

Officer delegated report - DC/23/0412/FUL

Land Rear Of 5 Wratting Road, Haverhill, Suffolk

Date registered:	15 March 2023	Expiry date:	14 May 2023
Case officer:	Clare Oliver	Recommendation:	Refuse application
Parish:	Haverhill Town Council	Ward:	Haverhill North
Proposal:	Planning application - residential building of multiple occupancy (HMO) providing six residents rooms and a communal area		
Applicant:	Mr Richard Kitching		

Proposal:

Planning permission is sought for a new residential building, proposed for HMO occupancy. The proposal comprises six self-contained studios with communal areas in addition to associated storage located close to Haverhill town centre. The proposal does not contain on-site parking provision but does include six secure cycle storage facilities. The main building will have a two storey scale, with one of the proposed rooms located in the roof volume, which will have a traditional pitched roof with full hips at each end. At the north end, the building will step down to a 1.5 storey scale, again incorporating a hipped roof. It is proposed that an access gate will lead directly from Les Ager Drive into a secure, shared courtyard space for use by residents. The main entrance to the building is taken from this courtyard into a horizontal and vertical circulation zone running along the southwest flank of the building. A communal space is provided at the ground floor, at the north end, along with two residents' rooms that will face out onto Les Ager Drive. Three residential rooms are provided on the first floor and one room is provided at second floor, within the roof volume.

Site details:

The application site is located off a private road, known as Les Ager Drive, close to the town centre of Haverhill, and within the housing settlement boundary. It is adjacent to, but not within, Haverhill's Conservation Area. The site is not located within a flood zone and there are no trees on the site. To the southwest of the site are a row of trees which, while not the subject of individual TPO's, are considered to have amenity value, providing softening and screening of views into the conservation area.

The application site measures circa 0.02ha, with principal dimensions of 26.7m long and 8.2m wide. It is located to the rear of a large, 2.5 storey property known as No.5 Wratting Road. Formerly a large single dwelling, No.5 Wratting Road now functions as HMO accommodation and is owned by the applicant.

Planning history:

No relevant planning history.

Consultations:**Place Services - Trees**

As part of the planning submission, an arboricultural impact assessment, arboricultural method statement (AMS) and tree protection plan have been submitted for review. Within these documents, the tree survey identified 8 trees/tree groups and 1 hedge that have the potential to form a constraint on the scheme. Of these trees there have been 2 trees identified as category B, 4 category C trees/tree groups, 1 category C hedge and 2 category U trees all categorised in accordance with BS5837:2012 Cascade chart. There has been 1 removal stated as being required to facilitate the scheme with this being the cat C hedge and there is no objection to this removal as category C trees are not a material consideration in the planning process. No other facilitative works have been recommended to the other retained trees. Within the AMS, it has outlined protection measures through fencing and ground protection (T1) to ensure no detrimental impacts occur to the retained trees and providing these measures are strictly abided by then the impacts to the trees should be minimal. To conclude, there is no objection from an arboricultural perspective and the scheme can progress subject to the below condition.

Where permission is granted subject to conditions, the following should apply in relation to trees Protection of trees (non-dischargeable)

During construction of the development hereby permitted, the trees located (Land Rear Of 5 Wratting Road Haverhill Suffolk) shall not be lopped or felled without the written consent of the local planning authority.

Reason: In order to maintain the existing vegetation at the site, which makes an important contribution to the character of the area.

During construction of the development hereby permitted, any trees within or near to the site shall be protected in accordance with the requirements of BS 5837 (2012) 'Trees in Relation to Design, Demolition and Construction'. The protection measures shall be implemented prior to any below ground works and shall be retained for the entire period of the duration of any work at the site, in connection with the development hereby permitted.

Reason: To ensure that the trees and hedges on site are adequately protected, to safeguard the character and visual amenity of the area, in accordance with policies DM12 and DM13 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 15 of the National Planning Policy Framework and all relevant Core Strategy Policies. This condition requires matters to be agreed prior to commencement of development to ensure that existing trees are adequately protected prior to any ground disturbance.

