



## Development Control Committee 2 February 2017

### Planning Application DC/16/1252/OUT Social Services Site, Camps Road, Haverhill

**Date:** 15 July 2016      **Expiry Date:** 14 October 2016  
**Registered:**

**Case Officer:** Gary Hancox      **Recommendation:** Refuse

**Parish:** Haverhill Town      **Ward:** Haverhill North

**Proposal:** 17 dwellings, access parking and landscaping (following demolition of existing buildings)

**Site:** Social Services/Magistrates Court, Camps Road, Haverhill

**Applicant:** Emlor Homes

#### **Synopsis:**

Application under the Town and Country Planning Act 1990 and the (Listed Building and Conservation Areas) Act 1990 and associated matters and appeal against non-determination under Section 78 of the Town and Country Planning Act 1990.

#### **Recommendation:**

It is recommended that the Committee endorse the reasons for refusal that will be presented to the Planning Inspectorate as part of the Council's Statement of Case at the forthcoming appeal.

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## **Background:**

**The applicants have lodged an appeal against the 'non-determination' of the planning application within the prescribed decision making periods. The time period for the determination of this planning application expired on the 14 October 2016.**

**The Council is no longer able to determine the application which will now be considered by an appointed Inspector. This application is referred to the Development Control Committee to seek the views of Members as to what their decision would have been if they were in a position to determine the above planning application.**

## **Proposal:**

1. Outline planning permission is sought for the demolition of the former Magistrates Court, day centre and Social Services office buildings and a development of 17 dwellings, landscaping, vehicular access and car parking. All matters are reserved, but indicative plans have been submitted detailing 3-storey town house style dwellings utilising brick and render facing materials. Access to the site would be via the existing access and driveway off Camps Road. This would be shared with the school to the north of the site, an ambulance station to the east of the site, and a former care home to the west of the site.
2. All matters are reserved for determination at a later stage.

## **Application Supporting Material:**

3. Information submitted with the application as follows:
  - Site Location Plan
  - Indicative Site plan
  - Indicative House Types and elevations
  - Design and Access Statement
  - Drainage Strategy
  - Energy Strategy Report
  - Noise Impact Assessment
  - Bat Survey
  - Planning Statement
  - Transport Statement
  - Ecological Statement

## **Site Details:**

4. The site is situated close to the centre of Haverhill and fronts onto Camps Road opposite the recreation ground. The site has an area of 0.36 hectares and forms part of a larger site containing a former care home, social services buildings and Magistrates Court. The existing buildings on

site are single and two-storey and constructed mainly in brick. The buildings are owned by Suffolk County Council and were formerly used as a Magistrates Court, Day Centre, and offices for Social Services. Haverhill Methodist Church is to the east of the site and to the north is Place Farm Primary Academy. There is also a medical practice on Camps Road.

5. There is a small portion of the frontage of the site given over to soft landscaping, however the majority of the site is hard surfaced.
6. The site access also serves Place Farm Primary Academy and an Ambulance Station.
7. The site is located within the Housing Settlement Boundary and outside the Conservation Area.

### **Planning History:**

8. None relevant.

### **Consultations:**

9. Highway Authority: Holding Objection.
  - the proposed parking provision shown appears to be less than the required amount as recommended in Suffolk Guidance for Parking (2015) which, when amended may impact on the layout of the development. The proposed 3 bedroom dwellings are shown with acceptable parking provision but the 4 bedroom dwellings only feature 2 spaces each where they should provide 3 spaces each. The relatively sustainable location is noted but the existing high demand on parking in the area, together with the adjacent primary school mean that the only reduction to the recommended provision that would be acceptable would be not providing visitor parking (4 spaces).
  - The proposed parking layout increases the number of spaces that are accessed over the footway (compared to the existing permitted use). There are 8 spaces proposed adjacent to the block of 6 houses that would need to reverse over the footway to enter or exit the spaces. As a route to the primary school, it is envisaged that this may lead to conflicts with pedestrians, especially during the peak school hours (which would include vulnerable road users). It is understood that this area is not highway but in the interests of school pedestrian safety, it would be beneficial to amend this layout so that less footway crossing is required.
  - The red line boundary shown on the supplied plans appears to include some of the highway (the footway on Camps Road and part of the existing layby). Any works carried on this area would require the permission of the Highway Authority and necessary legal agreements.

