

Committee Report

Item 7E

Reference: DC/20/05596

Case Officer: Alex Scott

Ward: Debenham.

Ward Member/s: Cllr Kathie Guthrie.

RECOMMENDATION – REFUSE LISTED BUILDING CONSENT/AGREE PUTATIVE REASON(S) IN RESPONSE TO APPEAL REF APP/W3520/Y/21/3271041

Description of Development

Application for Listed Building Consent. Works to facilitate change of use from mixed C3/Sui Generis drinking establishment use to mixed C3/Class E and replacement of C20 rear extension

Location

The Angel Inn, 5 High Street, Debenham, Stowmarket Suffolk IP14 6QL

Expiry Date: 26/02/2021

Application Type: LBC - Listed Building Consent

Development Type: Listed Building Consent - alterations

Applicant: Mrs Stacey Paine

Agent: Mr T Mckechnie

Parish: Debenham

Site Area: 0.0148 ha

Density of Development:

Gross Density (Total Site): NA.

Net Density (Developed Site, excluding open space and SuDs): NA.

Details of Previous Committee / Resolutions and any member site visit: Listed Building Consent Application Ref: 4375/15, which sought Consent for “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” was previously considered by Committee on 3rd March 2016. Committee resolved to refuse listed building consent for the following reasons:

“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.”

An appeal was then lodged with the Planning Inspectorate against the decision made by Mid Suffolk District Council to refuse Listed Building Consent Application Ref: 4375/15 (Appeal ref: APP/W3520/Y/16/3146429). The appeal was subsequently allowed and listed building consent was granted by the Planning Inspectorate on 14th June 2016.

The relevant committee report, decision notice and appeal decision are appended to this report.

Has a Committee Call In request been received from a Council Member (Appendix 1): No
Has the application been subject to Pre-Application Advice: No.

Introduction

The Council has received notification of an appeal lodged by the Applicant (now Appellant) on grounds of non-determination. That appeal has not yet, at the time of drafting this report, received a start date from the Planning Inspectorate (“PINS”) but there is no reason to consider that the appeal will not be found to be valid. Being the case, there remains an application to determine but with an understanding that there is a likelihood the appeal will start before a decision can be taken.

On that basis, a recommendation is set out that will either: [a] authorise officers to refuse the application for the reason(s) set out; or, [b] resolve putative reasons for refusal upon which to defend the appeal i.e. resolve to agree those reason(s) on the basis that the Council would have refused planning permission had the appeal not been registered. As the registration of that appeal is outside the hands of the local planning authority and the resolution of Committee does not constitute the issue of the decision notice, it is procedurally appropriate to ensure that both [a] and [b] are instructed lest the appeal be registered after committee has heard the application but before the decision notice has been issued.

PART ONE – REASON FOR REFERENCE TO COMMITTEE

The application is referred to committee for the following reason/s:

Your officers consider the application to be of a controversial nature having regard to the planning reasoning expressed by the Parish Council, the extent and planning substance of comments received from third parties, and the nature of the application.

PART TWO – POLICIES AND CONSULTATION SUMMARY

Summary of Policies

NPPF - National Planning Policy Framework
FC1 - Presumption In Favour Of Sustainable Development
FC1.1 - Mid Suffolk Approach To Delivering Sustainable Development

CS5 - Mid Suffolk's Environment
HB1 - Protection of historic buildings
HB3 - Conversions and alterations to historic buildings
HB4 - Extensions to Listed Buildings
Debenham Neighbourhood Plan

Neighbourhood Plan Status

This application site is within an adopted Neighbourhood Plan Area. Accordingly, the adopted Neighbourhood Plan forms part of the current development plan.

The following Neighbourhood Plan Policies are considered most relevant to the current proposal:

DEB 18 - Historic Environment

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 (Appendix 3)

Debenham Parish Council - 8th January 2021

Strongly recommend refusal of both applications (Planning Permission and Listed Building Consent) which are intrinsically linked:

- The applications are against a number of policies in the NPPF, existing Local Plan, emerging Local Plan and Neighbourhood Plan;
- No evidence of diligent, fair priced marketing, for the required length of time. Evidence provided by the applicant can easily be challenged and their veracity is being contested by third parties;
- There is strong evidence of community support for retention of the establishment;
- The establishment has historic association with the village and is a valued community asset;
- The Parish Council has applied to register the premises as an Asset of Community Value (ACV).

