

Appeal Decision

Hearing held on 1 March 2017

Site visit made on 1 March 2017

by Peter Rose BA MRTPI DMS MCMi

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 24th May 2017

Appeal Ref: APP/J3530/W/16/3155285

The Bartlet, Undercliff Road East, Felixstowe, Suffolk, IP11 7LS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Gipping Homes (Bartlet) Ltd against the decision of Suffolk Coastal District Council.
 - The application Ref: DC/15/4581/FUL, dated 12 November 2015, was refused by notice dated 25 February 2016.
 - The development proposed is apartment building including garaging and cycle store.
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Decision

1. The appeal is allowed and planning permission is granted for an apartment building including garaging and cycle store at The Bartlet, Undercliff Road East, Felixstowe, Suffolk, IP11 7LS, in accordance with the terms of the application Ref: DC/15/4581/FUL, dated 12 November 2015, and subject to the conditions set out in the attached schedule.

Procedural matters

2. Reason 1 of the Council's decision notice refers to saved Policy AP1 of the Suffolk Coastal Local Plan, 2001. The Hearing was advised this was no longer a saved policy and, for the purposes of this appeal, has been superseded by the provisions of the Felixstowe Peninsula Area Action Plan Adopted January 2017 to be read in conjunction with the retained Felixstowe Conservation Area Appraisal Supplementary Guidance Note 10.11 April 1995 (the SGN).

Main issues

3. The main issues are:
 - (a) the effect of the proposed development upon the special architectural and historic interest of the Bartlet Hospital/Martello Tower R, a Grade II* listed building and, in particular, whether or not the scheme would preserve its setting;
 - (b) whether or not the scheme would preserve or enhance the character or appearance of the Felixstowe Conservation Area;
 - (c) whether or not the proposed development would make appropriate provision for affordable housing, and;
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(d) other possible material considerations which may need to be weighed as part of any planning balance, including matters of housing need and five-year housing land supply.

Reasons

Background

4. The Bartlet Hospital was built between 1923 and 1926 as a convalescent home on the site of a former Martello Tower R (the tower), a small coastal artillery fort constructed between 1810 and 1812. The existing main building (the hospital) incorporates the lower, remaining levels of the tower, including its walled moat.
5. The tower was built overlooking the sea for the purposes of coastal defence and sat within a fenced military reservation originally of some 7 acres. The original extensive grounds of the reservation are occupied by a number of other buildings and uses, including the nearby Annexe, and the site includes remnants of the former Bath Hotel dating from the nineteenth century. Tennis courts now lie immediately to the north.
6. The hospital occupies an exposed, elevated position on the north side of Undercliff Road East. The site slopes steeply down to the road and the adjacent seafront, and forms part of the Felixstowe Conservation Area (the Conservation Area).
7. The Bartlet Hospital/Martello Tower R was listed Grade II* in May 2006, and a scheme for residential development was approved by the Council in 2012. This involved conversion of the former hospital to form 19 residential apartments, conversion and extension of the adjacent Annexe to provide 9 residential units, and erection of a further 3 dwellings to the east (Decision notice Ref: C11/1502/FUL dated 23 March 2012).
8. In considering that proposal, I heard evidence at the Hearing regarding the concerns of both the Council and English Heritage to ensure re-use of the hospital, whilst not unduly compromising its historical and other significance. English Heritage advised at that time that new development within the grounds, including new areas of car parking, would compromise the landscape setting of the listed building causing harm to its significance. The approach was therefore to keep the level of new development to a minimum necessary to achieve viability, and this necessitated three new dwellings to the east of the hospital and extension of the Annexe building.
9. The approved scheme involved no affordable housing, reflecting instead an overriding concern to accommodate only the minimum amount of development necessary to support the asset's long term conservation and secure the site's optimum viable use. Whilst some works are still on-going, I saw at my inspection that the scheme, as variously adjusted and modified since the original approval, has been largely implemented and provides a successful, high quality restoration of this very important and unique historic asset.

The proposal

10. The appeal scheme proposes to develop a fairly extensive area of existing open parking to the north of the site. This would involve a detached building comprising two 2-bedroom flats at first floor and a 1-bedroom dwelling over

two floors, re-arrangement of parking facilities, and including provision of garaging and cycle storage.

