

## **Committee Report**

**Item No: 3**

**Reference:** DC/17/04036/FUL &  
DC/17/04037/LBC  
**Case Officer:** Alex Scott

**Ward:** Debenham

**Ward Member/s:** Cllr Kathie Guthrie

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### **Description of Development**

Full Planning Application - Change of use from Class A3/A4 public house to 3 no. dwellinghouses (one of which to include ancillary annexe wing) and associated alterations;

and

Application for Listed Building Consent - Internal and external alterations to facilitate change of use from public house into 3 no. dwellinghouses.

### **Location**

Cherry Tree Inn, 1 Cherry Tree Lane, Debenham, IP14 6QT

**Parish:** Debenham

**Site Area:** 0.275 ha

**Conservation Area:** No

**Listed Building:** Yes

**Received:** 03/08/2017

**Expiry Date:** 29/09/2017

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**Application Type:** FUL - Full Planning Application; and LBC – Application for Listed Building Consent

**Development Type:** Change of Use; and Alterations to a Listed Building

**Environmental Impact Assessment:** N/A

**Applicant:** Hollins Architects & Surveyors

**Agent:** Hollins Architects & Surveyors

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### **DOCUMENTS SUBMITTED FOR CONSIDERATION**

This application refers to the Site Location Plan drawing number 17-126-001A (received 3/8/2017) as the defined red line plan with the site shown edged red. Any other drawing showing land edged red whether as part of another document or as a separate plan/drawing has not been accepted or treated as the defined application site for the purposes of assessment.

The plans and documents recorded below are those upon which this decision has been reached:

Planning Application Form – Received 3/8/2017  
Planning / Design and Access Statement – Received 3/8/2017  
Marketing Statements – Received 3/8/2017  
Flood Risk and Drainage Assessment – Received 5/10/2017  
Site Location Plan – drawing no. 17-126-001A – Received 3/8/2017  
Existing Block Plan – drawing no. 17-126-002 – Received 3/8/2017  
Existing Ground Floor Plan – Pub – drawing no. 17-126-003 – Received 3/8/2017  
Existing First Floor – Pub – drawing no. 17-126-004 – Received 3/8/2017  
Existing West and East Elevations – Pub – drawing no. 17-126-005 – Received 3/8/2017  
Existing North and South Elevations – Pub – drawing no. 17-126-006 – Received 3/8/2017  
Existing Ground Floor Plan – Commercial and Holiday Lets – drawing no.17-126-007 – Received 3/8/2017  
Existing First Floor Plan – Commercial and Holiday Lets – drawing no. 17-126-008 – Received 3/8/2017  
Existing West and East Elevations – Commercial and Holiday Lets – drawing no. 17-126-009 – Received 3/8/2017  
Existing North and South Elevations – Commercial and Holiday Lets – drawing no. 17-126-010 – Received 3/8/2017  
Existing Ground Floor Land Use Classes – drawing no. 17-126-011 – Received 3/8/2017  
Existing First Floor Land Use Classes – drawing no. 17-126-012 – Received 3/8/2017  
Proposed Block Plan – drawing no. 17-126-200A – Received 3/8/2017  
Proposed Ground Floor Plan – Dwelling 1 and Annexe – drawing no. 17-126-201 – Received 3/8/2017  
Proposed First Floor Plan – Dwelling 1 and Annexe – drawing no. 17-126-202 – Received 3/8/2017  
Proposed West and East Elevations – Dwelling 1 and Annexe – drawing no. 17-126-203 – Received 3/8/2017  
Proposed North and South Elevations – Dwelling 1 and Annexe – drawing no. 17-126-204 – Received 3/8/2017  
Proposed Ground Floor Plan – Dwellings 2 and 3 – drawing no. 17-126-210 – Received 3/8/2017  
Proposed First Floor Plan – Dwellings 2 and 3 – drawing no. 17-126-211 – Received 3/8/2017  
Proposed West and East Elevations – Dwellings 2 and 3 – drawing no. 17-126-212 – Received 3/8/2017  
Proposed North and South Elevations – Dwellings 2 and 3 – drawing no. 17-126-213 – Received 3/8/2017  
Proposed Ground Floor Land Uses – drawing no. 17-126-214 – Received 3/8/2017  
Proposed First Floor Land Uses – drawing no. 17-126-215 – Received 3/8/2017  
Independent Viability Assessment – Received 15/2/2018