10. SCC Archaeology: No objection, subject to appropriate conditions.
11. SCC Strategic Infrastructure: require education contributions of £48,724 and library contributions of £272.
12. Environment Agency: No objection.
13. Environment Team: No objection, subject to conditions.
14. Public Health and Housing: Object – there are concerns with regard to the impact that the existing operational ambulance station may have on the proposed residential development. Whilst it is accepted that there has been a residential care home for many years to the west of the application site and that ambulances have always accessed the station from the existing access road, the proposed dwellings will be in very close proximity to the ambulance station which is in use 24 hours a day. In addition, there are four garages and a fuel point on the site and a large office building for operational staff. It is not clear if any maintenance is carried out in the garages on site or if the fuel point is still in use.

It was originally understood that the ambulance station was to be relocated however this may now not be the case. There is therefore the potential for noise which may impact on the proposed residential occupiers from the arrival and departure of ambulances and operational staff throughout the day and night time, particularly from drivers slamming doors or chatting outside of their vehicles late at night. Whilst it is understood that the ambulance sirens would not normally be put on when leaving the station, they are likely to be sounded when accessing Camps Road. There is also the possibility that the ambulance service may wish to expand their existing operations at this site which will impact on the proposed residential occupiers.

15. SCC Flood and Water: No objection.
16. Strategic Housing: The Strategic Housing Team supports the above application in principle as it accords with our CS5 policy to deliver 30% affordable housing. St Edmundsbury Borough Council and in particular Haverhill, has a demonstrable need for more affordable housing and the above development will help contribute to meeting that need. However the Strategic Housing Team notes from the developers Planning Statement, paragraph 4.8-4.9 that they intend to apply the Vacant Building Credit to this application reducing the affordable housing obligation to 12%. It is my understanding that the qualification around the Vacant Building Credit for this development is currently being looked at in more detail and how this fits in accordance with the requirements set out in the NPPG. It is the Strategic Housing Team opinion that until such time as a formal view has been made with regards to the Vacant Building Credit, our full policy position of 30% affordable housing should be applied to the development. I would therefore encourage the developer to contact the Strategic Housing Team at their earliest convenience to discuss in more detail:

- the tenure and mix of the affordable housing;
- the intended affordable dwelling space standards and;
- the location of the affordable housing in relation to the whole development

17. Police Architectural Liaison Officer: makes several recommendations to improve the detailed design and layout of the scheme.

18. Anglian Water: No objection.

### **Representations:**

19. Town Council: Object – endorses the views of Public Health and Housing and has concerns the level of parking provision.

20. East of England Ambulance Service (EEAS) – Object. EEAS is very concerned at the proposed development. This facility is our only responding location in Haverhill and provides emergency response cover for Haverhill Town and surrounding villages. Our crews respond 24/7, on 'blue lights' and sirens, as appropriate. The response time for life critical calls is 8 minutes, so anything which delays vehicle egress from site is a major concern. Our recent experience with a 29 unit development in Chelmsford has proved very difficult. During the construction period, in spite of planning conditions and construction management plans, the contractors vehicles and site deliveries regularly obstructed the shared access road. As housing was completed the residents parking overflowed from their area into the ambulance parking area and access road, again disrupting site operation and delaying time critical mobilisation.