Debenham Parish Council - 1st March 2021

Following the recent re-submission of both Angel Inn applications (DC/20/05596 and DC/20/05595), please note that the Debenham Parish Council would like to re-submit the comments previously sent to Planning, with the addition of the following:

- The Parish Council concurs with the Heritage Officer's report and continues to strongly recommend the refusal of both planning applications;
- May we please also add that since the first applications were submitted, the Parish Council has successfully applied for the re-registration of the Angel Inn as an Asset of Community Value.

Debenham Parish Council - 5th March 2021

Re-iterate comments given on the 8th January and 1st March (above), with the omission of reference to Neighbourhood Plan Policy DEB 13.

National Consultee (Appendix 4)

Historic England - 21st December 2020

Do not wish to offer any comments - Suggest MSDC seek the views of their specialist conservation and archaeological advisers, as relevant.

Historic England - 5th February 2021

On the basis of the further information submitted by the applicant: Do not wish to offer any comments - Suggest MSDC seek the views of their specialist conservation and archaeological advisers, as relevant.

County Council Responses (Appendix 5)

None Received.

Internal Consultee Responses (Appendix 6)

MSDC - Heritage Officers - 19th January 2021

The proposal would cause a medium level of less than substantial harm to the designated heritage asset because the proposed extensions would detract from its architectural and historic significance - Recommend the application is amended so as to omit the proposed extensions or reduce their impact.

MSDC - Heritage Officers - 5th March 2021

The proposed extensions, as amended, would have a harmful impact on the building's special architectural and historic significance - The level of harm has been reduced by the amendments but remains medium - The harm to the building's significance is in relation to the size, scale and design of the proposed extension - The two-storey rear extension would still appear assertive and incongruous - Do not agree that the change to a lean-to glazed roof extension represents an improvement as this would not be invisible, and do not agree that the evidence of a 1930's extension submitted represents a suitable precedent - Maintain view that proposed lean-to extension would be detrimental to the appreciation of the building and would not better reveal its significance - Additional investigation and opening up of the rear gallery is required - The statement submitted offers no explanation why an extension is proposed and makes no case for the success of the change of use being dependent on the extension - Recommend omission or further amendment of the rear extensions.

B: Representations

At the time of writing this report at least 105 letters/emails/online comments have been received. It is the officer opinion that this represents 105 objections, 0 support and 0 general comment. A verbal update shall be provided as necessary.

Views are summarised below:-

- The Angel Public House is an essential community asset, in an essential location, at the heart of the village and so should be retained as a matter of principle;
- Proposal will remove the possibility of this historic building ever returning to be a public house;
- The building has always been a public house historically and should, therefore, be preserved as such for heritage reasons, as well as being a valued community facility;
- The building needs to continue as a public house for the benefit of the community;
- It is important to preserve this community asset at the centre of the Village for the enjoyment of future generations;

- The applicant claims the pub business is unviable but two previous owners/operators have said that the business was profitable;
- Do not consider the pub business to be unviable as the applicant claims;
- Question the validity of the viability assessment provided with the application, which the application places considerable reliance on, and is inconclusive;
- For a number of years the pub's restaurant was fully booked through December serving Christmas meals;
- Consider there are no other such facilities in the village where people can meet and socialise: The Cherry Tree is now a Vets, The Woolpack is too small and has no disabled access, and the leisure lacks ambiance and is too far away from the village centre;
- Debenham used to have 4 pubs in the 1990's, now it has one and a half;
- This is the last venue of its kind left in the village;
- The village needs more than one pub with such a large number of houses;
- Debenham is renowned for its community events, which have more often than not been centred around the Angel;
- The decision taken, which resulted in the previous approval to reduce the size of the Pub, was misguided and in doing so planners have made the property and potential business less viable;
- Consider the present is an extraordinary time (Covid 19 lockdowns) and does not fairly reflect usual circumstances where such a business would usually be more profitable and viable;
- The opportunity for proper scrutiny of the proposal is severely limited by the timing of the application and the overbearing limitations imposed by the Covid pandemic;
- Consider the Public House in in the wrong ownership and consider that someone with a more entrepreneurial attitude and determination to succeed could make the business work;
- Consider the current owner/landlord's conduct throughout should not be overlooked in the decision making process;
- The applicant is running another pub in Earl Soham, which shows that it is possible for the pub to be run as a viable concern;
- Consider the pub is only disused because owners have marketed it at an inflated price and not accepted offers of purchase and/or rent;
- Terms put forward by the applicant to a potential lessee in 2019 were rejected as being unreasonable;
- Other derogatory remarks made against the applicant/owner/operator/landlady;
- Consider that all the new housing development proposed in Debenham over the next few years will need a usable Pub, which will make the business more profitable;
- A proposal for change of use of the Pub is, at the present time, premature;
- The Angel has been and will continue to be a thriving business if given a chance;
- The community must be given a chance to retain the building as a public house and restaurant;
- Conversations had in the village indicate a significant and concerted determination to retain the pub;
- Consider the proposed change of use of the pub to essentially a four bedroom house should not be accepted in principle;
- There is absolutely no need for a house in the village where there are, and will be in the near future, plentiful homes available for purchase;
- It is against the interests of the village and the local region for the applicant to destroy a communal building with over 400 years of history and culture;
- The proposal wilfully ignores the interests of the local community;

