



Committee Report

Planning Committee South – 26 March 2024

Application no DC/22/4714/FUL

Location

Three Horseshoes Inn
The Street
Charsfield
Woodbridge
Suffolk
IP13 7PY

Expiry date 27 January 2023

Application type Full Application

Applicant Mr Edward Bolton

Parish Charsfield

Proposal Pub refurbishment & extensions, improved access & car park and outside facilities together with the construction of 3 no two-bedroom cottages and car parking.

Case Officer Natalie Webb
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1. Summary

- 1.1. This application seeks full planning permission for the refurbishment of and extensions to the Three Horseshoes Public House in Charsfield, incorporating improved access, car park and outside facilities together with the construction of three two-bedroomed cottages to the western frontage of the site. The dwellings are proposed to fund the works required to reinstate and improve the Public House.
- 1.2. The proposed development is supported by officers as a sustainable form of development in accordance with the Development Plan, along with the updated NPPF. The sale of the three proposed dwellings (as building plots) is proposed as enabling development to provide funding to help improve the pub facilities; this funding will be secured via a Section

106 legal agreement. The development would not result in the loss of an Asset of Community Value and seeks to bring the Public House back into use.

Reason for Committee:

- 1.3. The application is presented to Planning Committee South at the request of the Head of Planning and Coastal Management due to the level of public interest in the proposal.
- 1.4. The Parish Council has raised objections to the proposal and the Ward Member has requested that the application is presented to the Planning Committee; their full comments can be seen in the consultation section of this report.
- 1.5. The application was previously presented to Planning Committee South on 6 March 2024, however, was deferred for a site visit.

Recommendation:

- 1.6. The application is recommended for AUTHORITY TO APPROVE subject to the signing of a Section 106 legal agreement to secure necessary planning obligations; along with the required planning conditions summarised in the recommendation section of the report.

2. Site Description

- 2.1. The site is comprised of an area of approximately 0.26ha towards the centre of the parish. The Public House (PH) is located towards the east of the plot on the site's frontage. Within the site there is an area of informal hardstanding to the west of the PH and grassland to the north and east. The land levels rise towards the north of the site.
- 2.2. To the east of the site no.'s 2, 4 and 6 St Peters Close bound the site. To the north is the residential development initially permitted under DC/14/1844/OUT and DC/17/4587/ARM for the use of land for the creation of 20 dwellings (including 6 affordable houses) and vehicular access off St Peters Close. This permission has been varied and amended since its initial approval and has since been built out. To the east is the residential dwelling known as 'London Villa', a two-storey detached dwelling. To the south of the site is The Street, which provides access to the site, beyond which lies Potsford Brook and agricultural land.
- 2.3. The PH is not listed, nor are any of the immediate neighbouring properties. The site is not within a Conservation Area or the Suffolk and Essex Coast and Heaths National Landscape (formally the AONB). Flood Zones 2 and 3 are located to the south of the site, broadly following the flow of Potsford Brook; a very small portion of the site frontage falls within Flood Zone 2. Public Right of Way 23 is located to the west of the site.
- 2.4. The site is located within the settlement boundary of Charsfield, which is defined as a 'small village' within the Local Plan's Settlement Hierarchy (Policy SCLP3.2). The site is not allocated for development under Section 12 of the Local Plan.
- 2.5. The site was listed as an Asset of Community Value (ACV) on 28 November 2018 which expired on 11 December 2023. However, the site was relisted as an ACV on 28 November 2023, which runs for a period of five years and does not expire until 28 November 2028.

2.6. There is no 'made' Neighbourhood Plan for Charsfield.

3. Planning History

3.1. The planning history for the site includes the following applications which are relevant to the current proposal:

Reference	Description	Outcome
C/96/1028	Use of part of land used as general parking area for the erection of one dwelling and garage together with construction of vehicular access. Appeal Dismissed.	Refused
C/97/0577	Use of land for the erection of one dwelling and garage together with construction of vehicular access (resubmission).	Refused
C/97/0756	Change of use of public house to one dwelling.	Refused
C/98/1030	Erection of new lean-to roof over existing rear single-storey extension and other external elevational changes & internal alterations.	Permitted
C/04/1167	Construction of paved seating area and installation of external door in western elevation.	Permitted
C/08/0428	Erection of two dwellings, one double garage and construction of new vehicular access.	Refused
C/08/1682	Erection of 2 houses & construction of new vehicular access (revised scheme to C08/0428)	Refused
C/09/1434	Erection of three detached dwellings with associated garaging and works, including revised parking arrangements for the Three Horseshoes Public House. A subsequent appeal was withdrawn.	Refused

3.2. The application was considered against the adopted policies at the time of determination.

4. Proposal

- 4.1. This application is an enabling development. The proposed development is formed of two parts, it firstly seeks the erection of three dwellings. The sale of the land for the three houses will be reinvested into the PH renovations and extensions. The two forms of development are to be linked by legal agreement in the form of a Section 106 agreement. This will place an obligation on the developer to complete the investment, expansion and improvement of the pub prior to the occupation of any of the dwellings.
- 4.2. A very similar approach was taken with the Turks Head, Hasketon in 2015 with 4 homes approved and a s106 agreement for pub investment. At that time the Turks Head was in a very poor condition, it had effectively been sabotaged for pub use by a previous owner and it was a small rural pub which was very difficult to make viable. After both the extension to that pub and its housing were completed, it went on to become a very successful and busy pub, with a heavy focus on food. It has won a number of awards, including best pub in Suffolk in 2017.
- 4.3. It should be noted that the proposal was initially submitted with the prospect of providing four dwellings on site, however this was reduced to three to overcome amenity concerns and to ensure that the amount of development proposed was reflective of the amount of works required to the PH.
- 4.4. These dwellings are formed of three, two-storey terraced dwellings. Each would have two-bedrooms. The dwellings will have soft red facing brickwork elevations with a red clay pantile roof. There would be feature lintels above the ground floor windows and doors. Windows and doors will be white UPVC. The supporting statement also references the use of green energy heating and inclusion of PV panels.
- 4.5. Each plot would have a pedestrian access from the extended footway to be created on the site frontage. Replacement hedgerow planting is also proposed along the western site frontage, behind the visibility splay, to mitigate the loss of the existing vegetation, including protected trees which are proposed to be removed.
- 4.6. To the rear of the dwellings, each plot would have its own amenity space. This would be bound to the north, east and west with 1.8m high acoustic fencing. The hedgerow to the west is to be retained. Each amenity space will have a secure cycle store and bin storage areas.
- 4.7. Each dwelling will have two allocated spaces, which will be separated from the main PH car park by a brick wall. It is also anticipated that this area will have signage to advertise private parking. In addition to the allocated spaces, there are also two visitor spaces proposed within this area to prevent visitors to the dwellings utilising the PH car park. EV charging points will be available for these spaces.
- 4.8. The second part of the proposal relates to the renovations and extensions to the PH. These works include the erection of a single storey extension to the eastern side of the existing building, extending the existing single storey wing. This section has materials proposed to match the existing (brickwork and pantiles). This area will primarily provide additional seating space.

- 4.9. Directly to the rear of this space, the kitchen area is to be reconfigured and will extend out into the extended area. There will be an external access point which leads to the waste storage area. To the rear of the kitchen space a new kitchen store will be accessed via the kitchen area. This space (and the continued extension space to the rear) will be finished with white render or brickwork to match the existing and would have a flat roof.
- 4.10. Adjacent to the kitchen store would be new toilet facilities which include a disabled toilet and baby changing facility. A rear lobby space would also be created to provide access to the parking area and beer garden.
- 4.11. The existing storage building to the rear of the public house would be removed.
- 4.12. The site will also be reconfigured to provide a formal 19-space car park, which includes four spaces with EV charging, three disabled spaces, cycle parking and powered two-wheel parking.
- 4.13. To the east of the car park is a formalised beer garden, this will have a low-level fence and gates to section it off from the car park area. A 1.8m high fence is also proposed to the south of the beer garden to provide screening to the service area. A 1.8m high acoustic fence will be continued around the site parameter, with the exception of the eastern boundary which will have a 2m high acoustic fence. New hedging is also proposed alongside the acoustic fencing. Additional landscape planting is also proposed; details of which are to be agreed.
- 4.14. To the western side and frontage of the PH new hardstanding is proposed which will also provide some outdoor seating space. A new porch is also proposed on the site's frontage.
- 4.15. In addition, the proposal includes a number of internal layout improvements to best utilise the space of the PH; some new openings are proposed to reflect changes to the internal layout.

5. Consultees

Third Party Representations

- 5.1. A total of 27 representations (some being multiple representations from the same person/address) were received during the consideration of the application and through various consultations, which object to the application on the following grounds:

Principle of Development:

- The Three Horseshoes is an asset of community value (ACV) and should not be lost.
- The proposed development would have a significant harmful impact on the asset in that the existing car park would be built over and almost all of the existing pub garden would be given over to car parking thus depreciating the asset's acknowledged community value.
- The proposal is contrary to East Suffolk Council's policy for ACVs.
- The loss of the community use should not be permitted.
- The PH needs to be a viable and trading business before development can be supported.

- The proposed new house building would constitute a significant change of use from pub car parking to commercial housing development.
- The public house is not viable without its garden space.
- The appeal of a village/country pub is the greenspace associated with it.
- If the proposal is supported, a covenant should be included similar to the one used at the Turks Head, Hasketon.
- The applicant must be compelled to refurbish and open the pub before reaping the benefit of the rest of the development.
- Cumulative impact from the development to the north (no requirement for additional housing and increase in traffic movements in St Peters Close/The Street).
- Design.
- Overdevelopment of the site.
- The application is premature, aimed at increasing the site value rather than enhancing the ACV.
- The proposal does not enable the PH to be run as a successful venture.
- Any application must contain a business case as to the projected return on investment and marketing analysis to generate income. This application appears to have a significant enlargement as well as repair and improvement which is adding cost without clear evidence that it is sustainable.
- No evidence has been provided as to how the project will make the pub financially viable.
- Previous tenancies have been impacted by high and unusual repairing obligations and running costs which may have led to early terminations. It is therefore important to provide evidence that a pub business is affordable within the application.
- Alternative approaches to create a viable PH should be considered.
- The revised proposal takes up the same amount of space/does not provide more garden space for the site.

Highways/Access:

- Increased traffic movements.
- Impact on road surfacing through additional movements.
- No car parking proposed at the front of the dwellings, so cars will park on The Street.
- Revised plans show a reduction in off-road parking spaces, which will result in cars parked on the highway.
- Access safety due to placement of terrace area on entrance to site.

Residential Amenity:

- Noise impact on neighbouring properties through the use of mechanical ventilation systems and from the car park.
- Dominating/overbearing.
- Loss of light/overshadowing.
- Loss of privacy.

Landscape:

- Garden must be retained.

- There is a Tree Preservation Order at the entrance of the proposed new houses on the roadside which should be adhered to.
- Impact on trees.

Other Matters:

- The application contains no evidence of public consultation.
- Light pollution.
- Loss of open space.
- Loss of outlook.
- Building work.

5.2. It is noted that a number of responses did not object to the renovations or extensions to the public house itself, but to the erection of four/three dwellings on the site. Other comments also noted that there have been a number of PH closures across the district and therefore a need to encourage the few remaining ones to continue.

5.3. Comments were also received from the Charsfield Three Horseshoes Community Pub Limited a Community Benefit Society (the CBS), formally known as Friends of the Three Horseshoes (FROTH), which set out their position as the CBS since they were established in 2011 and a timeline of involvement since establishment. It has been set out in the response that the CBS was created with the following objectives:

“to carry on any business for the benefit of the community by:

(a) buying the freehold of the Three Horseshoes, Charsfield, Suffolk;

(b) running the Three Horseshoes as a pub, and providing services based at the Three Horseshoes, for the benefit of people who live in, work in, or visit the Charsfield area; and

(c) operating in an open, democratic, environmentally-sustainable and family-friendly way, providing welcoming facilities at the Three Horseshoes for all members of the community including by, where possible, using local produce.”

5.4. It is understood that the aim of the CBS was/is not necessarily to take on the PH themselves. Their primary concern is the proposed change of use of the pub garden, a key part of the overall pub facility, into housing and parking for the pub.

