



## Committee Report

**Planning Committee North - 10 October 2023**

**Application no DC/23/3166/RG3**

**Location**

41 Mount Pleasant  
Halesworth  
Suffolk  
IP19 8JF

**Expiry date** 11 October 2023

**Application type** Deemed Council Development

**Applicant** East Suffolk Council

**Parish** Halesworth

**Proposal** Change of use from class sui generis (c) linen service to C3 residential and single storey side extension

**Case Officer** Iain Robertson  
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### 1. Summary

- 1.1. Planning permission is sought for the Change of use from class Sui Generis (c) linen service to C3 residential and single storey side extension.
- 1.2. The application is presented to members as the land is owned by East Suffolk Council, which automatically triggers referral to Planning Committee.
- 1.3. The proposal is considered to accord with the Development Plan and is recommended for Approval.

### 2. Site Description

- 2.1. The site is situated on the corner of Mount Pleasant and the Avenue, within the settlement boundary of Halesworth in a predominantly residential area outside of the Town centre Boundary.

- 2.2. The premises forms half of a semi-detached property with No. 40, which is in residential use.
- 2.3. Whilst there is no planning history available for this site, it appears that this property has been in commercial use for some years, most recently as a laundrette (Sui Generis Use) and prior to that as a charity shop.

### 3. **Proposal**

- 3.1. The proposal is for the change of use of the premises from class Sui Generis (c) linen service to C3 residential and the construction of single storey side extension to provide a 1-bedroom property.

### 4. **Third Party Representations**

- 4.1. No third-party representations received.

### 5. **Consultees**

#### **Parish/Town Council**

Consultee	Date consulted	Date reply received
Halesworth Town Council	21 August 2023	25 August 2023
Summary of comments: The Planning & Highways Committee of Halesworth Town Council have no objections to this application.		

#### **Statutory consultees**

Consultee	Date consulted	Date reply received
SCC Highways Department	21 August 2023	No response
Summary of comments: No response received		

#### **Non statutory consultees**

Consultee	Date consulted	Date reply received
East Suffolk Ecology	21 August 2023	11 September 2023
Summary of comments: Based on the available information the proposed development appears unlikely to result in a significant adverse impact on protected species or UK Priority habitats or species (under		

section 41 of the Natural Environment and Rural Communities (NERC) Act (2006))

RAMS payment required

Consultee	Date consulted	Date reply received
East Suffolk Environmental Protection	21 August 2023	22 August 2023
Summary of comments: No objection - unexpected contamination condition required		

### Re-consultation consultees

Consultee	Date consulted	Date reply received
Halesworth Town Council	4 September 2023	No response
Summary of comments:		

### Site notices

General Site Notice

Reason for site notice:  
Change of Use  
Date posted: 11 September 2023  
Expiry date: 2 October 2023

General Site Notice

Reason for site notice: Change of Use  
Date posted: 25 August 2023  
Expiry date: 18 September 2023

## 6. Planning policy

- 6.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that *“where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise”*.
- 6.2. The National Planning Policy Framework (NPPF) (2023) and National Planning Policy Guidance (NPPG) are material considerations.
- 6.3. The East Suffolk Council (Waveney) Local Plan was adopted on 20 March 2019 and the following policies are considered relevant:
  - WLP1.1 - Scale and Location of Growth
  - WLP1.2 - Settlement Boundaries
  - WLP8.12 - Existing Employment Areas

- WLP8.29 – Design
- WLP8.33 - Residential Gardens and Urban Infilling
- WLP8.34 - Biodiversity and Geodiversity

6.4. The Halesworth Neighbourhood Plan ('Made' February 2023), also form part of the Development Plan of which the following Policies are relevant:

- Policy HAL.DH1: Design
- Policy HAL.ED1: Small-scale commercial workspaces and micro employment area.

## 7. **Planning Considerations**

### Principle

- 7.1. The site is situated within the settlement boundary of Halesworth but outside of the Town Centre boundary. The local plan only provides protection for commercial units within the Primary or Secondary frontages in the Town centre or within Allocated employment sites defined by the Local Plan policy maps. Neighbourhood Plan policy HAL.ED1 provides additional protection for small scale commercial uses in areas of the Town such as Station Yard and Miles Ward Court, but does not extend to protection of commercial uses such as this.
- 7.2. Therefore, the principle of change of use can be supported subject to compliance with other policies of the Development Plan.