Listed building

11. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) places a duty upon the decision-maker, in considering applications for planning permission, to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses.
12. The text accompanying the statutory listing identifies that it is the physical marriage of the remains of the tower and the hospital that is of exceptional historic and architectural interest. The H-shaped plan and architecture of the hospital were designed to incorporate and reflect the tower's original lower level fabric, including the surrounding moat.
13. The significance of the building also draws from its historically open setting. The space around the hospital is an important feature and highlights the historic dominance of both the tower and the later hospital. The surrounding open compound was integral to the defensive role of the tower. The open aspect of the tower's setting would also have been influential upon, and characteristic of, use of the hospital as a convalescent home, with upper level verandas facing and opening out towards the sea. The open setting further contributes to the aesthetic value of the site by highlighting the prominence and impressive architecture of the hospital from various viewpoints, including along the seafront.
14. Even so, the remnants of the tower are not evident in more distant views of the building, but are very important defining features of the hospital at close quarters. Remnants of the tower are also not an obvious visual feature that can be generally seen from across the appeal site, nor readily appreciated much beyond the building itself, although the top of the dry moat is visible from certain vantage points.
15. The glossary to the National Planning Policy Framework (the Framework) defines the setting of a heritage asset to be the surroundings in which it is experienced, and indicates that its extent is not fixed and may change as the asset and its surroundings evolve.
16. Historic England's Historic Environment Good Practice Advice in Planning: 3 The Setting of Heritage Assets (GPA3), amongst other matters, sets out a recommended step-by-step methodology for assessing implications of setting in relation to the significance of a listed building. GPA3 advises that the contribution of setting to the significance of a heritage asset is often expressed with reference to views, a purely visual impression of an asset, and including views of the surroundings from or through the asset. It states that views which contribute more to understanding the significance of a heritage asset include those where relationships between the asset and places or natural features are particularly relevant. It explains that setting is not in itself a heritage asset, nor a heritage designation, and that its importance lies in what it contributes to the significance of the heritage asset.
17. GPA3 further advises that the setting of a heritage asset may reflect the character of the wider townscape or landscape in which it is situated, and that

the contribution of setting to significance is not necessarily nullified if the asset is obscured or not readily visible. In considering whether the setting of a heritage asset makes a contribution to the significance of the listed building, it identifies possible key attributes as the physical surroundings of the asset, the way the asset is appreciated, and the asset's associations and patterns of use.

18. A Heritage Statement prepared by LPP Chartered Town Planners for NHS Suffolk and dated June 2011 (the Statement) accompanied the original application and provides some wider context to the site. The Statement refers to the open spaces, including the cliff tops, the gardens and associated spaces as features which characterise this particular part of the Conservation Area. I agree with the findings of the Statement in that the relatively open grounds of the hospital form a significant part of the wider site contributing to both the Conservation Area and the setting of the listed building. Nevertheless, whilst regard must be had to the overall character of the site, that character is reflective of a number of sub-areas. The appellant's Heritage Impact Assessment (the Assessment) which accompanies the appeal proposal helpfully identifies four sub-areas within the wider site.
19. Area 1 is defined as the area of greatest significance to the setting of the listed building and is an area of open space immediately to the front of the hospital between the main buildings and the road. Area 2 is to the east, is largely screened by the buildings, and is considered of less significance to the setting of the listed building. Area 3 lies to the west and is identified as making a significant contribution to the setting by virtue of its prominent position close to the highway and at the main entrance to the listed building and wider site.
20. The proposed development would form part of Area 4. This lies to the rear, north-west part of the site and to the west of the hospital. Whilst higher land, the Assessment finds that Area 4 makes an overall neutral contribution to the significance of the listed building due to its position away from the main frontage to the hospital and the negative presence of parked vehicles.
21. I agree with the finding that Area 4 is the least significant of the four sub-areas for the setting of the listed building and this, in turn, would have implications for the impact of the proposed building. The location of the building would be set back from the hospital. It would be visible on the skyline within Area 4 but the impact would be mitigated by the relatively lower roofline, and subordinate scale and sympathetic design. The proposed development would not be visible in important sea views across Area 1 from the main south-east elevations of any of the buildings on the site. Area 2 would not be affected as it would be screened by the hospital which stands between Areas 2 and 4. The scheme would also not be readily visible in the important views within Area 3 along the driveway from the main entrance and up towards the hospital due to the relative position of the Annexe and the alignment of the access.
22. That said, I have particular regard to the contrasting assessment offered by Historic England as a statutory consultee in its letter dated 18 November 2016. The letter states, amongst other matters, that it considers the proposed new building would result in harm to the significance of the listed building by encroaching on its setting. It confirms that the space around the original heritage asset is an important feature which contributes to the significance of the listed building. Historic England remains unconvinced the development

could be undertaken without causing harm to the significance of the Grade II* listed building.

