

# DEBENHAM PARISH COUNCIL

Chair: Cllr S Palframan

Clerk: Mrs. Dina Bedwell

*Please address all correspondence to*  
22, Great Harlings  
Shotley Gate  
Ipswich  
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IP9 1NY

Tel: 01473 787861

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Mr. Alex Scott  
Planning Services  
Mid Suffolk District Council  
131 High Street  
Needham Market  
Suffolk  
IP6 8DL

**Ref. application DC/17/04036 The Cherry Tree Inn, 1 Cherry Tree Lane, Debenham.**

August 22<sup>nd</sup> 2017.

Dear Mr. Scott

Following last night's Debenham Parish Council meeting, please find detailed below the comments and recommendations from the Council:

The Debenham Parish Council is totally against and, furthermore, strongly disagrees with this planning application.

Members expressed their extreme disappointment with the current state of affairs with regards to this development and the application for change of use which, if approved, represented the end of the iconic Cherry Tree Inn in Debenham.

When the Debenham Parish Council submitted their positive comments re application nos. 2780/10 and 2781/10, it had done so in the clear understanding that it was conditional to the reinstatement of the Cherry Tree Inn once the developer was financially able to do so.

A copy of the original letter is attached for your perusal.

As the dwellings within the site were being sold and conditions were being discharged, questions started to be raised with regards to lack of progress when it came to the Cherry

Tree Inn. It was hoped that this would be a priority respected not only by the developer, who would have been very aware of the importance of this amenity to the local community, but also by the Planning Authority.

Members found it very disappointing that the MSDC Enforcement Team was not more proactive when concerns started to be raised about this as far back as 2015.

Some of the reasons listed by members for the refusal of this application are as follows:

- a) 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.
- b) The provision of another four-bedroom dwelling does not meet the needs identified on the draft Debenham Neighbourhood Plan.
- c) 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.
- d) 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.
- e) The property has not been up for sale for the minimum required period of two years.
- f) 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.

A considerable number of comments had also been received from members of the public, who were equally against this planning application and whom must be represented by this Parish Council.

A number of planning policies were considered when reaching this decision and the Debenham Parish Council wishes to refer to the following:

**NPPF**- Paragraphs 14, 28, 69 and 70.  
Policy E6 of the **Local Plan**

Policy CS1 of the **Core Strategy**

Policies FC1 and FC1.1 of the **Core Strategy Review**

**Supplementary Planning Guidance-** Retention of Shops, Post Offices and Public Houses in Villages

Please do not hesitate to contact me should you have any queries.

Kindest regards,

Mrs Dina Bedwell  
Clerk to the Council

# DEBENHAM PARISH COUNCIL

Chair: Mrs L Cockerton

Clerk: Mrs. Dina Bedwell

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Mr. Malcom Dixon  
Planning Services  
Mid Suffolk District Council  
131 High Street  
Needham Market  
Suffolk  
IP6 8DL

## **Ref. applications 2780/10 and 2781/10 The Cherry Tree Public House**

November 9<sup>th</sup> 2010.

Dear Mr. Dixon,

Following last night's Debenham Parish Council meeting, please find detailed below the comments and recommendations from the Council:

1. The priority on this application must be a robust connection between the timely building of the dwellings and renovation and opening of the Public House.
2. The entrance to the development on the Ipswich Road bend has been highlighted as a road safety concern in the past. This still remains the case.
3. There seems to be inadequate parking for a Public House, particularly when you take into account that there will be additional businesses, such as a function room, a restaurant, a cafe and possibly a Hairdressing salon.
4. There are no time limits for the function room. Midnight is being proposed as a limit in order to avoid noise pollution and disturbance to neighboring properties. This has certainly been an issue in the past with previous landlords and we certainly hope that it would not re-occur.
5. The developer must try to minimize the effects of the build on neighboring properties, such as overlooking windows and light reduction due to height of new dwellings.
6. For the above reason, the Parish Council would recommend obscured glass windows on the first floor level.