### Design

- 7.3. The proposal shows a side extension which would enable a small 1-bedroom property to be provided. Policy WLP8.29 and HAL.DH1 require developments to demonstrate high quality design, which respects the local character of the area.
- 7.4. Policy WLP8.33 - "Residential Gardens and Urban Infilling" is considered to be of relevance, which seeks to promote good design by, amongst other things, not providing development which is out of character with the density of surrounding development and not generating a cramped form of development.
- 7.5. In this case the proposals show an extension which is similar in scale to the existing property, continuing in the same form with matching materials, which is considered to be acceptable.
- 7.6. Albeit that the extension would go up to the eastern boundary, due to the walkway to the side and rear of the curtilage access to the rear would still be maintained and space would be maintained between the extension and other development in the vicinity so as not to create a cramped form of development.
- 7.7. The proposal is acceptable in design terms and would comply with the aims of Policies WLP8.33 and WLP8.29.

- 7.8. The design also incorporates sustainable construction features such as renewable energy generation in the form of PV panels and an Air Source Heat Pump as encouraged by Policy WLP8.28.

#### Residential Amenity

- 7.9. The proposal as shown would have limited impact on the amenities of the surrounding neighbours. However, due to the rear patio doors proposed and the raised area created it is considered necessary that screen fencing is provided on the western boundary. This would provide privacy to the occupiers of the adjoining property at No. 40 and also the occupiers of this future property as currently there is a low fence to the rear and now this area will be used as a residential garden.
- 7.10. The proposal is therefore considered to comply with the requirements of Policy WLP8.29, which requires development proposal to protect the amenity of surrounding neighbours and to provide a good standard of amenity to future occupiers.

#### Highways/access

- 7.11. The access is to be retained in the same place as existing, details of which have been provided on the layout plan. SCC Highways Authority have not commented on the application. The proposal complies with the Suffolk Guidance for Parking (2019), and conditions for infrastructure such as refuse/recycling facilities, cycle storage provision and EV charging are to be applied, if permission is granted.

#### Ecology

- 7.12. Based on the available information, the proposed development appears unlikely to result in a significant adverse impact on protected species or UK Priority habitats or species (under section 41 of the Natural Environment and Rural Communities (NERC) Act (2006)).
- 7.13. In addition to the above, the site is within the Suffolk Coast RAMS Zone of Influence (Zone B - within 13km of the Benacre to Easton Bavents SPA and Minsmere-Walberswick SPA/SAC/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 contribution has been secured by S111 payment.

#### Contaminated land

- 7.14. The application is supported by a Contaminated Land Questionnaire and Environmental Search document. These documents demonstrate a low risk of contamination and are considered to meet the requirements of Paragraph 183 of the NPPF.

#### Removal of Permitted Development Rights

- 7.15. Due to the small rear garden area, it is considered necessary to remove Permitted Development rights for extensions and outbuildings (Class A and E) of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015

(as amended). This means that those forms of development could only take place in the event that a planning application was made, and permission granted.

## 8. **Conclusion**

- 8.1. There is no policy objection to the loss of this commercial unit in this location as it is situated outside of any designated employment area as shown on the Policies maps.
- 8.2. The proposed development is of an appropriate design and scale which would have minimal impact on the amenity of occupiers of properties in the vicinity.
- 8.3. The proposal would provide a small accessible unit that will provide a useful contribution to the Council's housing stock.
- 8.4. The proposal is considered to accord with Development Plan Policies identified within this report and the objectives of sustainable development within the NPPF.

## 9. **Recommendation**

- 9.1. Approve subject to conditions.

## 10. **Conditions:**

1. The development hereby permitted shall be begun within a period of three years beginning with the date of this permission.

Reason: In accordance with Section 91 of the Town and Country Planning Act 1990 as amended.

2. The development hereby permitted shall be completed in all respects strictly in accordance with Drawing Nos. 2324.103/001, 2324.103/006, 2324.103.SCCH, received 10 August 2023 and Drawing Nos. 2324.103/007 B, 2324.103/008 B; received 20 September 2023, for which permission is hereby granted or which are subsequently submitted to and approved by the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.

Reason: For the 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 in writing with the local planning authority.

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

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order) (with or without modification), no building or structure permitted by Classes A (extensions or alterations) or E (buildings or enclosures within the curtilage of the house) of

Schedule 2 Part 1 of the Order shall be erected without the submission of a formal planning application and the granting of planning permission by the Local Planning Authority.

Reason: To secure a properly planned development.

5. Prior to the occupation of the property the screen fence to the western boundary, as shown on Drawing Nos. 2324.103.007 B and 008 B, shall be provided and thereafter retained as approved.

Reason: In order to protect the amenity of the adjoining property from overlooking from the raised stepped podium and garden area, in accordance with the requirements of Policy WLP8.29 to protect the amenity of neighbouring uses.