23. Whilst I find Area 4 to be less significant to the wider setting of the heritage asset than other areas, I recognise that it does, nonetheless, still contribute as unbuilt space consistent with its historic openness. I disagree that the appeal site makes a neutral contribution to the significance of the listed building to the extent that it functions as part of an open setting, albeit not in a way readily apparent in the main public views or for its historic use. That existing contribution would be lost to the scheme. Nonetheless, I find this impact upon setting, with specific regard to relative location, would be mitigated to some degree by the significant intervening distance to the hospital and by the proposed development's recessed position within the wider site. I also consider that the site and scheme characteristics described would not lead to an undue partition of the tennis courts from the appeal site.
24. The loss of openness would be accompanied by positive implications for local character and appearance which are also of direct relevance to the asset's setting. The sympathetic design and scale of the proposed building would relate well to buildings across the site, including the new terrace of dwellings to the east of the hospital and to the Annexe, such that it would appear to belong to the same family of high quality buildings in-keeping with the style and architecture of the hospital. Submitted drawing Ref: 3280-803D shows the reasonable spacing of buildings within the street-scene and how the development would neither immediately encroach upon nor clutter the setting of the asset, nor appear discordant in its design. Notwithstanding previously approved landscaping, the scheme would also break-up the negative visual impressions of the existing expanse of vehicle parking.
25. Tennis courts lie to the north and, aside from find their openness, I find other aspects of their relationship to the setting of the listed building to be significant. In particular, the northern boundary of the site is characterised by a row of high modern anodised floodlight columns, as partly evident in the centre photograph on page 4 of the appellant's Assessment and also shown in the appellant's submitted photomontage. The scale and number of these modern features create a visually jarring and incongruous backdrop to the listed building in views from the south-east, and appear historically discordant. Whilst I accept there may be other solutions to screen the open ground level vehicle parking, the higher level intrusions into the skyline of modern equipment are less easy to manage. They would be offset to some degree by the scheme and would thereby offer some further positive implications for setting.
26. In terms of loss of openness as it relates to setting, the proposed development would be contrary to Policy SP15 of the Suffolk Coastal District Council Core Strategy and Development Management Policies Development Plan Document July 2013 (the DPD) which, amongst other things, generally seeks to protect and enhance the various sites, gaps and spaces that make an important contribution to a particular location in its undeveloped form. I identify limited harm in this particular regard.
27. In terms of character and appearance as it relates to setting, I find the scheme would accord with Policy DM21 of the DPD which states that proposals should relate well to the scale and character of their surroundings particularly in terms

of their siting, height, massing and form, and that attention must be given to the form, scale, use, and landscape of the spaces between buildings.

28. On balance, given the sympathetic form of the scheme as proposed, the recessed location of the development and its relationship to key views of the site from both within and outside, I find only little net overall harm to the setting of the listed building.

