

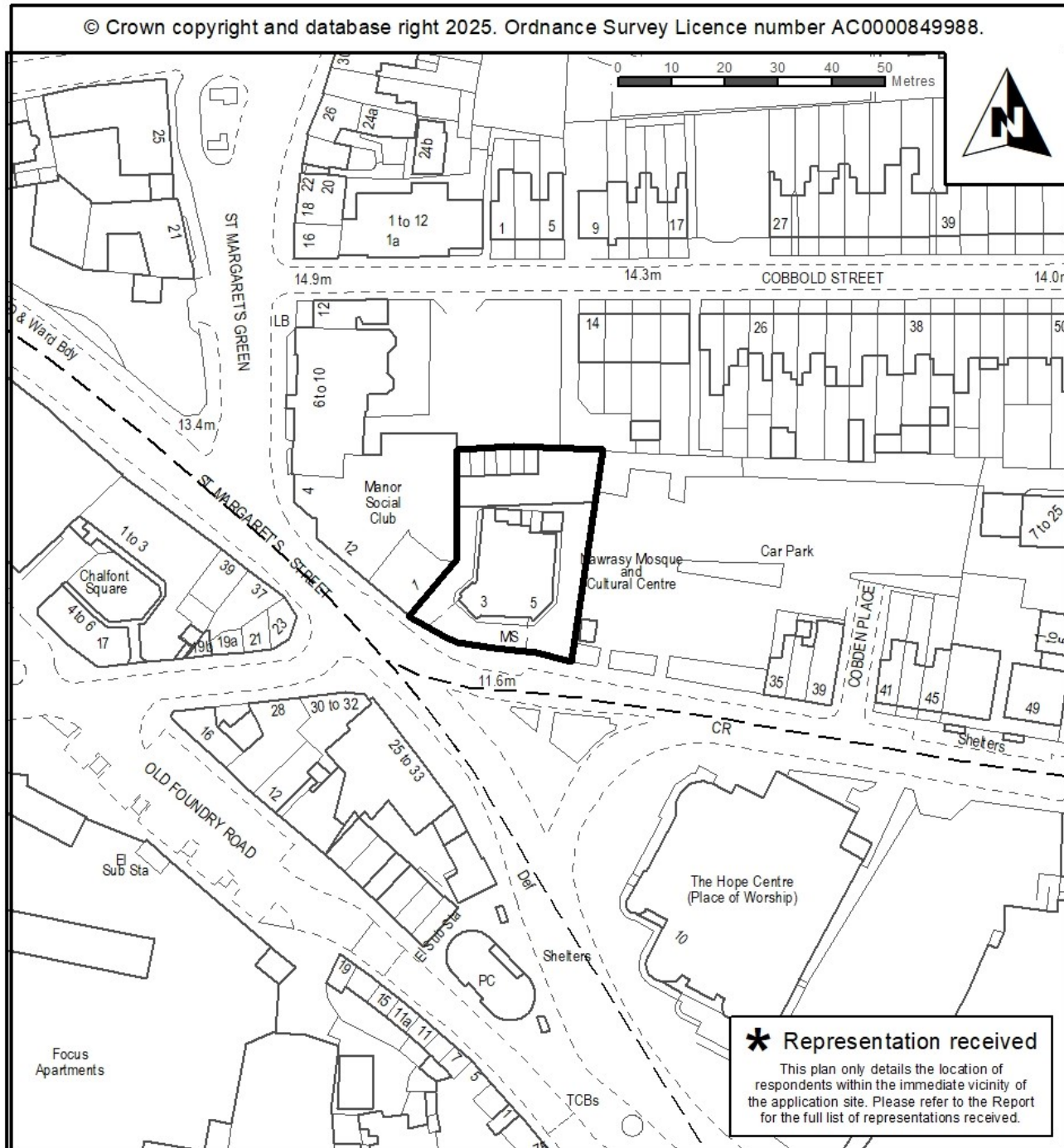
Ward: ST MARGARETS

Proposal: Variation of Condition 1 (list of approved plans) of planning permission 23/00346/FUL (Extensions to existing facility to provide enlarged prayer hall and classrooms).