The application, plans and documents submitted by the Applicant can be viewed online at [www.midsuffolk.gov.uk](http://www.midsuffolk.gov.uk).

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## **PART ONE – REASON FOR REFERENCE TO COMMITTEE**

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The application is referred to committee for the following reason:

The Planning Manager considers 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.

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## **PART TWO – POLICIES AND CONSULTATION SUMMARY**

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### **All Policies Identified as Relevant**

The proposal has been assessed with regard to adopted development plan policies, the National Planning Policy Framework and all other material considerations. Highlighted local and national policies are listed below. Detailed assessment of policies in relation to the recommendation and issues highlighted in this case will be carried out within the assessment:

### **Summary of Policies**

NPPF - National Planning Policy Framework  
FC01 - Presumption In Favour Of Sustainable Development  
FC01\_1 - Mid Suffolk Approach to Delivering Sustainable Development  
CS01 - Settlement Hierarchy  
CS05 – Mid Suffolk’s Environment  
CS09 – New Housing – Density and Mix  
GP01 - Design and layout of development  
HB01 – Protection of Historic Buildings  
HB03 – Conversions and alterations to Historic Buildings  
HB04 – Extensions to Listed Buildings  
HB05 – Preserving Historic Buildings through alternative uses  
HB08 – Safeguarding the character of conservation areas  
H16 – Protecting existing residential amenity  
H17 – Keeping residential development away from pollution  
E06 – Retention of use within existing industrial/commercial areas  
T09 – Parking Standards  
T10 – Highway Considerations in Development  
SC05 – Areas at risk of flooding

### **Supplementary Planning Guidance**

Retention of Shops, Post Offices and Public Houses in Villages

### **Previous Committee / Resolutions and Any Member Site Visit**

None.

### **Pre-Application Advice**

None.

### **Consultations and Representations**

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

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## **A: Summary of Consultations**

### **Debenham Parish Council**

Debenham Parish Council is totally against and, furthermore, strongly disagrees with this planning application for the following reasons:

The Cherry Tree Inn is imbedded in the history of Debenham and in the minds of residents and visitors alike. It is the only public house left in the village of Debenham, a key service centre, that can accommodate families and large gatherings.

The provision of another four-bedroom dwelling does not meet the needs identified on the draft Debenham Neighbourhood Plan.

Some of the comments contained within the application and marketing campaign are erroneous and may colour the judgement of a planning officer less familiar with the setting, ie: Debenham is a key service centre, not a "small village with a small population"; "The inherent problem of the site is its location"; "Reduced rental basis implemented in June 2017"-the revised prices were not implemented as stated. The Parish Council strongly questions these and other comments and would like to request that the content of the said marketing campaign is also challenged by the planning officer.

The planning application is inherently against MSDC's own Local Plan, when you consider the loss of employment opportunity, loss of commercial premises with suitable car parking facilities and possible effects on other businesses locally.

The property has not been up for sale for the minimum required period of two years.

The building is Grade II listed and in a Conservation Area. However, the cellar has been filled in with concrete, which renders it unusable and there is no kitchen provision. This is clearly not in accordance with approved plans and the cost of bringing it back to a workable state makes it financially prohibitive for a future publican or landlord.

### **SCC - Highways**

No Objection subject to compliance with standard turning and parking condition.

### **BMSDC – Economic Development**

Further information regarding Marketing and Viability required.

### **BMSDC – Communities**

No comments received.

