance. Irrespective of the physical changes that are being made the layout, plan and form of The Angel are important in preserving and protecting the architectural character of the building in line with development plan policies. In particular the Inspector makes specific reference to the important first floor rear gallery which if the subdivision were allowed the visual, physical and functional relationship of this gallery with this remainder of the building would be lost and this would have a clear harmful impact upon the historic character of this listed building.

Your Heritage Team has advised that the best situation for The Angel as a designated heritage asset is to continue in one unified ownership, allowing for future management of the asset as a whole.

Paragraph 134 of the NPPF makes it clear that the harm to a designated heritage asset has to be weighed against the public benefits of the proposal. The justification provided is that the proposed reduction in floorspace secures the longer term viability of the consequentially smaller public house. However there is no sound evidence to demonstrate this claim and your Officers consider that for the reasons that have been discussed in this section and below that

there is no public benefit which outweigh the harm to the listed building and thus the proposal is therefore considered unacceptable.

Whilst it is accepted that the provision of a single dwelling would add to the local housing stock this limited public benefit would not outweigh the harm to the designated heritage asset and the potential harm to The Angel as a community facility.

- The effect on neighbouring historic buildings:

Immediately adjacent to the north is no.3 High Street (part of the former 'Swiss Farm Butchers'), which is listed grade 2\*. This building has a two-storey range projecting to the rear, and single storey outbuildings detached in the garden area.

The proposal for a 2-storey extension attached to the rear of the northern bay of The Angel would abut a modern blockwork parapet wall which adjoins the side of the 2\* building. The submitted plans show this as a 'party wall', and specify a 'new steel structure independent (sic) of party wall to engineers design'.

Historic England has recognised that the proposal is seeking an independent structure but wish to ensure there would be no harm to the structure of the neighbouring Grade II\* listed building. The occupiers of this property have also raised a concern over the potential impact upon their property. With proper attention to design, detailing and third party property rights, it is considered that the extension need not have any adverse effect on the fabric of the adjacent building.

The prominence of the blockwork parapet wall in views of the rear of no. 3 from The Angel's car park/garden to the south mean that the setting of the 2\* building is not adversely affected from this direction by these extension proposals.

- Summary and Conclusion.

The proposed development would cause harm to the designated heritage asset and it does not have wider public benefits that would outweigh this harm.

Refusal is therefore recommended.

## RECOMMENDATION

### **That Listed Building Consent be Refused for the following reasons:**

1. The proposed subdivision of the applicant listed building at ground and first floor level would cause harm to its character and status as a building of architectural and historic interest. The harm to the designated Heritage Asset, is not regarded as substantial, however, the application as submitted fails to demonstrate that this harm is outweighed by the public benefit of securing the longer term financial viability of the public house through a reduction in its operational floorspace. The proposal would therefore conflict with the aims and requirements of paragraphs 17, 131, 132 and 134 of the National Planning Policy



Framework, Policy CS5 of the adopted Mid Suffolk Core Strategy (2008), Policy FC1 of the adopted Mid Suffolk Core Strategy Focused Review (2012) and saved Policies SB2, and HB3 of the adopted Mid Suffolk Local Plan (1998), which are consistent with those aims.

Philip Isbell  
Corporate Manager - Development Management

Lisa Evans  
Planning Officer

## **APPENDIX A - PLANNING POLICIES**

### **1. Mid Suffolk Core Strategy Development Plan Document and the Core Strategy Focused Review**

**Cor1** - CS1 Settlement Hierarchy  
**Cor5** - CS5 Mid Suffolks Environment  
**CSFR-FC1** - PRESUMPTION IN FAVOUR OF SUSTAINABLE DEVELOPMENT  
**CSFR-FC1.1** - MID SUFFOLK APPROACH TO DELIVERING SUSTAINABLE DEVELOPMENT

### **2. Mid Suffolk Local Plan**

**SB2** - DEVELOPMENT APPROPRIATE TO ITS SETTING  
**GP1** - DESIGN AND LAYOUT OF DEVELOPMENT  
**HB1** - PROTECTION OF HISTORIC BUILDINGS  
**HB3** - CONVERSIONS AND ALTERATIONS TO HISTORIC BUILDINGS  
**HB8** - SAFEGUARDING THE CHARACTER OF CONSERVATION AREAS  
**HB4** - EXTENSIONS TO LISTED BUILDINGS

### **3. Planning Policy Statements, Circulars & Other policy**

NPPF - National Planning Policy Framework

**APPENDIX B - NEIGHBOUR REPRESENTATIONS**

Letter(s) of representation(s) have been received from a total of 47 interested party(ies).

The following people **objected** to the application

[Redacted list of names and addresses]

The following people **supported** the application:

The following people **commented** on the application: