

Committee Report

Item 7B

Reference: DC/19/04892

Case Officer: Lynda Bacon

Ward: Sudbury North West

Ward Member/s: Cllr Jan Osborne, Cllr Trevor Cresswell

RECOMMENDATION – REFUSE PLANNING PERMISSION

Description of Development

Planning Application - Erection of 6 dwellings, partial demolition and conversion of New Hall to 1 dwelling including the change of use to commercial design studio/gallery (following demolition of the existing buildings with the exception of the façade of Victoria Hall fronting Prince Street)

Location

Victoria Hall/Conservative Club/New Hall, 39 And 41 Prince Street/New Street, Sudbury, CO10 1HZ

Expiry Date: 31/03/2020

Application Type: FUL - Full Planning Application

Development Type: Minor Dwellings

Applicant: Rogerson Holdings Limited

Agent: Nick Peasland Architectural Services Limited

Parish: Sudbury

Details of Previous Committee / Resolutions and any member site visit:

The application was reported to the meeting of the Planning Committee on 9th September 2020. Members resolved to defer the application for the following reasons:

Applicant to provide structural report and viability assessment;

- . Conservative Club façade on New Street to be retained/if not possible, recreated;**
- . Changes to design to include removal of hips, use of single pitch roof, and different materials.**

Has a Committee Call In request been received from a Council Member (Appendix 1): No

Has the application been subject to Pre-Application Advice: Yes (Ref: DC/18/01765 & DC/18/05115)

PART ONE – REASON FOR REFERENCE TO COMMITTEE

The application is referred to committee for the following reason:

The Head of Economy considers the application to be of a controversial nature having regard to the site's location in a Conservation Area, the scale of demolition proposed and the contrary opinions of the Ward Member and statutory/other consultees.

PART TWO – POLICIES AND CONSULTATION SUMMARY

Summary of Policies

NPPF - National Planning Policy Framework 2019

Babergh Core Strategy 2014:

CS01 - Applying the presumption in Favour of Sustainable Development in Babergh

CS02 - Settlement Pattern Policy

CS15 - Implementing Sustainable Development

CS16 - Town, Village and Local Centres

Core Strategy 2006:

CN01 - Design Standards

CN08 - Development in/near conservation areas

HS28 – Infilling / Groups of Dwellings

SD08 – Sudbury Town - North St/Gainsborough Rd Junction

TP15 - Parking Standards - New Development

EM24 - Retention of Existing Employment Sites

Neighbourhood Plan Status

This application site is not within a Neighbourhood Plan Area.

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

Town/Parish Council

Sudbury Town Council – Initial comments received 12 November 2019

Agree in principle with this development, however members felt that the proposed brick work that faces directly onto New Street should be more sympathetic and in keeping with the existing street-scene, for example white/buff brick and slate tiles. They also felt that the proposed design of the properties on the existing Conservative Club should resemble the site's history.

Disappointed that there is no provision for affordable housing on this development.

Sudbury Town Council – Subsequent comments to revised proposal received 8 December 2020

Approve the application - but note the concerns raised by the Suffolk Preservation Society regarding the structural survey and its conclusion that demolition is necessary.

County Council Responses

SCC Highways – received 12 November 2019

Whilst SCC does not have any objections to the principle of development, no means of sustainable travelling alternatives have been proposed, either in the form of secure cycle storage facilities or electric vehicle charging points. The aforementioned should be overcome prior to the grant of permission.

SCC Archaeology – received 31 October 2019

In terms of below ground archaeological remains, the site is located on the edge of the historic town of Sudbury. The location of the site means that it has potential for archaeological remains relating to the town and its suburbs, but based on the available information about past land use and past and current building on the site, and hence past disturbance, I would not in this case recommend a condition for a formal programme of archaeological work.

Internal Consultee Responses

Heritage Team - Subsequent comments to revised proposal received 17 February 2021

Structural Engineer's Report

In response to a request from the LPA planning committee, a Structural Engineer's report was submitted as part of the current application. It was drafted in February 2020. It states that '...the comments and concerns raised in the 03/07/2018 report are still relevant and should not be disregarded by this report'. In the conclusion it states however that 'if the buildings are to be successfully converted into dwellings suitable for the C21st as opposed to a demolition and rebuild approach, considerable expenditure will be required to remedy the defects outlined...'.

It seems clear to me that cost is a factor in the retention of these buildings which include the non designated heritage asset known as Victoria Hall, rather than simply their condition. NPPG para.15 states that 'the optimum viable use may not necessarily be the most economically viable one'. It may also not be the original use.

The report's conclusion also states that 'it would also be very difficult to achieve good levels of energy efficiency to current standards'. However, my understanding is that energy efficiency standards do not apply to buildings in Conservation Areas as explained in (3) (a) (ii) of Regulation 21

of the Building Regulations 2010 – Application of energy efficiency standards. A reduction in efficiency standards can probably therefore be accommodated in any conversion and change of use.

In conclusion, the various views of the Engineers have not satisfactorily justified the proposed demolition of the buildings on this site. They seem now to suggest that there is the option to retain the buildings and therefore reuse them – and this approach should be explored more thoroughly.

The Conservation Area is a designated heritage asset and the demolition of the buildings as detailed in this application would result in a *medium level of less than substantial harm* to this asset. The scheme would also result in a *high level of less than substantial harm to Victoria Hall*, which is locally listed. The work does not accord with the requirements of Local Plan policy CN08 – and it is for these reasons I do not support the proposed development.

Proposed Replacement Dwellings

The proposed replacement buildings do not sustain the character and appearance of the Sudbury CA. There are two options provided for the south east elevation on drawing reference no. 2573/08. Both provide for a range in three elements, with a tall and rather imposing new block at the north eastern end of the block, on New Street. The first option for the north easternmost block consists of a very large, low pitched roof which is ungainly. Its span, pitch and height are uncharacteristic of the vicinity and it would not sustain the character and appearance of the CA, nor the significance of the corn mill or 1-6 St John's Terrace (see below).

The second option consists of a balanced roof which, in isolation, is more characteristic of suburban Victorian architecture. However, the overriding concern is the scale and articulation of the block, which would upset the scale and architectural quality of this Victorian street.

The current situation sees a well detailed and suitably scaled range of buildings which contribute positively to the character of the CA. They are well detailed and appropriately scaled with traditional Victorian motifs such as bay windows, pierced bargeboards, a round arched porch entrance and fine quality gault brickwork. Given their clear hierarchy and the gap between them and the mill, the existing buildings also allow for a proper visual appreciation of the former corn mill, which is located further to the north east. The views across the front of these buildings towards the mill, as well as the mill itself, contribute to the character of the CA. The corn mill is also locally listed as no.42 New Street. Its diagnostic features include its general proportions, as well as a loading door and projecting hoist. Its use and its remaining features help explain its original role in the evolution of the Victorian part of town. For a new block to compete with or reflect the industrial scale of the mill diminishes the visual prominence of the mill to the detriment of the CA and to the detriment of the mill itself.

The north easternmost block would also upset the suburban hierarchy insofar as nos. 1-6 St John's Terrace is concerned. These three-storey weavers' cottages from the early Victorian era describe the employment of their residents and the industrial / residential evolution of the area and are currently taller than the opposing blocks.

Additional concerns relate to the rather contrived architecture of the proposed buildings. The New Street façade is currently constructed in gault brick, and is located in a street which consists predominantly of gault brick properties - so why change to red brick? The central element of the block is rendered, and in its architectural handling and arrangement of fenestration it loosely

describes a timber framed, C17th farmhouse, latterly rendered and then built against at both ends. This is misleading because an early modern village farmhouse is not characteristic in a Victorian suburban extension.

The final block, the large competing structure at the north eastern end, is reminiscent of contemporary blocks of flats in contemporary urban estates. It is discordant in this Victorian street and as a result does not sustain the character or appearance of the CA. It also harms the setting of the corn mill, as mentioned previously. The rear of the proposed blocks is appropriately more functional than their facades, but as a whole none of the blocks sustains or enhances the character or appearance of the CA. (It should be noted that had this block been smaller, and had it formed a part of a discrete new infill development featuring the same contemporary language across the piece, rather than as an individual architectural outlier, its form might have been less inappropriate).

In summary, the proposed replacement structures are contrived and alien. In terms of the NPPF, they would cause a *low to medium level of less than substantial harm* to the character and appearance of the CA and a *low to medium level of less than substantial harm* to the setting – and therefore the significance - of the mill and no.s 1-6 St John's Terrace. The development would be counter to the requirements of Local Plan policy CN01, which states that ‘all new development proposals will be required to be of appropriate scale, form, detailed design... [and that proposals] must pay particular attention to the scale, form and nature of adjacent development and the environment surrounding the site’. The proposed scheme is also counter to Local Plan policy CN08, which states that new development in a CA should ‘preserve or enhance the character of the Conservation Area or its setting; retain... spaces which contribute to the special character for the area; [and] be of an appropriate scale, form and detailed design to harmonise with its setting’.

It is for these reasons I do not support the proposed scheme.

PREVIOUS COMMENTS (FOR INFORMATION)

20 November 2019

Additional justification should be submitted for the wholesale demolition of the Conservative Club and for the proposed works to Victoria Hall. Notwithstanding this, in its current form the proposal would cause:

- Substantial harm to the Conservative Club.
- A medium level of less than substantial harm to the significance of New Hall.
- A high level of less than substantial harm to the significance of Victoria Hall.

Consequently, also

- A medium level of less than substantial harm to the character and appearance of this part of the Sudbury Conservation Area.

The proposal is for the demolition of the Conservative Club and the erection of 4 no. replacement dwellings, the part-demolition and conversion of New Hall, and the demolition of all of Victoria Hall except the front elevation, and the erection of two dwellings behind. These three buildings are locally listed non-designated heritage assets and are located within the Sudbury Conservation Area. The heritage concern relates to the impact of the proposal on the significance of the non-designated heritage assets and on the character and appearance of the Conservation Area. This application follows two pre-application enquiries (DC/18/01765 and DC/18/05115). The application site is located at the northern edge of the Sudbury Conservation Area. The historic built environment is predominantly C19 in this area, with C20 intrusions, notably along North Street. There is only one listed building in the vicinity (Grade II listed 48, North Street), although many

buildings are on the Sudbury Local List as they “contribute to the unique interest and variety of the local townscape” and some of them have “local historical interest” (via Sudbury Society).

New Hall was built in relation to the silk industry in 1863. It is a long, single-storey building with banks of small-paned windows, which point to its use as a ‘silk manufactory’ as noted on the earliest OS map (1884). The building’s historic associations to the local industry are supported by its purpose-built, functional design, and they make it a very deserved entry on the Sudbury Local List.

The Conservative Club was built after New Hall, in several stages. This building has a gault-brick front with simple domestic proportions and a few distinctive features, such as the oriel windows at first floor, and the large bay window and decorative bargeboards. The building has not been in use for some time; however, it still forms an attractive part of the street-scene and its communal value make it a significant building in the town.

The same is true for Victoria Hall, which has an impressive front elevation, built of red brick. It was built in 1887 and was an important part of social life in Sudbury for over 100 years.

This part of the Conservation Area has two distinct characters, one concentrated on North Street, and one behind North Street, on New Street and Prince Street. North Street has experienced many C20 alterations, and modern commercial buildings have reduced its historic character. Almost all buildings on New Street and Prince Street are late-C19, and although C20 alterations such as window replacements are evident, the overall historic character of this area has been preserved.

New Hall

Note the comments from the Heritage Team at pre-application stage: “A previous pre-application enquiry concerned the demolition of New Hall. The Heritage Team advised that we would strongly object to the demolition of this building, because of its connection to the silk industry of Sudbury, as well as its inherent architectural qualities and contribution to this part of the Conservation Area. The proposal would now be to reduce the building by approx. 40%. The Heritage Team would still object to the demolition of part of this building. Its architectural and historic value is largely derived from its form, and the long banks of windows which reference its original use as a manufactory. This is especially appreciable in the approach to the Conservation Area from the north. There is also communal value to the building, given that it was in use well into the century for light industry. To truncate the building almost in half would detract from its significance and diminish its contribution to this part of the Conservation Area.”

The current application would demolish approximately 30% of the building and convert part of it to residential use. Although converting the building would not be objectionable in principle, truncating the building would still be considered harmful to the building’s significance and to the character and appearance of the Conservation Area.

Conservative Club

A previous application regarding Victoria Hall and the Conservative Club was granted for the conversion of these buildings into four dwellings (B/16/00956). This current application includes a structural appraisal which states that the conversion works “will potentially undermine the existing foundations”.

The Conservative Club has inherent heritage value and contributes positively to the character and appearance of the Conservation Area. Its demolition would therefore result in substantial harm to its significance, and less than substantial harm to the Conservation Area.

The Babergh Local Plan states in para. 7.47 that “Consent to demolish an unlisted building in part or whole in a conservation area will be granted only where it can be shown that it is wholly beyond repair, incapable

of reasonably beneficial use, of inappropriate structure or design, or where its removal or replacement would benefit the appearance or character of the area."

The structural appraisal does not contain a detailed justification for the wholesale demolition of the Conservative Club. The replacement of the existing floor with a more thermally efficient floor is cited as having the potential to undermine the existing foundations, however no methods of achieving this have been explored, nor has it been sufficiently demonstrated that the building could not reasonably be converted without the replacement of the existing floor and that no part of the building could reasonably be retained.

Additionally, there is insufficient detail in the structural appraisal to justify why the demolition of the entire Conservative Club is required, while at the same time the retention of the front elevation of Victoria Hall is deemed possible.

Victoria Hall

As noted above, the justification for the extent of demolition on the site is not sufficient at this point. While there is a concern noted in the appraisal about the existing substructures to the rear of Victoria Hall, the current structural appraisal does not set out any options to overcome these concerns, and it does not reach the conclusion that only the front elevation could reasonably be retained.

Regardless, should the demolition of all but the front elevation of Victoria Hall be satisfactorily justified from a structural engineering perspective, the works would still be considered to cause less than substantial harm to the significance of this non-designated heritage asset, as it would reduce the historic building to a single wall

Sudbury Conservation Area

As noted above, the demolition of part of New Hall and all of the Conservative Club would cause less than substantial harm to this part of the Conservation Area, as it would cause the loss of historic buildings which contribute positively to its character and appearance.

Notwithstanding this, the design of the proposed replacement dwellings would not be in keeping with this part of the Conservation Area. The variety in facing materials and design styles presents a somewhat disjointed scheme which contrasts with the surrounding historic brick buildings.

In conclusion, further justification is required for the wholesale demolition of the Conservative Club, and for the proposed works to Victoria Hall – and, if the proposal to demolish was supported by the LPA, the redevelopment as shown here would cause harm to the significance of non-designated heritage assets on the Sudbury Local List. Specifically:

- Substantial harm to the Conservative Club.
- The demolition of all but the front elevation of Victoria Hall would cause a high level of less than substantial harm to its significance, as it would reduce the historic building to its front elevation
- The demolition of part of New Hall would cause a medium level of less than substantial harm to its significance, due to the loss of fabric and the diminishment of its distinctive form. The loss of part of New Hall and all of the Conservative Club, as well as its replacement with the currently proposed dwellings, would cause a medium level of less than substantial harm to this part of the Sudbury Conservation Area

The application would therefore not meet the requirements of section 72 of the P(LBCA) Act of 1990, nor the policies of the NPPF and the Local Plan regarding the preservation of the character and appearance of the Conservation Area. Additionally, a balanced judgement will be required when weighing the levels of harm identified to the non-designated heritage assets in the planning balance as per para. 197 of the NPPF.

The additional report does not provide sufficient justification for the demolition of the Conservative Club in its entirety. The report states that "considerable expenditure will be required" to remedy the defects of the building, but this expenditure is not quantified or expanded on. The report also discusses the buildings in comparison to "current standards" in terms of structure and energy efficiency, however this is a historic building which is not expected to conform to the standards of modern new-builds. Historic buildings can be successfully converted while retaining their heritage significance. I also concur with SPS (Suffolk Preservation Society) comments regarding the issues of obtaining guarantees and building warranties.

The Conservative Club retains heritage interest and makes a positive contribution to the character and appearance of the Conservation Area. At this point, the application does not contain sufficient information to show that a repair and conversion of this building would not be possible, or that a repair and conversion would alter the building to such a degree that its remaining significance and contribution to the Conservation Area would be lost.

Additionally, the NPPF states in para 191, that "Where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision." The current condition of the buildings and any deterioration which they may have experienced since the approved permission in 2017 should not be material a consideration, as the approved works could have been carried out, but were not.

The demolition of the Conservative Club would therefore still be considered to cause substantial harm to this non-designated heritage asset which is not justified. In addition to this, the proposed replacement building is not considered to be a benefit to the character and appearance of the Conservation Area which could outweigh the loss of the Conservative Club. The proposed buildings do not reflect the architectural styles and detailing of the surrounding historic buildings, and introduce a high variety of cladding materials, which would not integrate the development well into the streetscape. The proposal is, therefore, still considered to cause a medium level of less than substantial harm to the character and appearance of the Conservation Area.

The demolition of all but the front façade of Victoria Hall would be considered to cause a high level of less than substantial harm to this non-designated heritage asset. My previous comments regarding the demolition of 30% of the New Hall still stand.

31 March 2020

To clarify further: During the pre-application enquiry in December 2018, the demolition of everything behind the Victoria Hall facade was discussed, however, the demolition of the entirety of the Conservative Club was not a part of this enquiry. The structural report dated 3rd July 2018 was considered at that point, which did not make specific reference to the retention of the facade. I noted that if the engineer was confident that the front façade could be retained, the principle could be accepted. This confirmation should have formed part of the full application. This current planning application proposes additional demolition works, however the same report which was submitted at pre-application stage to support the demolition of part of Victoria Hall was submitted to now justify the demolition of the Conservative Club also. This was therefore not considered sufficient. For example, the report does not justify why the demolition of the entire Conservative Club is required, while at the same time the retention of the front elevation of Victoria Hall is deemed possible. The additional report dated 13th of February 2020 still does not provide this information. The high level of less than substantial harm identified to Victoria Hall would therefore at this point not be considered justified. My initial comments regarding the works to Victoria Hall, submitted on 20/11/19, still stand.

No objection subject to standard Contaminated Land condition. Without this condition I would be minded to recommend that the application be refused until such time as the applicant is able to demonstrate that the site can be made suitable for use without need for the condition.

Environmental Health received 8 November 2019

I have now had sight of the Noise Assessment ('Mr David Fenton, Victoria Hall and Conservative Club, Sudbury, Technical report – Acoustic Assessment' (produced by MLM Acoustics, document reference MS/101644/PS/R1, dated April 2017) which was originally produced in association with the previous application B/16/00956.

The assessment identifies that, during a typical live music event at the Prince of Wales Public House, it would not be possible for residents of the proposed dwellings either to have windows open and meet the guidance levels for internal noise levels given in BS8223 (Guidance on sound insulation and noise reduction for buildings). Indeed, the levels experienced during the music event were such that it would not be possible to meet the guidance levels internally with closed standard thermal double glazing.

Although the assessment shows how technically the BS8223 (Guidance on sound insulation and noise reduction for buildings) can be met, with an enhanced glazing and ventilation specification, this will mean that any future occupiers will be forced to have their windows closed and rely on mechanical ventilation. This could have economic ramifications for the occupiers of the flats as not only must they pay to heat their homes in winter but also pay to ventilate it in summer.

It is realised that there are numerous examples of Public Houses coexisting with residential properties but given that the previous use of the building had been for many years a licenced premises as well, there would not have been the same impact. However, if it is considered there are significant wider social and economic benefits of the development and you are minded to approve the development, I would recommend five conditions (sound insulation, assessment, construction management, burning of waste and external illumination) in order to protect amenity.