Conservation Area

29. Section 72 of the Act places a duty upon the decision-maker in considering applications for, amongst other things, planning permission, to pay special attention to the desirability of preserving or enhancing the character or appearance of Conservation Areas.
30. The particular qualities and significance of the Felixstowe Conservation Area are set out in the Council's SGN, and which identifies the asset as forming part of an area of significant architectural and historic interest. The features of the listed building as already described, in turn, similarly make important contributions to the highly attractive and historically significant character and appearance of the wider Conservation Area.
31. The SGN places the site within a wider area comprising the seafront, the cliffs, the hospital and the tennis courts. It states that, despite being primarily a built up area, it is the open spaces, including the cliff top, the cliffs themselves, the beach, the gardens and other associated spaces, which characterise this part of the Conservation Area. It also describes how the spaces are interspersed with a number of quite substantial properties, mostly residential in use, and explains how views and vistas between buildings and through open spaces are very important, especially those which afford a view of the sea and the seafront. It refers to the landscaped grounds of the hospital and the open area of land used by the tennis club. It explains how that part of the site is a particularly important element of the Conservation Area, both historically and environmentally, as a visually significant open space close to the town centre and the seafront.
32. Nevertheless, I found at my site visit that the tennis courts are significantly concealed in views at ground level along the appeal site boundary by fencing and planting. Although the car park offers unoccupied space relevant to the character of the Conservation Area, I consider such contribution is limited in its exposure to the wider Conservation Area by virtue of its elevated and relatively concealed position and, in closer proximity, is less than attractive in its appearance and, historically, is less than consistent in its character.
33. The Council report of application C11/1502/FUL stated on page 36 that the new build development to the east was not considered to extend into the open space to the front of the building, retained the important character of the open space, and did not unduly affect the character of the Conservation Area. It further stated that parking areas would not be prominent outside the site or intrude on the character and setting of the listed building. I agree with those same conclusions as they generally relate to this appeal scheme. The limited harm identified to the setting of the listed building by reason of loss of openness is further diluted in the wider context of the character and appearance of the Conservation Area.

34. The scheme would occupy a relatively concealed location within the wider Conservation Area with relatively little exposure from the public domain, and would deliver some general improvements to character and appearance as described. For the reasons indicated, and notwithstanding the limited harm in terms of loss of openness, I find the scheme would not be harmful to either the overall character or appearance of the wider Conservation Area, or be contrary to the principles of the SGN.

Affordable housing

35. Policy DM2 of the DPD states that, in considering planning applications for the development of six or more additional housing units in Major Centres and Towns, whether in total or in phases, the District Council will expect one in three units to be affordable housing unless its provision is not required due to either lack of identified local need in the area, or due to site conditions, suitability and economics of provision. It further states that, in exceptional circumstances, where a scheme is not suitable to accommodate an element of affordable housing, it will expect a financial or other contribution.
36. The appellant indicated at the Hearing on-going difficulty in appreciating the Council's specific requirements, and explained how the scheme's response has been further complicated by uncertainties around the Courts' decisions in relation to the case of the Secretary of State for Communities and Local Government and West Berkshire District Council and Reading Borough Council [2016] EWCA Civ 441 (the West Berkshire judgement). As a consequence of the Courts' latest decision, the government's Planning Practice Guidance (the Guidance) now states at Paragraph: 031 Reference ID: 23b-031-20161116 that there are specific circumstances where contributions for affordable housing should not be sought. It states that contributions should not be sought from developments of ten units or less, and which have a maximum combined gross floorspace of no more than 1,000 square metres (gross internal area).
37. The Council explained at the Hearing how, given Policy DM2's reference to phased development, requirements generated by the additional three units now needed to be assessed in the wider context of the earlier development. The three units proposed would add to a further five dwellings provided since the original permission and for which no affordable housing has been sought. The Council suggests Policy DM2 should be considered in the context of the resulting total number of thirty-nine units, rather than the additional three as currently proposed, or eight as cumulatively additional to the original approval.
38. There is an undoubted need for affordable housing in the District. Paragraph 5.12 of the DPD identifies a need for some 1,896 affordable homes for the period of 2010 to 2027, an average supply of some 112 per annum. Implementing a Step Change in the delivery of Rural Affordable Housing in Suffolk Coastal District Council area, a report by Martin Aust and Jenny Mayne dated June 2015, identifies that in the five years from 2010/11 to 2014/15, annual delivery of affordable housing units only ranged from 4 to 85, and that anticipated delivery in 2015/16 and 2016/17 was 68 and 86 respectively.
39. The proposal is accompanied by an Economic Viability Assessment by Malins Associates Ltd dated 19 October 2015 (the Viability Assessment). This concludes a marginal competitive return allowing for an affordable housing contribution of £50,000. Notwithstanding issues of consistency with previous decisions, and irrespective of the interpretations of possible requirements

which may now be drawn from Policy DM2 in light of the West Berkshire judgement, the fact remains that the Viability Assessment shows that provision of one or more of the now proposed three units would be unviable as affordable housing, and that particular evidence has not been challenged. An alternative financial contribution of £50,000 is instead offered through a unilateral undertaking. The contribution of £50,000 was explained by the appellant as intending to be a meaningful contribution but one which did not unduly compromise the viability of the scheme.