### **Policy:**

21. The following policies of the Replacement St Edmundsbury Borough Local Plan 2016 and the St Edmundsbury Core Strategy December 2010 have been taken into account in the consideration of this application:

22. St Edmundsbury Core Strategy December 2010

- Policy CS2 (Sustainable Development)
- Policy CS3 (Design and Local Distinctiveness)
- Policy CS4 (Settlement Hierarchy)
- Policy CS5 (Affordable Housing)
- Policy CS14 (Community Infrastructure and Tariffs)

23. Joint Development Management Policies 2015

- Policy DM1 (Presumption in favour of sustainable development)
- Policy DM2 (Design and local distinctiveness)
- Policy DM6 (Flooding and sustainable drainage)
- Policy DM7 (Sustainable design and construction)
- Policy DM11 (Protected Species)
- Policy DM22 (Residential design)

- Policy DM23 (Special Housing Needs)
- Policy DM45 (Transport assessments and travel plans)
- Policy DM46 (Parking standards)

24. Haverhill Vision 2031:

- Policy HV1 (Presumption in Favour of Sustainable development)
- Policy HV2 (Housing development within Haverhill)

**Other Planning Policy:**

25. National Planning Policy Framework (2012) - specifically paragraphs 14, 17, 49, 50, 55, 61, 64.

26. For decision making purposes, as required by Section 38(6) of the Planning & Compulsory Purchase Act 2004, the Development Plan comprises the Adopted St Edmundsbury Core Strategy, The Joint Development Management Policies Document, the Development Control Policies Development Plan Document (2015), and Haverhill Vision 2031.

27. Section 38(1) of the Planning & Compulsory Purchase Act 2004 requires that planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. Material considerations in respect of national planning policy are the NPPF and the more recently published National Planning Practice Guidance.

28. The National Planning Policy Framework (the Framework) sets out government's planning policies for England and how these are expected to be applied. Paragraph 14 of the Framework explains that there is a 'presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking'. For decision taking this means:

- Approving development proposals that accord with the development plan without delay; and
- Where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
  - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this framework taken as a whole;
  - or specific policies in this framework indicate development should be restricted."

29. The Government defines sustainable development as having three dimensions. These dimensions give rise to the need for the planning system to perform a number of roles:

- economic, in terms of building a strong economy and in particular by ensuring that sufficient land of the right type is available in the right places;
- social, by supporting, strong vibrant and healthy communities by

providing the supply of housing required to meet future need in a high quality environment with accessible local services, and;

- environmental, through the protection and enhancement of the natural, built and historic environment.

30.Paragraph 8 of the NPPF stresses that these roles should not be undertaken in isolation because they are mutually dependent; therefore a balanced assessment against these three dimensions is required.

### **Officer Comment:**

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

- Principle of Development
- Design and layout
- Impact on the Ambulance Station
- Highway impact
- Landscape and ecology
- Planning Obligations (Affordable Housing)
- Planning balance

32.The application site is located within the settlement boundary of Haverhill, one of two towns within the St Edmundsbury Borough where Core Strategy Policies CS1 and CS4 focus large scale growth. Policy HV2 of the Haverhill Vision 2031 (2014) allows for new residential development within the settlement boundary. The site is not allocated for any specific land use, and the last use of the site was to provide County Council services now relocated elsewhere. The principle of the redevelopment of the site for housing is considered to be in accordance with these policies.

33.Taking into account the location of the site within the settlement boundary, and its proximity to local services and facilities, the site is deemed appropriate for residential development.

### **Design and Layout**

34.Core Strategy Policy CS3, Joint Development management policy DM2 and paragraphs 61 and 63 of the NPPF requires all development to be a high quality design that fully considers the context in which it sits, contributes to a sense of local distinctiveness and compliment the natural landscape and built form that surrounds it. All proposals should preserve or enhance the existing character of the area. The design and access statement submitted with the application explains how the scheme has been influenced by a contextual and character appraisal of the site and the surrounding area.