- The loss of the Angel Public House would be a tragic loss for the community;
- The pub is essential to community and mental wellbeing;
- The loss of the Pub would be detrimental to the Tourist Trade;
- Businesses in Debenham benefit from Tourists visiting, especially in the summer. This has been in decline since the Angel has closed, as visitors are unable to stop for a drink or a meal;
- The pub previously employed a team of over 10 staff, providing much needed work for local people and could again;
- Consider pub has great potential for employment for young people in the village - surely this must be a sustainable aspiration;
- The pub is needed in this location in order to maintain a good and viable High Street;
- Another retail outlet or office space is not needed in the village at this particular time;
- Have little faith that the proposed commercial space would be taken up and used and consider the whole building will eventually be given over to housing;
- Consider the proposed extensions to the listed building would harm its character and significance and are inappropriate with the conservation area;
- Agree with the Heritage and Design Officer's comment that the best use for a listed building will be the one it was built for, in this instance a Public House;
- Questions raised with regards land ownership, notices served and the accuracy of plans submitted;
- Consider proposal is contrary to Neighbourhood Plan Policies DEB 11, DEB 13, DEB 18, Local Plan Policy E6 and MSDC SPD Retention of Shops, Post Offices and Public Houses (2004);
- The application states that the community group did not make an offer on the Pub - evidence provided that this was not the case.

(Note: All individual representations are counted and considered. Repeated and/or additional communication from a single individual will be counted as one representation.)

PLANNING HISTORY

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| REF: 4374/15 | Planning Application - Partial change of use, erection of first floor extension to reinstate 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 & 2475/14) | DECISION: Refused by MSDC - 03.03.2016 Granted by PINS on Appeal - Ref: APP/W3520/W/16/3146428 - 14.06.2016 |
| REF: 4375/15 | Application for Listed Building Consent - 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 | DECISION: Refused by MSDC - 03.03.2016 Granted by PINS on Appeal - Ref: APP/W3520/Y/16/3146429 - 14.06.2016 |
| REF: 2423/15 | First floor extension to re-instate former 2 storey rear wing and former separate | DECISION: Withdrawn 21.10.2015 |

dwelling, internal alterations including re-location of toilet facilities, to retain the public house as a community facility.

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| REF: 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 | DECISION: Withdrawn 21.10.2015 |
| REF: 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 | DECISION: Failed to determine - Appeal Dismissed - 31.10.2014 |
| REF: 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. | DECISION: Failed to determine - Appeal Dismissed - 31.10.2014 |
| REF: 2648/13 | Re-location of existing wall hung sign depicting "The Angel" and associated lighting | DECISION: GTD 31.10.2013 |
| REF: 2637/13 | Advertisement Consent Application: Re-location of existing wall hung sign depicting "The Angel" and associated lighting. | DECISION: GTD 01.11.2013 |
| REF: 2623/12 | Erection of two storey detached 3 bedroom dwelling with integrated garage. Creation of new vehicular access. | DECISION: REF 18.04.2013 |
| REF: 1747/11 | Erection of a willow panel fence and a gate in the rear garden. | DECISION: GTD 19.07.2011 |
| REF: 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. | DECISION: GTD 22.09.2003 |