In respect of the proposed design studio/galley, I note that drawing 2573/06 has been revised to clarify that it will be limited to A1/A2 use only. I would suggest that the hours of operation for this unit be limited to those given in the application, although you may consider that it might be appropriate to reduce the hours for Sundays and Bank holidays to 10.00 – 16.00hrs, in order to provide nearby dwellings with some respite.

Economic Development received 12 November 2019

The loss to residential development is unfortunate, but the proposed gallery/retail space within the mixed-use development offers an alternative space to local operators. The site lies within the town centre, but away from the main retail and commercial area, so is likely to be attractive to smaller operators seeking a smaller unit and lower rental values. There is a strong market for this scale of premises. As long as the function of the spaces is compatible with the residential elements of the building to avoid amenity conflicts, the units should be successful.

Accordingly, the Economic Development team supports the proposed development.

Suffolk Preservation Society - Initial comment dated 18 November 2019

Site includes three locally listed buildings and is within the Sudbury town centre conservation area. Having considered the proposals, the SPS objects to the development of this site due to:

- the substantial harm to the conservation area resulting from the extent of demolition of three non-designated heritage assets. Insufficient information has been submitted to demonstrate that the extensive demolition proposed is the only solution.

- the proposed design of the redevelopment which fails to preserve or enhance the character and appearance of the Sudbury Conservation Area and is not in accordance with the government's recently launched National Design Guide.

Demolition of Non-designated Heritage Assets:

New Hall is a single-storey industrial building characterised by large-scale north lights necessary for manufacturing. It is an important survival from the silk industry and is testament to the significant contribution that silk weaving made to the town's history. The proposed conversion is welcome in principle, but considers that the loss of three northern bays is not justified by the provision of proposed parking spaces. The Heritage Impact Assessment notes that the elements to be demolished include surviving 19th century fenestration, which makes an important contribution to the significance of the heritage asset. The HIA seeks to mitigate this loss by the suggestion that they should be retained and re-used. However, SPS does not accept that this is a satisfactory compensation for the loss of a substantial element of a rare and important heritage asset. We consider that the loss of such key elements should be avoided and revisions made to the scheme to avoid such losses.

Victoria Hall is a 19th century theatre which has played an important social, communal and historic role in the town. The proposed façade retention is an outdated approach to conservation and instead the building should be retained in large part and converted. SPS agrees with the views expressed by the Sudbury Society that the gables and oriel windows, and the white brick elevations of The Conservative Club, play a significant role in the townscape, especially in long views from New Road. Both buildings have strong historical associations with the town, reflected in their inclusion within the Sudbury Local List.

Having carefully reviewed the Morrish engineer's report, it is clear that the case for demolition of the Conservative Club and New Hall has not been made as the report does not particularly suggest the buildings are in poor condition, i.e. no mention of extensive movement, cracking etc. and the conclusion is that the structures have performed satisfactorily to date. Therefore, the proposal to demolish is predicated upon the need for a building warranty. This does not justify the substantial harm and an alternative approach must be found. In the absence of sufficient information in the report to demonstrate, or conclude, that extensive demolition is the only solution, a specialist conservation engineer, such as Morton Partnership, should be sought to advise on a conservative approach that retains as much of the historic fabric as possible.

It is understood that there will be a need to incorporate insulation to the floors and thermal upgrades are perfectly sensible and reasonable. However, the submission has not demonstrated that the existing foundations will be undermined, and indeed the conclusion is carefully worded to say 'potentially undermine the existing foundations'. In this type of case where there is little footing depth, it is possible to achieve required levels of insulation by forming the slab in sections against the material under the walls, so not to undermine them. In some cases, the edge strip can be made to form a kerb, so that deeper insulation can be achieved away from the edges. Alternatively, floor levels can be raised to accommodate the insulation where ceiling heights allow.

In a case like this which is seeking demolition on the grounds of inadequacy of the foundation one would expect to see a record of existing floor levels, existing ground floor construction thicknesses and cross referenced to the existing foundations. This has not been provided and therefore the case for demolition has not been made. Furthermore, the proposed construction build-up should be provided to show how this relates and whether it does undermine the existing.

The presence of made-up ground is noted, but there does not seem to be reference to whether this has actually caused any type of problem, such as cracking or subsidence, or more importantly any evidence presented of ongoing issues. Other reference to boreholes some way away in respect to depth of fill may not have any direct relevance. Sometimes the presence of traditional 'trench fill' footings is not understood; it could be that these exist.

In summary, the application before the council is wholly lacking in detail and fails to identify ways in which the buildings can be converted to meet current regulations. SPS considers that, with the advice of a conservative, problem solving engineer, it will be possible to find creative solutions which avoid the demolition of these non-designated heritage assets and harm to the character of the conservation area.

Para 194 of the NPPF requires that any harm to the significance of a designated heritage asset, from development within its setting, requires clear and convincing justification. Para. 197 states that *in weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset*. In this case Babergh DC is currently able to demonstrate a 5-year supply of housing land and therefore the delivery of just 6 dwellings carries limited public benefit. Therefore, SPS strongly believes that the application should be refused.

Design of Proposed Redevelopment:

The proposed redevelopment of the site, and in particular the three storey town houses on New Street, is weak and fails to respond positively to the rich character and appearance of the conservation area.

The NPPF at para. 192 sets out three criteria which LPA's 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...; and the desirability of new development making a positive contribution to local character and distinctiveness*. The proposed scheme fails to achieve all three of these tests.

The NPPF at para 201 give guidance on assessing harm to a conservation area. It makes clear that the contribution that each building makes must be weighed against its loss. In this case the quality of the new build elements in no way negates the loss of architectural and historic quality of the theatre, conservative club and silk weaving shed. The inferior standard of design of the new elements will result in harm to the character of the conservation area, contrary to the statutory duty set out in S.72 of the 1990 LBCA(Act).

The NPPG sets out the Government's expectations of good design and states:

- a) *will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- b) *are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
- c) *are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
- d) *establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
- e) *optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*
- f) *create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users⁴⁶; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience and concludes at para.30 that Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.*

The recently launched MHCLG National Design Guide (October 2019) reinforces this emphasis on good design and sets out a series of characteristics starting with an understanding of context and identity. It is

clear that the proposals have made just a nominal effort to provide a responsive, original and high-quality response to the site.

In summary, SPS has serious concerns that the application fails to examine ways in which buildings on the local list can be retained. The advice of a conservative, problem solving engineer should be sought with a view to minimise the demolition of these non-designated heritage assets and the associated harm to the character of the conservation area.

Moreover, the site is sensitive and worthy of a high-quality scheme. For too long the standard of design in the district has languished. The planning framework, supported by the new design guidance, is more than enough reason for a more concerted effort to be made in delivering good design in the district. Accordingly, it is strongly recommended that the applicants are advised to take the scheme to the Suffolk Design Review Panel for independent review by a panel of design experts.

