



Committee Report

Planning Committee North - 12 January 2021

Application no DC/20/4001/FUL

Location

9 Trinity Street
Southwold
Suffolk
IP18 6JH

Expiry date 1 December 2020

Application type Full Application

Applicant Rebecca Meo

Parish Southwold

Proposal Conversion of ground floor shop into holiday let for disabled use

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1. Summary

This application is for the conversion of an existing retail unit to a holiday let which would be specifically designed for the disabled. The site is within the settlement boundary of the town and within the designated Conservation Area. The proposed use will contribute towards tourism and thus supporting an important part of the District's economy. The proposals will not be harmful to residential amenity, highway safety, heritage assets and European Habitat sites. The application is recommended for approval as it is considered to be a sustainable form of development that accords with the Development Plan.

The application is before the Planning Committee (North) at the request of the Referral Panel.

2. Site description

2.1 The building is an end of terrace property abutting the footway on the east side of Trinity Street. It comprises a shop on the ground floor with flat above. Prior to the shop use the

premises were an (A2 use) holiday letting agency, with various commercial uses prior to this. The building lies within the conservation area but is not a listed building. It comprises an attractive shop front including two large sash windows to main façade that were added, it is stated, in the 1930's. Unlike the other buildings in the terrace which comprise red brick walls the premises comprise rendered walls.

3. Proposal

- 3.1 The main proposal is for a change of use to a holiday let suitable for disabled people confined to a wheelchair. The applicant states there is a dearth of such accommodation in the town and the accessible ground floor unit proposed would be of great benefit.
- 3.2 A new bin store is proposed within the gable wall, and a new shower room window which will be fitted with obscured glazing using white etched glass. It is proposed to retain the existing shop windows.
- 3.3 The applicants explain that the most recent retail use has not been successful, the premises being slightly off the beaten track and much less prone to footfall than the High Street. It is outside the designated Town Centre, and no longer in an area that contains a number of shops. The shop had been marketed, at a reduced rate, through the estate agent, Fennels, for nine months, without any interest at all.
- 3.4 Access remains as existing with the exception that the main entrance doors will be automatically operated for the benefit of disabled visitors. Adjustment will be made at the threshold to ensure easy wheelchair access. It is stated the applicant is applying for a disabled parking bay outside the property.

4. Consultations/comments

- 4.1 Two representations of support have been received raising the following key matters:
 - A quality holiday let for the disabled is much needed in the town and is surrounded by holiday lets; and
 - The Town Council's objection based on the Neighbourhood Plan is unlawful as the Plan has not yet been the subject of a referendum.
- 4.2 Four representations (including one from Ward Member, Cllr Beavan) of objection have been received, on the following key grounds:
 - lack of parking;
 - loss of retail;
 - over-development and intensification of use;
 - new window would cause overlooking;
 - the servicing proposals (removal of waste) will encroach on neighbour's property and thus they have no legal rights to implement them and would interfere with their parking space; and
 - The provision of a parking bay outside the property would present an obstacle and exacerbate congestion.

5. Consultees

Southwold Town Council

Consultee	Date consulted	Date reply received
Southwold Town Council	13 October 2020	3 November 2020
<p><i>“Recommend refusal</i></p> <p><i>This small ground floor shop, with a C3 flat using for holiday letting above, is near the corner of Trinity Street and East Street. Formerly the shop was a holiday letting agency, and recently has been a gift shop –both run by the owner/applicant. East Street is a vibrant part of the Town Centre and there is a successful gift shop on the corner of East Street and Trinity Street a few doors down from this shop. The owner/applicant, who attended Southwold Town Council Planning Committee meeting that considered this application, advised that she has not been successful in letting the shop as a retail premise but detailed information was not provided on how the shop had been marketed – at what rent, for how long, for a purpose under the new use class regulations, etc. The Town Council notes that shops vacated during lockdown are now being let to independent businesses presumably because rents are lower. It might well be possible for this shop to be used by another type of business under the greater flexibility provided by the new use class.</i></p> <p><i>This is the second application in the town for change of use to holiday let. The first (37 Pier Avenue) was to develop a three bedroom house into a large “party” type house. Change of use from C3 to Sui Generis was refused and an appeal was dismissed. Although the proposed use for this site is a “disabled” holiday let suitable for a maximum of two people, there would be nothing to prevent the owner from using the premises as a generic holiday let. For this reason, we treated this application as a change of use to sui generis for holiday letting without any restrictions on the type of client. This was based on the statement by the applicant/owner, in response to a Town Councillor’s question, that if she were unable to obtain a disabled parking bay for the specific use of the flat, she would still want to use the premises for self-catered leisure accommodation.</i></p> <p><i>The owner/applicant has advised the Town Council that she has not yet applied to SCC Highways for a disability bay. STC has been advised by SCC that it grants disability bays to specific individuals and not to premises. STC has therefore assumed that no parking provision can be made for this new use, which will attract one vehicle.</i></p> <p><i>The site is located in an area of high demand for parking because of the numerous houses used for holiday letting in the immediate area, and the lack of on-street parking. There are a small number of spaces on the opposite side of the street, which have timed limited car parking. Until recently, STC retained a PCSO for parking enforcement and this time limited bay on Trinity Street, along with Victoria Street and East Street were all enforcement “hot spots” for anti-social parking. Perhaps the single biggest complaint by residents and people working in the town about holiday lets is a lack of parking provision, which means that users of holiday lets compete with residents and employees for the limited space available near the homes that they rent. This problem has gotten worse since lockdown as fewer people vacation abroad. (Local letting agents advise that the holiday lets in town are all booked up through 2022.)</i></p> <p><i>The applicant has asked the Town Council to consider that this change of use would generate demand for only one car space. The town, however, cannot absorb any more holiday let car</i></p>		