PART THREE – ASSESSMENT OF APPLICATION

1. The Site and Surroundings

- 1.1. The application site lies on the eastern side of High Street, Debenham, at the centre of the village, within the village settlement boundary. Debenham is defined as a Key Service Centre within the current development plan.
- 1.2. The site comprises the existing Angel Public House, which is Grade II listed. The core of the building dates from the 1400s, with extensions added in the 1500s and 1600s. Your Heritage Officers consider the building is likely to have been an Inn from the mid 1500's, and the building is first recorded as 'The Angel' in 1621. In more recent times the building has been subdivided into residential and commercial elements. Your Heritage Officers advise that, although after several significant phases of development the building does not have the importance and integrity as a whole that would warrant a grading at II* (Two Star), it has several rare features including an open first floor gallery added in the 1500s to the rear elevation. Such features allowed spectators to watch performance and spectacles in the yard, and are generally associated with inns. The gallery extends along the rear of the 1500s element and is now enclosed as a first-floor passage. The existing modern single-storey addition to the rear of the building slightly obscures its original form.
- 1.3. In 2016 a scheme for change of use and extension of the northern bay of the building was granted upon appeal by the planning inspectorate (MSDC refs: 4374/15 and 4375/15).
- 1.4. The site affects the setting of Grade II* buildings, at nos. 1 and 3 High Street (The former 'Swiss Farm Butchers'), which lies adjacent to the north.
- 1.5. The site lies within, and therefore directly affects, the Debenham Conservation Area.
- 1.6. Although located within the High Street and Historic Core of the Village, the site lies outside the Retail Core of the Village, as defined in the Neighbourhood Plan proposals maps. Your officers therefore consider that Neighbourhood Plan Policy DEB 13 is not engaged.
- 1.7. A large proportion of the site and building also lie within Environment Agency (EA) Flood Zone 2, where there is between a 1 in 100 and 1 in 1,000 annual probability of flooding.
- 1.8. Whilst the site does not provide on-site parking for patrons, on-site parking is currently available for approximately 8 no. Cars within a gravel courtyard to the rear of the building, via an access archway to High Street.

2. The Proposal

- 2.1. The application seeks listed building consent for works to facilitate the change of use of the building from a Public House, with ancillary living accommodation, to a 1 no. 4 bedroom dwelling with Class E Retail/Office space at ground floor level.
- 2.2. The re-building of the existing modern rear extensions of the building are proposed, which would involve the erection of a two-storey rear extension and a single-storey rear glazed extension, with a glazed lean-to roof. Internal alterations are also proposed.
- 2.3. The existing gravelled courtyard to the rear of the building would also be converted to a private residential garden. 4 no. private parking spaces are proposed to be retained, within the rear-courtyard area, as part of the proposal.

- 2.4. Within the historic part of the building, proposed physical alterations would involve: The removal of an internal draught lobby at ground floor; The removal of an existing window and part of the existing south wall of the historic gallery at first-floor level (to gain access to the proposed two-storey extension and bedroom 2); and Insertion of a partition to form a bathroom at first-floor.
- 2.5. The existing single-storey flat-roofed extension to the rear elevation is proposed to be removed and replaced with a single-storey lean-to extension and a two-storey extension, which would provide a master bedroom at first-floor.
- 2.6. The proposed single-storey lean-to extension would be predominantly glazed, with a glazed roof intended to better reveal the significance of the historic gallery to the rear of the building.
- 2.7. The proposed two-storey element would leave a gap of 450mm between the existing rear external wall of the building and the main structure of the extension and would be filled with a valley gutter and other panels. The proposed extension would appear as a separate structure immediately behind the listed building, only minimally attached and avoiding subservience. The proposed extension would be of a contrasting, contemporary design finished in external facing softwood weatherboarding, stained black, with a natural slate roof.