7. The proximity of the holiday lets to Deben Rise has been identified as a concern for a variety of reasons.
8. The landscaping along that boundary would also need to be looked into and, indeed, the Parish Council would like to see as much landscaping as possible between the Public House and Deben Rise.
9. There is a considerable concern over flooding risks.
10. The Parish Council would like the developer to consider contributing to the funding of parking restrictions on Low Road.
11. The Parish Council also believe that more energy efficient power generation should be sought for the dwellings.
12. We would also like to make it conditional that the Public House remains a Public House and that it is not, at any point, considered for any other form of development, particularly residential.

And finally, the Council are extremely concerned that there is a risk that the dwellings may be built and sold (or not, if you take into account the number of existing properties in the Village currently for sale that have been on the market for a considerable period of time) but the Public House is left undeveloped.

The Parish Council have, therefore, requested that it be noted that it only agrees with the proposed build of the 4 dwellings if we are given the certainty that the Public House will also be developed, that there are conditions put in place to ensure that this happens in a timely way.

Please do not hesitate to contact me should you have any queries.

Kindest regards,

Mrs. Dina Bedwell  
Clerk to the Council

Your Ref: DC/17/04036  
Our Ref: 570\CON\2926\17  
Date: 22/08/2017  
Highways Enquiries to: kyle.porter@suffolk.gov.uk



**All planning enquiries should be sent to the Local Planning Authority.**

Email:

The Planning Officer  
Mid Suffolk District Council  
131 High Street  
Ipswich  
Suffolk  
IP6 8DL

**For the Attention of:** Alex Scott

Dear Alex

**TOWN AND COUNTRY PLANNING ACT 1990 - CONSULTATION RETURN DC/17/04036**

**PROPOSAL:** Change of use from Class A3/A4 public house including internal and minor external alterations to 3no Class C3 dwellinghouses.

**LOCATION:** The Cherry Tree Inn, Cherry Tree Lane, Debenham, Stowmarket, Suffolk

Notice is hereby given that the County Council as Highway Authority recommends that any permission which that Planning Authority may give should include the conditions shown below:

1 P 1

Condition: The use shall not commence until the area(s) within the site shown on Drawing No. 200a for the purposes of [LOADING, UNLOADING,] manoeuvring and parking of vehicles has been provided and thereafter that area(s) shall be retained and used for no other purposes.

Reason: To ensure that sufficient space for the on site parking of vehicles is provided and maintained in order to ensure the provision of adequate on-site space for the parking and manoeuvring of vehicles where on-street parking and manoeuvring would be detrimental to highway safety to users of the highway.

Yours sincerely,

**Mr Kyle Porter**  
**Development Management Technician**  
Strategic Development

## Consultation Response Pro forma

<b>1</b>	<b>Application Number</b>	DC/17/04036 Cherry Tree PH, Debenham	
<b>2</b>	<b>Date of Response</b>	23.10.17	
<b>3</b>	<b>Responding Officer</b>	Name:	Paul Harrison
		Job Title:	Heritage and Design Officer
		Responding on behalf of...	Heritage
<b>4</b>	<b>Summary and Recommendation</b> (please delete those N/A)  Note: This section must be completed before the response is sent. The recommendation should be based on the information submitted with the application.	<ol style="list-style-type: none"> <li>1. The Heritage Team considers that the proposal would cause           <ul style="list-style-type: none"> <li>• 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.</li> </ul> </li> <li>2. The Heritage Team recommends that consideration be given to whether there is clear and convincing justification for the harm.</li> </ol>	
<b>5</b>	<b>Discussion</b> Please outline the reasons/rationale behind how you have formed the recommendation. Please refer to any guidance, policy or material considerations that have informed your recommendation.	<p>It should be noted that the listed building comprises both the Cherry Tree public house and the adjoining dwelling 2 Cherry Tree Lane. The older parts of the building are in the house; much of the public house is of 1700s and 1800s date.</p> <p>Changing the use of the public house will result in some harm, firstly from the loss of the historic use – maintaining the historic use of a building contributes positively to heritage significance, and a change of use will inevitably result in some loss of significance; in this instance it is possible that the original use was as a dwelling but this is likely to be centuries ago. Secondly, accommodating a new use will normally entail internal and external alterations – in this instance this is limited because the main historic part of the building is proposed to form a single unit; internal partitions will be introduced in various rooms, and in our view there is some harm resulting from forming a bathroom in the attic of the lean-to element. Rooflights are proposed over the bathroom and the landing outside, when the bathroom at least could be lit by a window, and the landing by borrowed light. This room preserves an area of original external render with patterned finish, which might be at risk from the extreme humidity changes of a bathroom.</p>	

Please note that this form can be submitted electronically on the Councils website. Comments submitted on the website will not be acknowledged but you can check whether they have been received by reviewing comments on the website under the application reference number. Please note that the completed form will be posted on the Councils website and available to view by the public.