### **BMSDC – Heritage Team**

The Heritage Team considers that the proposal would cause less than substantial harm to a designated heritage asset because it would detract from its significance and from the vitality of the Conservation Area, and introduce incongruous features - The Heritage Team recommends that consideration be given to whether there is clear and convincing justification for the harm.

### **BMSDC – Arboricultural Officer**

No objections.

### **BMSDC – Environmental Protection – Land Contamination**

Given the planning history of the site and the redevelopment of ancillary land to the public house: confirm no objections to the proposed development from the perspective of land contamination.

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## **The Environment Agency**

Recommend submission of amended FRA to overcome initial deficiencies.

## **SCC – Flood and Water Management**

Application is for minor development – No comments offered – LPA directed to standing guidance.

## **B: Representations**

Letters of concern or objection have been received from a total of 9 third party sources during the course of determination. Comments received are summarised below:

- \* The Pub should have been refurbished and re-opened years ago as per the requirements of the original planning permission – applicants have profited from the new dwellings that have been built without re-opening the pub and proposed businesses – question why this was allowed to happen;
  - \* It makes a mockery of the planning system to totally ignore the original requirement upon the developer that the building should remain a public house;
  - \* Allege that the developer has been cynical in exploiting the site and taking advantage of weakness in the Planning system;
  - \* If the developer has made a miscalculation in costs and the sale prices of the houses now built that is unfortunate but the village should not have to pay to correct that mistake by losing a valuable village asset;
  - \* Consider the applicant is in breach of conditions and the terms of the s106 of the previous permission and that there should be penalties for doing so;
  - \* Disagree with the applicant's comments that Debenham is a small village – it is a key service centre as designated in the local plan in need of services and facilities;
  - \* There is a lot of proposed housing development for Debenham and this must be balanced with community amenities and employment and tourism opportunities. The proposal would remove such existing opportunities;
  - \* With all the housing development proposed for Debenham there is no need to change the use of the premises to residential;
  - \* The proposed dwellings would not be affordable to locals and would add to current pressures on local services and facilities;
  - \* Neither of the other current Pubs in the village can provide the facilities that a Pub the size of the Cherry Tree could nor can they provide the same employment opportunities – The Angel was granted planning approval to almost halve its size thus greatly reducing its capacity for functions and meetings;
  - \* The Cherry Tree has plenty of parking – the only pub in the village which has this;
  - \* Proposal does not meet an affordable housing need or opportunities for elderly residents to downsize. Proposal does not, therefore, meet a housing need or provide social benefit;
  - \* Alternative uses should be explored and discounted before allowing the property to be turned over to housing;
  - \* Do not consider the pub has been genuinely marketed and consider the offering price to bring the building back to a condition where it could function as a Pub was never going to attract many takers and is unrealistic to expect so;
  - \* Having consulted estate agents in the village there is a need for commercial properties;
  - \* Do not understand why the holiday lets have never become available for the purpose intended;
  - \* Consider the site and building would be best used as a Community Care Centre;
  - \* The Cherry Tree Inn occupies a prominent position on entry to the village of the principle route through the village and is ideally situated as a welcome to travellers seeking refreshment, particularly with excellent parking and ease of access;
  - \* The developer has already stripped out the bar and concreted over the cellar;
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\* Question who would be responsible for maintenance of the strip of land in front of the adjacent 4 houses which is currently carried out by the owners of the Cherry Tree Inn

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## **PART THREE – ASSESSMENT OF APPLICATION**

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From an assessment of relevant planning policy and guidance, representations received, the planning designations and other material issues the main planning considerations considered relevant to this case are set out including the reason/s for the decision, any alternative options considered and rejected. Where a decision is taken under a specific express authorisation, the names of any Member of the Council or local government body who has declared a conflict of interest are recorded.