5.5. The above is a summary of responses received; full representations can be viewed on the Council’s public access page.

Parish/Town Council

Consultee	Date consulted	Date reply received
Charsfield Parish Council	16 December 2022	10 January 2023

Summary of comments:

Charsfield Parish Council wish to OBJECT to the planning application as currently submitted. Whilst CPC wish to maximise the prospects of the public house re-opening, and ensure its longevity, we feel this application is fundamentally flawed. The Parish Council support the principle of bringing the public house back into use.

This application has been badged as an enabling application with the justification for the residential element being to bring the vacant public house back into use. However, the application submission does not satisfactorily demonstrate why enabling development in the form of new houses is necessary to bring this about.

Charsfield Parish Council strongly feel the application should be determined by Planning Committee as it is of significant public interest and there is significance in some other respect ie the public house and land are registered as an Asset of Community Value.

Public interest has been demonstrated by the fact that 35 people attended a public meeting on Tuesday 3rd January and 19 members of the public attended an Extraordinary Parish Council Meeting when the matter was discussed on 6th January. A Community Benefit Society 'The Charsfield Three Horseshoes Community Pub Ltd', having 80 members, is taking a significant interest in this proposal.

This application is contrary to Policy SCLP8.1 of the Local Plan which states that proposals to change the use, or redevelop for a different use, a facility registered as an asset of community value will not be permitted. This sets a high bar and the reasons whereby the redevelopment of the car park and the subsequent loss of the garden would be permitted, have not been met. That is, this application does not demonstrate there is no community need for the amount of pub garden and it cannot be demonstrated that the current or alternative community uses are not viable as no marketing evidence has been provided and, the replacement pub garden is nowhere near equivalent to or better than that which would be lost.

Charsfield Parish Council feel that the application cannot be determined on the basis of lack of information. Indeed, East Suffolk Local Validation Requirements states this could be a reason for refusal:

- There is no Marketing Assessment (required as the application involves the loss of a community asset (ie the pub garden). The requirements of Part E of the Local Plan have demonstrably not been met at all.
- These details are fundamental to determining the acceptability of the proposals and therefore should be formally included as part of the application.
- The Planning Statement does not detail how the proposal has taken account of national and local planning policy.

- The Planning Statement contains scant information on any consultation that has taken place with the local authority, statutory consultees or the wider public, and feedback from that consultation.
- The Planning Statement is subjective and contains few hard facts, several inaccuracies and omissions.

Charsfield Parish Council would suggest that the District Council require a 3rd party independent review of the Viability information. The submitted Viability Report does not evidence that the works are necessary, what benefit the extensions provide (ie do they create value through ability to incorporate additional food covers) and there are no supporting letters from a brewery or potentially interested lessees. There is nothing to say that the Viability Report is accurate or robust eg there are no costings for the works, no evidence of future owner/tenant, no projections for future income, no details of kitchen fitting, and no evidence for the £300,000 to £400,000 value created by the residential element of the development.

A document entitled 'The Purpose of Upgrading' has been submitted as part of the application. This is a list of unsubstantiated subjective statements containing inaccuracies. A particular statement of interest is 'Very little space for customers to meet and socialise outside (lack of beer garden)'. That is rather a conundrum as it is the very fact that the beer garden is being almost totally eroded by this application which is the over-riding concern.

Charsfield Parish Council would request that should planning permission be forthcoming the District Council ensure by obligation, not just condition, that any residential properties must not be occupied before works to the Public House are completed as per the planning application, and furthermore they must not be occupied before the business is fully operational.

Consultee	Date consulted	Date reply received
SCC Highways Department	16 December 2022	20 December 2022

Summary of comments:

Conditions recommended in respect of:

- Vehicular visibility splays;
- Access layout in accordance with DM03;
- Access to be surfaced with a bound material for a minimum distance of 5 metres measured from the nearside edge of the metalled carriageway;
- Gradient of the vehicular access shall not be steeper than 1 in 20 for the first five metres;
- Gradient of the access drive shall not be steeper than 1 in 12 measured from the nearside of the edge of the highway;
- the use shall not commence until the infrastructure within the site shown on Drawing No. 21/001/BP/P, Rev. D for the purposes of preventing surface water falling onto the highway and it being discharged appropriately within the site has been provided and thereafter the infrastructure shall be retained, maintained, and used for no other purposes;
- Parking provision in accordance with the approved plans;
- Secure, lit and covered cycle storage in accordance with the approved plans;
- Details to be provided for electric vehicle (EV) charging infrastructure;
- Details to be provided for refuse/recycling storage and presentation areas;

- Submission of a construction management plan

Consultee	Date consulted	Date reply received
SCC County Archaeological Unit	16 December 2022	12 January 2023
<p>Summary of comments: We have looked at the proposal, in our opinion there would be no significant impact on known archaeological sites or areas with archaeological potential. We have no objection to the development and do not believe any archaeological mitigation is required.</p>		

Consultee	Date consulted	Date reply received
SCC Rights Of Way	16 December 2022	No response
<p>Summary of comments: No response received.</p>		

Consultee	Date consulted	Date reply received
East Suffolk Landscape Team	16 December 2022	3 January 2023
<p>Summary of comments: The four road frontage trees are covered by Tree Preservation Order 107/1997 which comprises 1no. Sycamore and 3no. Plum trees. They grow out of a short length of low deciduous hedging. They grow directly beneath overhead electrical wires.</p> <p>In this respect they cannot be regarded as being in a sustainable location because of the inevitable conflict with the cable infrastructure. In addition the plum trees cannot be regarded as a long term prospect; they simply don't live long enough in a healthy enough condition to be regarded as such.</p> <p>For these reasons, I have previously not considered these trees to be in a sustainable location and condition to justify long term retention or protection. Therefore I do not consider the trees to be justifiable impediment to development of the site and I do not object to their removal.</p> <p>However, that said, should consent be granted I would recommend that a landscape planting proposal be secured by Condition. The submitted proposals should address the road frontage of the site, the site boundaries and new tree planting in the rear carparking area. Submitted details should include plant species, numbers, plant sizes, planting distribution and planting specification.</p> <p>On this basis I have no overall objections to the proposals.</p>		

Consultee	Date consulted	Date reply received
East Suffolk Ecology	16 December 2022	9 January 2023

Summary of comments:

I have read the Ecological Impact Assessment (EclA) (D F Clark Contractors, December 2021, Version 2) and note the conclusions of the consultant. Two emergence surveys were undertaken as part of the EclA, however it is noted that the dates of the survey visits vary within the report, it is requested the dates of the bat surveys are clarified prior to the application being determined.

In addition to the above, the site is within the Suffolk Coast RAMS Zone of Influence (Zone B – within 13km of the Sandlings SPA and Deben Estuary SPA/Ramsar;) and therefore a financial contribution to the scheme (or equivalent mitigation identified via a Habitats Regulations Assessment (HRA)) is required in order to mitigate in-combination recreational disturbance impacts on habitats sites (European designated sites) arising from new residential development. This must be secured prior to the application being determined.

Consultee	Date consulted	Date reply received
East Suffolk Environmental Protection	16 December 2022	7 February 2023

Summary of comments:

Thank you for your consultation on the proposed development. I have reviewed the application documentation and I wish to comment upon and make recommendations with respect to land contamination and noise.

I note that the pub premises have existing residential dwellings in reasonable proximity to the pub building (in particular to the East), and there is a new housing development to the north of the pub. It is not uncommon to see residential dwellings close to pub premises, however it should be noted that in this case, the dwellings proposed as part of this site redevelopment would be the closest receptors to the pub, and therefore most exposed to the noise generating activities relating to the parking area, people leaving late in the evening/night, and people using outside garden/terrace areas. In my experience, this scenario represents a high risk of future noise complaints unless the pub premises are run extremely carefully, and this proximity would likely mean the pub premises limiting the scope and extent (times) that activities take place.

At this stage I cannot justify a recommendation of refusal based on noise impacts, though it has not yet been proven that there would be no significant adverse impacts. I do however wish to make a holding objection until such time that a detailed noise assessment is undertaken which more accurately assesses likely impacts which in turn then should inform the noise mitigation measures needed.

Further comments were included in respect of land contamination and noise which are included within the following report.

Conditions were also recommended in the event that permission was granted, these include the full suite of land contamination conditions, details of any noise from fixed plant or machinery; submission of a final noise mitigation scheme, a construction management plan; construction hours and details of all extract ventilation systems to be installed

First Reconsultation consultees

Consultee	Date consulted	Date reply received
Charsfield Parish Council	23 June 2023	6 July 2023

Summary of comments:

All text in italics is additional to our original comments

Our original comments still stand in principle and we are disappointed that the amendments to the application do not address any of these comments. We consider this application of significant importance to the village and also the existing premises (including the garden) are an "Asset of Community Value". As such this application should be referred to the Planning Committee. In our opinion the criteria for this are met.

Whilst CPC wish to maximise the prospects of the public house re-opening, and ensure its longevity, we feel this application is fundamentally flawed. The Parish Council support the principle of bringing the public house back into use.

Some mitigation to this would be if the currently undesignated land to the north east of the public house building were to be designated as a beer garden. Our comments are made in the assumption this is not the intention of the applicant as it is not designated so on the plan.

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This application has been badged as an enabling application with the justification for the residential element being to bring the vacant public house back into use. However, the application submission does not satisfactorily demonstrate why enabling development in the form of new houses is necessary to bring this about.

Public interest has been demonstrated by the fact that 35 people attended a public meeting on Tuesday 3rd January and 19 members of the public attended an Extraordinary Parish Council Meeting when the matter was discussed on 6th January. *37 people attended a further meeting on 3rd July.* A Community Benefit Society 'The Charsfield Three Horseshoes Community Pub Ltd', having 80 members, is taking a significant interest in this proposal.

This application is contrary to Policy SCLP8.1 of the Local Plan which states that proposals to change the use, or redevelop for a different use, a facility registered as an asset of community value will not be permitted. This sets a high bar and the reasons whereby the redevelopment of the car park and the subsequent loss of the garden would be permitted, have not been met. That is, this application does not demonstrate there is no community need for the amount of public house garden and it cannot be demonstrated that the current or alternative community uses are not viable as no marketing evidence has been provided and, the replacement public house garden is nowhere near equivalent to or better than that which would be lost.

Charsfield Parish Council feel that the application cannot be determined on the basis of lack of information. Indeed, East Suffolk Local Validation Requirements states this could be a reason for refusal:

- There is no Marketing Assessment (required as the application involves the loss of a community asset (ie the pub garden). The requirements of Part E of the Local Plan have demonstrably not been met at all.
- These details are fundamental to determining the acceptability of the proposals and therefore should be formally included as part of the application.
- The Planning Statement does not detail how the proposal has taken account of national and local planning policy.
- The Planning Statement contains scant information on any consultation that has taken place with the local authority, statutory consultees or the wider public, and feedback from that consultation.
- The Planning Statement is subjective and contains few hard facts, several inaccuracies and omissions.

Charsfield Parish Council would suggest that the District Council require a 3rd party independent review of the Viability information. The submitted Viability Report does not evidence that the works are necessary, what benefit the extensions provide (ie do they create value through ability to incorporate additional food covers) and there are no supporting letters from a brewery or potentially interested lessees. There is nothing to say that the Viability Report is accurate or robust eg there are no costings for the works, no evidence of future owner/tenant, no projections for future income, no details of kitchen fitting, and no evidence for the £300,000 to £400,000 value created by the residential element of the development.

A document entitled 'The Purpose of Upgrading' has been submitted as part of the application. This is a list of unsubstantiated subjective statements containing inaccuracies. A particular statement of interest is 'Very little space for customers to meet and socialise outside (lack of beer garden)'. That is rather a conundrum as it is the very fact that the beer garden is being almost totally eroded by this application which is the over-riding concern.

The amended plans give more space to the residential element resulting in a reduced plot available *for the public house and its outside space.*

The terrace to the front of the property has not changed even though it is now designated as terrace whereas it was not previously. As the terrace to the rear of the public house has now been replaced by disabled parking bays the total terraced area available is significantly reduced.

