



St Edmundsbury
BOROUGH COUNCIL

DEV/SE/18/047

Development Control Committee 6 December 2018

Planning Application DC/17/2539/FUL – 5 High Street, Haverhill

Date Registered:	06.12.2017	Expiry Date:	07.03.2018 EoT: 14.12.2018
Case Officer:	Ed Fosker	Recommendation:	Approve Application
Parish:	Haverhill	Ward:	Haverhill South
Proposal:	Planning Application - Conversion of building to provide 14 residential units, including addition of dormer extension, minor operational development and associated car parking		
Site:	5 High Street, Haverhill		
Applicant:	Mr Andrew Gertner		

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.

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Background:

This application has been referred to the Development Control Committee at the request of Councillor Paula Fox (Ward Member: Haverhill South). As it is a 'major' application it has not first been presented before the Delegation Panel.

Proposal:

1. Planning permission is sought for the change of use of part of an existing building to provide fourteen flats. The change of use is from a night club (sui generis) to dwellings (C3). It also comprises associated operational development, including insertion of openings and the erection of a dormer roof extension to enable the provision of residential accommodation, 19 allocated car parking spaces, secure cycle storage for 32 cycles and bin storage.

Site Details:

2. The application site which is located within Haverhill Town centre and conservation area comprises the upper floors of 1-5 High Street, Haverhill, also known as the former Co-op building. 1- 3 High Street, is arranged over ground and one upper floor to provide a large double fronted ground floor shop (Peacocks) with a former bar/nightclub (the application site) at first floor level. 5 High Street is arranged over ground and two upper floors to provide a vacant ground floor shop with ancillary (storage) accommodation to the first floor (formally Argos) and a former bar/nightclub above, which is accessed from the rear. The site which is 0.35 hectares (0.87 acres) also includes a large car park to the rear.
3. The proposed development would comprise the conversion of the existing vacant floor space above the ground floor retail units to fourteen flats (7no one bed, 5no two bed and 2no three bed). This floor space has been vacant for a long period of time, the most recent use of the first floor comprised a night club which went out of business approximately ten years ago. The floor space at a second and third floor level appears not to have been used for a considerable period of time.

4. Planning History:

Reference	Proposal	Status	Decision Date
DC/17/1278/CLP	Certificate of Lawfulness for Proposed Use - Change of use from Office to Residential to provide 7 no. flats (first floor)	Application Withdrawn	18.09.2017
DC/17/2539/FUL	Planning Application - Conversion of building to provide 14 residential units, including addition of dormer extension, minor operational development and associated car parking	Pending Decision	

E/89/1902/P	Section 32 Application - Retention of satellite TV reception dish	Application Granted	10.08.1989
E/86/1713/P	Erection of two external fire escapes	Application Granted	07.05.1986
E/85/2647/P	Re-siting of front entrance doors and infilling part of main entrance	Application Granted	30.08.1985
E/74/2300/A	NAMEBOARDS AND DIRECTIONAL SIGN	Application Granted	07.11.1974

Consultations:

5. Highway Authority: No objection subject to the conditioning of the provision of the 19 allocated parking spaces and 32 cycle storage spaces.
6. Suffolk County Council Flood & Water Management: No formal comments to make on this application as the proposed net development is less than 1000m². We are happy for the development to follow Building Regulations Part H.
7. Conservation Officer (verbal consultation with CJ): No objection with regards to the proposed scheme and its impact on the conservation area.
8. Leisure and Culture – Parks: No comment.
9. Public Health and Housing: No objection to the revised flat sizes, the spiral staircase within the third floor bedrooms within flats 10 and 11 has been repositioned and comes down into a protected hallway on the second floor. The means of escape from the bedrooms is therefore must better. The means of escape will need to be agreed and in accordance with Building Regulations.
10. Environment Team: Although technically the application should be accompanied by a Full Phase One Desk Study assessment, this service agrees that the risks from contaminated land in this instance are limited by the fact the development is the conversion of existing first, second and third floor accommodation; no garden areas are provided and only very limited groundworks will take place. Therefore, we do not require any further land contamination information with regards to this development.
Also recommend a planning condition requesting electric vehicle charging infrastructure to ensure the development complies with the NPPF and Suffolk Parking Standards. This will enable and encourage the use of zero emission vehicles, which will in turn enhance the local air quality.
11. Historic England: Do not wish to offer any comments. We suggest that you seek the views of your specialist conservation officer.
12. Suffolk County Council Infrastructure Officer: The following section 106 contributions would be required for the proposed development:
Primary School contribution: £24,362
Pre School contribution: £16,666
Library Contribution £224

13. Strategic Housing Officer: There is a need for some open market smaller dwellings within Haverhill. One bedroom properties for sale in Haverhill are rare. Based on the fact that many still cannot afford to purchase their own home, I am always keen to see smaller units on schemes like this, especially for first time buyers.
14. Viability Consultant (Dr Andrew Golland): There would be no subsidy generated by the scheme to support any affordable housing contribution.
15. Planning Obligations Officer: Full vacant building credit should be applied to brownfield sites and is content with the findings of Dr Golland that no subsidy is generated by the scheme to support any affordable housing contribution.