Address: The Mulberry Tree Public House, 5 Woodbridge Road,

Applicant: Mr Mohamad

Agent: Mr Sherwan Mohammed



25/00054/VC - The Mulberry Tree Public House, 5 Woodbridge Road

Recommendation

Refuse the variation of planning condition for the following reason (briefly): -

The extension would not respect and promote the special character and local distinctiveness of Ipswich by protecting and enhancing significant views nor represent good architectural design. It would represent poor design that would result in harm to the setting of the adjacent Conservation Area and to the significance of the locally listed building of which it would form a prominent part, particularly when viewed from the east looking towards the Central Conservation Area beyond.

The proposed variation represents a material diminution to an approval that would fail to be in accordance with the NPPF. Public benefits have been put forward by the applicant, however these do not justify the less than substantial harm to the setting of the heritage assets and the variation would therefore fail to be in accordance with policies DM12 and DM13, as well as the aims of the NPPF.

1. Proposal

- 1.1 This application relates to a building in use as a place of worship and community centre. The building is locally listed and is adjacent to the Central Conservation Area. It is within Ipswich Town Centre and the IP-One Area, and partly within an Area of Archeological Interest. There is a milestone located to the front of the building that is Grade II listed.
- 1.2 To the east of the site is a car park. To the north is a further car parking area and residential dwellings fronting Cobbold Street. To the west is the Manor Social Club.
- 1.3 The application seeks a variation of condition application with regard to the design and appearance of an approved rear extension granted planning permission in 2023 (refers IP/23/00346/FUL). Work has commenced at ground floor level although the areas the subject of the variation, the first floor area previously approved as a pitched roof with three pitched roof dormer windows, has not be completed and temporary measures are in place to secure the structure and allow the use to continue within the rest of the building.
- 1.4 This variation seeks an alternative design showing two flat roofed dormer windows with UPVC frames, slate tile cladding and fiberglass roof coverings.
- 1.5 The application has been submitted with a Design and Access Statement.

2. Background

- 2.1 Planning permission was granted for change of use from public house (A4) to place of worship and community centre (D1/D2) on the 07.03.2019 (refers IP/19/00101/FUL).
- 2.2 A further planning permission was granted for an extension to provide an enlarged prayer hall and classrooms on the 13.07.2023 (refers IP/23/00346/FUL). The applicant commenced building the extension but sought to vary the appearance of its first floor prior to completing works on that part. This application (refers IP/24/00871/VC) was refused planning permission on the 03.01.2025. The reasons for refusal can be summarised as follows:-
 - The extension would no longer respect and promote the special character and local distinctiveness of Ipswich by protecting and enhancing significant views nor represent good architectural design. It would represent poor design that would result in harm to the setting of the adjacent Conservation Area and to the significance of the locally listed building of which it would form a prominent part, particularly when viewed from the east looking towards the Central Conservation Area beyond.
 - The proposed variation represents a material diminution to an approval that would fail to be in accordance with the NPPF.
 - No public benefits have been put forward by the applicant that would justify the less than

substantial harm to the setting of the heritage assets and the variation would therefore fail to be in accordance with policies DM12 and DM13, as well as the aims of the NPPF.

3. Consultations

3.1 Public and statutory consultation was undertaken between 03.02.2025 and 25.02.2025. 8 properties were notified of the application, in addition to a press notification and a site notice. The application was advertised on the Council's website in accordance with the Ipswich Statement of Community Involvement 2024.

3.2 Comments that were received are summarised below.

IBC Conservation and Urban Design – Object.

This will be a harmful change and a recommendation is for refusal on the grounds of negative impact on the locally listed building.

4. Policy

National Planning Policy

National Planning Policy Framework (2024)
National Planning Practice Guidance

Local Planning Policy

Ipswich Local Plan, incorporating the Core Strategy and Policies Development Plan Document (DPD) Review, and the Site Allocations and Policies (Incorporating IP-One Area Action Plan (AAP)) DPD Review (2022)

Policies DM1 'Sustainable Construction', DM3 'Air Quality', DM4 'Development and Flood Risk', DM8 'The Natural Environment', DM9 'Protection of Trees and Hedgerows', DM12 'Design and Character', DM13 'Built Heritage and Conservation', DM18 'Amenity', DM21 'Transport and Access in New Developments', DM22 'Car and Cycle Parking in New Development'; DM24 'Protection and Provision of Community Facilities'; DM31 'Town Centre Uses Outside the Central Shopping Area'.