All seating areas outside the public house are adjacent to roadways and/or parking bays. This means it is not safe for children and would be an unpleasant place to sit.

The sound attenuation of the acoustic fence should be sufficient to prevent noise nuisance and in which case the gates should also be acoustic.

Should the need for housing be proved would it be feasible to suggest to the applicant that the houses be set further back with the parking in front of them with a 2m high dividing wall going from the front to the rear of the site? This would provide demarcation between the residents and the public house and protect the residents from some of the activities associated with the public

house. Not having a shared drive with the public house would make the properties more attractive, this better utilizes the land as an access road to the residential parking bays would not be required.

Charsfield Parish Council would request that should planning permission be forthcoming the District Council ensure by obligation, not just condition, that any residential properties must not be occupied before works to the public house are completed as per the planning application, and furthermore they must not be occupied before the business is fully operational.

Consultee	Date consulted	Date reply received
Ward Councillor Cllr Hedgley	N/A	8 July 2023

Summary of comments:

The Parish Council make a number of fundamental points in their letter and I am persuaded that they have a good case. If you are minded to permit this development I would like it to be considered by the full Planning Committee (South).

Consultee	Date consulted	Date reply received
SCC County Archaeological Unit	23 June 2023	No response

Summary of comments:

No response received.

Consultee	Date consulted	Date reply received
East Suffolk Environmental Protection	23 June 2023	No response

Summary of comments:

No response received.

Consultee	Date consulted	Date reply received
SCC Highways Department	23 June 2023	27 June 2023

Summary of comments:

Following the submission of additional information (revised drawings), the proposed development would be deemed acceptable, which does not have a detrimental impact upon the highway when compared to the previous proposal.

We are happy for the revised drawings to be referenced in the previously recommended highway related planning conditions and recommend that the following condition(s) below are added and remove the cycle storage (for both residential dwellings and restaurant) and electric vehicle charging infrastructure conditions previously recommended.

Revised conditions recommended where applicable.

Consultee	Date consulted	Date reply received
SCC Rights Of Way	23 June 2023	No response

Summary of comments:
No response received.

Consultee	Date consulted	Date reply received
East Suffolk Landscape Team	23 June 2023	4 July 2023

Summary of comments:
I have reviewed plans the submitted revised plans and I can advise that my previously submitted comments of 3rd January 2023 remain valid and the revised plans don't give reason to alter my position.

Second Reconsultation consultees

Consultee	Date consulted	Date reply received
Charsfield Parish Council	26 September 2023	16 October 2023

Summary of comments:
Charsfield Parish Council wish to OBJECT to the planning application as currently submitted. Whilst the latest amendment is a considerable improvement on the previous proposals there remains a reduction in the 'Asset of Community Value' (ACV). We feel we would be remiss in accepting this proposal without the proper procedure having been followed to prove this diminution in the ACV, which would be in perpetuity, is necessary for the future viability of the public house.

Whilst CPC wish to maximise the prospects of the public house re-opening, and ensure its longevity, we feel this application is fundamentally flawed. The Parish Council support the principle of bringing the public house back into use.

This application has been badged as an enabling application with the justification for the residential element being to bring the vacant public house back into use. However, the application submission does not satisfactorily demonstrate why enabling development in the form of new houses is necessary to bring this about.

There is significant public interest which has been demonstrated by detail submitted in our previous comments.

This application is contrary to Policy SCLP8.1 of the Local Plan which states that proposals to change the use, or redevelop for a different use, a facility registered as an asset of community value will not be permitted. This sets a high bar and the reasons whereby the redevelopment of the car park and the subsequent loss of the garden would be permitted, have not been met. That

is, this application does not demonstrate there is no community need for the amount of public house garden. Further, it has not been demonstrated that the change to the garden is necessary for the viability of the public house as no marketing evidence has been provided. The replacement public house garden is nowhere near equivalent to, or better than, that which would be lost. It should be noted that the last tenant did not make the whole garden available for patrons as he wanted to grow vegetables and had a large polytunnel. His use of the outside space was not appreciated by many patrons, and meant that previous uses of the garden could no longer take place, but it was a reversible situation.

Charsfield Parish Council feel that the application cannot be determined on the basis of lack of information. Indeed, East Suffolk Local Validation Requirements states this could be a reason for refusal:

- There is no Marketing Assessment (required as the application involves the loss of a community asset (ie the pub garden). The requirements of Part E of the Local Plan have demonstrably not been met at all.
- These details are fundamental to determining the acceptability of the proposals and therefore should be formally included as part of the application.
- The Planning Statement does not detail how the proposal has taken account of national and local planning policy.
- The Planning Statement contains scant information on any consultation that has taken place with the local authority, statutory consultees or the wider public, and feedback from that consultation.
- The Planning Statement is subjective and contains few hard facts, several inaccuracies and omissions.

The Planning Statement is subjective and contains few hard facts, several inaccuracies and omissions.

Charsfield Parish Council would suggest that the District Council require a 3rd party independent review of the Viability information. The submitted Viability Report does not evidence that the works are necessary, what benefit the extensions provide (ie do they create value through ability to incorporate additional food covers) and there are no supporting letters from a brewery or potentially interested lessees. There is nothing to say that the Viability Report is accurate or robust eg there are no costings for the works, no evidence of future owner/tenant, no projections for future income, no details of kitchen fitting, and no evidence for the £300,000 to £400,000 value created by the residential element of the development. Presumably this figure would now be reduced as the number of residential properties has been reduced which should trigger the need for an amended Viability Report.

A document entitled 'The Purpose of Upgrading' has been submitted as part of the application. This is a list of unsubstantiated subjective statements containing inaccuracies. A particular statement of interest is 'Very little space for customers to meet and socialise outside (lack of beer garden)'. That is rather a conundrum as it is the very fact that the beer garden is being reduced by this application which is the over-riding concern.

The original plans gave more space to the public house car parking. The residential element car parking was then increased resulting in a reduced plot available for the public house and its outside space.

The sound attenuation of the acoustic fence should be sufficient to prevent noise nuisance and in which case the gates should also be acoustic.

Should the need for housing be proved would it be feasible to suggest to the applicant that the houses be set further back with the parking in front of them with a 2m high dividing wall going from the front to the rear of the site? This would provide demarcation between the residents and the public house and protect the residents from some of the activities associated with the public house. Not having a shared drive with the public house would make the properties more attractive, also this better utilizes the land as an access road to the residential parking bays would not be required and the houses would benefit from larger rear gardens.

Charsfield Parish Council would request that should planning permission be forthcoming the District Council ensure by obligation, not just condition, that any residential properties must not be occupied before works to the public house are completed as per the planning application, and furthermore they must not be occupied before the business is fully operational. Furthermore, Charsfield Parish Council would suggest that should the neglect of the Public House cause any re-building to be necessary this should be required by obligation.

Consultee	Date consulted	Date reply received
Charsfield Parish Council	26 September 2023	24 October 2023

Summary of comments:

Charsfield suffered severe flooding last Friday along The Street, including the car park of The Three Horseshoes and the proposed site of the housing associated with the above planning application. Historically The Street has been liable to flooding but 2023 has seen two major incidents in this area and, in view of the increased likelihood of flooding due to climate change, Charsfield Parish Council request that this factor be taken into account when considering the above planning application.

Consultee	Date consulted	Date reply received
Ward Councillor	26 September 2023	26 September 2023

Summary of comments:

I will reserve any further comment to if/when this item comes before the full Planning Committee.

Consultee	Date consulted	Date reply received
East Suffolk Ecology	26 September 2023	6 November 2023 12 December 2023

Summary of comments:

06 November 2023

Further to our previous comments of 9th January 2023, clarification of the survey dates has been provided. It is noted that the assessment of impacts are identified as being based on ecological surveys dating from 2021. Given the time that has elapsed since these surveys were undertaken (26 months), and that some vegetation clearance and demolition works have been undertaken at the site since the time of the survey, the report requires updating as it is now considered out of

date. The updated survey must be undertaken by a suitably qualified ecologist in accordance with published best practice guidance (CIEEM Advice Note on the Lifespan of Ecological Reports and Surveys, April 2019), and will be required prior to the determination of this of this application.

12 December 2023

Further to our previous comments of 6th November 2023, and clarification on the timing of previous ecological surveys at the site, given the relatively low potential value of the site for roosting bats and the lack of bats emerging from the building during the surveys it is recommended that a pre-commencement survey for protected species is undertaken. Whilst our previous comments recommended the need for this survey prior to determination, given the limited suitability of the building for roosting bats and the lack of previous evidence, it is considered that a pre-commencement survey approach would ensure that any impacts that may occur at the time of the works will be adequately mitigated.

Conditions recommended in respect of:

- Ecological avoidance, mitigation, compensation and enhancement measures;
- No works to the roof structure, cavities within existing walls and/or weatherboarding of the public house shall commence until a survey for protected species has been undertaken.

It is also advised that there shall be no removal of hedgerows, trees or shrubs, brambles, ivy and other climbing plants or works to or demolition of buildings or structures that may be used by breeding birds shall take place between 1st March and 31st August inclusive.

RAMS mitigation is still required prior to the application being determined as set out in the initial response.

Consultee	Date consulted	Date reply received
East Suffolk Environmental Protection	26 September 2023	No response
Summary of comments: No response received.		

Consultee	Date consulted	Date reply received
SCC County Archaeological Unit	26 September 2023	No response
Summary of comments: No response received.		

Consultee	Date consulted	Date reply received
SCC Highways Department	26 September 2023	3 October 2023
<p>Summary of comments: Following the submission of additional information, revised conditions are recommended on any approval given for this proposal. This response supersedes my previous responses dated 20 December 2022 and 27 June 2023.</p>		

Consultee	Date consulted	Date reply received
East Suffolk Landscape Team	26 September 2023	4 October 2023
<p>Summary of comments: I have reviewed the submitted revised plans and I can advise that my previously submitted comments of 3rd January 2023 remain valid and the revised plans don't give reason to alter my position.</p>		

Consultee	Date consulted	Date reply received
SCC Rights Of Way	26 September 2023	No response
<p>Summary of comments: No response received.</p>		

Publicity

None

Site notices

General Site Notice

Reason for site notice: New Dwelling

Date posted: 21 December 2022

Expiry date: 16 January 2023

6. Planning policy

National Planning Policy Framework 2023

Recreational Disturbance Avoidance and Mitigation Strategy Supplementary Planning Document (East Suffolk Council, Adopted May 2021)

SCLP3.2 - Settlement Hierarchy (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP3.3 - Settlement Boundaries (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP4.3 - Expansion and Intensification of Employment Sites (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP5.2 - Housing Development in Small Villages (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP5.7 - Infill and Garden Development (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP5.8 - Housing Mix (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP5.10 - Affordable Housing on Residential Developments (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP7.1 - Sustainable Transport (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP7.2 - Parking Proposals and Standards (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP8.1 - Community Facilities and Assets (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP9.2 - Sustainable Construction (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP9.5 - Flood Risk (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP9.6 - Sustainable Drainage Systems (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP10.1 - Biodiversity and Geodiversity (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP10.4 - Landscape Character (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP11.1 - Design Quality (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP11.2 - Residential Amenity (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

SCLP11.7 - Archaeology (East Suffolk Council - Suffolk Coastal Local Plan, Adopted September 2020)

7. Planning Considerations

Principle of Development – PH Renovations

7.1 The Three Horseshoes PH is understood to have closed in 2019 and has not resumed use since closing. At the time of closing the PH was in need of some remedial/maintenance work, which has exacerbated since the closure. Of note within the 'Purpose of Upgrading' statement submitted with the application, it is noted by the applicant that the PH fell short in the following respects:

- Poor and inadequate car parking
- Dangerous egress from the car park due to very poor visibility
- Run down environment and decor to the pub
- Very poor toilet facilities
- Inadequate space for meals to be served and eaten
- Poor kitchen facilities and space
- No disability access facilities
- Inadequate maintenance of the building and external facilities
- Very little space for customers to meet and socialise outside (lack of beer garden)

It should be noted that these represent the opinion of the applicant, not the Local Planning Authority.