### **1. The Site and Surroundings**

- 1.1. The application site is located on the corner of the B1077 Ipswich Road and Cherry Tree Lane on the southern approach to the village of Debenham.
- 1.2. The application site comprises a grade II listed building, known as the Cherry Tree Inn, which dates from the 16<sup>th</sup> Century with later extensions and alterations. The site also comprises an ancillary detached part single-storey, part two-storey building. The site benefits from a large existing access to Cherry Tree Lane and a large gravel car park to the north-east of the buildings, fronting the B1077 highway.
- 1.3. The premises was last in use as a public house approximately 5 years ago.
- 1.4. Cherry Tree Lane lies to the north-west of the site and the B1077 to the north-east. The site is bounded to the south-east by 4 no. dwellings recently constructed in 2013. The rear gardens of dwellings fronting Deben Rise lie adjacent to the south-west

### **2. History**

- 2.1. The applications follow planning permission ref: 2780/10 and listed building consent ref: 2781/10, granted in September 2011 for:
  - Continued use of public house and alterations and first floor extension to provide: Ancillary dining / function room; and A two bedroom flat;
  - Conversion and alteration of rear part of public house to provide: A cafe / restaurant (A3); A self-contained one bedroom flat; and 1 no. retail unit (A1);
  - Demolition of existing outbuilding and erection of new building providing: 1 no. retail unit (A1); and 2 no two bedroom holiday lets (C3); and
  - Erection of 4 no. four bedroom detached two-storey dwellings (C3) and construction of new access and car parking.
- 2.2. A section 106 agreement (dated 9th September 2011) and supplemental s106 (dated 25th March 2014) were attached to planning permission ref: 2780/10, between Mid Suffolk District Council

and Highland Limited, in the interest of securing the refurbishment and re-opening of the Pub alongside the construction of the 4 no. approved dwellings.

- 2.3. Later listed building consents (ref: 3658/11/LBC; 0947/13/LBC) were granted for further alterations to the building, which included: - removal of chimney stack, rebuild rear wall, replacement of roof tiles and alterations to approved elevations and internal layout.
- 2.4. The 4 new dwellings approved as part of planning permission reference 2780/10 were commenced in January 2012 and were completed in April 2013. All four were sold by the end of April 2014.
- 2.5. Refurbishment of the public house commenced on the 12<sup>th</sup> December 2011 and work on the holiday lets and retail unit commenced on the 21<sup>st</sup> May 2013. No completion dates are currently listed for these elements.
- 2.6. Transfer of ownership from Highland Limited to Highland Property Limited was notified to Council on 7<sup>th</sup> October 2011.
- 2.7. Available information and concerns/issues raised regarding the completion and reopening of The Cherry Tree Inn development are as follows:
  - \* The internal works to public house (kitchen and bar area) have not been fully completed as per the approved plans;
  - \* The public house and retail unit have been marketed for sale/tenancy as a pub/restaurant for some time but so far no successful sale/tenancy has been agreed;
  - \* The development is therefore not currently complete and open for trade as per the s106 agreement;
  - \* The Council's public realm department also confirm there is no record of being contacted about the management of the open spaces, following granting of permission reference 2780/10.
- 2.8. Council enforcement officers have assessed the case and have advised that the financial obligation in the s106 (P1 C7.4) is specific to Highland Limited and excludes successors in title – and is therefore not now enforceable due to the transfer of ownership in 2011.
- 2.9. Enforcement officers also advise that the enforcement of s106 obligations is different to enforcement of planning conditions and require formal court proceedings (eg. court order/injunction). The Council would on that basis need to make a case to a judge that it would be equitable to issue an order requiring specific performance and compliance with the s106. The Council's Legal Team advises that since in this case the most that would be achieved would be the construction of a new pub restaurant with no guarantee that any beneficial occupation would ever take place, it is unlikely a judge would support such an order.
- 2.10. Given the above points enforcement officers advise that it is unlikely the Council would be successful in obtaining a court order to enforce the clauses of the s106 obligations which require the pub to be completed and opened to trade. The advised course of action going forward is, therefore, to seek compliance from the current owners by way of negotiation. However,

submission of the current application changes the situation from an enforcement perspective and enforcement officers are obliged to hold enforcement action (whether formal or informal) in abeyance whilst the application is determined. Enforcement officers advise that if the application were to be granted, commencement of the permission would resolve the breach. However, should the application be refused negotiation could proceed, as above.