40. The Council suggests that questions of viability should instead relate to the total scheme of thirty-nine units but, given that the scheme has evolved incrementally and dates back over a considerable period of some five years and beyond with various intervening changes in circumstance, including changes in ownership and scheme content, I am not satisfied such an approach would be either reasonable or reliable.
41. Paragraph 173 of the Framework states, in particular regard to plan-making that, to ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.
42. Whilst the appellant's contribution would fall short of the Council's interpretation of Policy DM2, I find that further compliance with the policy is not realistic. I consider the proposed contribution to be both reasonable in the circumstances, and necessary given the general policy expectation for development to contribute in this regard.
43. I therefore find that the proposed development would make appropriate provision for affordable housing in accordance with Policy DM2 which both recognises the possibility of a financial contribution in exceptional circumstances and which identifies economics of provision as a possible reason for not requiring such a contribution.

Other matters

Housing land supply

44. The Framework identifies a need to deliver a wide choice of high quality homes, and to boost significantly the supply of housing. It requires local planning authorities to identify and update annually a supply of specific deliverable housing sites sufficient to provide five years' worth of housing against their housing requirements, and including an additional buffer of 5%. The Framework further requires that, where there has been a record of persistent under-delivery of housing, local planning authorities should increase the buffer to 20% moved forward from later in the plan period so as to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land.
45. The Council's Statement of 5 Year Housing Land Supply 3 October 2016 (the Housing Statement) identifies a housing requirement of 7,900 dwellings over the period 2010-2027 and suggests, with a 5% buffer, the authority has a supply of some 5.8 years. Allowing for a 20% buffer, this reduces to 5 years.

Hence the Council maintains there is no outstanding housing need sufficient to justify the appeal scheme.

46. That said, the Council's Housing Statement sits in stark contrast to the evidence of a relatively recent appeal decision relating to development of 163 dwellinghouses and associated works at Land at Fairfield Road, Framlingham, Suffolk, IP13 9LH (Appeal decision Ref: APP/J3530/W/3011466 dated 25 April 2016) (the Framlingham decision).
47. This decision found that the same 7,900 housing requirement is not based on an assessment of objectively assessed needs (OAN) for the District, contrary to paragraph 47 of the Framework. It also found the figure to be artificially low. Further, it found a 20% buffer to be appropriate and that a previous shortfall in housing delivery should be addressed in the first five years. It also considered that, if the housing requirement is based on an OAN of 11,000 dwellings, as established in the Core Strategy, or on any realistic prediction of what an OAN for the District is likely to be, housing land supply in the District is likely to be less than 3.7 years. The findings in the appeal decision are relatively up-to-date, reflect examination through the adversarial methodology of a public inquiry, and little cogent evidence has been offered to effectively rebut those conclusions.
48. I also note reference to a more recent officer report to the Council's Planning Committee dated 23 November 2016 and relating to some 47 dwellings and associated works proposed in Martlesham (Application Ref: DC/16/1992/FUL). This report refers to the on-going review of the authority's objectively assessed needs. It states that it is clear from the discussions and work undertaken to date that the numbers of homes required will significantly increase and that there will be significant pressure on the Council to make land available in appropriate locations to meet these requirements. This finding appears generally consistent with the Framlingham decision.
49. Notwithstanding the Council's on-going review relating to a housing market area in conjunction with neighbouring authorities, in accordance with the Framlingham decision, I consider the Council is unable to demonstrate a five-year supply of deliverable housing land.
50. In the absence of a five-year supply of housing land, it follows, by virtue of paragraphs 47 and 49 of the Framework, that relevant policies in the development plan for the supply of housing should not be considered up-to-date. Further, by virtue of being out-of-date, relevant provisions of the presumption in favour of sustainable development under paragraph 14 of the Framework are thereby engaged. The main parties' further observations as requested on 12 May 2017 have also been noted.

Interested local parties

51. Whilst only limited objection has been received to the proposal consistent with the main issues already discussed, there is also significant local support for the scheme, both in writing and made in person to the Hearing. Aside from individual residents, these include formal representations from both the Felixstowe Society and from the Felixstowe Town Council. I have significant regard to the representations of support insofar as they relate to legitimate planning matters consistent with the particular merits of the scheme as identified.