7.2 In a bid to attract enough customers to generate an adequate income, the proposed development seeks to expand on the above claimed shortfalls by providing a completely refurbished PH, with enlarged modern kitchen space, more dining space, a designated beer garden, formalised parking and a footway link.

7.3 The footway link to the north of the site connects the back of the public house to the extended residential development of St Peters Close with links to the recreation ground to the east and up to St Peters Church and Charsfield Church of England Primary School to the northwest, via public right of way.

7.4 In addition to the physical works to the PH, general maintenance is proposed to repair roofing, upgrade electronics, the heating systems, etc.

7.5 The submitted 'Viability Report' sets out that the anticipated cost of works proposed will amount to between £350,000 and £500,000. The purpose of providing the three dwellings to the western side of the site is to fund these improvements which seek to restore and bring the PH back into use. When initially submitted the Viability Report was anticipating a return on the four dwellings (as then proposed) being between £300,000 and £400,000; but any funds from the sale of the land for housing would largely be based on market value at the point of sale.

7.6 At this time the PH is not up for sale, although the agent has confirmed that the PH would be sold if planning permission is granted.

In respect of 'supporting a prosperous rural economy' the NPPF states at Paragraph 88 that:

88. Planning policies and decisions should enable:

- a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed, beautiful new buildings;*
- b) the development and diversification of agricultural and other land-based rural businesses;*
- c) sustainable rural tourism and leisure developments which respect the character of the countryside; and*
- d) the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.*

- 7.7 The applicant proposes to provide the extensions and refurbishments to the pub prior to the occupation of the three dwellings and has agreed to enter into a Section 106 agreement to secure the completion of this proposal. As set out in section 4 of this report, this scenario is similar to the successful enabling development at The Turks Head, Hasketon. Other pubs in the District have also undertaken varied forms of development, including providing holiday accommodation, in order to fund viable reinvestment in the pub.
- 7.8 The proposed extensions and renovations to the public house are considered acceptable and accord with SCLP11.1 in that the overall scale and character of the development clearly demonstrates consideration of the component parts of the buildings and the development as a whole in relation to its surroundings, the layout fits in well with the existing site and surrounding development, the height and massing of the development is considered to be well related to its surroundings and the overall design is in-keeping with the existing character of development.
- 7.9 The East Suffolk Economic Growth Strategy seeks to support all businesses across the plan area to ensure a successful and prosperous economy. The successful delivery of this strategy will be assisted by a positive policy which encourages sustainable economic growth and allows for the expansion, intensification or adaptation of existing premises. Some employment sites by their nature have a greater impact on their local environment and the economic operations anticipated to take place on a site is an important consideration in respect of expansion and intensification of premises.
- 7.10 Policy SCLP4.3: Expansion and Intensification of Employment Sites, states that proposals to expand, alter or make productivity enhancements to existing employment premises will be permitted unless:
- a) The scale of development would cause a severe impact on the highway network; or*
 - b) There will be an unacceptable adverse effect on the environmental sustainability of the area; or*
 - c) The proposed use is not compatible with the surrounding employment uses in terms of car parking, access, noise, odour and other amenity concerns; or*
 - d) There is an unacceptable adverse effect on the living conditions of local residents and businesses relating to matters of noise, vibration, dust and light; and*
 - e) Potential adverse impacts can not be successfully mitigated.*
- 7.11 While the site is not an allocated 'employment site' as such, the site does provide employment and this policy is considered to be relevant to the consideration of this application.

- 7.12 The renovations and extensions to the PH will also provide a community benefit once complete, which will enable the PH to be brought back into use. It is likely that local employment opportunities will also arise with bar/wait staff, chefs etc being required once the PH has reopened. The difficulty in running viable pubs should not be underestimated. The vast majority rely on a good food trade or other added value (such as an attractive setting or being in a significant footfall area to be able to maintain a profitable business). The Campaign for Real Ale (CAMRA) has recently claimed that 29 pubs close every week, blaming rising energy costs and the cost of living crisis.
- 7.13 The formalised car parking should remove any requirement for cars parking on the highway. The footway link to the north also seeks to capture an alternative and sustainable way for local residents to use the site. The existing public house car park provides informal car parking, with no allocated bays. From historic aerial imagery officers would anticipate that two rows of parking could provide between 15-17 parking spaces. This proposal would provide 19 designated parking spaces, including three accessible spaces with easy access into the proposed rear foyer of the public house.
- 7.14 The opportunity should therefore be taken to provide housing on this land whilst there is a realistic offer proposed to direct substantial benefits to the pub from that development. The presence of the pub within this local service centre is integral to the fact that it is a local service centre.
- 7.15 The proposals for the pub seek to transform it into a viable key facility in this village; this is a worthy public benefit from the development. The applicants desire to implement the works to the pub ahead of the housing development and to agree to this being secured by a Section 106 agreement is reassuring.
- 7.16 Consideration of the proposed works on an asset of community value, highway safety and residential amenity are set out under the respective headings below.

Principle of Development – Residential Housing

- 7.17 The site is located within the Settlement Boundary of Charsfield, which is identified as a 'small village' in the Local Plan Settlement Hierarchy (Policy SCLP3.2).
- 7.18 Small villages are identified due to their modest range of service provision, which will serve the needs of residents within the village. Development of new housing in such settlements can help to support existing local services as well as contributing towards the mix of housing available in these villages. The form and character of small villages varies across the plan area and the impact upon these will be a key consideration in determining planning applications.
- 7.19 New residential development will be supported within the settlements of small villages where it is allocated for development under Section 12 of the Local Plan or would otherwise consist of small groups of new housing and infill development as set out by Policy SCLP5.2.
- 7.20 The site is not allocated for development under Section 12 of the Local Plan.

7.21 Local Plan Policy SCLP5.3 states that residential development will be permitted within defined Settlement Boundaries where it is:

a) A small group of dwellings of a scale appropriate to the size, location and character of the village; or

b) Infill development (in accordance with Policy SCLP5.7).

7.22 It is considered that the development of three, two-bedroomed terraced dwellings are in-keeping with the character of the village. The dwellings are located centrally and adjacent to other existing residential development. The material finishes are also considered to be in-keeping with the surrounding development. It is considered that the proposal would therefore accord with SCLP5.2.

7.23 Furthermore, Local Plan Policy SCLP5.7 states that proposals for infill development or residential development within existing gardens will be supported where:

a) The scale, design and materials would not result in harm to the street scene or character of the area;

b) The proposal is well related in scale and design to adjacent properties, including the design of curtilage areas, parking and access, and incorporates landscaping where appropriate to mitigate any potential impacts or to enhance the appearance of the site;

c) There would not be significant harm to residential amenity of occupants of either the existing or proposed dwellings;

d) Existing and proposed dwellings have sufficient curtilage space; and

e) The proposals are otherwise in accordance with the housing policies of the Local Plan.

7.24 The dwellings would be 15.129m in width, with a depth of 10.232m and height of 7.625m on the site frontage; 4.8m to the eaves (6.8m on rear projecting gables with 4.6m to the eaves).

7.25 The dwellings will be positioned in a more levelled section of the site. Whilst no detailed levels plans have been provided at this stage, the proposed street scene shows that the dwellings will be slighter higher than the public house, but of a similar height to London Villa.



New Dwellings

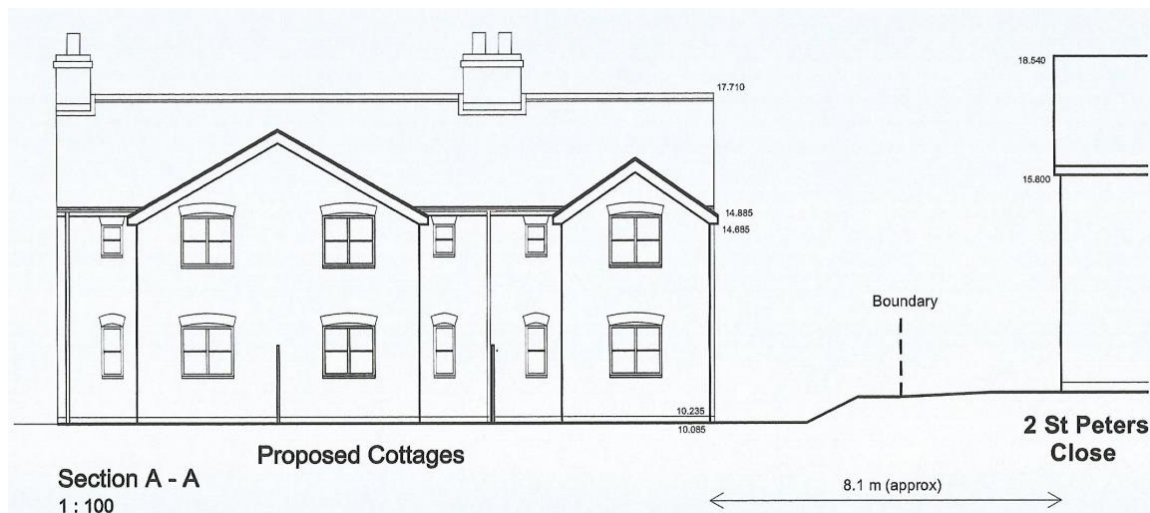
Three Horseshoes

London Villa

7.26 The agent has confirmed that the dwellings will be built into the existing landscape, with no major engineering operations proposed to level the site; final level plans are sought by condition.

7.27 It is noted that from the backs of the rear gardens of the proposed dwellings, around the car park area, retaining walls will be required; details of these are sought by condition.

- 7.28 The agent has also provided a site section across the rear elevation between the proposed dwellings and no. 2 St Peters Close:



- 7.29 The proposal is considered to be well related in scale and design to the adjacent properties. Each would have its own designated parking and private amenity areas.
- 7.30 The dwellings would have a soft red brick appearance, similar to that of the public house and development on St Peters Close. The dwellings would fill an identifiable gap within the northern side of The Street and not result in harm to the street scene or character of the area.
- 7.31 It is not considered that the development would result in significant harm to the residential amenity of existing residential properties, nor those of the proposed dwellings; any potential impacts on residential amenity are set out in the 'Residential Amenity' section of this report.
- 7.32 The development is therefore considered to accord with SCLP5.7 in addition to SCLP5.2, which both support the principle of new residential development within the settlement boundaries as set out in policies SCLP3.2 and SCLP3.3 of the Local Plan. Furthermore, the design of the dwellings accords with SCLP11.1. There are no neighbourhood plan policies to consider.

Asset of Community Value (ACV)

- 7.33 Community facilities and assets are an important part of the social fabric of neighbourhoods and communities. Facilities can include shops, post offices, public houses, medical facilities, police facilities, sports venues, cultural buildings, places of worship and places which promote social interaction and provide opportunities for meetings between people who might not otherwise come into contact with each other.
- 7.34 Individually and collectively, these provide places for people to meet and socialise as well as valuable services which encourages active communities and fosters a sense of identity and well-being for those who live in and visit the area.

- 7.35 The National Planning Policy Framework reflects the need to plan positively for and promote the retention and development of local services and facilities which is supported by the Council. Protecting community facilities and assets reduces social exclusion which can be disproportionately influenced by limited access to facilities.
- 7.36 The loss of facilities across the plan area could lead to a significant number of residents being socially excluded and have a detrimental impact on community cohesion and the creation of successful communities across the former Suffolk Coastal area. As such, the Council considers it is important to retain community facilities across the plan area to both serve the local community and support tourism activities in the area.
- 7.37 The Localism Act 2011 introduced 'assets of community value (ACV)', providing community groups with the ability to nominate non-residential buildings or land which is important to their community. This is legislation which is primarily aimed at enabling community ownership, rather than planning powers.
- 7.38 Once an asset is listed, if the owner decides to sell, within five years of listing, they must inform the local authority of their intention to do so. The community has up to six weeks to express an interest in becoming potential bidders to buy the asset. Once an expression of interest has been received, a further four and a half month pause in the sale process is triggered.
- 7.39 This gives potential bidders a total of six months to raise the funds required to purchase the asset. At the end of the period, the owner may sell the asset to whomever and at whatever price they choose. ACV status needs to be approached with caution as whilst it does allow a window for community purchase, it can affect the level of interest of any genuine purchaser of a pub because of the delays caused to the purchase process.
- 7.40 However, the listing of an asset does not provide protection against a change of use or redevelopment. This can mean the value of the asset is greater due to its potential to be converted to non-community uses. This can frustrate the ability of the community to raise sufficient funds to purchase the asset.
- 7.41 However, Local Plan Policy SCLP8.1 has taken on ACVs to provide some planning influence from that status. It states that proposals to change the use, or redevelop for a non-community use, a facility registered as an asset of community value, will not be permitted.
- 7.42 As referenced above, the site was previously listed as an Asset of Community Value (ACV) on 28 November 2018 which expired on 11 December 2023. However, the site was relisted as an ACV on 28 November 2023, which runs for a period of five years and does not expire until 28 November 2028.
- 7.43 The nomination for listing stated that the Three Horseshoes is a well-established public house, which dates to the 18th century. It claims that the public house was a well-used facility until the 1990s, which hosted community events including fetes and weddings. However, from the information submitted it is not clear whether these uses would continue at the pub were it to reopen, although it would be better equipped to host events with the renovations proposed.