		<p>There would also be potential harm from any loss of vitality to the historic core of the town in the Conservation Area. The site is just outside the Conservation Area, but while in use it has been a significant venue contributing to the vitality and economy of the Conservation Area.</p> <p>Justification for these potential harms would rest on an assessment of the viability of pub / restaurant use compared with other uses, and also on the pub's role in the economy of the historic core in the Conservation Area.</p>
6	<p><b>Amendments, Clarification or Additional Information Required</b> (if holding objection)</p> <p>If concerns are raised, can they be overcome with changes? Please ensure any requests are proportionate</p>	<p>We do not consider the lean-to attic to be suitable for use as a bathroom; bathroom space should be incorporated in the subdivision of the first floor of the main block.</p> <p>Notwithstanding this recommendation, if the bathroom is to stay in the roof space the rooflights should be omitted and the bathroom lit from a window in the gable, with internal glazing to light the landing. The rendered internal wall should be lined for protection.</p>
7	<p><b>Recommended conditions</b></p>	

Please note that this form can be submitted electronically on the Councils website. Comments submitted on the website will not be acknowledged but you can check whether they have been received by reviewing comments on the website under the application reference number. Please note that the completed form will be posted on the Councils website and available to view by the public.

**From:**Nathan Pittam  
**Sent:**22 Aug 2017 08:40:51 +0100  
**To:**BMSDC Planning Mailbox  
**Subject:**DC/17/04036. EH - Land Contamination.

**EP Reference : 198055**

**DC/17/04036. EH - Land Contamination.**

**1 Cherry Tree Lane, Debenham, STOWMARKET, Suffolk.**

**Change of use from Class A3/A4 public house including internal and minor external alterations to 3no Class C3 dwellinghouses.**

Many thanks for your request for comments in relation to the above application. Given the planning history of the site and the redevelopment of ancillary land to the public house I can confirm that I have no objections to the proposed development from the perspective of land contamination.

Regards

Nathan

**Nathan Pittam** BSc. (Hons.) PhD

Senior Environmental Management Officer

**Babergh and Mid Suffolk District Councils – Working Together**

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Alex Scott  
Mid Suffolk District Council  
Planning Department  
131, Council Offices High Street  
Needham Market  
Ipswich  
IP6 8DL

**Our ref:** AE/2017/122113/01-L01  
**Your ref:** DC/17/04036  
**Date:** 26 October 2017

Dear Alex

**CHANGE OF USE FROM CLASS A3/A4 PUBLIC HOUSE INCLUDING INTERNAL AND MINOR EXTERNAL ALTERATIONS TO 3NO CLASS C3 DWELLING HOUSES.**

**CHERRY TREE INN, 1 CHERRY TREE LANE, DEBENHAM, IP14 6QT**

Thank you for your consultation dated 10 October 2017. We have inspected the application, as submitted, and are raising a holding objection on flood risk grounds.

**Flood Risk**

Our maps show the application site lies within fluvial Flood Zone 3a, the high probability zone. The proposal is for a change of use from public house including internal and minor external alterations to 3no dwelling houses which is classified as a 'more vulnerable' development, as defined in [Table 2: Flood Risk Vulnerability Classification of the Planning Practice Guidance](#). Therefore, to comply with national policy the application is required to pass the Sequential and Exception Tests and be supported by a site specific Flood Risk Assessment (FRA).

We have not seen evidence that you have applied the Sequential and Exception Tests. This is your responsibly and we recommend you consider them before the applicants review their FRA.