Conservation Officer

No comments received.

Environment Team

CONTAMINATED LAND:

Based on the submitted information for the above site, this Service is satisfied that the risk from contaminated land is low.

Environment & Transport - Highways

Notice is hereby given that the County Council as Highway Authority make the following comments:

Cycle Parking: Condition: The use shall not commence until the area(s) within the site shown on Drawing No. 21040-04 C 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. **Refuse: Condition:** Before the development is commenced details of the areas to be provided for the storage and presentation for collection/emptying of refuse and recycling bins shall be submitted to and approved in writing by the Local Planning Authority.

The approved scheme shall be carried out in its 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. This needs to be a pre-commencement condition to avoid expensive remedial action which adversely impacts on the viability of the development if, given the limitations on areas available, a suitable scheme cannot be retrospectively designed and built.

Construction Management: Condition: A Demolition and 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. This is a pre-commencement condition because an approved Management Strategy must be in place at the outset of the development.

Private Sector Housing and Environmental Health and Housing

I confirm I have reviewed this information and I am satisfied the property conforms to the Councils guidance on amenity requirements and space standards and therefore we support this application. As the property is a large HMO

occupied by 5 or more persons, the applicant will need to apply for a Mandatory HMO licence from the Council prior to it being occupied by 5 or more persons.

Town Council

OBJECT

Residential Amenity

- This proposal is an overdevelopment of the site.

Parking

- There is a lack of parking provision on the proposed site, which will have a cumulative impact on the site.

Access

- Les Ager Drive is very narrow, members raised concerns over access issues for construction traffic.

Ward Councillor

No comments received.

Representations:

9 Wratting Road Haverhill	Object
11 Wratting Road Haverhill	Object
Tradewinds Wratting Road	Representation
Operations Director Antwerp Dental Group	Object
4 Les Ager Drive Haverhill	Object
1 Les Ager Drive Haverhill	Object
Flat 1 7 Wratting Road	Representation
Flat 4 7 Wratting Road	Representation
Flat 3 7 Wratting Road	Representation
Flat 2 7 Wratting Road	Representation
Flat 1 7 Wratting Road	Object

Between them these representations raised the following summarised comments: -

- Concerns surrounding access and parking during and post construction.
- Construction concerns – noise and disruption.
- The size and scale of the proposed development on the very edge of our boundary with our neighbour.
- The lack of any provision for vehicle parking or ability for vehicles to make deliveries.
- Concerns surrounding overshadowing and appearing overbearing.
- Road safety concerns – gaining entry into and out of Les Ager Drive.
- No guarantee of being 'vehicle free'.
- Residential amenity – would lead to detrimental views from rear windows.
- Increased users of road – traffic flow – busier, noisier, parking concerns.
- Size of proposal in relation to the road size and area.
- No buffer zone between the house and the road due to the size of the property.
- Rainwater has a path directly into the rear garden of No.5 and could lead to a flood at the end of the road as the land absorbs the rainwater.

- Perceived negative impact on surrounding house prices.
- Safety concerns with regards to the occupants for this quiet area.
- Increased noise and littering.

Policy:

On 1 April 2019 Forest Heath District Council and St Edmundsbury Borough Council were replaced by a single authority, West Suffolk Council. The development plans for the previous local planning authorities were carried forward to the new council by regulation. The development plans remain in place for the new West Suffolk Council and, with the exception of the Joint Development Management Policies document (which had been adopted by both councils), set out policies for defined geographical areas within the new authority. It is therefore necessary to determine this application with reference to policies set out in the plans produced by the now dissolved St Edmundsbury Borough Council.

