

Officer Delegated Report - DC/16/2755/FUL

The Vixen Millfields Way Haverhill Suffolk

Date Registered:	10.01.2017	Expiry Date:	11.04.2017
Case Officer:	Penny Mills	Recommendation:	Approve Application
Parish:	Haverhill Town Council	Ward:	Haverhill East
Proposal:	Planning Application - Renovations and extensions to allow change of Public House (Class A4) to form 17no residential flats (Class C3) and 2no units for retail, commercial or Offices (Class A1, A2 or B1) and associated external works to remodel and extend the existing car park.		
Applicant:	Radford Homes - Mr Chris Read		

Proposal:

The application seeks planning permission for the alteration and extension of the existing building on the site to create 17 residential flats and 2 retail, commercial or office units at the ground floor. The existing carpark would be remodelled to provide parking for the proposed development and the existing local centre, using the existing vehicular access off Ingham Road and Millfields Way.

Site Details:

The site is within the development envelope for Haverhill and comprises a former public house built in the 1970s as part of Strasbourg Square, which is identified as an existing local centre in the Haverhill Vision.

To the southwest is Strasbourg Square and the existing businesses and flats, community centre and sports fields. To the north and east of the site is surrounding residential development and to the northwest is Cleaves Place Care Home. Further to the southwest, the town centre is approximately 430 metres away.

The surrounding development in the square is predominantly made up 1970's flat roofed buildings. There are no listed buildings in the vicinity.

Planning History:

No relevant planning history

Consultations:

Suffolk County Highways: Initial Objection overcome. Conditions recommended summarised below:

- The access completed in accordance with Drawing No. RH101-P005-01; with an entrance width as existing and be available for use before first occupation. Thereafter it shall be retained in its approved form. During the construction phase the existing access and parking space shall be retained at all times. Parking allocation shall be retained at a minimum of 75% of its existing capacity, i.e 18 spaces.
- No part of the development shall be commenced until the highway verge has been stopped up in accordance with Drawing No. RH101-P005-01; and the necessary retaining wall and other relevant highway features have been approved by the LPA.
- Parking details
- Visibility splays
- HGV and construction traffic

Suffolk County Council Floods: No Objection.

SCC have reviewed the proposed surface water drainage strategy by Morrish Consulting Engineers (ref:- A360/C/DS/02) and we have no objections.

Anglian Water: No objections (comments summarised below)

- Requested information regarding trade effluent
- Requested condition regarding hardstanding area and surface water drainage

West Suffolk Environment Team: No Objection (comments summarised below)

- No further assessment of land contamination required unless unexpected contamination is encountered.
- Recommend use of unexpected contamination informative
- Recommend a condition is attached to ensure zero emission electric vehicle charge points are incorporated in to the development to ensure long term enhancement of the local air quality.

West Suffolk Public Health and Housing: No Objection (comments summarised below)

- Whilst Public Health and Housing would not wish to raise any objections with regard to this application in principle, we are concerned with regard to the size of the proposed single bedrooms in Flats 3 and 8 and the double

bedroom in Flat 18; in addition, the open plan kitchen/dining/living areas in Flats 13, 14 and 18 are small for the number of proposed occupiers.

- Recommended that consideration given to the proposed layout of the accommodation so as to ensure that the floor areas for open plan kitchen/living/dining areas meet the above minimum recommendations; in addition, all single bedrooms should have a minimum floor area of 6.5m², whilst all double bedrooms should have a minimum floor area of 9.5m².
- Depending on the final use of the units, some external plant or equipment may therefore be required, including air conditioning units or refrigeration plant. The installation and location of such equipment will need to be carefully considered so as to minimise any noise or vibration which may impact on the proposed residential occupiers.
- We would wish to restrict the delivery times of the proposed units so as to minimise the impact of the businesses on the proposed residential occupiers. Consideration may also have to be given to restricting the opening hours of the retail, commercial or office units, depending on the proposed final use. It is therefore recommended that the following conditions are included in any consent granted.

Suggested conditions in relation to:

- Hours of construction
- No burning of waste material
- The acoustic insulation of each dwelling
- Details of any external plant or equipment to be installed in commercial units
- Timing of deliveries to the retail, commercial or office units

Ramblers: No objection (comments summarised below)

- Like so many rights of way in the Haverhill area, the route of fp 3 has been absorbed into development areas and surfaced.
- In the circumstances, no objection on rights of way grounds is offered to the development now proposed for this 'redundant' site.

Public Rights of Way: No objection.

