

West Suffolk Council

Development Control Committee

23 June 2021

Planning Application DC/21/0676/FUL 36 High Street, Haverhill, CB9 8AR

Date registered:	29 March 2021	Expiry date:	24 May 2021 (EOT18 June 2021)
Case officer:	Savannah Cobbold	Recommendation:	Approve application
Parish:	Haverhill Town Council	Ward:	Haverhill Central

Proposal:	Planning application - a. change of use from financial services (class E(c)) to a hot food takeaway (Sui Generis) b. external extraction and ventilation system to the rear c. redecoration of shop frontage
Site:	36 High Street, Haverhill, CB9 8AR
Applicant:	Papa John's (GB) Ltd

Synopsis:

Application under the Town and Country Planning Act 1990 and the (Listed Building and Conservation Areas) Act 1990 and associated matters.

Recommendation:

It is recommended that the committee determine the attached application and associated matters.

Contact case officer:

Email: savannah.cobbold@westsuffolk.gov.uk

Telephone: 07971 534117

Background:

1. The application is referred to Development Control Committee as West Suffolk Council is the landlord of 36 High Street, Haverhill.

Proposal:

2. The application seeks planning permission for the change of use from financial services (class E(c)) to a hot food takeaway (sui generis). The change of use will incorporate the installation of external extraction and ventilation equipment and changes to the shop frontage.

Application supporting material:

- Application form
- Location and block plan
- Existing floor plans
- Existing elevations
- Proposed floor plans
- Proposed elevations
- Vent and extraction statement
- Planning, design, and access statement
- Certificate B

Site details:

3. The application site is located within the settlement boundary for Haverhill, fronting onto High Street. The site currently comprises a vacant unit which previously accommodated a use within financial services. The building is situated within the town centre boundary and primary shopping area for Haverhill.

Planning history:

4.

Reference	Proposal	Status	Decision date
DC/16/2686/P3JPA	Prior Approval Application under Part 3 of the Town and Country Planning (General Permitted Development) (Amendment and Consequential Provisions) (England) Order 2015- Change of use from Office (Class B1(a)) to Dwellinghouse(s) (Class C3) to create 58 dwellings	Application Withdrawn	17 January 2017
SE/11/1410	Planning Application - Change of use of from Class A1 (Shops) to Class A2 (Financial & Professional Services)	Application Granted	12 January 2012

Consultations:

5. The following summarised comments have been received as part of the consultation process.

6. Public Health and Housing

No objections subject to conditions.

7. Waste Management

No comments.

Representations:

8. Town Council

NEUTRAL

The Town Council welcome a business to the Town Centre, filling a unit which has predominately been empty for a number of years. However, the Town Council would highlight that the ventilation system should be designed for the exhaust to vent into an open area, currently the design shows the vent to be under an office block.

Due to parking restrictions in the High Street, deliveries to the premises and delivery drivers should be using the rear of the shop.

9. Neighbours

A total of one representation has been received from the owner/occupier of 28 Spring Close. The following comments were received:

- Haverhill High Street does not need another fast food place especially pizza as there are already three
- Haverhill has become a fast food high street that won't bring people to the town and help it thrive

10. Comments were also received from Cllr Burns, Ward Member for Haverhill East. The following points were raised:

- Ventilation proposal takes no account of the fact it will vent into an enclosed area at the rear underneath an office block
- Needs to be ascertained that the bins can safely be accommodated within the curtilage of the tenancy building
- No mention of deliveries; it needs to be noted that the High Street is currently closed between 10am and 4pm everyday and no vehicles are allowed into it
- States that there will be 20 full time employees. For the opening hours and type of business, these very rarely would employ that number
- Delivery drivers are being stated they will use the rear car park
- The opening hours are questionable; Haverhill does not have a night time economy and the application suggests that there are no residential properties. Many residential units are above the shops

11. **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.

12. The following policies of the Joint Development Management Policies Document and the St Edmundsbury Core Strategy 2010 & Vision 2031 have been taken into account in the consideration of this application:

Policy DM1 Presumption in Favour of Sustainable Development

Policy DM2 Creating Places Development Principles and Local Distinctiveness

Policy DM35 Proposals for main town centre uses

Core Strategy Policy CS3 - Design and Local Distinctiveness

Vision Policy HV1 Presumption in Favour of Sustainable Development

Vision Policy HV19 Haverhill Town Centre Masterplan

Other planning policy:

13. National Planning Policy Framework (NPPF)

14. The NPPF was revised in February 2019 and is a material consideration in decision making from the day of its publication. Paragraph 213 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 2019 NPPF that full weight can be attached to them in the decision making process.