Policy DM1 Presumption in Favour of Sustainable Development

Policy DM2 Creating Places Development Principles and Local Distinctiveness

Policy DM10 Impact of Development on Sites of Biodiversity and Geodiversity Importance

Policy DM11 Protected Species

Policy DM12 Mitigation, Enhancement, Management and Monitoring of Biodiversity

Policy DM13 Landscape Features

Policy DM17 Conservation Areas

Policy DM22 Residential Design

Policy DM23 Special Housing Needs

Policy DM46 Parking Standards

Core Strategy Policy CS3 - Design and Local Distinctiveness

NPPF 2021

Other planning policy:

The National Planning Policy Framework (NPPF) was revised in July 2021 and is a material consideration in decision making from the day of its publication. Paragraph 219 is clear however, that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the revised NPPF. Due weight should be given to them according to their degree of consistency with the Framework; the closer the policies in the plan to the

policies in the Framework; the greater weight that may be given. The policies set out within the Joint Development Management Policies have been assessed in detail and are considered sufficiently aligned with the provision of the 2021 NPPF that full weight can be attached to them in the decision making process.

Officer comment:

The main considerations in the determination of this application are:

- Principle of Development
- Impact on Character and Appearance
- Impact on Residential Amenity
- Response to neighbour representations
- Other matters

The application site lies within the defined settlement boundary of Haverhill. Submitted as part of this application was an accompanying letter from Anglian Care Trust commending such a provision, noting it would be welcomed to meet local demand. The benefits of such a scheme are noted and acknowledged, and some weight is therefore rightly offered in support. As such the principle of development weighs in favour, subject to the consideration of other material planning considerations which are discussed below.

Impact on character and appearance

Chapter 12 of the NPPF (2021)- Achieving Well Designed Places - states at paragraph 126:

“The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.”

Paragraph 130 of the NPPF (2021) states that proposals should be visually attractive as a result of good architecture, layout and landscaping, they should be sympathetic to local character, including the surrounding built environment and landscape setting. Furthermore, proposals should maintain a sense of place, creating welcoming, attractive places to live and should promote health and well-being with a high standard of amenity for existing and future users.

Local Plan Policy DM2 (Creating Places – Development Principles and Local Distinctiveness), accords with the aspirations of the NPPF and states that proposals should recognise and address key features, characteristics, landscape character, local distinctiveness and special qualities of an area. They should maintain a sense of place and should produce designs that respect the character, scale, density and massing of the locality.

Policy DM22 (Residential Design), states that all residential development proposals should maintain or create a sense of place and/or character by basing design on an analysis of existing buildings and utilising the characteristics of the locality to create buildings and spaces that have a strong sense of place and distinctiveness. Proposals should support continuity of built form and enclosure

of spaces and should contribute to a coherent and legible place that is structured and articulated.

Policy CS3 (Design Quality and Local Distinctiveness), requires proposals to reinforce local distinctiveness and states that "Design that does not demonstrate it has regard to local context and fails to enhance the character, appearance and environmental quality of an area will not be acceptable. "

The building is, in and of itself, attractively designed, with a pleasant form and uses a range of appropriate materials. These are therefore factors that weigh, moderately, in favour of development. However, the site is positioned in a location where a diminishing scale might reasonably be expected beyond the principal buildings facing Cangle Junction. The street scene plan indicates that the building will in fact be notably and materially taller than those along the principal frontage, and that this will be further exacerbated by the change in levels. It will also be positioned materially closer to the road frontage than others, and modestly forward of the building line taken along the flank of No. 5, and with a footprint to plot size ratio that highlights the excessive demands being placed on this small plot. Whilst individually these factors might not be considered fatal, cumulatively, there is strong concern that the development will appear over dominant as well as cramped and contrived in this context, leading to harm to the character and appearance of the area.

The proposal also fills the majority of the plot and given the width and narrow nature of the plot it is considered to result in a building that will appear too prominent on the streetscene in a way that is forward of the build line and very close to the roadside along what is a narrow access road.

The proposal is therefore contrary to Policies DM2, DM22 and CS3 as well as to the requirements of Para. 134 of the NPPF.