### **3. The Proposal**

- 3.1. The applications seek planning permission and listed building consent for the change of use of the former public house and ancillary buildings to 3 no. dwellings and associated alterations to the buildings.
- 3.2. The former pub building is proposed to be converted to a four bedroom dwelling with ancillary 1 bedroom annex. The single-storey element, and part of the two-storey element, of the ancillary building are proposed to be converted to a 3 bedroom dwelling. The remainder of the two-storey element of the ancillary building is proposed as a 2 bedroom dwelling.
- 3.3. The existing access is proposed to be retained and the existing parking area is proposed to be reduced, providing residential gardens associated with the proposed dwellings and retaining on-site turning and parking spaces.

### **4. Principle - Permanent Loss of Local Facility**

- 4.1. Paragraph 28 of the National Planning Policy Framework (the Framework) provides makes that in order to support a prosperous rural economy local planning authorities should, amongst other things, promote the retention and development of local services and community facilities in villages, such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship. In addition, paragraph 70 of the Framework states that planning policies and decisions should plan positively for the provision and use of shared space and community facilities, such as public houses to enhance the sustainability of communities and to guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs.
- 4.2. MSDC Supplementary Planning Guidance (SPG)-Retention of Shops, Post Offices and Public Houses in Villages (2004) sets out the Council's position with specific regard to the conversion of pubs to dwellings. The SPG is not a formal planning document and cannot, therefore, be given the same weight as a Development Plan Document. The SPG is, however, considered to be consistent with the NPPF.
- 4.3. The SPG states that there will be support for the retention of facilities where they can be shown to be viable. The change of use of a village public house to an alternative use will not be permitted unless a number of criteria are met including that there should be at least one other public house exists within the settlement boundary or within easy walking distance to it. The village is designated as a 'key service centre' in development plan policy CS1. There are two other public houses in the village centre (The Woolpack and the Angel). The proposal does not, therefore, conflict with the SPG in this respect.

- 4.4. The SPD also requires applicants to demonstrate that there is no evidence of significant support from the community for the retention of the pub. The pub has been closed for business for the past 5 years and as such no records of regular customers is available and it is not clear how a regular customer has been defined. Apart from regular custom the pub would also be likely to rely on non-local and passing trade as it is located in close on the main route through the village in proximity to the A1120 tourist route. Whilst there have been several letters of support for the retention of the pub as part of the consultation process, and the Parish Council have strongly opposed the change of use, the relatively small number of responses is not considered to represent significant support as per the meaning in the SPD. The proposal does not, therefore, conflict with the SPG in this respect.
- 4.5. The listing of a building as an Asset of Community Value (ACV) can also be an indication of the value that the local community place on a property to further the social wellbeing or social interests of the local community. However, it is noted that whilst the other two pubs in the village do appear on the list, the Cherry Tree Inn does not, this in itself does not diminish the case for retaining the facility as a free enterprise. The proposal does not, therefore, conflict with the SPG in this respect.
- 4.6. It is not contested that rural pubs are important in terms of the social fabric of the community, a fact recognised by both the NPPF and the SPG and they can also provide economic benefits to rural areas through the attraction of visitors. However, taking into account that the Cherry Tree Inn is not the last remaining Pub in the village, that it has not been listed as an ACV, and that retention of the pub has not generated a significant amount of support within the community (the moderate amount of support received by way of consultation responses acknowledged) it is considered that there is insufficient planning policy backing for its retention as a local facility. The fact that the pub is presently closed and cannot, therefore, be a current asset in practical terms has been taken into account in arriving at this conclusion.
- 4.7. In conclusion, therefore, the proposal would not result in the permanent loss of a public house within the village and the proposal would not, therefore, result in a significant harmful effect on the social vitality of the existing community. The proposal is, therefore, not considered to be contrary to the SPG, Policy E6 of the Local Plan and paragraphs 28 and 70 of the NPPF.

