

# Officer Delegated Report - DC/20/0479/FUL

## The Fox Ph Haverhill Road Little Wrating Haverhill

**Date registered:** 13 March 2020      **Expiry date:** 8 May 2020 – EOT 14 April 2021

**Case officer:** Kerri Cooper      **Recommendation:** Approve application

**Parish:** Little Wrating      **Ward:** Withersfield

**Proposal:** Planning Application - Construction of Public House and Restaurant (Sui generis) (following demolition of existing derelict Public House) and associated access, parking and landscaping

**Applicant:** Mr Darren Pomfrett

### Proposal:

Planning permission is sought for the construction of a Public House and Restaurant (Sui generis), following the demolition of the existing Public House known as The Fox. The proposed development includes the provision of a new access onto the A143, parking and landscaping.

The application has been amended since submission to address the concerns raised by the Local Planning Authority and Highway Authority in respect of layout, parking (vehicle and cycle) and access).

### Site details:

The site comprises a derelict Public House, located along the A143 Haverhill Road. The site is served by an existing access and it benefitted from a car park and associated outdoor space. To the east of the application site is the Strategic Site known as North East Haverhill and to the north west of the site is the Strategic Site known as North West Haverhill.

Immediately adjacent to the application site, the Haverhill Road has recently been reconfigured to provide a four arm roundabout.

### Planning history:

Reference	Proposal	Status	Received date	Decision date
DC/19/1991/OUT	Outline Planning Application (Means of Access/	Application Withdrawn	1 October 2019	3 December 2019

	Appearance/Layout/S cale to be considered) - (i) Public house and restaurant (replacing existing public house) (ii) first floor staff flat in connection with ground floor pub/restaurant use			
SE/06/2529	Planning Application - Erection of external cold store unit (retrospective application)	Application Granted	16 September 2006	20 November 2006
SE/06/1430	Planning Application - (i) Erection of single storey extensions to side and rear, (ii) disabled ramped approach, (iii) extension to car park and (iv) alterations to patio; as amended by drawing no. 3234/6A received on 27 April 2006 (revised vehicular access)	Application Granted	17 March 2006	11 May 2006
E/84/3515/P	Erection of bar extension and rebuilding food preparation and utility room together with minor internal alterations and enlargement of car park and children's garden	Application Granted	4 December 1984	16 January 1985

### Consultations:

**Public Health and Housing** - No objection, subject to conditions.

**Environment and Transport** - Highways - Initially objected to the scheme due to insufficient information provided, lack of parking and impact on Highway Safety. Following submission of Transport Assessment and revised layout, no objection subject to detailed conditions.

**SCC Fire and Rescue** - Advice/informative provided directly to applicant/agent regarding sprinklers.

**Ramblers** - No objection.

**PROW** - No comments received.

**Environment Team** - No objection, recommend condition.

**Natural England** - No comments received.

**Anglian Water** - No comments received.

### **Representations:**

**Town Council** - Haverhill Town Council submitted the following summarised comments:

20 April 2020

- Object to application;
- The Town Council welcomes the new design and are supportive of this development, which is a significant improvement for an important gateway to Haverhill;
- Primary concern is over the safety of vehicles emerging from the Public House onto the public highway;
- A further arm to the roundabout should be provided.

18 February 2021

- Comments remain as previous.

3 March 2021

- The planning committee have noted the revised suggestion from the Highway Authority regarding a left in - left out access, which was considered to be an option that the Town Council would be happy with and remove their objection.

**Ward Member** - The adjacent Ward Member, Cllr Burns submitted the following summarised comments:

16 April 2020

- The entrance to the site should be from a fourth spur of the new roundabout;
- No right hand turn out of the site;
- Entire site would have benefitted from being turned 180 degrees, to enable the front of the site to be a gateway.

25 January 2021

- Comments still remain and disagree with Highways comments.

2 March 2021

- On basis that only left in and left out to the Public House site is allowed, and that the entrance/exit lanes are engineered such that this cannot be bypassed (such as through a 180 degree turn in the highway) then I remove my objection as neighbouring ward Councillor and now have a neutral stance.

**Neighbours** - No representations received.

All representations can be viewed online in full.

## **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.

### **Joint Development Management Policies Document 2015**

Policy DM1 Presumption in Favour of Sustainable Development

Policy DM2 Creating Places Development Principles and Local Distinctiveness

Policy DM6 Flooding and Sustainable Drainage

Policy DM7 Sustainable Design and Construction

Policy DM11 Protected Species

Policy DM12 Mitigation, Enhancement, Management and Monitoring of Biodiversity

Policy DM13 Landscape Features

Policy DM41 Community Facilities and Services

Policy DM44 Rights of Way

Policy DM45 Transport Assessments and Travel Plans

Policy DM46 Parking Standards

### **Haverhill Vision 2031**

Vision Policy HV1 - Presumption in Favour of Sustainable Development

### **St Edmundsbury Core Strategy 2010**

Core Strategy Policy CS1 - St Edmundsbury Spatial Strategy

Core Strategy Policy CS2 - Sustainable Development

Core Strategy Policy CS3 - Design and Local Distinctiveness

Core Strategy Policy CS7 - Sustainable Transport

## **Other planning policy:**

The National Planning Policy Framework (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:**

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

- Principle of Development
- Impact on Visual Amenity and Layout
- Trees and Ecology
- Impact on Residential Amenity
- Impact on Highway Safety

## **Principle of Development**

The NPPF sets out that planning policies and decisions should enable the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.