Impact upon Amenity

Policy DM2 requires that proposals do not adversely affect residential amenity, in terms of overlooking, overshadowing or loss of light. This supports similar provisions within the NPPF.

The rear of the building is positioned approximately 14 metres from the rear elevation of the flatted accommodation to the southwest. Given the scale of this proposed building, the close proximity to other properties, the position close to the boundary, and given the notable fall in levels to the offsite flats it will increase the perception of bulk and height. The site level drop between the proposal and the referenced offsite flats is approximately 1.3 metres which is considered significant, and which exacerbates the sense of oppression and overbearing impact on outlook from these off site properties. Whilst the amended scheme demonstrates some articulation by way of breaking up the expansive rear elevation with the use of mock windows, the design does include two opaque windows at first floor and multiple windows on the principal elevation. Noting the positioning of the proposal on the streetscene and change in levels the effect upon amenity is also therefore considered adverse with regards in particular to the potential for overlooking to the gardens of the flatted accommodation at numbers 7, 9 and 11 Wratting Road.

Consequently, strong concerns are raised about the suitability of this scheme in terms of its effects upon amenity and the degree to which, therefore, that it complies with the provisions of DM2 and the NPPF. The roof form is noted, but the physical proximity to offsite dwellings is considered too modest, such that the impacts upon amenity in terms of outlook from the flats to this proposal are considered significant, and such that the proximity and relationship of elevated windows to offsite gardens will also lead to a material adverse impact upon amenity, proving contrary to the provisions of Policy DM2 and to those of the NPPF.

Taken together, these are further factors which support an argument that the development is asking too much of such a limited and physically constrained site. Given the modest physical parameters of the plot and the contrived and awkward nature of the proposal as a result, the proposal does not accord with the aforementioned Policies.

Response to neighbour representations

The proposal has resulted in a high level of public interest with neighbour representations being received from eleven local residents and businesses. There are strong themes echoed throughout the concerns raised which are largely supported by the Authority for the aforementioned reasons and concur with our summation that the proposed scheme will adversely impact residential amenity and as such does not accord with particular regard for Policy DM2.

Other Matters

Policy DM13 requires development to have regard to landscape features. From an Arboricultural perspective, and if the scheme progresses, it would be satisfactory subject to non-dischargeable conditions surrounding prevention of lopping or felling of trees during construction - without the written consent of the LPA and for any trees within or near to the site being protected in accordance with the requirements of BS 5837 (2012) 'Trees in Relation to Design, Demolition and Construction'. The protection measures would be relevant to be implemented prior to any below ground works and should be retained for the entire period of the duration of any work at the site, in connection with the development hereby permitted. These conditions would be considered reasonable if the application were to be recommended approval.

The Environment Team have concluded that based on the submitted information that they are satisfied that the risk from contaminated land is low.

The Highway Authority raises no objection to the proposal subject to a condition on cycle parking, refuse storage and provided presentation for collection/emptying of refuse and recycling bins is submitted along with a 'demolition and construction management strategy' which requires approval. These conditions would be considered reasonable if the application was otherwise recommended approval.

The Council's Public Sector Housing team and The Environmental Health team have reviewed the proposal and have confirmed that they are content that the

proposal meets the Council's parameters in terms of space requirements and standards. If permission was granted the applicant would be required to apply for a mandatory HMO licence from the Council prior to it being occupied by five or more persons. This matter is noted, given that it is not a material consideration.

Policy DM12 requires biodiversity enhancements commensurate with the scale of the development. If the recommendation was otherwise for approval these matters would be capable of being secured by a condition.

Conclusion:

In conclusion, whilst the principle of development is established, the proposal is considered to result in adversely impacting both the character and appearance of the area and residential amenity due to the cumulative impacts of the proposal in terms of the orientation, design, siting and scale. It also presents unacceptable, adverse impacts on neighbouring amenity due to over-looking and appearing overbearing to adjacent properties. It is therefore considered unacceptable and in conflict with local planning policies DM2, DM22, CS3 and paragraph 134 of the NPPF (2021).