3. Design, Layout and Impact on Heritage Assets

- 3.1. Paragraph 196 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. It is the view of your officers that the optimum viable use for a listed building is that for which it was originally constructed for. In this instance the first preference should be for the building to remain a public house or in a related hospitality use.
- 3.2. Your Heritage Officers advise that, should it be demonstrated to the Council's satisfaction that the present use and similar uses are not viable, then there would likely be some compromise to the building's heritage value resulting from necessary alterations to facilitate a new use. Your Heritage Officers advise that the harm resulting from such works should be avoided or minimised.
- 3.3. Within the historic part of the building, your Heritage Officers advise that alterations would be quite limited. As the integrity of the planform at first-floor has been lost in previous alterations, this is not considered to have harmful impact provided the partition is not on the line of the chamfered tie-beam. Your Heritage Officers advise that the Heritage Statement provided with the application incorrectly states that it is.
- 3.4. Your Heritage Officers have considerable concerns with regards the impact of the proposed extensions on the building's existing fabric, on its architectural character, and on appreciation of its features of special interest.
- 3.5. Your Officers consider the proposed extension would appear as a separate structure immediately behind the listed building, minimally attached and avoiding subservience, which contrasts with traditional buildings where subsequent additions are intimately attached with an impression of organic development. Your officers consider the proposed extension would appear assertive and incongruous in this context. In particular its northern wall would sit over a void at ground floor, a disturbing effect that seems to make the relationship of internal and external volumes incoherent and ambiguous, which should be avoided in extending traditional buildings.

- 3.6. Your officers you not agree with the applicant's view that the current unsatisfactory situation, where the flat roof attaches below the gallery, would be improved by attaching a lean-to glazed roof along the whole of its rear face. Your officers consider that the glazed roof would not be invisible, and at best it would be transparent and highly reflective. Your officers also do not consider that the flat roof's predecessor, a short pentice roof seen in a photograph of the 1930s, to be a suitable precedent.
- 3.7. Your officer's therefore consider that the proposed glazed lean-to would be detrimental to appreciation of the 16th Century Gallery to the rear of the building and the proposal would not, therefore, better reveal the significance of this very important feature. Your Heritage officers advise that the gallery is of very great interest and in the words of the NPPF its form should be 'better revealed' by new work, not obscured. It is the view of your Heritage Officers that the proposed extensions would have a harmful impact on the building's special architectural and historic significance and that the level of harm would be a medium level of less than substantial harm.
- 3.8. Your Heritage Officers stress that in their view harm to the building's heritage significance would arise not from the proposed change of use, from subdivision of the property, or from the associated alterations, but only from the size, scale and design of the proposed extension.
- 3.9. The NPPF expects 'clear and convincing justification' for any harm. Where the level of harm is considered to be less than substantial public benefits can also outweigh harm, whether benefits in heritage terms such as securing a new use for a building, or in other terms.
- 3.10. Your officers do not consider that statements accompanying the application offer sufficient justification for the harm identified. Your officers do not consider the applicant has provided sufficient explanation as to why extension of the building is required, and the existing building appears to be capable of providing a three or four bedroom dwelling without the need to extend further. Nowhere in the application is it suggested that the extension would enable some beneficial outcome that would not otherwise happen. Clear and convincing justification for the resultant harm to the significance of the heritage asset has not, therefore been provided.
- 3.11. For these reasons the application proposal is considered contrary to the provisions of Development Plan Policies CS5, HB1, HB3, HB4 and DEB 18 and to section 16 of the NPPF.

4. Parish Council Comments

- 4.1 The matters raised by Debenham Parish Council have been addressed in the above report.

PART FOUR – CONCLUSION

5. Planning Balance and Conclusion

- 5.1. The proposal would result in unjustified harm to the significant of the host Listed Building, a designated Heritage Asset, without sufficient justification for the harm being provided, and with no associated public benefit(s) being proposed to outweigh the harm identified. The proposal is, therefore, contrary to the provisions of development plan policies CS5, HB1, HB3, HB4 and DEB 18, and with paragraphs 194 and 196 of the NPPF in this regard.

RECOMMENDATION

That Members resolve to: REFUSE listed building consent, or in the event that the appeal has begun agree putative reasons for refusal, for the following reasons:-

- 1) It is considered that the proposed two-storey extension would appear assertive and incongruous and the proposed glazed lean-to extension would be detrimental to appreciation of the 16th Century Gallery to the rear of the building and would not, therefore, better reveal its significance. The proposed extensions would, therefore, result in less than substantial harm to the building's special architectural and historic significance. It is also not considered that statements accompanying the application offer sufficient justification for the harm identified. Furthermore, there are no public benefits associated with the proposed development which would outweigh the harm identified.

The proposal is, therefore, considered contrary to development plan policies FC1.1, CS5, HB1, HB3, HB4 and DEB 18, and to NPPF paragraphs 194 and 196 in these regards.