SCC Fire and Rescue: No objections (comments summarised below)

- Fire fighting requirements and regulations highlighted
- Recommend use of fire hydrants to be secured by condition

Representations:

Town Council: No objections (comments below)

- The Town Council would like the developer to ensure that there is adequate lighting in the car park and that the application considers disabled access for ground floor flats.

Neighbours:

25 nearby addresses notified and site notice posted. No representations received.

Policy:

St Edmundsbury Core Strategy 2010

- CS1 - St Edmundsbury Spatial Strategy
- CS2 - Sustainable Development
- CS3 - Design and Local Distinctiveness
- CS5 - Affordable Housing
- CS7 - Sustainable Transport
- CS10 - Retail, Leisure, Cultural and Office Provision
- CS12 - Haverhill Strategic Growth
- CS14 - Community infrastructure capacity and tariffs

Haverhill Vision 2031

- HV1 - Presumption in Favour of Sustainable Development
- HV2 - Housing Development within Haverhill
- HV8 - New and Existing Local Centres and Community Facilities

Joint Development Management Policies Document 2015

- DM1 Presumption in Favour of Sustainable Development
- DM2 Creating Places Development Principles and Local Distinctiveness
- DM6 Flooding and Sustainable Drainage
- DM7 Sustainable Design and Construction
- DM10 Impact of Development on Sites of Biodiversity and Geodiversity Importance
- DM11 Protected Species
- DM12 Mitigation, Enhancement, Management and Monitoring of Biodiversity
- DM22 Residential Design
- DM35 Proposals for main town centre uses
- DM36 Local Centres
- DM41 Community Facilities and Services
- DM46 Parking Standards

Other Planning Policy:

NPPF

Officer Comment:

Principle of Development

Due to the last use of the building, this proposal would be considered as the loss of a community facility, as covered by policy DM41. In this regard, policy DM41 states that proposals that will result in the loss of valued facilities or services which support a local community (or premises last used for such purposes) will only be permitted where:

- a. it can be demonstrated that the current use is not economically viable nor likely to become viable. Where appropriate, supporting financial evidence should be provided including any efforts to advertise the premises for sale for a minimum of 12 months; and
- b. it can be demonstrated that there is no local demand for the use and that the building/site is not needed for any alternative social, community or leisure use; or
- c. alternative facilities and services are available or replacement provision is made, of at least equivalent standard, in a location that is accessible to the community it serves with good access by public transport or by cycling or walking.

The accompanying planning statement asserts that the application site is not a valued facility supporting the local community and has instead lay redundant with the building being vacant for 7 years. Over this time the building has been on the market several times and both Greene King and Punch Taverns have been involved with the site but have clearly been unable to make a viable business operate in this location as they have not retained the site.

The marketing period is well in excess of what is generally expected in support of an application of this nature and in this context, it is considered that point (a) of policy DM41 has been met. Similarly, given the length of time that has elapsed since the site was in any kind of community use, and given the alternative leisure and community facilities in the local area, it is accepted that there is no local demand and criteria (b) is subsequently satisfied.

In light of the above, the principle of the replacement of community use is acceptable in respect of policy DM41. However, the site also lies within an existing local centre, where policy HV8 of the Haverhill Vision and policy DM36 of the Joint Development Management Policies Document would apply. These policies seek to maintain certain uses and safeguard the area from other types of development.

Policy HV8 states that within these sites the local planning authority will seek to maintain a mix of uses which could include:

- i) Leisure and recreation;
- ii) Health and community facilities;

iii) Small scale retail development, where it can be demonstrated to meet local need (generally not exceeding 150 sq. metres in net floor area unless a larger area is required to meet a demonstrated local shortfall); and
iv) Education.

The proposed development seeks to create 17 residential flats, with two retail/commercial properties retained at the ground floor. Whilst retail uses of the scale proposed would fall within the parameters of the policy, a broader consent that would allow for office or other commercial uses is being sought, which is not strictly policy compliant. Additionally, given that the majority of the proposal is residential, it would not strictly meet the broader requirements of these policies. The proposed development would therefore result in a degree of conflict with this policy.

As with all decisions this conflict must be weighed against all other matters in the final planning balance. In this case the main considerations are: highways impacts, visual amenity and residential amenity.

Highways

The proposed development would use the existing access currently serving the public carpark. The current public carpark would be reconfigured to enable the parking for the proposed development to be accommodated whilst retaining the current number of spaces available for public use.

Part of the land required to provide the appropriate parking for the development is Highways Land and Suffolk County Highways initially objected to the proposals on this basis.