## **5. Principle – Marketing and Viability**

- 5.1. The applicant has provided evidence that the premises has been marketed as a public house, Café/deli and retail unit (in the proportions as approved under planning permission ref: 2780/10) since May 2016 by estate agents Everard Cole and Clarke and Simpson. These campaigns have not resulted in any definite offers or lease options being made despite an initial interest from a local company.
- 5.2. In addition to the above marketing carried out by the applicant, an independent viability assessment, commissioned by the local planning authority, has also been carried out by Jonathan Reubin MRICS, Chartered Surveyor. The report presents the following assessment:
- 5.3. The premises has space for a bar and dining area for at least 140-150 covers. The total floor area for this as a trading entity is approximately 530 square metres.

- 5.4. The premises are only partly fitted as the trade kitchens are lined out, piped and hoods and extractors fitted. There is no bar counter or fixture, beer and minerals delivery systems nor any trade fixtures or fittings or inventory. To finish fitting out and decorating along with equipping for trading it is estimated a further investment of around £400,000 is required.
- 5.5. The Cherry Tree pub has been closed for at least 5 years and since closure the two competing public houses have not thrived particularly well and indeed on, The Angel was, after appeal, granted planning permission in 2016 to reduce its trade area. The Cherry Tree Inn has been developed as a large multi-function public house and eatery similar to ones developed on retail business parks adjacent to main road interchanges and large urban populations.
- 5.6. Mr Reubin is of the opinion that the Cherry Tree, as developed will not produce sufficient turnover and profits to warrant the further investment required to set it up for trade. If the Pub does re-open in the present format it will suck in so much trade from other established public houses in Debenham and the surrounding area that many would be put in jeopardy. Mr Reubin does not consider there is sufficient demand for a fine dining restaurant of this size in Debenham and the surrounding area and casual dining establishments are now finding it difficult to maintain trade nationally. To make this public house work effectively to provide steady reliable employment it would have to have turnover of over one million pounds per annum. This would have to be new business if it was not to upset the fragile local catering economy.
- 5.7. Even as a stand-alone public house with just a limited pub food offer the local establishments could be damaged to such an extent that the local authority could be faced with applications from other pubs for change of use as the businesses become non-viable.
- 5.8. Mr Reubin has had regard for the growth prospects for Debenham and for the current proposal for 220+ houses to the north of the village, which has attracted 90 or so objections, and there are other sites in addition that could provide a further 115-200 houses. Mr Reubin is of the opinion that, unless all these applications for additional housing were known 6 or so years ago, then it should be questioned why a public house and restaurant of this urban scale (which the Cherry Tree now is) was granted permission when there was little prospect of it succeeding and not without damaging other similar businesses within a few miles. Mr Reubin is of the opinion that from the point of view of catering establishments such as public houses the present economic prospects are 'fragile'. Mr Reubin's professional opinion is that even if planning permission were to be granted for all the aforementioned housing proposals at the village the Cherry Tree Inn, in its present size, would still not succeed without affecting the other two pubs in the village (The Woolpack and The Angel).
- 5.9. Mr Reubin considers the marketing campaign, submitted with the application, to have been comprehensive and that much was done to attract a letting or sale to a locally based, but national and international business, Aspall Cider. However, after long consideration the property did not fit with the company's future plans for business development.
- 5.10. Mr Reubin acknowledges that the application for change of use and re-development for residential use attracted few objections and considers that local feelings are not strong for the retention of the use unlike those for the housing development proposals for the village which would go a long way to guarantee retention and limited expansion of services and retail opportunities for the community, including the two pubs currently trading. Mr Reubin is of the opinion that if the village does expand with the granting of permission for the housing

developments then he still does not consider the Cherry Tree Inn in its current format would necessarily succeed without damaging the trade of the other two public houses.