- 7.44 The nomination continued to note that since the 1990s there has been a succession of tenant landlords interspersed with periods of closure. According to the nomination the last two tenant landlords ran the pub between 2005-2011 and 2012-2019. The community benefit society referred to above was founded in 2011 to purchase and run the public house if no tenant could be found. The nomination also referred to the high level of rents charged to tenants, which it believes makes the pub unviable.
- 7.45 The nomination for ACV status also set out that the purpose of the community benefit company is to buy and run the pub for the benefit of the community. Given the pub is not proposed to be lost, any scheme presented by the benefit company, in the event that the PH was available for purchase, is not a material planning consideration at this time, as any subsequent proposal which may or may not require permission would be considered on its own merits. The Local Planning Authority is not presented with a choice of community ownership or the proposal submitted, it must only consider the proposal currently up for consideration.
- 7.46 The pub does benefit from a very large area of garden space which is partly included in the ACV designated area. From a review of past Google Earth satellite imagery, the extent of use of this has changed over the past 24 years. In 2000 it can be seen that tables were distributed sparsely across the whole area, though more focussed on a strip immediately north of the car park, and also it appears the garden area east of the building has tables present. In 2000 it all appears well maintained with cut grass. In 2007 and 2011 it appears that the use of this garden area had reduced. It shows a fence running east-west to the north of the car park with three tables set out adjacent to the car park. Over that period the large area of garden appears more naturally landscaped and not with a mown lawn, it is therefore assumed it was less of a functional space for eating and drinking purposes. Beyond 2011, the area becomes less defined and maintained.
- 7.47 It is important to recognise that not all pub garden areas equate to valuable eating and drinking space. The capacity of a pub to support customers will often be dictated by its kitchen and staffing capacity. Pubs with very large beer gardens may find greater variations in trade affected by the quality of weather to enjoy the outdoor space. That variance in trade, for smaller rural pubs can be challenging to manage. It is accepted that larger beer gardens also allow for opportunities for diversification, such as for the erection of marquees for weddings or beer festivals, but such intensified use may require permission in itself and may have effects on neighbouring properties. It is not considered that such diversifications in this location would add significantly to the viability of the pub.
- 7.48 The Council are required to balance development proposals with a 'whole site' ACV status, especially given the role the current application has for investment in the pub. The applicant is willing to sign a Section 106 legal agreement to commit to invest in the pub for its extension and refurbishment through the development.
- 7.49 As mentioned, this would be a very similar arrangement to the proposal which was taken forward for the Turks Head in Hasketon, which was a comparable failing pub in 2014 but went on to become an extremely successful pub, winning many awards, after the enabling development which was subject to a number of planning conditions to safeguard its future as a pub.

- 7.50 At this time, the PH is not up for sale. It is however noted that the PH will likely be sold in the event that permission is granted. Nor would the proposal seek the loss of the community use which is registered as an ACV. It is noted that the ACV includes the land to the west of the site, which will be used for housing, thus reducing the amount of land around the PH, although it does not prevent the renovation of the PH, with the intention of bringing the PH back into use. The loss of land previously used for pub car parking for housing and the loss of some area previously used as pub beer garden for new parking must not be considered bluntly in terms of the ACV influence. However, the proposal enhances the parking facilities and maintains them to a suitable level for the expanded pub, and also proposes in the layout, a better defined arrangement of beer garden and outdoor areas. The aspects of the existing ACV proposed to be affected are also mitigated and enhanced by the proposal.
- 7.51 Local Plan Policy SCLP8.1 does not specifically address works to retain a community use or ACV but does, as a whole, seek to support new community facilities where it meets the needs of the local community, is of a proportionate scale, well related to the settlement which it serves and would not adversely affect existing facilities. Thus, the proposal is considered to be supported in principle and there is no conflict with SCLP8.1.
- 7.52 The land to be used for housing is not open space or provides community sport and recreation facilities. The reduction in beer garden area is not considered to compromise the ability of this public house, in an extended and improved form, to be a viable business and community asset. Therefore Local Plan Policy SCLP8.2 is not applicable in considering this proposal.

Affordable Housing

- 7.53 Proposals for residential development with capacity for ten units or more or sites of 0.5ha or more will be expected to make provision for 1 in 3 units to be affordable dwellings, and to be made available to meet an identified local need, including needs for affordable housing for older people.
- 7.54 The site is comprised of an area of 0.26ha and only seeks three dwellings, therefore falls under the requirement for affordable housing as set out in Local Plan Policy SCLP5.10.
- 7.55 There is no policy requirement for the dwellings to be or provide affordable housing, however, the applicant has suggested that a housing association may be interested in the site. As these are not required by policy and would otherwise meet the Local Plan Policies for new housing, it would not be reasonable to include the requirement for the housing to be affordable within the S106 agreement. If the applicant did however wish to pursue these units as affordable housing, there would be no in-principle objection.

Landscape Considerations (including tree preservation orders)

- 7.56 The four road frontage trees are covered by Tree Preservation Order 107/1997 which comprises 1no. Sycamore and 3no. Plum trees. They grow out of a short length of low deciduous hedging and directly beneath overhead electrical wires.
- 7.57 In this respect they cannot be regarded as being in a sustainable location because of the inevitable conflict with the cable infrastructure. In addition, the Plum trees cannot be

regarded as a long-term prospect; they simply do not live long enough in a healthy enough condition to be regarded as such.

- 7.58 For these reasons, the Council's Principal Landscape and Arboricultural Officer has not considered these trees to be in a sustainable location and condition to justify long term retention or protection. Therefore, officers do not consider the trees to be a justifiable impediment to development of the site; there is no objection to their removal.
- 7.59 However, it has been recommended that a landscape planting proposal be secured by condition. The submitted proposals should address the road frontage of the site, the site boundaries and new tree planting in the rear car parking area. Submitted details should include plant species, numbers, plant sizes, planting distribution and planting specification.
- 7.60 The PH is not a listed building or located within a conservation area. The PH is also not located within a protected landscape. The development is not considered to have any wider landscape impacts and therefore accords with SCLP10.4.

Ecology & RAMS

- 7.61 All development should follow a hierarchy of seeking firstly to avoid impacts, mitigate for impacts so as to make them insignificant for biodiversity, or as a last resort compensate for losses that cannot be avoided or mitigated for.
- 7.62 New development must also secure ecological enhancements as part of its design and implementation and should provide a biodiversity net gain that is proportionate to the scale and nature of the proposal.
- 7.63 Where there is reason to suspect the presence of protected UK or Suffolk Priority species or habitat, applications should be supported by an ecological survey and assessment of appropriate scope undertaken by a suitably qualified person.
- 7.64 The Council's Ecologist was consulted on the application, having reviewed the Ecological Impact Assessment (EclA) (D F Clark Contractors, December 2021, Version 2) and noted the conclusions of the consultant. Two emergence surveys were undertaken as part of the EclA, however it was noted that the dates of the survey visits vary within the report, and it was requested the dates of the bat surveys are clarified prior to the application being determined.
- 7.65 Further to the Ecologist's comments of 9 January 2023, clarification of the survey dates has since been provided. It is noted that the assessment of impacts is identified as being based on ecological surveys dating from 2021. Given the time that has elapsed since these surveys were undertaken (26 months), and that some vegetation clearance and demolition works have been undertaken at the site since the time of the survey, the report requires updating as it is now considered out of date.
- 7.66 Following discussions between the agent and the Ecology team, which provided further insight into the timing of the previous ecological surveys on the site, and given the relatively low potential value of the site for roosting bats and the lack of bats emerging from the building during the surveys, it is recommended that a pre-commencement survey for protected species is undertaken.

- 7.67 Whilst the Ecologist's previous comments recommended the need for this survey prior to determination, given the limited suitability of the building for roosting bats and the lack of previous evidence, it is considered that a pre-commencement survey approach would ensure that any impacts that may occur at the time of the works will be adequately mitigated.
- 7.68 Conditions have therefore been recommended to seek that the above is undertaken prior to any works being undertaken to the roof structure, cavities within existing walls and/or weatherboarding of the public house, alongside ensuring that the development is undertaken in accordance with the ecological avoidance, mitigation, compensation and enhancement measures identified within the Ecological Impact Assessment (D F Clark Contractors, December 2021).
- 7.69 In addition to the above, the site is within the Suffolk Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) Zone of Influence (Zone B – within 13km of the Sandlings SPA and Deben Estuary SPA/Ramsar) and therefore a financial contribution to the scheme (or equivalent mitigation identified via a Habitats Regulations Assessment (HRA)) is required in order to mitigate in-combination recreational disturbance impacts on habitats sites (European designated sites) arising from new residential development.
- 7.70 The Recreational disturbance Avoidance and Mitigation Strategy has been prepared to provide a mechanism through which impacts from increased recreation can be avoided and mitigated via financial contributions towards the provision of strategic mitigation. Where mitigation is proposed to be provided through alternative mechanisms, applicants will need to provide evidence to demonstrate that all impacts are mitigated for, including in-combination effects.
- 7.71 The RAMS contribution will be secured as part of the Section 106 legal agreement.
- 7.72 The proposal is therefore considered to accord with SCLP10.1.

Highways Considerations (including access and parking)

- 7.73 Suffolk County Council as Local Highways Authority have considered the proposed development at various consultation stages and have not raised any objection to the proposed development.
- 7.74 Conditions have been recommended on all responses, with those included on their response of 3 October 2023 being the most recent. These conditions include:
- Vehicular visibility splays.
 - Access layout in accordance with DM03.
 - Access to be surfaced with a bound material for a minimum distance of 5 metres measured from the nearside edge of the metalled carriageway.
 - Gradient of the vehicular access shall not be steeper than 1 in 20 for the first five metres.
 - Gradient of the access drive shall not be steeper than 1 in 12 measured from the nearside of the edge of the highway.

- The use shall not commence until the infrastructure within the site shown on Drawing No. 21/001/BP/P, Rev. G for the purposes of preventing surface water falling onto the highway and it being discharged appropriately within the site has been provided and thereafter the infrastructure shall be retained, maintained, and used for no other purposes.
- Parking provision (including EV charging) in accordance with the approved plans.
- Secure, lit and covered cycle storage in accordance with the approved plans.
- Refuse/recycling storage and presentation areas in accordance with the approved plans.
- Submission of a construction management plan.

- 7.75 Officers note that the applicant will be required to ensure that the tables and chairs proposed along the frontage of the Three Horseshoes Inn are not situated within the visibility splays. It is understood that seating has historically been available on the site frontage and there are no known complaints of this resulting in an obstruction to the highway.
- 7.76 The proposed development will improve the current parking facilities on site, including the provision of EV charging points and accessible parking spaces, which should as a result make the site more attractive to all users.
- 7.77 Cycle parking will also be provided on site to encourage more sustainable transport modes, in addition to the footway connection to the north which also seeks to better link the public house to existing facilities and the recreation ground.
- 7.78 The development has therefore been designed to encourage travel using non-car modes, whilst providing appropriate parking facilities for those travelling to the site from surrounding villages/further afield. The proposal therefore accords with the aspirations of Local Plan Policy SCLP7.1 in a proportionate scale to the development.
- 7.79 The amount of parking proposed for the new dwellings also accords with the Suffolk Guidance for Parking Document which seeks a minimum of 1.5 spaces for a two-bedroom property; each of the three dwellings will have two spaces. There are also two additional visitor spaces. The proposal therefore accords with SCLP7.2.