The flood risk assessment (FRA) submitted with this application does not comply with the requirements set out in paragraph 102 of the National Planning Policy Framework (NPPF). This states that for areas at risk of flooding, a site-specific FRA must be undertaken that demonstrates that the development will be safe for its lifetime. The FRA also does not comply with paragraph 94 of the NPPF, which requires Local Planning Authorities to adopt proactive strategies to adapt to climate

change, taking full account of flood risk and coastal change.

The submitted FRA does not, therefore, provide a suitable basis for assessment to be made of the flood risks arising from the proposed development. In particular, the submitted FRA fails to:

- Assess the impact of climate change using appropriate climate change allowances. In this instance, according to '[Flood risk assessments: climate change allowances](#)', the allowances that should be assessed are the Higher Central of 35% and the Upper End of 65%. Please see the guidance attached.
- Use the most up to date modelled data – Product 4 data within the FRA is from 2010. 'Debenham 2014' is the most recent model for this location.

### **Overcoming our Objection**

The applicant can overcome our holding objection by submitting an FRA that covers the deficiencies highlighted above and demonstrates that the development will not increase risk elsewhere and where possible reduces flood risk overall. If this cannot be achieved, we are likely to maintain our objection to the application. Production of an FRA will not in itself result in the removal of an objection. More detailed advice on overcoming our objection is provided in an appendix to this letter.

We ask to be re-consulted with the results of the FRA. We will provide you with bespoke comments within 21 days of receiving formal re-consultation. Our objection will be maintained until an adequate FRA has been submitted.

### **Other Sources of Flooding**

In addition to the above flood risk, the site may be within an area at risk of flooding from surface water, reservoirs, sewer and/or groundwater. We have not considered these risks in any detail, but you should ensure these risks are all considered fully before determining the application.

We trust this advice is useful.

Yours sincerely

**Miss Charlie Christensen**  
**Planning Adviser**

Direct dial 02084 745593

Direct e-mail [charlie.christensen@environment-agency.gov.uk](mailto:charlie.christensen@environment-agency.gov.uk)

cc Hollins Architects & Surveyors

## **Technical appendix – Flood Risk Climate Change Guidance for the Applicant**

### **Intermediate Allowance**

Climate change allowances have changed recently. The Planning Practice Guidance provides advice on what is considered to be the [lifetime of the development in the context of flood risk and coastal change](#). Our guidance '[Flood risk assessments: climate change allowances](#)' provides allowances for future sea level rise, wave height and wind speed to help planners, developers and their advisors to understand likely impact of climate change on coastal flood risk. It also provides peak river flow and peak rainfall intensity allowances to help planners understand likely impact of climate change on river and surface water flood risk.

For some development types and locations, it is important to assess a range of risk using more than one allowance. The extent, speed and depth of flooding shown in the assessment should be used to determine the flood level for flood risk mitigation measures. Where assessment shows flood risk increases steadily and to shallow depths, it is likely to be more appropriate to choose a flood lower in the range. Where assessment shows flood risk increases sharply due to a 'cliff edge' effect caused by, for example, sudden changes in topography or defences failing or overtopping, it is likely to be more appropriate to choose a flood level higher in the range.

The proposed development is classified as a “More Vulnerable”, “Minor” development, and lies within Flood Zone 3a. This means the applicant can adopt an “intermediate” assessment. An intermediate assessment requires the applicant to use existing modelled flood and flow data to construct a stage-discharge rating curve, which can be used to interpolate a flood level based on the required peak flow allowance to apply to the ‘design flood’ flow. Assuming the lifetime of the development is until 2069/2115, the allowances the applicant must apply are, Higher Central (35%) and Upper End (65%).

We do currently have model coverage for this area (Debenham 2014 model) and have extracted flows and levels. The flows and levels can be requested from our Customers and Engagement Team on [Enquiries\\_EastAnglia@environment-agency.gov.uk](mailto:Enquiries_EastAnglia@environment-agency.gov.uk).

We recommend that you assess both the 35% and 65% allowances, and if possible design the development to be safe through raised floor levels in the 65% climate change allowance. If this is not possible then robust justification should be provided, and the development should be designed to be safe through raised floor levels in the 35% allowance and the safety and sustainability of the development should be assessed for the 65% and managed through flood resilient/resistant construction measures to the satisfaction of the LPA.