35.The principle of 3-storey development is acceptable taking into account the site context. However, taking into account the comments of the Local Highway Authority and Public Health and Housing, it has not been adequately demonstrated that the site can accommodate 17 dwellings

with adequate parking and amenity space. Had the application not been appealed, and application discussions allowed to continue, it is likely that the siting of the dwellings would have become a matter for consideration at the outline stage. This would have then established whether or not the site was capable of accommodating 17 dwellings with a high quality design in accordance with Policies CS3, DM2 and paragraphs 61 and 63 of the NPPF.

#### Impact on the Ambulance Station

36. As can be seen from the comments of Public Health and Housing (par. 14 above), during pre-application discussions it was understood that the ambulance station was to be relocated. However this may now not be the case, and the application has to be considered having regard to the existing situation. Housing is proposed within 20 metres of the Ambulance Station and there is significant potential for noise which may impact on the proposed residential occupiers from the arrival and departure of ambulances and operational staff throughout the day and night time. There is also the possibility that the ambulance service may wish to expand their existing operations at this site which will impact on the proposed residential occupiers.

37. It is also noted that the Ambulance Service object to the application, making reference to the 24/7 operation of the ambulances. Whilst all dwellings within the site, and to be fair many existing dwellings outside the site, will be/are affected by the operation of the ambulances, the proposed dwellings to the rear of the site will be within 20 metres of the buildings and would have an access road used by ambulances and staff vehicles passing close to them. This is likely to lead to poor amenity levels afforded to future residents, and counts against the scheme. It also again brings into question whether or not 17 dwellings can be successfully accommodated within the site to achieve a high quality design in accordance with Policies CS3, DM2 and paragraphs 61 and 63 of the NPPF.

#### Highway Impact

38. Details of access to the site are reserved for later consideration, and no objection is raised by the Local Highway Authority as to the principle of the use of the existing shared access to the site to serve the proposed development. The comments of the Local Highway Authority in respect of parking and potential pedestrian conflict are noted, and any detailed design submitted under reserved matters could take account of these concerns.

#### Landscape and Ecology

39. A Phase 1 Ecology survey has been submitted with the application that identifies the site as being of low ecological value with the site comprising buildings and hardstanding with areas of unmanaged improved grassland,



broadleaved scattered trees and introduced shrubs.

40. Two bat species were recorded during surveys. The surveys recorded very low levels of common pipistrelle passes bounding the site. A single noctule was also recorded during the survey. No bats were recorded emerging or re-entering the Magistrates Court building, and therefore, in accordance with current guidelines roosting bats are assessed as being likely absent from the site. It is considered that the site is of low local importance for foraging and commuting bats. The implementation of the proposed mitigation set out in the ecology survey (including for example the installation of bat boxes within the site) can be required by condition.
41. The site is considered to have low potential for reptiles and invertebrates, however a phase 2 reptile survey was recommended in the phase 2 ecological survey. This has not been submitted for consideration. However, the site directly adjacent to this one (the care home site) has had the benefit of a reptile survey, and none were found. The Council's Ecology, Landscape and Tree officer considers that the social services site has even lower potential for reptiles, and therefore the lack of a separate reptile survey in this case is not a cause for concern.

Planning Obligations (including Affordable Housing)