We therefore strongly urge that this application is resisted and trust you will find these comments helpful in the consideration of this application.

Suffolk Preservation Society - Subsequent comments to revised proposal received 1 December 2020

In response to the committees request for a structural report the applicant has submitted an earlier report by Morrish Consulting dated 3 July 2018. This report is limited to an investigation of the foundations concluding that demolition is necessary and reiterates comments about guarantees and warranties. It does not address SPS's stated concerns regarding the necessity for a conservation accredited engineer to report on the structural condition of the building and advise on the appropriateness of a conservative method of repair and conversion. Accordingly, I would refer you to our detailed comments set out in our letters dated 18 November 2019 and 18 March 2020. In the opinion of the Society, the report is inadequate and does not address the concerns expressed by officers, consultees and members of the planning committee.

Secondly, the submitted viability assessment requires an independent viability appraisal review. The SPS defers to the opinion of those who have the appropriate expertise in this area. However, we would highlight government guidance which states that *The optimum viable use may not necessarily be the most economically viable one* (NPPG Para.015). It is very important that a viable future is found for this group of buildings as *sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation* (NPPF para.193). However, we remain concerned that the proposal is not sensitive to the heritage value of the site and we would encourage the council to take appropriate independent advice.

In order to fairly assess the conservation and economic case for extensive demolition it is necessary to have robust evidence. To strike the right balance expert, sensitive and realistic advice is required. However, the submitted documents in the opinion of the Society continue to fall below the level required to inform a defensible decision.

Therefore, we continue to object to the application.

PREVIOUS COMMENTS (FOR INFORMATION) 18 March 2020

Thank you for re-consulting the Society in respect of the latest engineer's report by Morrish Consulting Engineers, dated 13 February 2020. Having reviewed the brief report I note that it concludes firstly, that

considerable expense will be incurred to remedy the identified defects and secondly it would be difficult to achieve the levels of energy efficiency required by Building Regulations and therefore very difficult to provide any type of insurance guarantees or building warranties on the flats provided by the scheme. It is extremely disappointing that the report continues to fail to understand the significance of the buildings in question and has not provided reasoned justification for why the buildings cannot be repaired and converted. The issue of guarantees and warranties are not relevant material planning considerations in the assessment of this case. If they were, they would provide a universal justification for the demolition of any historic building within, or without, a conservation area. In any event a bespoke insurance policy can be sought to indemnify any future owners against defective works.

In summary, the report has not identified alternative ways in which the structural problems might be resolved nor does it provide the necessary justification for demolition that the SPS and the Heritage Officer has called for. Therefore, we continue to object to the application and refer you to our previous letter dated 18 November in calling for a specialist engineer on the Conservation Accredited Register of Engineers (CARE) to review the proposals.

B: Representations

Two online comments have been received from the Sudbury Society Planning Group. It is the officer opinion that these represent an objection.

Subsequent comment to revised proposal received 2 December 2020

The Sudbury Society strongly objects to this application. It completely fails:

- 1. to respect the fact that Victoria Hall, the former Conservative Club and New Hall are Locally Listed non-heritage assets sitting within the town Conservation Area.**
- 2. to make any attempt to address the various challenges of retaining these important buildings, opting for wholesale demolition on the grounds that alternatives are not structurally or financially viable.**

We challenge those assumptions. We accept that the brick façade of Victoria Hall is in very poor condition and we might concede that the layout of the interior could make it difficult to achieve a successful residential conversion. Therefore, reluctantly, we would be prepared to accept demolition on the condition that the replacement frontage to Prince Street be in a similar warm red brick and make a strong reference to the present design features. As an example of what can be achieved, we point to the new frontage of the Mattingly/Oxfam building at No 42 Market Hill where excellent architects and engineers were employed, using locally sourced red bricks.

The New Hall building is the oldest surviving silk mill in the town. It is not acceptable that the application envisages removing a section to allow parking access and a rethink on this element of the application must be explored.

Above all, we are very strongly opposed to the proposal to demolish the former Conservative Club building. We question the argument that the foundations are weak - this could be used to justify the demolition of most Victorian buildings in Sudbury which of course do not have the foundations required by modern regulations. The present frontage is of a character and scale which enhance this part of the Conservation Area; it would be nothing short of vandalism to demolish the building.

Victorian buildings can be very successfully converted to meet modern needs – witness the very successful conversions of the former St Leonards and Walnut Tree hospitals. It would have been possible for the developers of both those schemes to use the arguments for demolition presented by the applicant in this case. But they rose to the challenges and produced results which are highly satisfactory and widely commended additions to the townscape. The applicants here should be required to do the same.

PREVIOUS COMMENTS (FOR INFORMATION) 29 October 2019

The objection raises the following concerns:

- Any development must respect the character of this part of the Sudbury Conservation Area, particularly when it involves three locally listed non-designated heritage assets.
- The structural appraisal suggests that demolition of the Conservative Club and the body of Victoria Hall is essential because of the shallow foundations for these Victorian buildings. That could be accepted as an argument for the demolition of Victoria Hall which also has very considerable level issues inhibiting a successful conversion. Even if the developers set out to retain the present façade to Prince Street it might well prove too unstable to be incorporated in the new interior. In that case we would favour a replacement façade that, whilst recognisably modern, makes reference to the features of the original.
- We feel that the present white brick façade of the Conservative Club with its gables and oriel windows is a significant element in the town Conservation Area when looking down New Street and the building should be retained. Renovation might not be easy but its foundations should not be an issue; they have supported the building for over 100 years. That would still allow space for two three storey town houses extending up to the boundary of the adjacent three storey former mill (no 42).
- Regarding the proposed replacement frontage to New Street we note the claim in the Supporting Statement Section 6.12 that "the external appearance will match that of the locality" However, we feel that the use of red brick, red cedar cladding and red roof tiles is totally inappropriate in a street where the dominant materials are white brick, grey slate and black weatherboarding (on No 42). We trust that even if Babergh accept the broad outline of what is proposed they will instruct the developer to come back with a more sensitive and appropriate choice of materials.

PLANNING HISTORY

REF: B/16/00956

Change of use of the Conservative Club and part Victoria Hall to 5 no residential flats. Alterations/demolition works to facilitate conversion including demolition of existing extensions, new fenestration, installation of new external staircase to serve first floor flats

DECISION: GTD

03.08.2017

Note the time limit for implementation is extended to 1 May 2021 subject to the Additional Environmental Approval process.

REF: B/15/01442

Change of use and conversion of the Victoria Hall and the Conservative Club into 8 No. self contained residential flats, including demolition of an attached (B1) light industrial unit and toilets.