Officer comment:

15. The issues to be considered in the determination of the application are:

- Principle of development
- Impact on residential amenity
- Impact on street scene/character of the area
- Other matters

Principle of development

16. The site is located within the Town Centre boundary and Policy DM35 states that support will be given, subject to compliance with other policies, to proposals for main town centre uses such as the following:

1. shopping (Use Class A1)
 2. financial and professional services (A2)
 3. food and drink (A3, A4, A5)
 4. leisure, culture, arts, tourism and more intensive sport and recreation including D2 uses
 5. business (B1) offices
 6. visitor accommodation
17. Following on from this, in September 2020 a revision to the use classes order was made. Class A has been revoked and Class A 1/2/3 are effectively replaced with new Class E (a, b, c). A4/5 uses are not covered by the new Class E and become defined as Sui Generis. Whilst there has been a lot of changes regarding planning in high streets and town centres with the advent of Class E and changes to the General Permitted Development Order, the recent consulted changes to the NPPF (2021) did not propose to alter the need for LPAs to allow a suitable mix of uses to ensure town centre's long-term vitality and viability. Policy DM35 remains an up to date, current development plan policy. Some types of use are appropriate in the town centres. Financial and professional services (previously A2) and food and drink (previously A3) in addition to hot food takeaway (previously A5) are all considered appropriate town centre uses, and full weight may be given to compliance with Policy DM35.
18. The second part of DM35 sets out an appropriate mix of uses to secure town centre vitality and viability in a primary shopping area. The existing use (A2) was not previously in retail use (A1) and so there is no worsening for criteria (a) regarding the number of A1 uses in adjoining units and the proposed uses (previously A3 and A5) will not result in three or more non-retail adjoining uses, thereby according with Policy DM35.
19. Given this, the proposal, now seeking to change to a Sui Generis use following the revised Use Class Order, the proposal is considered acceptable given the mix of surrounding units.

Impact on residential amenity

20. The proposal, located along Haverhill High Street, is not considered to adversely impact upon the residential amenity of occupants of nearby dwellings. High Street is characterised by various retail units and food establishments, some of which contain residential premises above. In this case, the premises above 36 High Street, Haverhill appear to primarily be offices used in conjunction with AXA which is widely spread above Coral, Savers, the entrance to AXA and Greggs. The nearest residential unit at first floor appears to be above Henderson's Newsagent, which is currently vacant. Therefore, residential premises are not located directly above the unit and it is considered residential amenity in this case will not be materially affected.
21. It is noted that a representation has been received from the owner/occupier of 28 Spring Close. Comments have been made in relation to the type of business proposing to occupy this unit. This relates to Haverhill not needing another fast food establishment and how this will not help Haverhill Town Centre thrive. In response to these comments, this is not a material planning consideration. From a planning perspective, the

unit is located within the town centre and primary shopping area where policy DM35 would apply. There are a mix of units within the immediate area, including retail units. The loss of a previous A2 unit is not considered detrimental to the vitality of Haverhill High Street.

Impact on street scene/character of the area

22.36 High Street is currently a vacant unit. The proposal seeks to bring this unit back into use in the form of a hot food takeaway, Papa John's Pizza. Changes will be made to the front of the shop in order to add relevant branding and shop front decoration. At the rear, relevant changes will be made to incorporate ventilation and extraction equipment, however this is similar to that at 40 High Street which accommodates Route 66 Diner. The changes needed to rebrand the existing unit are not considered to adversely impact the character and appearance of the area given the town centre location and mix of shopfronts and signage within this area. At this stage, no details of the proposed signage have been provided, and in any event would be subject to a separate application under the Advertisement Regulations if needed.

Other matters

23. It is noted that a representation has been received from Cllr John Burns who represents Haverhill East in which concerns relating to opening hours, parking issues, residential amenity and traffic and highways have been expressed. The representation states that it needs to be ascertained that the bins can safely be accommodated within the curtilage of the tenancy building and no infringe into the service area. The Council's waste management team who are responsible for bin collection have confirmed no objections to the application.

24. Comments have also been made in relation to deliveries; the representation states that there is no mention of how deliveries to the premises will be made. The agent confirmed in an email dated 21 May 2021 that deliveries would be made to the rear of the building. This would therefore not affect the closing of High Street between 10am and 4pm where vehicles are not allowed through.

25. Questions were raised about the number of employees, and whether it would in fact be 20. Whilst this figure has not been able to be clarified with the agent, the provision of some employment opportunities is to be welcomed, and plainly this is a benefit which also weighs in favour, however many jobs are created, not least noting the length of time the premises have remained vacant for.

26. The red line plan for the proposal shows adequate shared parking space.

27.. It has been stated in representations that Haverhill does not have a night-time economy. The applicant has also asserted that there are no residential properties in the vicinity. In this case, whilst there are residential units above the premises along High Street, the premises above are office space associated with AXA. Public Health and Housing noted the proposed hours of opening will be from 11am until 11:45pm Sunday – Thursday and Bank Holidays and from 11am to 1am on Fridays and Saturdays. Similar takeaways in the area including Papillon Pizza at 54

High Street are conditioned to midnight on each day of the week to protect the amenities of occupiers of nearby premises. It was therefore recommended that the closing hours of the proposed hot food takeaway are consistent with, and limited to, the operating hours of other takeaway units within the vicinity. This was agreed by the agent in an email dated 21 May 2021.