Unilateral undertaking

52. The accompanying unilateral undertaking dated 8 December 2015 makes a commitment to a £50,000 contribution for off-site affordable housing.
53. The Council has no issues regarding the undertaking's form and content as a deed. I find the undertaking generally compliant with the relevant requirements of Regulations 122 and 123 of the Community Infrastructure Levy (CIL) Regulations 2010, and also have regard to the Framework, and to the relevant advice of both the Guidance, and of the Planning Inspectorate's Procedural Guide Planning Appeals - England, published 5 August 2016. I find the undertaking to be generally fit-for-purpose and take into account the commitments and accompanying terms as considerations of my decision.

Overage payment

54. In connection with a previous planning obligation, there would also be an overage payment to the previous owners, NHS Suffolk, of an estimated £39,500. I have little detail in that regard, and little indication as to how that money would be used, and therefore have insufficient reason to treat that matter as a public benefit.

Sustainable development

55. The Framework makes clear that housing applications should be considered in the context of the presumption in favour of sustainable development. The purpose of the planning system is to contribute to the achievement of sustainable development. Sustainable development is defined by the Framework with reference to the policies in paragraphs 18 to 219 taken as a whole. The Framework further identifies economic, social and environmental dimensions to sustainable development.
56. The scheme would provide much needed housing benefits, and particularly so given that the authority is unable to demonstrate a five-year housing land supply and has an outstanding need for affordable housing. Such benefits would be consistent with the social dimension of sustainable development.
57. The investment represented by the development would also be consistent with the economic dimension.
58. In terms of environmental impacts, the scheme would involve little net harm to the setting of a Grade II* listed building but would offer other wider and more general benefits to local character and appearance in connection with high quality design and screening.
59. In summary, the scheme would deliver significant social and economic benefits consistent with the Framework, and positive net environmental effects.

Overall planning balances

60. Paragraph 12 of the Framework reminds us of the statutory status of the development plan as the starting point for decision-making. It explains that proposed development which accords with an up-to-date Local Plan should be approved, and that proposed development that conflicts should be refused unless other material considerations indicate otherwise.

61. Paragraph 134 of the Framework makes a distinction between development causing substantial harm to the significance of a designated heritage asset, such as a listed building, and proposals causing less than substantial harm. I consider the harm arising in connection with the setting of the listed building to be less than substantial. The Framework requires less than substantial harm to be weighed against the possible public benefits of the scheme, including securing its optimum viable use. In my assessment, the little net harm to the setting of the listed building, as important as it must be regarded, would be out-weighed by the accompanying wider, general improvements to local character and appearance to which I attach moderate weight, and by the housing benefits generated by the scheme to which I also attach moderate weight.
62. In accordance with my statutory duty, I attach considerable importance and weight to the significance of the heritage asset as a Grade II* listed building but, aside from the minimal implications for setting, otherwise find the scheme to be broadly consistent with the heritage expectations of the Framework. It recognises that heritage assets are an irreplaceable resource and requires them to be conserved in a manner appropriate to their significance. The Framework further states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation, and this would be particularly so in relation to a Grade II* listed asset. I am satisfied, subject to the minimal impact upon setting, that, in overall heritage terms, the scheme responds appropriately to these expectations of national policy.
63. In accordance with the High Court's judgement in the case of the Forest of Dean District Council and the Secretary of State for Communities and Local Government and Gladman Developments Ltd [2016] EWHC 421 (Admin), the adverse impact upon the listed building has to be further weighed within the terms of paragraph 14 of the Framework.
64. The presumption in favour of sustainable development set out in paragraph 14 states that, where the development plan is absent, silent or relevant policies are out-of-date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, and unless specific policies in the Framework indicate development should be restricted.
65. I find the adverse impacts of the scheme, including the little net harm to the setting of the listed building and failure to accord with the Council's full expectations towards affordable housing as identified, do not significantly and demonstrably out-weigh the benefits in accordance with paragraph 14.
66. In summary, I find the scheme to be a sensitive residential development of brownfield land broadly consistent with the site's considerable heritage significance. It would make a significant contribution to local housing need and enjoy local support. The degree of conflict with the development plan is limited and is out-weighed by the other considerations identified. Accordingly, I find that other material considerations warrant a decision in this instance other than in full accordance with the development plan.