6. The use shall not commence until the area(s) for the storage/presentation of refuse and recycling bins as shown on Drawing No. 2324.103/007 B, has been provided and thereafter that area(s) shall be retained and used for no other purposes.

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.

7. The use shall not commence until the area(s) within the site shown on Drawing No. 2324.103/007 B, for the purposes of manoeuvring and parking of vehicles has been provided and thereafter that area(s) 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.

8. The use shall not commence until the area(s) for cycle storage and electric vehicle charging infrastructure as shown on Drawing No. 2324.103/007 B, shall be provided and thereafter shall be retained and used for no other purposes.

Reason: To ensure the provision of cycle storage and charging infrastructure for electric vehicles in accordance with Suffolk Guidance for Parking (2019).

9. 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. Unless agreed in writing by the LPA 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 (see National Planning Policy Framework) and conform with prevailing guidance (including BS8485:2015+A1:2019, BS 10175:2011+A2:2017 and Land Contamination Risk Management) and a written report of the findings must be produced. The written report is subject to the review and confirmation

in writing by the Local Planning Authority that likely risks have been identified and will be investigated accordingly.

Where remediation is necessary a detailed Remediation Strategy (RS) must be prepared and is subject to the review and confirmation in writing by the Local Planning Authority as likely to address the risks identified. The RS must include detailed methodologies for all works to be undertaken, site management procedures, proposed remediation objectives and remediation criteria. The RS 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 remediation strategy a validation report that demonstrates the effectiveness of the remediation must be submitted to, reviewed by and confirmed in writing by the LPA as likely to have addressed the risks identified.

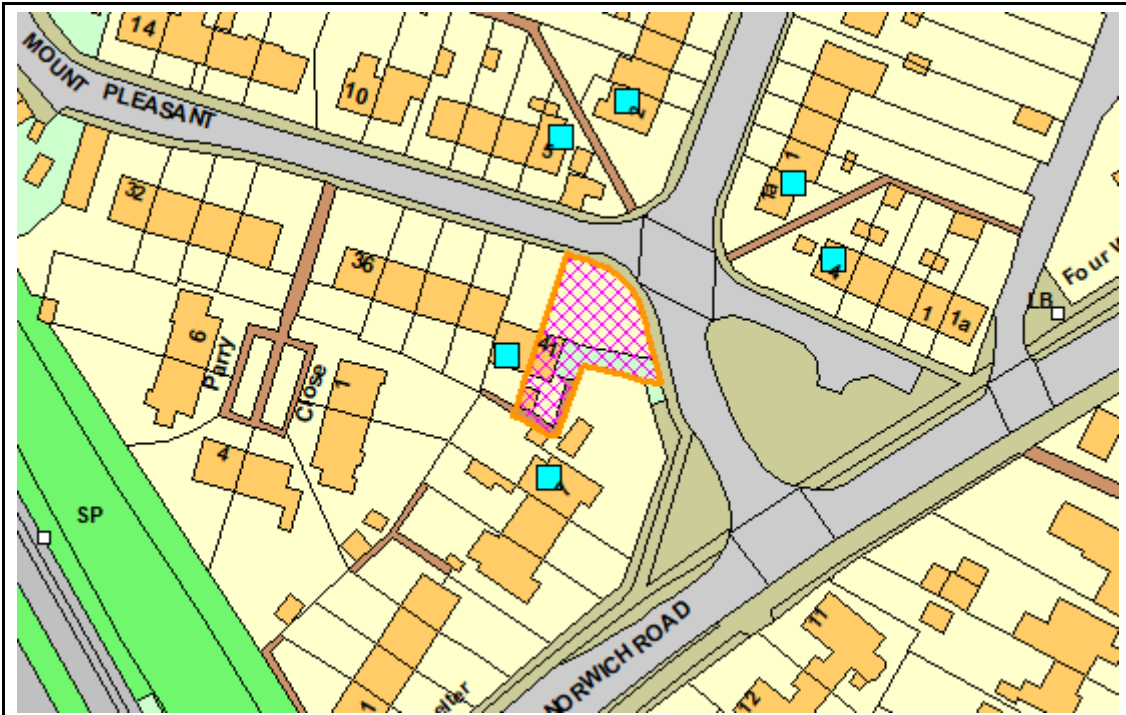
Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours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

### **Background information**

See application reference DC/23/3166/RG3 on [Public Access](#)

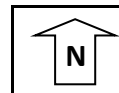


# Map



DO NOT SCALE AC0000814647

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## Key



Notified, no comments received



Objection



Representation



Support