Policy DM41 states that the provision and enhancement of community facilities and services will be permitted where they contribute to the quality of community life and the maintenance of sustainable communities.

The proposed development seeks to demolish the existing derelict Public House and replace with a new Public House and restaurant with associated residential accommodation above. The proposal will bring back into use as a community facility and therefore the principle of the proposed development is acceptable.

The provision of a residential accommodation associated with the pub is acceptable. The layout and form of the accommodation makes it clear that it is accommodation associated with the management of the pub. This is a constituent element of the sui generis use and is NOT a C3 use in its own right. Accordingly, no conditions are considered necessary to control this, since the use of the residential accommodation other than in accordance with the operation of the public house would be a material change of use for which planning permission would be needed.

## **Impact on Visual Amenity and Layout**

The NPPF stresses the importance the Government attaches to the design of the built environment, confirming good design as a key aspect of sustainable development (paragraph 124). The Framework goes on to reinforce this in paragraph 127, stressing the importance of developments that function well and add to the overall quality of the area, that are visually attractive, sympathetic to local character and history and that establish or maintain a strong sense of place. It also confirms at paragraph 130 that '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.'

Policy CS3 states that proposals for new development must create and contribute to a high quality, safe and sustainable environment. They will be required to consider the protection of the landscape and historic views.

Policy DM2 requires development proposals to recognise and address the key features and characteristics of an area and to maintain or create a sense of place and/or local character.

The existing building is positioned along the frontage of the site, in a prominent position along Haverhill Road. Whilst the building has deteriorated over recent years since it has been closed, the form of the building remains, with the majority being of a two-storey nature and single storey additions to the rear and side.

The proposed Public House is to be set back from the road, with parking to the north and east and a garden area to the west. The proposed building is of a substantial footprint, however it has been sympathetically designed as to incorporate building characteristics and features that respect the existing development. The replacement building is of a two storey and single storey scale, with a variety of materials being proposed as for the building to be visually attractive. Sufficient space has been allowed as to provide meaningful landscaping in key areas of the site, in particular along the eastern and western boundary. During the course of the application, amendments have been made to the scheme to address concerns in respect of parking and cycling and layout of the northern area of the site. The changes which have been made have enabled a well laid out development to be provided, with the site and development creating a positive contribution in the street scene. It is considered that the proposed development will enhance the character and appearance of the area, and is one which respects the planned development and growth to the east and west.

## **Trees and Ecology**

The NPPF confirms that the planning system should contribute to and enhance the natural environment by minimising impacts on biodiversity and providing net gains where possible (paragraphs 174 and 175). This is reflected in policies DM11 and DM12 which seek to protect safeguard protected species and state that measures should be included in the design of all developments for the protection of biodiversity, the mitigation of any adverse impacts and enhancements commensurate with the scale of the development.

The Natural Environment and Rural Communities (NERC) Act (2006) Section 40(1) imposes a duty on every public authority in exercising its functions, to have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity. The duty applies to all local authorities and extends beyond just conserving what is already there to carrying out, supporting and requiring actions that may also restore or enhance biodiversity.

Policy DM13 states that proposals will be permitted where they will not have an unacceptable adverse impact on the character of the landscape, landscape features, wildlife, or amenity value.

The site is immediately adjacent to a woodland along the western boundary. The woodland is protected by Tree Preservation Order and therefore, careful consideration needs to be given to any impact to trees as a result of the proposed development.

A hedge bounds the site to the east and south, which is an important landscape feature that whilst off site is to be affected by this proposal. There are some existing but only small trees within the application site, given the extensive area of hardstanding. The arboricultural assessment and the tree protection plan demonstrate that the trees in the woodland and those along the boundary of the site can be adequately protected as for them not to be impacted by the development and for them to be retained.

The application has been supported by a Preliminary Ecological Report and further Bat Survey. The findings of these report concluded that the proposed development will not result in any adverse impacts to any habitats likely to be used by foraging, commuting or roosting bats within the existing building or trees adjacent to the site. Furthermore, there are opportunities to provide enhancement and measures through substantial landscape planting as well as providing additional roosting through bat and bird boxes.

The Local Planning Authority considers that provided the recommendations and precautionary methods are carried out, that the impacts upon biodiversity, including any potential adverse impacts upon specific protected species, will be able to be wholly mitigated and appropriate enhancements secured, in accordance with policy and legislation.

### **Impact on Residential Amenity**

Policy DM2 states that proposals for all development should take mitigation measures into account, and not affect adversely the amenities of adjacent areas by reason of noise, smell, vibration, overlooking, overshadowing, loss of light, other pollution (including light pollution), or volume or type of vehicular activity generated; and/or residential amenity.