Conditions

67. I have considered the conditions discussed between the main parties at the Hearing, and have regard to the advice set out in both the Guidance, and in the Framework, in terms of both the need for individual conditions and of appropriate wording.
68. To provide certainty, a condition is required specifying the relevant drawings.
69. To ensure a satisfactory standard of external character and appearance to the site, further details are required of external materials, and of particular design features. Similarly, arrangements are made for landscaping.
70. To safeguard the free and safe movement of vehicles and pedestrians around the site, provision of vehicle parking and manoeuvring areas should be made prior to occupation of the dwellings.
71. To safeguard the living conditions of neighbouring residents, first floor windows in the south-west elevation should be obscure glazed and be retained as such.
72. In the case of each of the pre-commencement conditions identified, I consider that resolution of the matters specified to be of sufficient significance to the achievement of a satisfactory development and in safeguarding the setting of the listed building such that it would be inappropriate to proceed further without the prior clarification and certainty that would arise from their approval.

Conclusion

73. For the above reasons, and in accordance with section 38(6) of the Planning and Compulsory Purchase Act 2004, the appeal is allowed and planning permission is granted subject to the conditions set out in the attached schedule.

Peter Rose
INSPECTOR

SCHEDULE OF CONDITIONS

Time limit

1. The development hereby permitted shall begin not later than three years from the date of this decision.

Drawings

2. The development hereby permitted shall be carried out in accordance with the approved drawings Ref: 3280-807 'Site' blocked in red; 3280-803D 'Street Scene'; 3280-804H 'Proposed units'; 3280-805B 'Car park units'; and LSDP 11037.02 Rev H 'Landscape Proposal'.

Pre-commencement

3. No development shall commence until full details of the materials to be used in the construction of the roof and all external walls have been submitted to and been approved in writing by the local planning authority.
4. No development shall commence until full details of the following features have been submitted to the local planning authority and have been approved in writing:
 - a) windows and external doors;
 - b) external balconies, including balustrading;
 - c) eaves and chimneys;
 - d) external steps, pathways and verges.

Pre-occupation

5. The details to be approved pursuant to Conditions 3 and 4 above shall be implemented in their entirety before the development is first occupied.
6. The dwellings hereby approved shall not be first occupied until the areas within the site shown on drawings Ref: 3280-804H and 3280-805B for the purposes of parking and manoeuvring of vehicles have been provided in accordance with the details specified therein and such areas shall be retained thereafter and be used for no other purposes.
7. Within 3 months of commencement of development, full and precise details of the proposed landscape works, to include tree and shrub planting, grass, earthworks and other operations as appropriate, and at a scale not less than 1:200, shall be submitted for subsequent approval in writing by the local planning authority.
8. The scheme of landscape works to be approved pursuant to Condition 7 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 be subsequently maintained for a period of five years, and thereafter retained. Any planting removed, dying or becoming seriously damaged or diseased within five years of its

implementation shall be replaced within the first available planting season thereafter and shall be subsequently retained.

9. The first floor windows in the south-west elevation shall be fitted with obscure glazing prior to the first occupation of the dwellings and obscure glazing shall be retained as such thereafter.

-----END OF CONDITIONS-----

APPEARANCES

For the appellant:

Andrew Shallish	Shallish Associates Ltd
Peter Blemings	Gipping Homes Ltd
Patrick Allen	Patrick Allen and Associates Architects
Jane Blanchflower	Heritage consultant

For the local planning authority:

Michaelle Coupe	Area Planning and Enforcement Officer
Robert Scrimgeour	Principal Design and Conservation Officer

For other interested parties:

Haley Dossor	Local resident
Roger Baker	Chairman, Felixstowe Society

DOCUMENTS SUBMITTED TO THE HEARING

1. Copy of press advert
2. Copy of Hearing notification letter dated 20 January 2017
3. Felixstowe Peninsula Area Action Plan (Appendix 9), adopted January 2017
4. Local Plan Inset 3 Felixstowe adopted 27 February 2001 (now superseded)
5. Decision notice dated 23 March 2012 and officer report relating to planning application Ref: C11/1502/FUL for change of use and alterations of the former Bartlet convalescent home to form 19 residential apartments, conversion and extension of the Annexe to provide 9 residential units, and erection of 3 dwellings and associated works
6. Extract from Heritage Statement relating to the Former Bartlet Convalescent Home prepared by LPP Chartered Town Planners for NHS Suffolk and dated June 2011