Other Planning Guidance

Ipswich Town Centre & Waterfront Public Realm Strategy SPD (2019)
Development and Flood Risk SPD (2022)
Space and Design Guidelines SPD (2015)
Cycling Strategy SPD (2016)
Suffolk Guidance for Parking - Technical Guidance (2023)
Central Conservation Area Appraisal and Management Plan
Low Emissions SPD (2021)

5. Planning Assessment

Design, Character and Heritage Impact

5.1. Policy DM1 states the Council will encourage non-residential development of 500 sq. m and above to achieve a minimum of BREEAM Very Good standard or equivalent. However, as the approval relates to an extension to an existing building it was previously found that BREEAM Very Good would not be feasible. This proposal would not change the developments ability to meet BREEAM requirements when compared with that approved so it remains acceptable having regard to policy DM1.

5.2. Policy DM12 requires all new development to be well-designed and sustainable. Proposals should also respect and promote the special character and local distinctiveness of Ipswich by:

(g) protecting and enhancing significant views that are considered to be important or worthy of protection, including those set out in the Ipswich Urban Character Studies, Conservation Area Appraisal and Management Plans, as well as the setting of any heritage assets. The design should help to reinforce the attractive physical characteristics of local neighbourhoods and the visual

appearance of the immediate street scene;

(h) ensuring good public realm design that enhances the streetscape and protects and reinforces a sense of place, through the appropriate use of public art, bespoke paving, street furniture and soft landscaping; and

(i) ensuring good architectural design that responds to and reflects its setting, is sustainable, accessible and designed for long life by being capable of adaptation to changing needs and uses over time and demonstrate the principles of dementia friendly design.

Designs that do not adequately meet or address these criteria will be refused.

- 5.3. Policy DM13 states that proposals for new development must consider the impacts on the historic built environment which makes Ipswich such a distinctive town, seek opportunities for enhancement of the town's heritage, and respond to the historic pattern of development and character of the area and comply with the requirements of the NPPF. Para 215 of the NPPF states where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 5.4. Policy DM13 continues by setting out that the Council will (h) require development within conservation areas to protect and enhance the special interest, character and appearance of the area and its setting; and (i) require the position, mass, layout, appearance and materials of proposed development, and the design of the space and landscaping around it, to pay regard to the character of adjoining buildings and the area as a whole.
- 5.5. Policy DM13 also states that the Council will also protect non-designated heritage assets. In weighting the effect of a proposal on the significance of a non-designated heritage asset, a balanced judgement will be applied having regard to the benefits of the proposal, the scale of any harm or loss and the significance of the heritage asset. Furthermore, the Council will also protect non-designated heritage assets included on the 'Local List'. The NPPF takes a similar approach, stating the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. 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.
- 5.6. The applicant has sought to address the reasons for refusal set out as part of the previous decision and summarised in the background section. The refused application sought to revise the approved extension by omitting a pitched roof element with 3 dormer windows, each with a hipped roof. Although the revised scheme increased floorspace within the building it would have resulted in a prominent two storey flat roofed extension being visible from Woodbridge Road.
- 5.7. This current variation seeks a pitched roof similar to that approved but with two flat roofed dormer windows. The dormers would be constructed using a 'slate tile cladding finishing' with a fiberglass roof. The window frames within each dormer would be white UPVC.
- 5.8. IBC Conservation and Design remain concerned with regard to the variation. Although at the rear of the locally listed building, the extension would be visible from Woodbridge Road and would have a clear impact upon the external appearance of the building from this vantage point, as well as the adjacent public car park. Although revised from that previously refused, the varied design would still not complement the existing building in terms of its form and appearance. The proposed flat roofed dormers would introduce a distinctly horizontal feature at first floor level that would appear at odds with the host building, with its own distinctive form, emphasis and notable decorative features that justify its inclusion on the local list and make a contribution to the setting of the adjacent conservation area.
- 5.9. Conditions could be imposed requiring more appropriate materials and further detailing, particularly as matters are not helped by the applicant's choice of materials such as UPVC window frames and fiberglass. However, the actual design of the extension cannot be addressed through conditions and the proposed variation would represent an unacceptable form of development.
- 5.10. As a result, the extension would no longer respect and promote the special character and local distinctiveness of Ipswich. It would not protect and enhance significant views, nor would it represent good architectural design. It would represent poor design that would result in harm to the setting of the adjacent conservation area and to the significance of the locally listed building of which it would form a prominent part, particularly when viewed from the east looking towards the Central Conservation Area

beyond.