Recommendation:

It is RECOMMENDED that planning permission be Refused for the following reasons:

1. Policies DM2, DM22, CS3 and the provisions of the NPPF require that proposals should recognise and address key features and characteristics of an area. They should maintain a sense of place and should produce designs that respect the character, scale, density and massing of the locality. DM2 also requires proposals to not adversely affect neighbouring amenity in terms of overshadowing, loss of light and over-bearing impacts.

Policy CS3 (Design Quality and Local Distinctiveness), requires proposals to reinforce local distinctiveness and states that "Design that does not demonstrate it has regard to local context and fails to enhance the character, appearance and environmental quality of an area will not be acceptable."

The building is, in and of itself, attractively designed, with a pleasant form and uses a range of appropriate materials. These are therefore factors that weigh, moderately, in favour of development. However, the site is positioned in a location where a diminishing scale might reasonably be expected beyond the principal buildings facing Cangle Junction. The street scene plan indicates that the building will in fact be notably and materially taller than those along the principal frontage, and that this will be further exacerbated by the change in levels. It will also be positioned materially closer to the road frontage than others, and modestly forward of the building line taken along the flank of No. 5, and with a footprint to plot size ratio that highlights the excessive demands being placed on this small plot. Whilst individually these factors might not be considered fatal, cumulatively, there is strong concern that the development will appear

over dominant as well as cramped and contrived in this context, leading to harm to the character and appearance of the area.

The proposal also fills the majority of the plot and given the width and narrow nature of the plot it is considered to result in a building that will appear too prominent on the streetscene in a way that is forward of the build line and very close to the roadside along what is a narrow access road.

The proposal is therefore contrary to Policies DM2, DM22 and CS3 as well as to the requirements of Para. 134 of the NPPF.

2. Policy DM2 requires that proposals do not adversely affect residential amenity, in terms of overlooking, overshadowing or loss of light. This supports similar provisions within the NPPF.

The rear of the building is positioned approximately 14 metres from the rear elevation of the flatted accommodation to the southwest. Given the scale of this proposed building, the close proximity to other properties, the position close to the boundary, and given the notable fall in levels to the offsite flats it will increase the perception of bulk and height. The site level drop between the proposal and the referenced offsite flats is approximately 1.3 metres which is considered significant, and which exacerbates the sense of oppression and overbearing impact on outlook from these off site properties. Whilst the amended scheme demonstrates some articulation by way of breaking up the expansive rear elevation with the use of mock windows, the design does include two opaque windows at first floor and multiple windows on the principal elevation. Noting the positioning of the proposal on the streetscene the effect upon amenity is also therefore considered adverse with regards in particular to the potential for overlooking to the gardens of the flatted accommodation at numbers 7, 9 and 11 Wrattling Road.

Consequently, strong concerns are raised about the suitability of this scheme in terms of its effects upon amenity and the degree to which, therefore, that it complies with the provisions of DM2 and the NPPF. The roof form is noted, but the physical proximity to offsite dwellings is considered too modest, such that the impacts upon amenity in terms of outlook from the flats to this proposal are considered significant, and such that the proximity and relationship of elevated windows to offsite gardens will also lead to a material adverse impact upon amenity, proving contrary to the provisions of Policy DM2 and to those of the NPPF.

Taken together, these are further factors which support an argument that the development is asking too much of such a limited and physically constrained site given the modest physical parameters of the plot and the contrived and awkward nature of the proposal. As a result, the proposal does not accord with the aforementioned Policies.

Informatives:

- 1 When determining planning applications, The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires Local Planning Authorities to explain how, in dealing with the application they have worked with the applicant to resolve any problems or issues arising. In this case the Local Planning Authority attempted to discuss its concerns with the applicant but was not able to secure the necessary improvements to the scheme that may have enabled the proposals to be approved.

Documents:

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online.

Case officer:	Clare Oliver	Date:12.05.2023
Authorising officer:	Dave Beighton	Date: 12 May 2023