42. Core Strategy Policy CS14 requires that all new proposals for development demonstrate that the necessary on and off-site infrastructure capacity required to support the development and to mitigate the impact of it on existing infrastructure exists or will exist prior to that development being occupied. In this case, Suffolk County Council has requested financial contributions towards enhanced education and library provision totalling £48,996. Although not specifically referred to in the applicants submission documents, it is assumed that these contributions can be secured by a S106 legal agreement. However, until such agreement has been reached, the application would remain contrary to Policy CS14 in this regard.
43. In line with the economic and social dimensional roles of sustainable development, which inter alia seek to provide a supply of housing to meet the needs of the present and future generations, Core Strategy Policy CS5 requires developers to integrate land for affordable homes within sites where housing is proposed, to ensure that affordable housing is provided and comes forward in parallel with market homes. In this case the target is 30% affordable housing and conditions or legal obligations will be used to ensure that affordable housing is secured and retained for those in housing need.
44. As there are existing buildings on the site which would be demolished to make way for the development, the applicants have applied the Vacant Building Credit (VBC), which means that affordable housing contributions are only payable on the net increase in floor-space. The total floor-space of the buildings to be demolished is 930.24m<sup>2</sup>. The submitted indicative drawings show a total floor-space of 1,590m<sup>2</sup>, representing an increase of 659.76m<sup>2</sup>. Applying the VBC, reduces the affordable housing requirement to 12%, which equates to 2.04 units, if the full 17 units were to be

delivered. The applicants are therefore offering only 2 affordable dwellings on site. The implication of VBC is explained below.

#### Vacant Building Credit (VBC)

45. National policy provides an incentive for brownfield development on sites containing vacant buildings. Where a vacant building is brought back into any lawful use, or is demolished to be replaced by a new building, the developer should be offered a financial credit equivalent to the existing gross floorspace of relevant vacant buildings when the Local Planning Authority calculates any affordable housing contribution which will be sought. Affordable housing contributions may be required for any increase in floorspace. The 'credit' to be applied is the equivalent of the gross floorspace of any relevant vacant buildings being brought back into use or demolished as part of the scheme and deducted from the overall affordable housing contribution calculation. This will apply in calculating either the number of affordable housing units to be provided within the development or where an equivalent financial contribution is being provided.
46. There are however limitations as to when VBC applies. The policy is intended to incentivise brownfield development, including the reuse or redevelopment of empty and redundant buildings. The National Planning Practice Guidance (NPPG) advises that when considering whether or not to apply VBC, Local Planning Authorities should consider 'whether the building has been made vacant for the sole purposes of re-development.'
47. In this case the buildings were last used to provide County Services, including a Magistrates Court, Social Services, and a Day Centre and are currently unoccupied. (Although there does appear to be a security presence on-site.) The applicants have therefore applied the VBC, which has reduced the affordable housing percentage target from 30% down to 12%.
48. However, in the opinion of Officers, it is felt that VBC should not apply in this case. As part of a wider programme of cost saving and efficiency measures, at some point in the recent past it was decided that the buildings should be closed, the services relocated, and the site sold for redevelopment. The site was advertised for sale as part of a wider 0.8 hectare site that included a Care Home, Magistrates Court, Day Centre and Offices.
49. Even taking into account that the site was likely to have been made vacant by the County Council as part of ongoing cost-saving measures, the buildings have been made vacant for the sole purposes of their redevelopment with the County services being provided elsewhere. The County Council had a choice of what to do with the buildings, which of course could have included their continued use. As a result, it is considered that VBC should not be applied, and that the policy requirement of 30% affordable housing is applicable in this case. By way of comparison, if a developer wanted to develop a site where a company or organisation had vacated a premises due to the closure of the business,

or for unforeseen circumstances has moved out leaving an unoccupied building, then this would result in a vacant building being brought back into use. VBC could then be applied. However, this is not the case in respect of the application site.

50. On-site affordable housing provision that is significantly less than the policy requirement weighs heavily against the scheme in the planning balance.

Other Matters:

51. The comments of the Ambulance Service in respect of potential disturbance during the construction period are noted, however it is felt that to some extent this could be considered and mitigated for through the submission of an appropriate construction management plan. This could be required by condition.

#### Planning balance

52. The application site is located within the settlement boundary of Haverhill and is compliant with policies CS1, CS4, HV2. However, the application is not fully compliant with policy CS5 and offers a significantly reduced on-site affordable housing provision equating to only 12% of the policy target.