- 5.11. Mr Reubin concludes by saying that whilst it is sad that a public house could be lost, the fact is that there is a limit on how far the dining out pound can be spread in rural areas where private transport has to be used. Mr Reubin considers that the occupier of the Cherry Tree would have to be exceptional and within a market niche that would avoid damaging the other two pubs in the village and those in surrounding villages. Attracting such a buyer or tenant has been fruitless and no offers on asking rents have been received from potential tenants of consequence.
- 5.12. Mr Reubin suggests a potential solution may be to redesign the building to reduce the size of the trade area more in keeping with the local market which would go some way to protect the other public house assets in Debenham and surrounding villages.
- 5.13. Your planning officers, therefore, conclude that the minimum period for marketing by the SPD has been met and the marketing campaign submitted as part of the application is comprehensive and extensive. It is considered that it has been sufficiently demonstrated that the price and terms upon which the property has been marketed are realistic and appropriate. The proposal does not, therefore, conflict with the SPG in this respect.

## **6. Principle – Proposed Dwellings**

- 6.1. In addition to the above assessment, the application site is located within the settlement boundary of a key service centre village (as designated in policy CS1 of the development plan) and proposes the re-use of existing buildings.
- 6.2. The principle of new housing development in this location is, therefore, considered acceptable subject to all other material planning considerations. Those most relevant to the application proposal are set out below:

## **7. Village Character and Heritage Assets**

- 7.1. The applications propose minimal alterations to the exterior of the existing buildings and would have the benefit of providing additional soft landscaping to the Ipswich Road frontage. The proposal would, therefore, conserve the existing visual character of the street scene and would provide landscaping enhancements to the street scene frontage. The proposal would also conserve the setting of the village conservation area.
- 7.2. The proposed alterations to the heritage assets are considered reasonable in order for the buildings to function as the proposed use. The proposal is not considered to result in substantial harm to the heritage assets with respect of removal of historic material or the appreciation of historic spaces and any 'less than substantial harm' identified by heritage professionals is considered to be outweighed by the public benefit of securing a viable use for the assets and through this securing them for the enjoyment of future generations.

## **8. Residential Amenity**

- 8.1. The application proposes the re-use of existing buildings and without significant alteration or extension that would alter the buildings' mass of fenestration layout to the detriment of the amenities currently enjoyed by occupants of neighbouring properties.
- 8.2. The proposed land use is also considered to have neighbouring amenity benefits with respect of noise and disturbance and odour when compared to the existing land use.

## **9. Highway Safety**

- 9.1. The application site would utilise the existing substantial vehicular access used in association with the existing pubic house. The access is considered to be of sufficient width to serve the 3 no. dwellings proposed and to provide adequate highway visibility.
- 9.2. Current adopted advisory parking standards provided by the local highway authority require, in such a location, for the proposed development to provide at least 7 no. parking spaces clear of the public highway and with sufficient space for vehicles to turn and re-enter the public highway safely in forward gear. The application proposes a total of 12 no. on-site parking spaces, a provision in excess of 5 no. spaces above the aforementioned requirement. The proposed layout also shows the inclusion of on-site turning heads.
- 9.3. The proposal is, therefore, considered acceptable in terms of highway safety and convenience.

## **10. Flood Risk**

- 10.1. A comprehensive flood risk and drainage assessment relating to the development proposal has been produced and provided with the application.
- 10.2. The Environment Agency (EA) shows the area of proposed development to span flood zones 1 to 3. Flood zone 3 is defined by National Planning Guidance as an area where the probability of flooding from fluvial and/or tidal sources is high.
- 10.3. The report concludes that a comparison of updated modelled flood levels for the Cherry Tree Watercourse (including an allowance for climate change) with the measured topographic elevations at the site shows that although the northern part of the site lies below the calculated flood level (of 33.733mAOD) the floor levels of the existing Public House and all of the areas of proposed development lie above this level. Whilst the northern part of the site is considered to be at risk from flooding from Cherry Tree Watercourse, it is not deemed to be at risk from any other sources including from the sea, overland flow or groundwater.
- 10.4. The report concludes that none of the proposed dwellings lie within the 1 in 100yr climate change floodplain and notes that no new buildings are proposed within EA flood zones 2 or 3. Therefore no floodplain compensation has been considered necessary at the site.