28. In relation to comments received regarding the ventilation system, public health and housing note that full details of the proposed extraction and ventilation system have been submitted in the document 'Supporting Information on the Proposed Extraction System and Plant' and as detailed in the schematic drawing no. PJES/04 –Mechanical Extract Scheme D (Carbon Filter system) in Appendix A. It is understood that a canopy would be installed over the entire cooking area, incorporating grease baffle filters, with an extraction system to remove heat produced from the pizza oven. The system will include a Woods Powerbox fans together with a 500JM woods axial fan for the supply air, as detailed in Appendix C. The installation will include podded 2D silencers compatible with the fans which reduce the sound break-out levels on both fans by 15dB. The ducting will be lined with acoustic material and a two-stage carbon filtration system, exiting to the rear (south-west) of the property via a wall mounted louvre grille. In addition to the extract louvre grille, a fresh air intake grille and a condenser unit will be installed on the rear (south-west) elevation to operate the internal cold store at the premises. The unit specified for installation at this store is a WintsysR404-A (WIN4517Z or WIN4519Z) and the product information is included in Appendix D. The extract ventilation equipment will be installed internally, and the acoustic properties of the building envelope will therefore further reduce noise breakout to neighbouring properties. In addition, the quiet operation and proposed location of the condenser unit should not give rise to any disturbance within the offices above or nearest noise sensitive premises. It is therefore considered that if all the methods and plant specifications identified in the supporting information on the proposed extraction system and plant are adopted, there should be no adverse impact from noise or odours on neighbouring properties.
29. A condition will be added to any approval ensuring the ventilation and extraction equipment are installed in accordance with the submitted details. Hours of operation and delivery hours will also be conditioned to minimise impact on residential amenity.
30. The Town Council provide a neutral response to the application and welcome a business to fill an empty unit. They highlight in their response that the ventilation system should be designed for the exhaust to vent into an open area, currently the design shows the vent to be under an office block. As explained above, public health and housing raise no concerns with the proposed ventilation/extraction equipment and request that this is adhered to via planning condition.
31. They also request that deliveries to the premises and delivery drivers should be using the rear of the shop. This has been confirmed via email by the agent on 21 May 2021, that deliveries are likely to take place at the rear.

32. Whilst it is noted that no cycle storage has been shown on the plans, it is considered unreasonable to condition this. This is because the agent advised the local planning authority that there is not enough space to accommodate cycle storage at the rear of the premises. However, on balance, this is not considered to weigh against the scheme taking into consideration the town centre location, as there is ample opportunity for use of cycle storage off site.

Conclusion:

In conclusion, the principle and detail of the development is considered to be acceptable and in compliance with relevant development plan policies and the National Planning Policy Framework.

Recommendation:

It is **recommended** that planning permission be **approved** subject to the following conditions:

1. The development hereby permitted shall be commenced no later than 3 years from the date of this permission.

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

2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the following approved plans and documents:

Drawing No.	Plan type	Date received
20119-01 REV B	Location and block plan	29 March 2021
20119-02	Existing floor plans	29 March 2021
20119-03	Existing elevations	29 March 2021
20119-10	Proposed floor plans	29 March 2021
20119-11	Proposed elevations	29 March 2021
	Vent and extraction statement	26 March 2021
	Planning, Design and Access statement	29 March 2021

Reason: To define the scope and extent of this permission.

3. Before the premises hereby approved is open to the public all plant and equipment, including the kitchen ventilation and extracting system, shall be installed in accordance with the 'Supporting Information on the Proposed Extraction System and Plant' submitted on 26 March 2021, and the Proposed Floor Plans and Proposed Elevations, Drawing Nos: 20119-10 and 20119-11 respectively, submitted on 29 March 2021. The installation shall include suitable noise and odour mitigation measures as detailed in the schematic Drawing No. PJES/04 –Mechanical Extract Scheme D (Carbon Filter system) in Appendix A. Thereafter the system shall be retained and maintained in complete accordance with the approved details unless the written consent of the Local Planning Authority is obtained for any variation.

Reason: To protect the amenity of occupiers in the vicinity, in accordance with Policies DM2 and DM14 of the West Suffolk Joint Development

Management Policies Document 2015, Chapter 15 of the National Planning Policy Framework and all relevant Core Strategy Policies.

4. The opening hours of the premises shall be restricted to between 11:00 and 23.45 hours Sunday to Thursday, Bank and Public Holidays and between 11:00 and 00:00 hours on Friday and Saturday. All customers shall have vacated the premises by the stated closing times.

Reason: To protect the amenity of occupiers of properties in the vicinity, in accordance with Policies DM2 and DM14 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 15 of the National Planning Policy Framework and all relevant Core Strategy Policies.

5. Deliveries to the premises shall only take place between 08:00 and 18:00 hours on Mondays to Saturdays. There shall be no deliveries on Sundays, Bank or Public Holidays.

Reason: to protect the amenity of occupiers of properties in the vicinity, in accordance with Policies DM2 and DM14 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 15 of the National Planning Policy Framework and all relevant Core Strategy Policies.

Documents:

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/21/0676/FUL](#)

Case officer:

Savannah
Cobbold

Phone:

07971 534117