DECISION: WDN

17.11.2015

PART THREE – ASSESSMENT OF APPLICATION

1.0 The Site and Surroundings

- 1.1. The application site lies at the junction of New Street and Prince Street in the Sudbury Town Centre. The site is occupied by the Victoria Hall (adjacent No.7 Prince Street) and Conservative Club (No.39 New Street) buildings, which front Prince Street and New Street respectively. To the rear of these buildings and also occupying the site is the New Hall building (accessed from New Street). All of the buildings are vacant and in a deteriorating condition.
- 1.2. The site is located within the Sudbury Conservation Area and whilst not listed, the three buildings are on the Sudbury Local List. To the north and south of the site is existing residential development and to the west is a public house (trading as the Prince of Wales) with residential beyond. To the east are commercial properties, much of which front onto North Street.
- 1.3. There are hardstand areas to the rear of the hall and club buildings and around the New Hall, with vehicle access provided from the northern end of the site via North Street (adjacent Gainsborough Road).
- 1.4. A Grade II listed building is located to the east at 48 North Street. There are no other designated heritage assets within the block that the application site occupies, nor are there any along Prince Street or New Street. However, the Corn Mill adjoining the site to the east and No.47 North Street are locally listed as is no.42 New Street. Nos 1-6 St John's Terrace and the Baptist Church opposite the site are also locally listed; other properties in New Street are also locally listed.
- 1.5. Saved Policy SD08 applies to part of the site in relation to land at the junction of North Street and Gainsborough Road. SD08 allocates the site for one or a combination of the following; retail, office, residential or hotel development.

2.0 The Proposal

- 2.1. The application seeks full planning permission for the redevelopment of the site for residential and a design studio/gallery (formerly Use Class A1/A2 now Use Class E/F1). The proposal includes the demolition of all buildings save for the front façade of Victoria Hall (fronting Prince Street) and seven of the ten bays of New Hall. In other words, three of the southernmost bays of New Hall are proposed to be demolished.
- 2.2. New-build development accommodates 2 x 3-bedroom dwellings and 4 x 4-bedroom dwellings. Each of the new build dwellings features rear courtyard/gardens and is served by two on-site car spaces located to the rear of the built form, which extends to the street boundaries consistent with existing built form and hard edge character in the area. These dwellings are contained within part two and three-storey buildings.
- 2.3. New Hall is proposed to be converted into a two-bedroom dwelling and to also contain the design studio.

- 2.4 Proposed exterior finishes include painted timber windows, vertical western red cedar cladding, power coated aluminium doors, red brickwork, painted render, gault brickwork, clay roof tiles and natural slate roof tiles.
- 2.5 Following its deferral at Planning Committee on 9 September 2020, the design of the proposal has been amended (as described in Paragraph 5.0 below) as shown on amended drawings received 4 November 2020. The previously submitted Structural Reports dated 13 February 2020 and 3 July 2018 have been re-submitted together with a Development Cost Report dated October 2020 and a Financial Viability Appraisal dated 27th October 2020.
- 2.6 The Development Cost Report explains that two cost summaries have been prepared:
- Option 1 is to demolish and construct 6 No. Town Houses with conversion of New Hall industrial building to 1 No. single storey Apartment and a Commercial Design Studio/Gallery,
- Option 2 is to repair, refurbish and convert into 5No. Residential Flats with conversion of New Hall industrial building to 1 No. single storey Apartment and a Commercial Design Studio/Gallery.
- The cost summaries for these two options sets out budgets for the proposed works that the author anticipates will be required. The Development Cost Report considers the risk greater for Option 2 and has, therefore, reflected this in the percentage for Contingency and design fees typically will attract higher fees for alteration and refurbishment works due to additional resource input with the design. The Report also explains that 'the actual cost for both schemes cannot be determined without significantly more detailed design input that will enable firm pricing. With a relatively clear site and new build structures as set in Option 1, there is less financial risk to the development as the design can be based on a more blank canvass approach. Option 2, retaining and repairing the existing structures, will require considerable amounts of money expended to bring the building structures up to suitable standards and even then, it is questionable how much of the existing structure will remain if the condition dictates significant replacement. From a purely financial perspective our recommendation would be Option 1 with a scheme more financially viable and which carries less financial risk.'
- 2.7 The Financial Viability Appraisal shows the following information for both options and states that based on the profit and loss figures detailed below, the only viable route is Option 1. The Financial Viability Appraisal also states that 'As a result of the Coronavirus pandemic, the property market has entered unchartered territory and it is impossible to predict what effect it will have on property values and sales. However, bearing in mind the predictions that the pandemic will have on the economy, it would not be unreasonable to anticipate that property values are likely to fall in the very near future.'
- 2.8 It is noted that these two schemes were the only ones considered under this analysis. It is also noted that the demolish and rebuild option leads to larger units with a higher roof and also creates one extra unit.
- 2.9 It is also worth noting that some of the works deemed to be necessary for a conversion, such as the replacement of the floor, are not strictly necessary and that Building Regulations for heritage buildings can be relaxed for some matters. For example, Part L (Energy Conservation) of the Building Regulations states: "The aim for these (locally listed)

buildings should be to improve energy efficiency as far as is reasonably practicable without prejudicing the character of the building or increasing the risk of long-term deterioration."

- 2.10 The unnecessary replacement of the floor is one example of where conversion costs could be avoided – and this counts against arguments for demolition.

Option 1

Demolish & Construct New Residential Development comprising 6 No. Town Houses & conversion of New Hall to 1 No. Apartment & a Commercial Design Studio.

Projected Sale Figures – with vacant possession

Plot 1 – 4 bed house	£350,000
Plot 2 – 4 bed house	£350,000
Plot 3 – 3 bed house	£325,000
Plot 4 – 3 bed house	£300,000
Plot 5 – 4 bed house	£350,000
Plot 6 – 4 bed house	£350,000
New Hall - Apartment	£250,000
New Hall - Studio	£250,000
Total -	£2,525,000

Less –

Selling Costs – Estate Agents - £25,250 Legal Costs - £10,000	£35,250
Site acquisition to include legal fees	£508,000
Expenditure to date – insurance & security	£18,000
Estimated Build Cost	£2,265,863
Total -	£1,963,750

Projected Income	£2,525,000
Expenditure	£1,963,750
PROFIT	£302,113

Option 2

Repair, Refurbish & Convert into 5 No. Residential Flats & conversion of New Hall into 1 No. Apartment & a Commercial Design Studio.