A process for a stopping up order has been started and the applicant has provided technical details of the engineering works that would be necessary to stop-up the remaining highways verge once part of the land has been incorporated in to the parking area. On the basis that there is a technical solution that highways are happy with, they have withdrawn the earlier objection and confirmed that they consider it to be appropriate to secure the required works by way of a planning condition.

With the inclusion of the highways land, the scheme is able to accommodate sufficient parking for the proposed development whilst retaining the number of spaces currently available in the public carpark. Highways has confirmed that parking proposed is sufficient and that they have no objections on highway safety grounds subject to the use of conditions.

On balance it is considered that the development would not lead to unacceptable levels of traffic that would result in an adverse effect on highway safety. There is sufficient parking proposed to serve the development and importantly, sufficient

parking is also retained to serve the existing local centre. As such, the development is considered to be in accordance with policies DM2 and DM33 of the Joint Development Management Policies Document 2015 in terms of the highways impacts.

Visual Amenity

The NPPF confirms good design is a key aspect of sustainable development and is indivisible from good planning. The Framework goes on to reinforce these statements by confirming that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

The Framework also advises that although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.

The existing building occupies a prominent position on the site and having been unused in recent years has fallen into a state of some disrepair. In its current state the building does not make any positive contribution to the overall character of the area and has a somewhat negative visual impact.

The proposed development seeks to extend and 're-dress' the building, continuing the simple rectilinear form of this and other buildings in the area. The increased bulk of the building would be broken up through the use of a mix of materials and 'stepping in' of the upper floors.

It is considered that, subject to the use of appropriate external materials, the increased bulk of the building would be accommodated without harm to the character of the area and subject to the use of appropriate materials, would result in a significant improvement in visual amenity. The associated hard landscaping and works within the existing public carpark would also result in considerable benefits in terms of visual amenity and the character and quality of the area.

The development is therefore considered to be in accordance with policies DM2 and DM22 of the Joint Development Management Policies Document 2015.

Residential Amenity

Policy DM2 of the Joint Development Management Policies Document 2015 requires all proposals for development to take mitigation measures into account so as to not adversely affect the amenities of adjacent areas by reason of noise, smell, vibration, overlooking, overshadowing, loss of light, other pollution (including light pollution), or volume and type of traffic activity generated.

There are a number of residential properties relatively close to the site, which have the potential to be affected by the proposed development. Those most likely to be

affected are situated opposite the site beyond Millfields Way to the north east and at Ufford Place to the south east. The existing residential flats above premises within Strasbourg Square also have the potential to be affected.

In terms of any overbearing impacts arising as a result of the increased size of the building or the possibility for overlooking due to the creation of residential properties, it is considered that the degree of separation with neighbouring is sufficient to ensure that there would be no unacceptable adverse effects on amenity.

The proposed development would contain commercial as well as residential uses and as such appropriate conditions would be used to ensure there would be no adverse effects from noise on the amenity of existing neighbours and future occupants of the development.

Subject to the use of conditions, it is considered that the proposal would be in accordance with policy DM2 of the Joint Development Management Policies Document in terms of impacts on residential amenity.

Affordable Housing and Infrastructure

Policy CS5 of the Core Strategy states that for developments of 10 or more dwellings, 30% affordable shall be provided. 30% in this case equates to 5.1 units therefore it is proposed that 5 units are provided within the scheme with a commuted sum secured by S106 for the 0.1 of a dwelling.

In addition to the affordable housing contribution, the S106 would secure a financial contribution towards improvements to the offsite public open space improvements within the adjacent Strasbourg Square play area.

It is considered that these contributions are necessary to make the development acceptable in planning terms and subject to these being secured, the development meets the requirements of policies CS5 and CS14 of the Core Strategy, policy DM2 of the Joint Development Management Policy Document.

Benefits of Development

There are a number of benefits associated with the development that must be considered in the planning balance. The development would increase housing supply and choice, in a highly sustainable location and provide 5 affordable units and this would carry significant weight in favour of the development.

The scheme would facilitate some economic benefits to the construction industry, including jobs, but these would be for a limited time. There would also be some benefits to the local economy from the circulation of funds from future occupants and from the jobs provided in association with the small retail units. Although,

given the scale of these units, the amount of weight that this would attract would be modest.

The site is in a dilapidated state, likely to attract anti-social behaviour and is an eye sore. In this regard, the proposed development offers an opportunity to significantly improve the quality of the built environment here. In this regard, the proposed interesting and well-designed building and the associated hard landscaping would bring architectural interest and would have a positive impact on the character of the area and visual amenity. It is considered that this would carry significant weight in favour of the development.