Flood Risk

- 7.80 Proposals for new development, or the intensification of existing development, will not be permitted in areas at high risk from flooding, i.e. Flood Zones 2 and 3, unless the applicant has satisfied the safety requirements in the Flood Risk National Planning Policy Guidance (and any successor).
- 7.81 Flood Zones 2 and 3 are located to the south of the site, broadly following the flow of Potsford Brook; a very small portion of the site frontage falls within Flood Zone 2. The majority of the site is therefore in Flood Zone 1 at the lowest risk of flooding.
- 7.82 No development is proposed to take place within the area on the site frontage which is just captured by the flood zone.

7.83 Officers have been made aware of flooding near/on the site as a result of recent flood events at the end of 2023 by the Parish Council. The comments note:

“Charsfield suffered severe flooding last Friday along The Street, including the car park of The Three Horseshoes and the proposed site of the housing associated with the above planning application. Historically The Street has been liable to flooding but 2023 has seen two major incidents in this area and, in view of the increased likelihood of flooding due to climate change, Charsfield Parish Council request that this factor be taken into account when considering the above planning application.”

7.84 Officers therefore sought advice informally from the Local Lead Flooding Authority (LLFA) and the Environment Agency in respect of the proposed development; both consultees would otherwise fall under the threshold for consultation due to the scale of the development.

7.85 The LLFA did not raise any concerns in respect of the development, only suggesting that the condition to prevent surface water drainage recommended by the Highways Authority is amended for a full scheme to be submitted, which includes additional drainage down the access to capture waterflow along the gradient of the access.

7.86 This should assist in preventing additional flooding from the site in flood events, where The Street does fall within Flood Zones 2 and 3, as required by Local Plan Policy SCLP9.5 which sets out that developments should exhibit the three main principles of flood risk, in that, they should be safe, resilient and should not increase flood risk elsewhere. This condition has therefore been reworded accordingly.

7.87 The surfacing proposed (beyond that on the access with the highway which will be required to meet Suffolk County Council construction requirements) is proposed to be permeable surfacing. No specific details have been provided at this stage, but have been sought as part of the landscaping condition which will capture both hard and soft landscaping. The methods of draining any potential run-off and avoiding it reaching the road from the car park will be important as part of that.

7.88 In addition to the above, the Environment Agency have advised that as the small area of flooding within the site falls within Flood Zone 2, they have no comment to make and refer officers to the National Flood Risk Standing Advice. The standing advice for vulnerable developments sets out advice in respect of floor levels, extra flood resilience measures, access and escape, and surface water management.

7.89 In considering the above, the ground levels of the site rise to the north, meaning that the highway is the lowest point. The dwellings will be built on higher ground levels than the highway. As none of the dwellings are within Flood Zone 2, there is no requirement for the floor levels to be a minimum of 300mm above the average ground level of the site, adjacent road level to the building or estimated river flood level (whichever is higher).

7.90 In respect of access and escape, the existing public house has a first-floor flat which provides refuge for the owners. The new dwellings are all two-storey dwellings, where the proposed floor levels do not fall below the flood risk levels; the first floors of the dwellings will also provide a safe escape area which is set well above the estimated flood level. Users

of the site will also be able to evacuate the site on foot by means of the footway link to the north which connects to higher ground.

- 7.91 Beyond the mitigation set out in respect of the access above, the proposal is not classified as a major development and the majority of the site is outside of any flood zone, thus does not require the inclusion of sustainable drainage systems.
- 7.92 Further to the above, the proposed development will take place in excess of 20m of a main river, thus would also not trigger a consultation with the Environment Agency.
- 7.93 The proposed development is therefore considered compliant with SCLP9.5.

Land Contamination

- 7.94 The Council's Environmental Protection team have reviewed the JPC Environmental Services Stage 1, Tier 1 GeoEnvironmental Desk Study report (Ref. IE22/049/SITI) dated 15 July 2022 and have noted the recommendations of this report, starting with the asbestos containing materials site survey in advance of any other works.
- 7.95 A moderate risk has been identified at the site for the proposed end use and users, relating to areas of made ground and records of a historic pit on the site. Officers are therefore in agreement with the report conclusions that additional intrusive assessment is necessary at this site in the form of a Stage 1, Tier 2 investigation, with a view to fully understanding the risks at the site and what remediation and validation may be necessary.
- 7.96 The Environmental Protection team has therefore recommended the full suite of land contamination conditions to ensure a satisfactory site investigation and to ensure the site would be suitable for its proposed end use.
- 7.97 These conditions have been included in the officer recommendation. There are no other concerns at this stage in respect of contaminated land potential.

Residential Amenity (including noise)

- 7.98 The planning system plays an important role in safeguarding the quality of life of residents of the area. New development of any type is required to be located and designed with regard to the amenity of both existing and future residents to avoid generating significant harmful effects. Harmful effects can include those arising from overlooking, loss of privacy, noise, odour and light pollution and overbearing development.
- 7.99 Residential amenity can be affected by individual developments or as a result of cumulative impacts. There is a need to consider impacts on the development as well as from the development.
- 7.100 The alterations and extensions to the PH are single storey in nature and do not raise concern in respect of loss of privacy, overlooking, loss of outlook, loss of daylight/sunlight or overshadowing. A new acoustic fence is also proposed on the eastern boundary adjacent to London Villa to mitigate against the above and noise from use of the beer garden and car park.

7.101 The agent has confirmed that the distances from plot one (being the closest new dwelling), to the existing dwellings on St Peters Close are as follows:

Distance between new dwellings (at closest point to boundary) and no.2 St Peters Close:

- Plot 1 - front 13.6 m (approx.)
- Plot 1 - rear 8.1 m (approx.)

Distance between new dwellings (at closest point to boundary) and no.4 St Peters Close:

- Plot 1 - front 28.2 m (approx.)
- Plot 1 - rear 19.5 m (approx.)

Distance between new dwellings (at closest point to boundary) and no.6 St Peters Close:

- Plot 1 - front 40.5 m (approx.)
- Plot 1 - rear 31.0 m (approx.)

Distance between new dwellings (rear windows) and no.6 St Peters Close:

- Centre of rear windows Plot 1 31.7 m (approx.)
- Centre of rear windows Plot 2 35.0 m (approx.)
- Centre of rear windows Plot 3 37.2 m (approx.)

7.102 In addition, the single-storey side extension on the side of the PH is approximately 9.5m from London Villa.

7.103 The distances set out above are considered acceptable when assessing potential impacts on neighbouring properties. The development is not considered to result in any loss of light, overlooking, loss of privacy or overshadowing to an extent that would warrant refusal.

7.104 The agent has confirmed that the first-floor terraced area at the rear of the PH is solely to be used by the tenants of the PH. Given that this could provide an elevated position which may result in overlooking of plot 3, details of screening are sought by condition to prevent direct overlooking, particularly on the western side.

7.105 One of the main considerations in respect of the proposed development is the impact of noise on the proposed dwellings.

7.106 The pub premises has existing residential dwellings in reasonable proximity to the pub building (in particular to the east), and there is a new housing development to the north of the pub. It is not uncommon to see residential dwellings close to pub premises, however, it should be noted that in this case the dwellings proposed as part of this site redevelopment would be the closest receptors to the pub, and therefore most exposed to the noise generating activities relating to the parking area, people leaving late in the evening/night, and people using outside garden/terrace areas.

7.107 This scenario represents a high risk of future noise complaints unless the pub premises are run extremely carefully, and this proximity would likely mean the pub premises limiting the scope and extent (times) that activities take place.

7.108 The Environmental Protection Team acknowledge receipt of the Loven Acoustics Noise Impact Assessment (Ref. LA/1740/02R/ML) dated 10 May 2021. This report provides an

indication only of what the potential noise impacts may be on noise sensitive receptors (existing and proposed dwellings).

- 7.109 The assessment scenarios described are therefore fairly generic, based on typical noise levels and the mitigation measures that might minimise noise impacts. Noise impacts are therefore described, but not quantified at this stage. As the consultant does not have details of any of the new fixed plant items to serve the pub and its kitchen, they are not able to undertake a BS 4142:2014+A1:2019 assessment to the nearest noise sensitive receptor (in that case London Villa to the East).
- 7.110 There is a new kitchen extract system, new refrigeration plant, and new air handling equipment proposed. When the details of these plant items and their locations are known, a noise assessment is necessary, and therefore it has been recommended that a condition is imposed to ensure an appropriate assessment and noise mitigation scheme as required once these details are known.
- 7.111 The kitchen extract ventilation system will also need designing to ensure a suitable level of odour control for the protection of receptors around the pub.
- 7.112 In terms of vehicle noise from use of the car park, and noise from people using the beer garden/external terrace, these activities and sources have to be accepted to an extent when someone chooses to live in close proximity to a public house. That said, this provides no protection to the operators of the pub against complaints of noise nuisance.
- 7.113 The addition of the proposed new residential dwellings will mean that the pub operator is going to have a higher duty of care, and need to manage external activities very carefully, as these will be much closer than any other residential receptors have been in the past.
- 7.114 The proposed new dwelling at Plot 3 in particular is extremely close to the proposed terrace area for the public house, and residents of this dwelling will regularly be exposed to close vehicle pass-bys and car park activity, and clearly hear the terrace activity. The likely use of the beer garden and terrace area will coincide with afternoons and evenings (particularly in spring and summer) when the new residents will also want to be outside enjoying their gardens. Noise levels and character (laughing, shouting etc) will be clearly detectable in these gardens.
- 7.115 Other than the pub controlling the hours of use of their outside areas (which in turn may result in the public house becoming less viable the more it is restricted), it is only acoustic barriers or masonry walls as suggested around the new residential gardens and car parking area that will reduce noise levels a modest amount.
- 7.116 Noise from the parking area and beer garden/terrace are very likely to be clearly audible within bedrooms and other habitable rooms at night. It should be noted that at first floor level, residents' only option to reduce that noise would be to close windows which would not be particularly desirable on warmer days. It is noted that the report therefore refers to the potential provision of mechanical ventilation to the first-floor bedrooms in order to achieve both ventilation requirements and noise mitigation; details of glazing and ventilation requirements for the dwellings are therefore set out on the proposed floor plans for the dwellings. On balance it is considered that is an acceptable trade-off for proximity to the public house.

- 7.117 It is also noted that the estimates of noise impacts in the report are based upon no activities at the public house premises beyond 23:00 hours to ensure minimal risk in the more sensitive night-time period to residential amenity. This is considered to be essential for activities/sources including the beer garden/terrace, kitchen extract system, and any musical entertainment within the pub (excluding background music).
- 7.118 Opening hours for the public house have not been set out as part of this application. Whilst many PHs tend to set their own opening hours and closure days, officers have included a condition to limit the use of the PH between 09:00 – 23:00 Monday – Sunday, including bank holidays. Should the applicant wish to apply for later opening periods, they could seek to vary this condition at a later date, however the 23:00 closure seems appropriate for the rural setting, without impeding on the viability of the proposal.
- 7.119 Refrigeration and other plant may be required to operate at night, and therefore this should be reflected in the BS 4142 assessment necessary.
- 7.120 The Environmental Protection Team cannot justify a recommendation of refusal based on noise impacts, however did seek a detailed noise assessment which more accurately assesses likely impacts, which in turn should then inform the noise mitigation measures needed. This was not provided during the application, as the manufacturers specifications of the equipment to be installed are not known as this time. As such, and as recommended by the Environmental Protection team, a final noise mitigation scheme detailing the boundary treatment of the car parking areas and new residential garden areas will be required to be submitted to the Local Planning Authority by condition.
- 7.121 A condition has been recommended for the details of any fixed plant or machinery to be submitted prior to its installation to ensure that any noise from the equipment achieves a noise rating level (LAr) of at least 5dB below the typical background sound level (LA90,T) at the nearest noise sensitive receptor. All extract ventilation is required to be vented by a filtered system, capable of preventing cooking odours, fumes, grease, dust, smoke and droplets from escaping the premises, details of which shall be submitted and agreed prior to installation.
- 7.122 The Environmental Protection Officer has also advised that it will be necessary to provide an odour and noise risk assessment in accordance with the updated current guidance: 'Control of Odour and Noise from Commercial Kitchen Exhaust Systems-An update to the 2004 report prepared by NETCEN for the Department for Environment, Food and Rural Affairs.' The risk assessment will need to identify potential sources of odour/noise, pathways and receptors and make recommendations regarding the level of mitigation needed.
- 7.123 Officers have been advised that the construction hours shall be within the hours of 08:00 until 18:00 Monday to Friday and 08:00 until 13:00 Saturdays, with no working on Sundays or Bank Holidays. A condition has been included to this effect.
- 7.124 In addition to construction hours, a Construction Management Plan (CMP) has been requested which must contain information on how noise, dust, and light will be controlled so as to not cause nuisance to occupiers of neighbouring properties; this is in addition to the CMP requested by the Highways Authority.