parking. In January 2020, the Town Council retained a consultant to gather information on holiday letting and parking. The research found that there were 374 holiday lets in the town and of these, 239, including a number advertising accommodation to more than 10 guests, did not provide any off-road parking.

WLP 8.21 – Sustainable Transport states that subject to design considerations, “new developments will be required to provide parking that meets the requirements set out in the Suffolk Guidance for Parking issued by Suffolk County Council (2014 and subsequent updates). SCC Highway Parking Guidance calls for one car space for a one bedroom flat. In a recent planning application (refused) for 18 Chester Road, DC/20/1498/FUL, SCC Highways wrote: “We do not consider Southwold a highly sustainable location where reductions to our parking standards should be permitted.”

Statutory consultees

Consultee	Date consulted	Date reply received
Suffolk County - Highways Department	13 October 2020	26 November 2020
Summary of comments: As this is a conversion of an existing building that would attract its own parking demand, an objection on the basis of a lack of parking provision cannot be upheld. A condition is recommended regarding refuse storage.		

Non statutory consultees

Consultee	Date consulted	Date reply received
Southwold And Reydon Society	N/A	11 November 2020
Summary of comments: Recommend refusal because of the loss of a retail outlet and the lack of parking.		

Consultee	Date consulted	Date reply received
Suffolk County Archaeological Unit	13 October 2020	No response
Summary of comments: No comments received.		

Consultee	Date consulted	Date reply received
Environmental Protection (Internal)	13 October 2020	23 October 2020
Summary of comments: If use restricted to holiday accommodation, then no implications for contaminated land.		

Consultee	Date consulted	Date reply received
Ecology (Internal)	13 October 2020	No response
Summary of comments: Referred to in officer report.		

6. Publicity

The application has been the subject of the following press advertisement:

Category	Published	Expiry	Publication
Conservation Area	23 October 2020	13 November 2020	Beccles and Bungay Journal

Category	Published	Expiry	Publication
Conservation Area	23 October 2020	13 November 2020	Lowestoft Journal

7. Planning Policy

7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that *“where in making any determination under the planning Acts, if regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise”*.

7.2 The National Planning Policy Framework (NPPF) and National Planning Policy Guidance (NPPG) are material considerations when determining the application.

7.3 The East Suffolk Council - Waveney Local Plan was adopted on 20 March 2019 and the following policies are considered relevant:

WLP8.15 - New Self Catering Tourist Accommodation (East Suffolk Council - Waveney Local Plan (March 2019)

WLP8.21 – Sustainable Transport (East Suffolk Council - Waveney Local Plan (March 2019)

WLP8.29 - Design (East Suffolk Council - Waveney Local Plan (March 2019)

WLP8.37 - Historic Environment (East Suffolk Council - Waveney Local Plan (March 2019)

WLP8.39 - Conservation Areas (East Suffolk Council - Waveney Local Plan (March 2019)

WLP8.34 - Biodiversity and Geodiversity (East Suffolk Council - Waveney Local Plan (March 2019)