53. The benefits of the scheme can be summarised as follows:

- The scheme would contribute 17 dwellings to the supply of housing in the District
- The proposal would generate indirect economic benefits during the construction period

54. The dis-benefits of the scheme can be summarised as follows;

- The scheme provides only 12% on-site affordable housing, contrary to the Policy CS5 target of 30%.
- Notwithstanding that the principle of residential development on the site is acceptable, it has not been adequately demonstrated that 17 dwellings can be successfully accommodated within the site in order to achieve a high quality design in accordance with Policies CS3, DM2 and paragraphs 61 and 63 of the NPPF.
- The principle of 3-storey residential development is acceptable taking into account the site context. However, taking into account the comments of the Local Highway Authority and Public Health and Housing, it has not been adequately demonstrated that the site can accommodate 17 dwellings with adequate parking and amenity space.
- In order to accommodate 17 units, the proposed dwellings to the rear of the site will be within 20 metres of the buildings and would have an access road used by ambulances and staff vehicles passing close to them. This is likely to lead to poor amenity levels afforded to future residents, and counts against the scheme. It also again

brings into question whether or not 17 dwellings can be successfully accommodated within the site achieving a high quality design in accordance with Policies CS3, DM2 and paragraphs 61 and 63 of the NPPF.

The benefits of the scheme outlined above are acknowledged and weight is attached to them accordingly. However, as the application does not fully accord with the development plan and so in terms of the 'planning balance scales', the starting position is that they are tilted against the proposal. Significant weight can be given to the contribution the development would make to the supply of housing, however considerable weight must also be given to the lack of affordable housing provision without adequate justification.

### **Conclusion:**

55.The benefit of the proposal in terms of providing 17 dwellings is accepted. The application of the VBC is not correct in this instance, and therefore the applicable affordable housing target is 30%. It has not been adequately demonstrated that the site is capable of accommodating 17 dwellings with adequate parking, access and amenity.

56.The proposed development does not represent sustainable development with its dis-benefits outweighing its benefits.

### **Recommendation:**

57.That the Development Control Committee resolves that it would have **refused planning permission** had the non-determination appeal not been lodged for the following reasons:

- i. The proposed dwellings to the rear of the site will be within 20 metres of the buildings and would have an access road used by ambulances and staff vehicles passing close to them. This is likely to lead to poor amenity levels afforded to future residents, and counts against the scheme. It has not been adequately demonstrated that 17 dwellings can be successfully accommodated within the site and achieve a high quality design in accordance with Policies CS3, DM2 and paragraphs 61 and 63 of the NPPF.
- ii. The application is not fully compliant with policy CS5 and offers significantly reduced on-site affordable housing provision (12%). The application of Vacant Building Credit has been applied erroneously, and therefore the Policy target of 30% affordable housing should apply. The application is contrary to paragraph 50 of the NPPF in this regard.

- iii. Without a Section 106 legal agreement or unilateral undertaking from the applicant to secure the following additional provisions the proposal is not considered to be sustainable development and conflicts with the aims of the NPPF and Core Strategy Policies CS2, CS5 and CS14.

- a contribution of £682, 695 towards primary school provision
- the provision of 30% affordable housing and the securing of an appropriate tenure mix and affordability in perpetuity.

58. The Development Control Committee is also requested to authorise the Head of Planning and Growth:

- i) Defend the decision of the Development Control Committee at the forthcoming appeal hearing/ public inquiry, and
- ii) Remove, amend or add to the reasons for refusal in response to new evidence, information or amendment in the lead up to the forthcoming hearing/public inquiry, and
- iii) Appoint and advocate and expert witness (as necessary) to present the Council's case and defend its reasons for refusal, and
- iv) Agree a 'Statement of Common Ground' with the appellant and any other 'rule 6' party, and;
- v) Suggest conditions to be imposed upon any grant of planning permission should the Inspector be minded to allow the appeal.

**Documents:**

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

<https://planning.westsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=O8R320PDHNK00>

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