Other Matters

Space standards:

Whilst Public Health and Housing has not objected to the scheme they have identified some concerns with the size of some of the flats. They acknowledge that there is currently no statutory legislation with regard to the minimum size of bedroom, living or kitchen accommodation within new dwellings and cite the guidance is provided through LACORS.

There is no requirement for particular space standards to be met within any current Development Plan Policies and such, whilst it may be desirable to achieve dwelling sizes that meet or exceed existing guidance it cannot be insisted upon and would not warrant a reason to reject the current proposal.

Land Contamination:

The application is supported by a Phase 1 Ground Contamination Desk Study, reference P2610.2.0, dated 31 March 2016 undertaken by agb Environmental Ltd. The report concludes that there are no plausible source-pathway receptor (SPR) pollutant linkages and that no further assessment is required. The Council's Environment Service agrees with the conclusions of the report and therefore does not require any further assessment of land contamination unless unexpected contamination is encountered.

Air Quality:

The EPUK document Land-Use Planning & Development Control: Planning For Air Quality (May 2015(v1.1)) suggests major developments (in terms of planning - i.e. greater than 10 dwellings) are subject to measures to help reduce the impact on Local Air Quality. All major developments should be targeted as there very few developments which will show a direct impact on local air quality, but all developments will have a cumulative effect.

Paragraph 35 of the NPPF states that 'plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people. Therefore, developments should be located and designed where

practical to ... incorporate facilities for charging plug-in and other ultra-low emission Vehicles'.

St Edmundsbury Core Strategy Policy CS2, Sustainable Development, requires the conserving and, wherever possible, enhancing of natural resources including, air quality.

In light of the above, the Council's Environment Service has recommended that a condition is attached to ensure zero emission electric vehicle charge points are incorporated in to the development to ensure long term enhancement of the local air quality.

Conclusion and Planning Balance

The development proposal has been considered against Development Plan Policies and the objectives of the National Planning Policy Framework. The site is within an identified local centre and in such locations Development Plan Policies DM36 and HV8 seek to maintain certain uses and safeguard the area from other types of development.

In this case, due to the level of residential accommodation proposed there is a degree of conflict with this policy, which attracts weight against the development. However, there are economic and environmental benefits which would carry significant weight in favour of the development. There would be a considerable enhancement in the character of the area and the quality of the built environment as well as the provision of additional homes in a sustainable location and the creation of additional jobs both in the short and long term.

The development would raise no adverse effects in terms of highway safety, visual amenity, residential amenity, ecology and biodiversity, contamination and drainage that could not be adequately addressed through the use of conditions.

On balance, it is considered that the policy conflict identified in this case, would be outweighed by the clear benefits.

Recommendation: Approve subject to conditions

1. 01A Time Limit Detailed
2. 14FP Approved Plans
3. NS stopping up

4. NS details for retaining wall
5. NS hours of construction
6. NS acoustic insulation
7. NS plant details
8. NS deliveries
9. NS materials
10. NS electric car charge points
11. NS Water consumption
12. NS hard landscaping
13. NS soft landscaping
14. NS protection of existing
15. NS parking
16. NS vis splay
17. NS highway drainage
18. NS deliveries management
19. NS fire hydrants

Informatives:

5 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 additional time was sought to resolve issues regarding parking and highways land.

6 An application to discharge trade effluent must be made to Anglian Water and must have been obtained before any discharge of trade effluent can be made to the public sewer. Anglian Water recommends that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective

use of such facilities could result in pollution of the local watercourse and may constitute an offence. Anglian Water also recommends the installation of a properly maintained fat traps on all catering establishments. Failure to do so may result in this and other properties suffering blocked drains, sewage flooding and consequential environmental and amenity impact and may also constitute an offence under section 111 of the Water Industry Act 1991.

7 If during development, contamination is encountered which has not previously been identified then it would be in the best interest of the developer to contact the Local Planning Authority as soon as possible, as they should be aware that the responsibility for the safe development and secure occupancy of the site rests with the developer. Failure to do so may result in the Local Authority taking appropriate action under its obligations of Part 2A of the Environmental Protection Act 1990.

8 This permission is the subject of an Obligation dated 31st August 2017 under Section 106 of the Town and Country Planning Act 1990 as amended by Section 12 of the Planning and Compensation Act 1991.

Documents:

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

Case Officer:	Penny Mills	Date: 5 th September 2017
Development Control Manager: Dave Beighton		Date: 6 th September 2017