7.125 For the reasons given above, the proposed development is therefore considered to accord with SCLP11.2.

Archaeology

7.126 Local Plan Policy SCLP11.7 states that an archaeological assessment proportionate to the potential and significance of remains must be included with any planning application affecting areas of known or suspected archaeological importance to ensure that provision is made for the preservation of important archaeological remains.

7.127 Suffolk County Council Archaeological Services has reviewed the proposed development and advised that there would be no significant impact on known archaeological sites or areas with archaeological potential. Therefore, have not objected to the development and do not believe any archaeological mitigation is required.

7.128 The development therefore accords with SCLP11.7.

Legal Obligations (section 106 agreement)

7.129 The applicant is conscientious in their approach to the comprehensive site and is proposing to link the implementation and financing of the housing development and pub renovation/extensions.

7.130 The applicant has proposed to enter into a Section 106 agreement in order to ensure that the alterations and extensions to the pub are completed in their entirety before any of the proposed dwellings are first occupied.

7.131 This would avoid the risk of the development being completed and the pub remaining closed, without the implementation of the promised works and to no benefit to the pub or the community.

7.132 As noted above, the contribution towards Suffolk RAMS will also be included within the Section 106 agreement.

8. Conclusion

8.1 The application hereby considered offers provisions to this 'small village' which are of merit; additional housing and a refurbished and extended pub. The long-term viability of the pub has been a concern over at least the last five years, with previous closures and changes of ownership. Consistently there have regularly been approaches regarding development of the site, though these have previously been found contrary to the development plan.

8.2 Since the refusal of C/09/1434 the site's surroundings have become more urbanised with the development of 20 houses to the north. The addition of three houses on the site frontage is no longer considered to erode the semi-rural character as the units are of a more appropriate scale and layout than the previously refused scheme. The proposed housing development is well designed and compatible with its location.

- 8.3 The proposed housing also falls within the settlement boundary for Charsfield, where there is a presumption in favour of development. In the event that the current ACV on the whole site expires without investment into the public house, it is possible that the site could be subdivided and sold off for housing development which would not have any benefit in restoring the PH.
- 8.4 The opportunity should therefore be taken to provide housing on this land whilst there is a realistic offer proposed to direct substantial benefits to the pub from that development. The proposals for the pub seek to transform it into a viable key facility in this village and this is a worthy public benefit from the development. The applicant's desire to implement the works to the pub ahead of the housing development being occupied and to agree to this being secured by a Section 106 agreement is reassuring.
- 8.5 None of the objections received have specifically objected to the proposed works to the public house, only the potential loss of the ACV and all land associated with it. However, the proposed development seeks to retain the PH and whilst the proposed housing would reduce the site area, officers do not consider that this will reduce the likely viability of the PH being successful, as it will still have suitable car parking provision and outdoor space for a proportionate amount of external seating and covers in good weather. This compromise is being made to provide the funding to undertake the works to bring the PH back into use for the community and surrounding area, that should be given significant weight.
- 8.6 The public benefits of the application proceeding as proposed are acknowledged along with some of the application's shortfalls, although these are limited, and where raised as a concern can be mitigated by condition (noise for example). On balance the consideration of the application falls in its favour and it should therefore be approved.

9. Recommendation

- 9.1 The recommendation seeks: AUTHORITY TO APPROVE subject to the completion of a Section 106 Agreement to ensure the completion of all extensions and alterations to the pub prior to the occupation of the dwellings and the provision of a contribution towards Suffolk RAMS.

Conditions:

1. The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.

Reason: This condition is imposed in accordance with Section 91 of the Town and Country Planning Act 1990 (as amended).

2. The development hereby permitted shall not be carried out other than in complete accordance with the following Drawing Nos:

Received 14 February 2024:
21/001/S/A - Section A-A
21/001/S/B - Section B-B

Received 20 September 2023:

21/001/BP/P G - Block plan
21/001/C/1 - Proposed ground floor plan (dwellings)
21/001/C/3 B - Proposed front elevation (dwellings)
21/001/C/4 B - Proposed side elevation (dwellings)
21/001/C/2 B - Proposed first floor plan (dwellings)
21/001/C/5 B - Proposed rear elevation (dwellings)

Received 23 June 2023:

21/001/P/3 C - Proposed floor plans (public house)
21/001/P/4/C - Proposed elevations (public house)

Received 30 November 2022:

21/001/SLP - Site location plan

Reason: For avoidance of doubt as to what has been considered and approved.

3. The materials and finishes shall be as indicated within the submitted application and thereafter retained as such, unless otherwise agreed by the local planning authority.

Reason: To ensure the satisfactory appearance of the development in the interests of visual amenity

4. No development shall commence until full details of the proposed levels have been submitted to and approved by the Local Planning Authority. Thereafter the development shall be constructed in accordance with the approved levels.

Reason: To ensure a satisfactory relationship between the proposal, the existing ground levels and the existing dwellings, in the interests of visual amenity.

5. Within 3 months of commencement of development, precise details of a scheme of landscape works (which term shall include tree and shrub planting, grass, earthworks, driveway construction, parking areas patios, hard surfaces etc, and other operations as appropriate) at a scale not less than 1:200 shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that there is a well laid out landscaping scheme in the interest of visual amenity.

6. The approved landscaping scheme shall be implemented not later than the first planting season following commencement of the development (or within such extended period as the local planning authority may allow) and shall thereafter be retained and maintained for a period of 5 years. Any plant material removed, dying or becoming seriously damaged or diseased within five years of planting shall be replaced within the first available planting season and shall be retained and maintained.

Reason: To ensure the submission and implementation of a well-laid out scheme of landscaping in the interest of visual amenity.

7. Development must be undertaken in accordance with the ecological avoidance, mitigation, compensation and enhancement measures identified within the Ecological Impact

Assessment (D F Clark Contractors, December 2021) as submitted with the planning application and agreed in principle with the local planning authority prior to determination.

Reason: To ensure that ecological receptors are adequately protected and enhanced as part of the development.

8. No works to the roof structure, cavities within existing walls and/or weatherboarding of the public house shall commence until a survey for protected species has been undertaken by a suitably qualified ecologist and submitted to the Local Planning Authority for approval, within one month of the survey being undertaken. The report shall include, but not be limited to, the results of this survey and details of any avoidance or mitigation measures implemented. In the event that any protected species are encountered works must cease immediately and further advice must be sought from a suitably qualified ecologist. The development shall be carried out in accordance with the avoidance and mitigation measures identified in the approved survey.

Reason: To ensure that protected species are adequately protected.

9. No development (including any construction, demolition, site clearance or removal of underground tanks and relic structures) approved by this planning permission, shall take place until a site investigation consisting of the following components has been submitted to, and approved in writing by, the local planning authority:

a) A desk study and site reconnaissance, including:

- a detailed appraisal of the history of the site;
- an inspection and assessment of current site conditions;
- an assessment of the potential types, quantities and locations of hazardous materials and contaminants considered to potentially exist on site;
- a conceptual site model indicating sources, pathways and receptors; and
- a preliminary assessment of the risks posed from contamination at the site to relevant receptors, including: human health, ground waters, surface waters, ecological systems and property (both existing and proposed).

b) Where deemed necessary following the desk study and site reconnaissance an intrusive investigation(s), including:

- the locations and nature of sampling points (including logs with descriptions of the materials encountered) and justification for the sampling strategy;
- an explanation and justification for the analytical strategy;
- a revised conceptual site model; and
- a revised assessment of the risks posed from contamination at the site to relevant receptors, including: human health, ground waters, surface waters, ecological systems and property (both existing and proposed).

All site investigations must be undertaken by a competent person and conform with current guidance and best practice, including: BS10175:2011+A2:2017 and the Land Contamination Risk Management (LCRM).

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and

ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

10. No development (including any construction, demolition, site clearance or removal of underground tanks and relic structures) approved by this planning permission, shall take place until a detailed remediation method statement (RMS) has been submitted to, and approved in writing by, the LPA. The RMS must include, but is not limited to:
 - details of all works to be undertaken including proposed methodologies, drawings and plans, materials, specifications and site management procedures;
 - an explanation, including justification, for the selection of the proposed remediation methodology(ies);
 - proposed remediation objectives and remediation criteria; and
 - proposals for validating the remediation and, where appropriate, for future maintenance and monitoring.

The RMS must be prepared by a competent person and conform to current guidance and best practice, including the Land Contamination Risk Management (LCRM).

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

11. Prior to any occupation or use of the approved development the RMS approved under condition 10 must be completed in its entirety. The LPA must be given two weeks written notification prior to the commencement of the remedial works.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

12. A validation report must be submitted to and approved in writing by the LPA prior to any occupation or use of the approved development. The validation report must include, but is not limited to:
 - results of sampling and monitoring carried out to demonstrate that the site remediation criteria have been met;
 - evidence that any RMS approved in pursuance of conditions appended to this consent has been carried out competently, effectively and in its entirety; and
 - evidence that remediation has been effective and that, as a minimum, the site will not qualify as contaminated land as defined by Part 2A of the Environmental Protection Act 1990.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

13. In the event that contamination which has not already been identified to the Local Planning Authority (LPA) is found or suspected on the site it must be reported in writing immediately to the Local Planning Authority. No further development (including any construction, demolition, site clearance, removal of underground tanks and relic structures) shall take place until this condition has been complied with in its entirety.

An investigation and risk assessment must be completed in accordance with a scheme which is subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and conform with prevailing guidance (including BS10175:2011+A2:2017 and the Land Contamination Risk Management (LCRM)) and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority.

Where remediation is necessary a detailed remediation method statement (RMS) must be prepared, and is subject to the approval in writing of the Local Planning Authority. The RMS must include detailed methodologies for all works to be undertaken, site management procedures, proposed remediation objectives and remediation criteria. The approved RMS must be carried out in its entirety and the Local Planning Authority must be given two weeks written notification prior to the commencement of the remedial works.

Following completion of the approved remediation scheme a validation report that demonstrates the effectiveness of the remediation must be submitted to and approved in writing by the LPA.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

14. Noise from fixed plant or machinery (e.g., heat pumps, compressors, extractor systems, air conditioning plant or refrigeration plant) can be annoying and disruptive. This is particularly the case when noise is impulsive or has tonal characteristics. A noise assessment shall therefore be submitted prior to the installation of any fixed plant or machinery which include all proposed plant and machinery and be based on BS4142:2014+A1:2019. A noise rating level (LAr) of at least 5dB below the typical background sound level (LA90,T) should be achieved at the nearest noise sensitive receptor. Where the noise rating level cannot be achieved, the noise mitigation measures considered should be explained and the achievable noise level should be identified and justified.

Reason: In the interests of amenity and the protection of the local environment.

15. Following the submission and approval of the Noise Assessment a final Noise Mitigation Scheme detailing the boundary treatment of the car parking areas and new residential garden areas shall be submitted to the Local Planning Authority in writing for approval. The development shall be carried out in accordance with the approved Noise Mitigation Scheme.