- 5.11. The proposed variation represents a material diminution to an approval and the NPPF aims to avoid such variations from occurring. However, the NPPF also sets out further tests where harm occurs to heritage assets as is the case here. In this case the applicant has provided a Statement that their aims are to improve the comfort and functionality of the use by providing a more spacious and practical interior whilst maintaining the building's overall design and purpose.
- 5.12. Whilst these represent public benefit and would assist with securing the use of a locally listed building directly adjacent to a conservation area, the applicant has already been granted a large extension to the rear of the building. In the context of this approval, the additional floorspace gained as part of the variation would not be significant, whereas the harm caused albeit less than substantial on the scale set out within the policy and the NPPF, would be noticeable within the context of the building and its surroundings.
- 5.13. The proposal would not result in harm to the listed milestone (Grade II) to the front of the building. Furthermore, the detailing of the existing building, not properly shown on the submitted drawings, could be safeguarded by conditions. However, Officers conclude that the proposed variation represents a material diminution to an approval that results in harm to heritage assets. Whilst public benefits have been put forward, these are not sufficient to justify the harm caused. The proposal would fail to be in accordance with policies DM12 and DM13, as well as the aims of the NPPF.

Amenity

- 5.14. Policy DM18 states the Council will protect the quality of life of occupiers and neighbours by only granting permission for development that does not result in an unacceptable loss of amenity. Exceptions will only be made where satisfactory mitigation measures can be secured. New development that would adversely affect the continued operation of established uses will not be permitted.
- 5.15. The approval was found to be acceptable in these regards, particularly considering its location within an urban area where background noise is already high, primarily from road traffic. The proposed variations would not increase impact upon its surroundings and the development would remain appropriate in terms of policy DM18.

Other Considerations

- 5.16. Policy DM3 states the Council will ensure that the impact of development on air quality is mitigated and ensure that proposals do not negatively impact on existing air quality levels. The variation does not increase impact in this regard and remains acceptable having regard to policy DM3.
- 5.17. Policy DM4 sets criteria for development and flood risk, with reference to sequential tests, exception tests, restrictions upon drainage connections/sewage capacity, water efficiency and biodiversity. The varied permission would remain appropriate in this regard and does not increase flood risk on a site with a low risk of flooding.
- 5.18. Policy DM8 states that all development must incorporate measures to provide net gains for biodiversity. Proposals which would result in significant harm or net loss to biodiversity, having appropriate regard to the 'mitigation hierarchy', will not normally be permitted. Policy DM9 states that applications for development should retain existing trees and hedgerows of amenity or biodiversity value where possible. The approval was subject to conditions requiring landscaping and biodiversity enhancements. On the basis of these being repeated as part of any consent, the variation would be in accordance with policies DM8 and DM9. The application is a variation to an extant permission so is exempt from Biodiversity Net Gain requirements.
- 5.19. Policy DM21 seeks to promote sustainable growth in Ipswich and reduce the impact of traffic congestion by setting a number of criteria. Policy DM22 states there will be maximum standards of car parking provision with no minimum requirement for residential development within the IP-One Area, which has frequent and extensive public transport networks, and easy access to a wide range of employment, shopping, and other facilities. The variation remains acceptable in these regards subject to any relevant conditions being repeated.

- 5.20. Policy DM24 directs community uses such as the proposed to existing centres, including the Town Centre. The variation would remain appropriate in this regard.

6. Planning Balance

- 6.1. Decisions must be taken in accordance with the development plan unless there are material considerations that indicate otherwise. The various policies have been set out above and Officers consider that the proposal would fail to be in accordance with the development plan.
- 6.2. The NPPF has also been considered and this represents a material consideration. As set out within the report the public benefits of the variation have been considered. These have been put forward by the applicant and are that the variation would improve the comfort and functionality of the use by providing a more spacious and practical interior. However, it is not considered that these benefits outweigh the harm caused.

7. Conclusion

- 7.1 The proposed variation remains acceptable having regard to the principle of the use, trip generation, parking, air quality, biodiversity and amenity impact having regard to policies DM3, DM4, DM8, DM9, DM18, DM21, DM22 and DM24. However, Officers can conclude that the variation fails to be in accordance with policies DM12 and DM13, as well as the NPPF.