Projected Sale Figures - with vacant possession

Flat 1 – 2 bed	£225,000
Flat 2 – 2 bed	£200,000
Flat 3 – 2 bed	£225,000
Flat 4 – 2 bed	£235,000
Flat 5 – 2 bed	£235,000
New Hall Apartment	£250,000
New Hall Studio	£250,000
Total -	£1,620,000

Less –

Selling Costs – Estate Agents - £16,200 Legal Costs - £15,000	£31,200
Site acquisition to include legal fees	£508,000
Expenditure to date – insurance & security	£18,000
Estimated Build Cost	£2,984,681
Total -	£3,541,881

Projected Income	£1,620,000
Expenditure	£3,541,881
LOSS -	£1,921,881

3.0 The Principle of Development

- 3.1 The principle of redeveloping and refurbishing the site for residential purposes was established by the grant of planning permission B/16/00956 in 2017 for the change of use of the Conservative Club and part of Victoria Hall to 5 no. residential flats (4No. 2 bed and 1No. 4 bed).
- 3.2 The key issues are:
- The effect on the character and appearance of the Sudbury Conservation Area from the demolition of the Conservative Club and partial demolition of Victoria Hall and New Hall;
 - The effect of the new build development on the character and appearance of the Sudbury Conservation Area;
 - The effect of the development on neighbouring residential amenity;
 - The internal amenity levels for future occupants of the proposed dwellings;
 - On-site parking provision and highway safety;
 - Impact on employment site and Saved Policy SD08.
- 3.3 Saved Local Plan Policy EM24 seeks to protect existing employment sites from redevelopment and Saved Policy SD08 allocates the north east part of the site for possible alternative uses and or redevelopment. The proposal includes the provision of design studio/gallery (Use Class A1/A2)

within part of the retained New Hall and the Economic Development Team have confirmed that whilst the loss of employment uses to residential development is unfortunate, there is a strong market for this scale of premises. On this basis, Policy EM24 is satisfied. The principle of the proposal is compatible with Saved Policy SD08. *However, the supporting text to the policy explains that 'redevelopment of the site should however be sensitive to the history of the New Hall building on the site'. The proposal specifically relates to the New Hall building and in this regard the Heritage Team have confirmed strong opposition to the part demolition of this building. In order to be considered 'sensitive', any redevelopment of the site is therefore required to retain New Hall as its loss would be considered contrary to Saved Policy SD08. This point is discussed in the heritage section, below.*

4.0 Site Access, Parking, Connectivity and Highway Safety Considerations

- 4.1 Two on-site parking spaces are provided for each three and four-bedroom dwelling, and one space for the two-bedroom dwelling; standard compliant. The existing vehicle access is to be utilised, to which the Highways Authority does not raise an objection.
- 4.2 Matters relating to cycling and electric charging points, as raised by the Highways Authority, could be addressed by condition if required. There is nothing in respect to parking or highway safety that officers suggest justifies withholding planning permission.

5.0 Design & Layout

- 5.1 Following its deferral at Planning Committee on 9th September 2020, the design of the proposal has been amended to incorporate the following:
 - Bay Windows and a traditional panel door have been inserted to recreate the existing Bay Windows to Plot 3 (rebuilt Conservative Club),
 - removal of hips to roof of Plot 3,
 - change of materials to Plot 3, 4, 5 & 6. The main change is to Plot 3; red facing brickwork replaces part western red cedar cladding,
 - an option to amend the roof to a single roof pitch to three storey element (Plot 5 & 6) however, the preference is to retain a dual pitch roof to this element and the dual pitch is before Members for consideration.
- 5.2 With the exception of the proposed dwelling in part New Hall, all other dwellings have a frontage onto either Prince Street or New Street and will have access to private amenity space. The layout of the proposal is considered acceptable in this regard.
- 5.3 The proposed design, of itself, is not objectionable. However, whether the design of a scheme is acceptable is dictated by the context of its setting. The site is in a sensitive town centre location and, for the reasons cited by the Heritage Officer, the proposed design is not considered acceptable **in relation to the use of red brick on the New Street frontage; the village farmhouse characteristic of the central New Street element and the large scale and contemporary design of the north eastern three-storey block.** The proposed buildings do not reflect the architectural styles and detailing of the surrounding historic environment and the proposed design introduces a high variety of cladding materials, which would not integrate the development well into the streetscape.

6.0 Landscape Impact, Trees, Ecology, Biodiversity and Protected Species

6.1 No issues.

7.0 Land Contamination, Flood Risk, Drainage and Waste

- 7.1 Council's Land Contamination Officer does not object to the scheme subject to standard planning conditions.
- 7.2 There are no other issues in this regard.

8.0 Heritage Issues

- 8.1 Demolition: It is agreed by all parties, including the applicant, Council's Heritage Team and the Suffolk Preservation Society that New Hall, Victoria Hall and the Conservative Club are non-designated heritage assets. They are all located within the Sudbury Conservation Area, all contribute positively to the valued character and appearance of the Conservation Area, and all feature in the Sudbury Local List.
- 8.2 Paragraph 197 of the NPPF states that in weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
- 8.3 Paragraph 201 states that the loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area should be treated either as substantial harm under paragraph 195 or less than substantial harm under paragraph 196, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area as a whole.
- 8.4 The proposal involves the complete demolition of the Conservative Club building. This building clearly makes a positive contribution to the Conservation Area. The harm to the asset itself, and the Conservation Area, is substantial. All but the front façade of the Victoria Hall building is to be demolished. Council's Heritage Team deems the impact of demolition to result in a high level of less than substantial harm. Three of the 10 bays of the industrial New Hall building are proposed for removal, to be replaced with a hardstand car parking area. Council's Heritage Team considers this loss of heritage fabric to result in a medium level of less than substantial harm.
- 8.5 The application is supported by a Heritage Statement (HS). The HS does not make out a compelling case justifying the demolition of the non-designated heritage assets. The HS largely defers to the supporting Structural Report (SR) for justification. The Structural Report, not authored by a specialist conservation engineer, lacks any detailed justification for the extent of proposed demolition, failing to demonstrate that extensive demolition is the only solution. The SR makes the case that replacing the existing floor of the Conservative Club with a more thermally efficient floor has the potential to undermine the existing foundations. However, as noted by the Heritage Team, no methods of achieving this have been explored, nor has it been sufficiently demonstrated that the building could not reasonably be converted without the replacement of the existing floor and that no part of the building could reasonably be retained. In respect to the Victoria Hall building, the SR sets out concerns regarding the existing substructures to the rear of the building, however it does not explore in any detail any options to address the identified concerns.
- 8.6 The SR states that "considerable expenditure will be required" to remedy building defects evident at the site. However, no expense details are provided. There is no supporting cost analysis of any

development alternatives. **Note – some evidence of financial viability has been submitted, but this only explores two options.**