8. Planning considerations

- 8.1 The Waveney Local Plan recognises that self-catering tourist accommodation plays a vital role in Waveney's tourism sector, and that the tourism industry is an important part of the District's economy. Policy WLP8.15 directs new self-catering tourist accommodation comprising permanent buildings to within settlement boundaries.
- 8.2 The site lies outside the defined Town Centre and is not within a Local Shopping Centre as identified in the Local Plan. There are no Local Plan policies that require the existing shop use to be retained. The premises are surrounded on all sides by existing residential properties. Given the very restricted size of the ground floor; the lack of any curtilage to the premises; and its close relationship to the road and other buildings, its occupancy as a permanent dwelling would not be ideal given the limited amenity standards it would have. However, being available for holiday letting where future occupiers would only be staying for short periods, the space standards and need for a garden is not as high. Furthermore, the premises are very close to the sea front and the Town's other attractions and facilities. The holiday-use would support local shops and services with tourists spending in the local economy.
- 8.3 It is thus considered that the use of the premises for the provision of self-catering tourist accommodation would be in accordance with Local Plan policy WLP8.15.
- 8.4 Objections have been received regarding the perceived lack of parking to serve the holiday let. However, as this is a conversion of an existing building that would already attract its own parking demand, an objection on the basis of a lack of parking provision cannot be justified. Some potential occupier's may not have their own private transport and thus not be in need of a parking space, in any event. The premises are in a sustainable location, being within walking distance of the sea front and the town centre.
- 8.5 When considering planning applications, NPPF paragraph 109 provides clear guidance that:
- "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."*
- 8.6 It is the view of officers that there are no highways grounds to refuse the application, and the scheme accords with the objectives of WLP8.21 (Sustainable Transport).
- 8.7 The applicant has confirmed that they have the necessary legal rights of way to access the bin store over the neighbour's drive. In any event this is a private matter that would need to be resolved by the parties concerned. The applicant also confirms that refuse will be collected privately and so bins will not be left out for collection.
- 8.8 The proposals are not considered to cause harm to the amenity of neighbouring uses and thus accords with the amenity objectives of Policy WLP8.29.
- 8.9 With the retention of the existing shop frontage (including the windows, doors, fascia, cornice and pilasters) and the minimal alterations comprising a new small window and doors to the refuse storage in the end gable wall, it is considered the proposals will seek to preserve and enhance the character and appearance of the Conservation Area and thus

accord with Local Plan policies WLP8.37 and WLP8.39 which, in line with the NPPF, seek to protect designated heritage assets. The proposal also accords with policy WL8.29 - Design.

- 8.10 The applicant has made the required financial contribution under the Suffolk Coast RAMS to mitigate the impact that new tourist accommodation will have as a result of increased recreational disturbance on designated Habitats Sites. It can therefore be concluded that this development will not result in an in-combination adverse effect on the integrity of Habitats Sites. The proposal is therefore in accordance with the requirements of Local Plan policy WLP8.34 and NPPF Chapter 15.

9. Conclusion

- 9.1 In conclusion, whilst it is unfortunate to lose this small retail outlet, there are no policies in the Local Plan that seek to retain this particular use. The proposed use will contribute towards tourism and thus supporting an important part of the District's economy. It is not considered a refusal of planning permission can be justified on amenity and highway safety grounds, and the proposals will not cause harm to heritage assets and European Habitat sites. On balance, therefore, the proposal represents a sustainable form of development in accordance with the Local Plan and NPPF and is therefore recommended for approval.

10. Recommendation

- 10.1 APPROVE subject to the following controlling conditions:

11. 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 155103 received 07/10/20, and the applicants supporting information received 09/11/20, 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 premises herein referred to shall be used for holiday letting accommodation and for no other purpose (including any other purpose in Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or any Order revoking or re-enacting the said Order). The duration of occupation by any one person, or persons, of any of the holiday units shall not exceed a period of 56 days in total in any one calendar year, unless the Local Planning Authority agrees in writing to any variation.

The owners/operators of the holiday units hereby permitted shall maintain an up-to-date Register of all lettings, which shall include the names and addresses of all those persons occupying the units during each individual letting. The said Register shall be made available at all reasonable times to the Local Planning Authority.

Reason: To ensure that the development is occupied only as bona-fide holiday accommodation, having regard to the tourism objectives of the Local Plan and the fact that the premises are considered unsuitable for permanent residential development, given the space standards and lack of outdoor space.

4. The areas to be provided for storage of Refuse/Recycling bins shown on drawing number 155103 shall be provided in its entirety before the development is brought into use and shall be retained thereafter for no other purpose. The collection of refuse shall be in compliance with the details submitted with the application.

Reason: To ensure that adequate provision is made for the collection/storage of refuse recycling bins.

5. The new window in the south-west elevation shall be fitted with obscure glazing and thereafter retained as such.

Reason: To avoid undue loss of privacy to neighbouring residents.

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. East Suffolk Council is a Community Infrastructure Levy (CIL) Charging Authority.

The proposed development referred to in this planning permission may be chargeable development liable to pay Community Infrastructure Levy (CIL) under Part 11 of the Planning Act 2008 and the CIL Regulations 2010 (as amended).

If your development is for the erection of a new building, annex or extension or the change of use of a building over 100sqm in internal area or the creation of a new dwelling, holiday let of any size or convenience retail, your development may be liable to pay CIL and you must submit a CIL Form 2 (Assumption of Liability) and CIL Form 1 (CIL Questions) form as soon as possible to CIL@eastsuffolk.gov.uk

A CIL commencement Notice (CIL Form 6) must be submitted at least 24 hours prior to the commencement date. The consequences of not submitting CIL Forms can result in the loss of payment by instalments, surcharges and other CIL enforcement action.

CIL forms can be downloaded direct from the planning portal:

https://www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy/5

Guidance is viewable at: <https://www.gov.uk/guidance/community-infrastructure-levy>