The site is located on the southern side of Haverhill Road. To the immediate west of the site is a woodland, to the north of Haverhill Road is the strategic site known as North West Haverhill and the south and east of the site is the strategic site known as North East Haverhill.

Whilst the site has not been in uses as Public House in recent years, the existing premises could be refurbished and open back up as a Public House. Although there is planned development surrounding the site, the use of the existing site remains as it has been historically. Through the use of appropriate conditions as to control noise, odours and hours of operation, it is considered that the proposed development will not result in an adverse impact to residential amenity as to cause harm.

### **Impact on Highway Safety**

The NPPF advises that development should provide for high quality walking and cycling networks (paragraph 104), and also emphasises in paragraph 108 that in assessing applications for development, it should be ensured that:

- a) appropriate opportunities to promote sustainable transport modes can be - or have been - taken up, given the types of development and its location;
- b) safe and suitable access to the site can be achieved for all users; and,
- c) any significant impacts from the development on the highway network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

It further goes on to advise that the development should not be prevented or refused on transport grounds, unless there would be an unacceptable impact on highway safety, or the residual cumulative impacts of development would be severe.

Policy DM2 of the Joint Development Management Policies Document also requires that new development should produce designs that accord with standards and maintain or enhance the safety of the highway network, along with Policy DM46 which promotes more sustainable forms of transport.

The proposed development is to be served by a new access onto Haverhill Road. Concerns have been raised by the adjacent Ward Member and Town Council regarding the position of the access and its relationship with the new configured road adjacent to the site and the request that a fifth arm to the new roundabout is provided. Immediately adjacent to the application site, Haverhill Road has recently been reconfigured to provide a four-arm roundabout. The Highway Authority confirmed that the roundabout is specifically designed for four arms and adding a fifth would alter the deflection, camber, visibility, sight lines, drainage, lighting and signing. The addition of a fifth arm would therefore severely affect the safety of the roundabout.

The proposed development provides an under allocation of parking. The applicant has provided a very detailed Transport Statement and through this has evidenced that the reduced car parking provision should not result in overspill parking which would be detrimental to highway safety. In addition, site is located within walking and cycling distance of retail, employment and leisure facilities and large residential areas. There are also nearby significant approved residential developments currently in planning/construction. The site is/will soon be served by good cycle facilities and it is expected that the current level of public transport links will also improve with the new developments. The proposal provides secure



and overlooked cycle storage facilities on site as to promote and encourage the use of sustainable transport. The site is also of course also has a lawful use as a public house, which could be refurbished and reopen, and which would not achieve any of the other wider benefits also associate with this present proposal.

As such, the application has therefore demonstrated that the proposed development can be successfully accommodated within the highway network without significant harm in respect of highway safety and that safe and suitable access can be achieved for all users.

### **Conclusion:**

In conclusion, subject to the imposition of conditions, 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 is Approved subject to the following conditions:

1. 001A Time Limit - Detailed
2. 14FP Approved Plans
3. 007A Access
4. 007H Means To Prevent Discharge Surface Water
5. 007S HGV Construction & Deliveries Management
6. 007O Parking and Cycle
7. NS Delivery and Servicing Strategy Manage.
8. NS Refuse/Recycling
9. 004C Hours Of Construction/Demolition
10. 004D Construction Method Statement
11. 004E Ventilation System/Odour Control
12. 006H Plant Equipment
13. 006I Delivery Times
14. 006C Opening Hours
15. NS Lighting

16. 002A Materials - Samples/Details
17. NS EV Charging Points
18. 010J Soft Landscaping - Minor (And Trees)
19. 011C Compliance - Biodiversity Strategies
20. 011B Ecological Enhancement

**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 additional information was required during the course of the application to address the concerns and issues in respect of layout, parking and access. Additional details and amended plans were submitted which addressed the concerns and issues raised and enabled the Local Planning Authority to support the proposed development.
- 2 It is an OFFENCE to carry out works within the public highway, which includes a Public Right of Way, without the permission of the Highway Authority.  
Any conditions which involve work within the limits of the public highway do not give the applicant permission to carry them out. Unless otherwise agreed in writing all works within the public highway shall be carried out by the County Council or its agents at the applicant's expense.  
Suffolk County Council must be contacted, telephone 0345 606 6067.  
A fee is payable to the Highway Authority for the assessment and inspection of both new vehicular crossing access works and improvements deemed necessary to existing vehicular crossings due to proposed development.
- 3 The works within the public highway will be required to be designed and constructed in accordance with the County Council's specification. The applicant will also be required to enter into a legal agreement under the provisions of Section 278 of the Highways Act 1980 relating to the construction and subsequent adoption of the highway improvements. Amongst other things the Agreement will cover the specification of the highway works, safety audit procedures, construction and supervision and inspection of the works, bonding arrangements, indemnity of the County Council regarding noise insulation and land compensation claims, commuted sums, and changes to the existing street lighting and signing.

**Documents:**

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

Case officer:	Kerri Cooper	Date: 13 April 2021
Authorising officer:	Dave Beighton	Date: 14 April 2021