- 8.7 There is no evidence before officers to demonstrate that it would not be possible to bring forth a residential scheme that retains the elements of the existing buildings that contribute most to their heritage significance. It should be noted that planning permission was granted on 3 August 2017 to convert the buildings to create 5No. flats (B/16/00956) **and that the time limit for implementation of this permission is extended to 1 May 2021 subject to the Additional Environmental Approval process.** In short, officers consider the Structural Report to be unconvincing.
- 8.8 The three bays of the New Hall that are to be demolished, making way for the provision of a carparking and vehicle turning area. Any public benefit associated with on-site parking is substantially outweighed by the harm to the Conservation Area that will result from the loss of one third of the non-designated heritage asset, **which is the oldest surviving silk mill in the town.** It is noted, however, that the making good of the retained part of the New Hall building is appropriately designed and represents a heritage benefit.
- 8.9 **Sudbury Conservation Area:** Council's Heritage Team, the Suffolk Preservation Society and the Sudbury Society Planning Group are all critical of the new build design response. Officers consider the criticism well founded. The design is not cohesive but rather disjointed, appearing discordant in the context of the established and valued character of this part of the Conservation Area. The mix of external finishing materials is not characteristic of the Conservation Area, highlighted by the design approach to the New Street frontage, which proposes red brick, red cedar cladding and red roof tiles. The prevailing materiality is, in contrast, white brick, grey slate and black weatherboarding. The built form outcome is one that causes material harm to the character and appearance of the Sudbury Conservation Area.
- 8.10 Policy CN08 requires new development in Conservation Areas to use materials and components that complement or harmonise with the character and appearance of the area. The proposal conflicts with this policy requirement. Similarly, the proposal would not be in accordance with paragraph 127 of the NPPF that requires developments to be sympathetic to local character and history, as well as paragraph 192 which requires Councils to take account of the desirability of new development making a positive contribution to local character and distinctiveness. **Note, some red brickwork has now been incorporated into the scheme.**
- 8.11 The potential for archaeological disturbance has been considered by SCC who has determined that the likelihood is low and therefore recommended archaeology-related conditions are not necessary.

9.0 Residential Amenity

- 9.1 Policy CN01 seeks to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight. Paragraph 127 of the NPPF sets out a number of core planning principles as to underpin decision-taking, including, seeking to secure a high standard of amenity for all existing and future occupants of land and buildings.
- 9.2 There is nothing in the application to indicate the development would unreasonably impinge upon the amenity of neighbouring residents. The development would result in habitable room windows facing existing habitable room windows however a degree of intervisibility in urban environments such as this are commonplace and, in most cases, inevitable.

- 9.3 In respect to internal amenity, a key consideration is the potential for amenity impacts on future occupants of the development from the licensed premise directly opposite the site. In response to this concern the applicant has provided a supporting Noise Assessment that has been reviewed by Council's Environmental Health Officer (EHO). The assessment sets out how, with particular building measures, internal noise levels can comply with BS8223 (Guidance on sound insulation and noise reduction for buildings). The EHO notes that this will require windows to be closed, with a reliance on mechanical ventilation. Whilst not ideal, this is not an uncommon arrangement in denser, mixed-use urban environments. It is also noted that each dwelling is served by a rear courtyard/garden area that will be well shielded from the public house by the dwellings themselves. These areas will serve as valuable external amenity areas which will not be subject to the same noise impact as the street frontage windows of the development. In the planning balance the scheme would, subject to appropriate conditions, provide adequate internal amenity levels for future occupants.

PART FOUR – CONCLUSION

10.0 Planning Balance and Conclusion

- 10.1 The applicant's supporting Planning Statement indicates that the proposal would satisfy the requirements for sustainable development set out in paragraph 7 of the NPPF. However, whilst there would be economic and social benefits arising from the provision of housing in a highly sustainable location, the proposal would not be in accordance with the environmental role, in that it would not protect or enhance the historic environment, in fact it would cause demonstrable harm to identified heritage assets. Moreover, the public benefit arising from the additional housing is limited because the district currently benefits from a five plus year housing supply. **In addition, the demolition of the existing buildings and their replacement with a new-build construction would be far more carbon-intensive than refurbishment, as building re-use and incorporation of salvaged building materials can greatly reduce the embodied carbon of construction. For this reason, the proposal fails to represent sustainable development. It is also contrary to the Council's wider Climate Change Task Force proposals and priorities for its first Carbon Reduction Management Plan.**
- 10.2 Paragraph 192 of the Framework sets out three criteria which LPA's 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...; and the desirability of new development making a positive contribution to local character and distinctiveness. In this regard the proposal fails to satisfy these criteria.
- 10.3 Paragraph 201 of the Framework makes it clear that the contribution that each building makes to the significance of the Conservation Area must be weighed against its loss; the proposed demolition results in a medium level of less than substantial harm to the character and appearance of this part of the Sudbury Conservation Area, contrary to the statutory duty set out in S.72 of the 1990 LBCA(Act).
- 10.4 Paragraph 194 of the NPPF requires that any harm to the significance of a designated heritage asset, from development within its setting, requires clear and convincing justification. Paragraph 197 states that, in weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. The proposed

replacement structures are considered to be contrived and alien. In terms of the NPPF, they would cause a *low to medium level of less than substantial harm* to the character and appearance of the CA and a *low to medium level of less than substantial harm* to the setting – and therefore the significance - of non-designated heritage assets, namely locally listed buildings.

- 10.5 The complete or partial loss of non-designated heritage assets that contribute positively to local character should be resisted unless convincing justification is provided. The supporting Heritage Statement and Structural Report fail to provide convincing justification.
- 10.6 **In terms of viability, cost is a factor in the retention of these buildings, rather than simply their condition and suitability for conversion. NPPG paragraph 15 states that ‘the optimum viable use may not necessarily be the most economically viable one’. Planning permission was granted in August 2017 for conversion to 5 dwellings; it is likely that the intervening time period has negatively impacted viability.**
- 10.7 The replacement development does not constitute a high-quality design response. It does not have sufficient regard to the valued character and appearance of the Sudbury Conservation Area. Officers agree with the contention made by the Suffolk Preservation Society, which notes *‘the quality of the new build elements in no way negates the loss of architectural and historic quality of the theatre, conservative club and silk weaving shed.’*
- 10.8 The scale of heritage harm outweighs the very limited public benefits and the proposal will not advance sustainable development. Planning permission is not supported.

RECOMMENDATION

That the application is REFUSED planning permission for the following reason:

The application fails to demonstrate that extensive demolition is justified. The proposed demolition of non-designated heritage assets and the limited design quality of the replacement development would substantially harm the character and appearance of the Sudbury Conservation Area, outweighing the scheme's modest economic, social and environmental benefits and failing to deliver sustainable development, contrary to Saved Policies CN01, CN08 and SD08 of the Babergh local Plan 2006, Policies CS01 and CS15 of the Babergh Core Strategy 2014, the National Planning Policy Framework 2019 and Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990.