Reason: In the interests of amenity and the protection of the local environment.

16. All extract ventilation shall be vented via a filtered system, capable of preventing cooking odours, fumes, grease, dust, smoke and droplets from escaping the premises. Before the installation of such a system, details of -
- i) The proposed filtration plant;
 - ii) Its ducted route through the building, and
 - iii) Its final discharge point at least 1 metre above roof level;
- shall be submitted to and approved in writing by the Local Planning Authority. Only the approved scheme shall be installed at the premises, be fully functional prior to the first operation of the business, and be retained thereafter.

Reason: In the interests of amenity and the protection of the local environment.

17. Hours of working during the construction phase of both the public house and the dwellings shall be -
- Monday to Friday 08:00 until 18:00 hours
Saturday 08:00 until 13:00 hours
Sundays & Bank Holidays none
- Unless otherwise agreed with the Local Planning Authority.

Reason: To prevent noise pollution to adjacent residential properties.

18. No development shall commence until a detailed method of construction statement has been submitted to and approved by the Local Planning Authority. The statement should as a minimum contain information on how noise, dust, and light will be controlled so as to not cause nuisance to occupiers of neighbouring properties. Thereafter the approved construction statement shall be adhered to throughout the construction of the development.

Reason: To reduce the potential impacts of noise pollution and in the interests of residential amenity.

19. A Construction Management Strategy shall be submitted to and approved in writing by the Local Planning Authority prior to work commencing on site. The strategy shall include access and parking arrangements for contractors' vehicles and delivery vehicles (locations and times) and a methodology for avoiding soil from the site tracking onto the highway together with a strategy for remedy of this should it occur. The development shall only take place in accordance with the approved strategy.

Reason: In the interest of highway safety to avoid the hazard caused by mud on the highway and to ensure minimal adverse impact on the public highway during the construction phase.

20. Before the access is first used, vehicular visibility splays shall be provided as shown on Drawing No. 21/001/BP/P, Rev. G with an X dimension of 2.4 metres and a Y dimension of 43 metres to the nearside edge of the carriageway and thereafter retained in the specified form. Notwithstanding the provisions of Part 2 Class A of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no obstruction to visibility shall be erected, constructed, planted or permitted to grow over 0.6 metres high within the areas of the visibility splays.

Reason: To ensure drivers of vehicles entering the highway have sufficient visibility to manoeuvre safely including giving way to approaching users of the highway without them having to take avoiding action and to ensure drivers of vehicles on the public highway have sufficient warning of a vehicle emerging in order to take avoiding action, if necessary.

21. No other part of the development hereby permitted shall be occupied until the existing vehicular access has been improved, laid out and completed in accordance with Suffolk County Council's standard access drawing DM03, with a minimum entrance width of 4.5 metres for a shared access. and made available for use. Thereafter the access shall be retained in the specified form.

Reason: To ensure that the layout of the existing access is improved to an appropriate specification at an appropriate time in the interests of the safety of persons using the access and users of the highway.

22. Prior to the first use of the hereby permitted development, the upgraded vehicular access onto the highway shall be properly surfaced with a bound material for a minimum distance of 5 metres measured from the nearside edge of the metalled carriageway, in accordance with details that shall have previously been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure construction of a satisfactory access and to avoid unacceptable safety risks arising from materials deposited on the highway from the development.

23. The gradient of the vehicular access shall not be steeper than 1 in 20 for the first five metres measured from the nearside edge of the highway.

Reason: To ensure that vehicles can enter and leave the public highway in a safe manner.

24. The gradient of the access drive shall not be steeper than 1 in 12 measured from the nearside of the edge of the highway.

Reason: To avoid unacceptable safety risk from skidding vehicles and provide for pedestrian and cycling access.

25. Before the development is commenced, details shall be submitted to and approved in writing by the Local Planning Authority showing the means to prevent the discharge of surface water from the development onto the highway including any system to dispose of the water. The submitted scheme shall include multiple drainage points along the access. The approved scheme shall be carried out in its entirety before the access is first used and shall be retained thereafter in its approved form.

Reason: To prevent hazards caused by flowing water or ice on the highway.

26. The use shall not commence until the area(s) within the site shown in Drawing No. 21/001/BP/P, Rev. G for the purposes of manoeuvring and parking of vehicles, including electric vehicle charging infrastructure, 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 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 and promote sustainable modes of travel.

27. The use shall not commence until the area(s) within the site shown in Drawing No. 21/001/BP/P, Rev. G for the purposes of secure cycle storage has been provided, and thereafter, the area(s) shall be retained, maintained, and used for no other purposes.

Reason: To ensure that sufficient areas for secure cycle storage are provided in accordance with Suffolk Guidance for Parking (2019) to promote sustainable travel.

28. The areas to be provided for the storage and presentation for collection/emptying of refuse and recycling bins as shown on Drawing No. 21/001/BP/P, Rev. G shall be provided in their entirety before the development is brought into use and shall be retained thereafter for no other purpose.

Reason: To ensure that space is provided for refuse and recycling bins to be stored and presented for emptying and left by operatives after emptying clear of the highway and access to avoid causing obstruction and dangers for the public using the highway.

29. Before the development is commenced, details of the footpath on the site frontage and connecting the site to the existing development to the north, including layout, levels, gradients, surfacing and means of surface water drainage, shall be submitted to and approved in writing by the Local Planning Authority. The details agreed to satisfy this condition shall be implemented and completed in their entirety prior to the first use.

Reason: To ensure that roads/footways are constructed to an acceptable standard. This condition is required to be agreed prior to the commencement of any development to ensure highway safety is secured early for both development, its construction and addresses areas of work before any other parts of the development can take place. If agreement was sought at any later stage there is an unacceptable risk to highway and public safety and risk of cost to the developer if the details are not found acceptable.

30. Prior to the occupation of the dwellings, details of the means to prevent users of the public house using the residential parking area (such as informative signage) shall be submitted and approved in writing. The approved details shall be installed and maintained thereafter.

Reason: To ensure that the residential parking is reserved solely for the use of residents of the dwellings and to prevent cars from parking on the highway.

31. No external lighting shall be installed without the prior submission and approval of an external lighting scheme (including position and height of mounting features, height and angle of lights including aiming points, light fixing type, size and appearance, and the luminance levels). There after only the approved lighting scheme shall be installed and maintained in that form.

Reason: In the interests of amenity, and protection of the local rural environment, including the ecological environment.

32. The public house shall only be open to the public between 09:00 and 23:00 Monday to Sunday, including Bank Holidays. The approved development shall be closed to the public at all other times, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of amenity and protection of the local environment

33. No external equipment for the amplification of sound and/or the playing of music shall be operated from the site at anytime, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interest of the amenity of neighbouring residents.

34. In respect of the hereby permitted dwellings, notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or any Order revoking or re-enacting the said Order, no development of any kind specified in Part 1, Classes A, AA, B, C, D, E, F and Part 2 Class A of Schedule 2 of the said Order shall be carried out unless planning permission has been granted for such.

Reason: In order that the local planning authority may retain control over this particular form of development in the interests of amenity and the protection of the local environment.

35. Prior to the commencement of development of the new dwellings, details of the retaining walls to be erected within the car park areas shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the details of the retaining walls are acceptable, as no information has been provided as part of the application.

36. Prior to the first use/reopening of the public house, details of the screening to be provided on the first floor terraced area at the rear of the public house shall be submitted to and approved in writing by the Local Planning Authority. The approved screening shall be installed in accordance with the approved details prior to the terraced area being brought into use, and shall thereafter be retained in its approved form.

Reason: In the interests of residential amenity.

Informatives:

1. The Local Planning Authority has assessed the proposal against all material considerations including planning policies and any comments that may have been received. The planning application has been approved in accordance with the objectives of the National Planning Policy Framework and local plan to promote the delivery of sustainable development and to approach decision taking in a positive way.
2. The applicant is advised that the proposed development may require the naming of new street(s) and numbering of properties/businesses within those streets and/or the numbering of new properties/businesses within an existing street. This is only required with the creation of a new dwelling or business premises. For details of the address charges

please see our website <https://www.eastsuffolk.gov.uk/planning/street-naming-and-numbering> or email llpg@eastsuffolk.gov.uk.

3. This permission is subject to the completion of a Section 106 legal agreement.
4. No removal of hedgerows, trees or shrubs, brambles, ivy and other climbing plants or works to or demolition of buildings or structures that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.
5. It is an OFFENCE to carry out works within the public highway, which includes a Public Right of Way, without the permission of the Highway Authority.

Any conditions which involve work within the limits of the public highway do not give the applicant permission to carry them out. Unless otherwise agreed in writing, all works within the public highway shall be carried out by Suffolk County Council or its agents at the applicant's expense.

Suffolk County Council must be contacted on Tel: 0345 606 6171.

For further information, go to:

<https://www.suffolk.gov.uk/planning-waste-and-environment/planning-and-development-advice/application-for-works-licence>.

Suffolk County Council drawings DM01 - DM14 are available from:

<https://www.suffolk.gov.uk/planning-waste-and-environment/planning-and-development-advice/standarddrawings>.

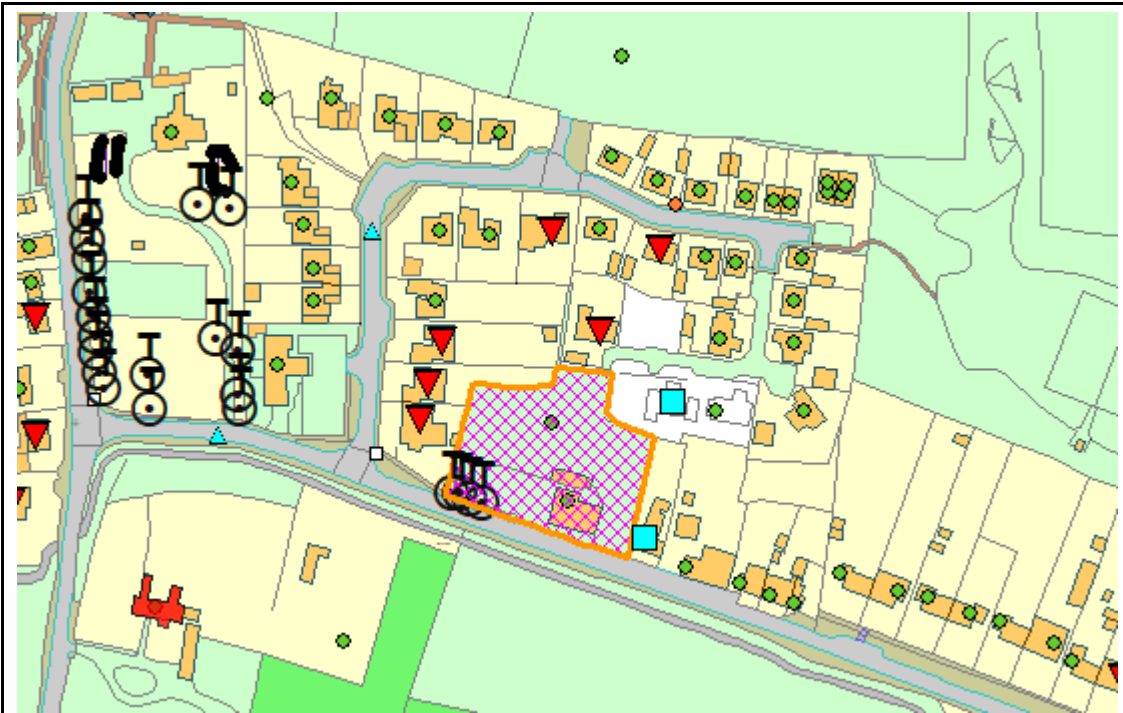
A fee is payable to the Highway Authority for the assessment and inspection of both new vehicular crossing access works and improvements deemed necessary to existing vehicular crossings due to the proposed development.

Public Utility apparatus may be affected by this proposal. The appropriate utility service should be contacted to reach agreement on any necessary alterations which have to be carried out at the expense of the developer.

Background information

See application reference DC/22/4714/FUL on [Public Access](#)

Map



DO NOT SCALE AC0000814647

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Key



Notified, no comments received



Objection



Representation



Support