- 10.5. The application proposal would not result in a net increase in the amount of impermeable areas at the site, and as such no generation of increased volume of surface water run-off would result when compared with currently existing conditions.
- 10.6. The report advises that, although proposed dwellings 2 and 3 (the ancillary building proposed to be converted) lie outside the 1 in 1000 year climate change floodplain it is recommended that finished floor levels are set at least 150mm above average surrounding ground levels to provide freeboard were the site to flood under extreme circumstances (in accordance with building regulations). It is advised that Finished Floor Levels for these areas will be set at 34.750m, 35.050m and 35.300mAOD respectively.
- 10.7. The report advises that no permanent ground raising should occur in areas of flood zone 3 (on ground below 33.733mAOD) including over the areas proposed for car parking and gardens.
- 10.8. The report recommends that the proposed access is maintained for use within a flood event.
- 10.9. The report advises that the northern part of the site falls within the EA flood warning service area for the River Deben. It is recommended that the future owners of the dwelling 1 (The existing Cherry Tree Inn public house) register for this service and that a flood evacuation procedure is developed for use on site to ensure that occupants of the site leave safely.
- 10.10. The report recommends that surface water runoff is sought for disposal via soakaways. However, it is advised that the use of soakaways should first be investigated through soakaway testing in accordance with the requirements of BRE 365.
- 10.11. The report advises that overflows from the soakaways should drain into the Cherry Tree Watercourse and that discharge into this watercourse should be controlled to the Greenfield Runoff Rate of 2.8/l/s/ha.
- 10.12. The report recommends that all drainage design should be carried out by suitably qualified drainage engineers and should include plans for maintenance over the lifetime of the development.
- 10.13. Having had regard to standing advice provided by the EA and SCC Flood and Drainage, should the proposal be carried out in accordance with the above recommendations it is not considered that the proposal would result in significant additional flood risk.

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## **PART FOUR – CONCLUSION**

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### **11. Planning Balance and Conclusion**

- 11.1. With regards the social dimension of sustainable development the proposal would result in the provision of 3 new homes, of a mix of sizes, within a sustainable village in support of the district's housing supply. This is, therefore, attributed positive weight.

- 11.2. Again with regards the social dimension, although the proposal would result in the loss of a community facility (a public house) and employment the proposal would not result in the loss of all such facilities and opportunities within the village, which the proposed development would help support.
- 11.3. With regards the economic dimension of sustainable development, although the proposal would result in the loss of employment opportunities, the proposed development would help support and sustain other businesses in the village. Although the proposal would not, in itself, result in long term economic development there would at least be a small term economic benefit in employment during the construction phase of development, although this is not attributed significant positive weight.
- 11.4. With regards the environmental dimension of sustainable development, the proposal would result in a viable use for the existing heritage assets, securing their preservation for future generations. This is attributed positive weight. Furthermore, the proposal would not result in increased environmental harm when compared with the existing land use.
- 11.5. The proposal is, therefore, considered to result in sustainable development in accordance with the provisions of the NPPF and development plan.

## **RECOMMENDATION**

That the Corporate Manager - Growth & Sustainable Planning be authorised to grant permission and that such permission be subject to the conditions as set out below:

- \* Standard time limit
- \* Development in accordance with approved plans and documents
- \* Materials and colour finishes
- \* Fenestration details
- \* Landscaping and aftercare
- \* Those required by the local highway authority
- \* Mitigation of flood risk prior to occupation