Representations:

16. Ward Member – Councillor Fox: the developers are now claiming vacant possession credit (as was done for Place Court) and thus are stating there is NO provision for any affordable housing element nor any S106 cash equivalent i.e. the people of Haverhill benefit nothing from this application. Vacant possession credit applies where a property has not been made intentionally vacant. The developers are claiming they bought it with vacant possession thus are able to claim this credit. Not sure that is the reason for the credit allowance as Argos have been using it for storage up until the landlords sold the building.
17. Town Council: The Town Council agree with comments made by Public Health and Housing.
Members raised concerns over safety in the event of a fire; means of escape via spiral staircases through kitchen areas, difficulty for escape through some windows (Flats 9, 10 and 11 are dangerous with no escape route through the windows) and lack of provision of sprinklers.
The Town Council have concerns over the small sizes of the some of the flats, guidance given through LACORS provides guidance on minimum floor area and the application shows that in some flats this has not been met. LACORS Housing Health & Safety Act 2004 states that accidents are greater in too small rooms.
One flat did not appear to have a bath/shower room
Insufficient parking provision
No S106 provision referred in the Affordable Housing Viability Report’.

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

18. Joint Development Management Policies Document:
 - 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 DM14 Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards
- Policy DM17 Conservation Areas
- Policy DM22 Residential Design
- Policy DM35 Proposals for main town centre uses
- Policy DM46 Parking Standards

19. St Edmundsbury Core Strategy December 2010

- Core Strategy Policy CS2 - Sustainable Development
- Core Strategy Policy CS3 - Design and Local Distinctiveness
- Core Strategy Policy CS5 - Affordable Housing
- Core Strategy Policy CS14 – Community infrastructure capacity and tariffs
- Vision Policy HV1 - Presumption in Favour of Sustainable Development
- Vision Policy HV2 - Housing Development within Haverhill
- Forest Heath District Council and St Edmundsbury Borough Council Joint Affordable Housing Supplementary Planning Document (SPD)

Other Planning Policy:

20. National Planning Policy Framework (2018)

Officer Comment:

21. The issues to be considered in the determination of the application are:
- Principle of Development
 - Visual Amenity
 - Impact on Highway Safety
 - Residential Amenity
 - Vacant building credit
 - Viability
 - Developer Contributions

Principle of Development

22. The NPPF was revised in July 2018 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 provisions of the 2018 NPPF that full weight can be attached to them in the decision making process.

23. Policy HV2: Housing Development within Haverhill provides that within the housing settlement boundary for Haverhill planning permission for new residential development, residential conversion schemes, residential redevelopment and replacement of existing dwellings with a new dwelling will be granted where it is not contrary to other planning policies.
24. Policy DM35: Proposals for Main Town Centre Uses provides that in addition to the main town centre uses such as A1, A3 and A4 that A2 or B1 and residential uses on upper floors could be supported subject to compliance with other policy. The proposal relates to part of the first floor and the entirety of the second floor and the third floors in addition to the dormer roof extension. The ground floor units fronting the Market Hill are retail units, one being currently occupied by Peacocks and the other which was most recently occupied by Argos is currently vacant. These retail units would not be affected by the proposed development.
25. The proposal is sited within an existing housing settlement boundary close to the town centre. Policies DM1, CS2, HV1 and HV2 support sustainable development where it is not contrary to other policies. Policy DM30 seeks to protect employment land and existing businesses, however the space is not nor has it recently been in use for employment, and in fact neither was it when the building was last in use, and therefore there would be not conflict with DM30 in this instance. Furthermore, the NPPF encourages the efficient re-use of brownfield land. The siting of the development is considered appropriate given the existing facilities nearby, located directly in the town centre town and on that basis the site is considered to be in a highly sustainable location. It is therefore, considered that the principle of development of the site is wholly acceptable and in compliance with locally and nationally adopted policy.

Visual Amenity

26. The proposed development is in a conservation area. Whilst the buildings subject to this application are not statutorily listed, they are of architectural merit and are prominent in the existing street scene. The buildings fronting Market Hill are Victorian in character and appearance and probably formed the original buildings along this thoroughfare. The façade fronting Swan Lane is a later addition, most likely 1950s in date and has architectural merit as an example of this period. The façade fronting the rear car park comprises a service yard and is of less architectural merit.
27. The surrounding conservation area comprises a range of buildings, some of which contribute less to the character and appearance of the site and wider area. The building subject to this application makes a significant contribution to the street scene. There will be limited external alterations to the buildings, which comprise the addition of the new windows to the side and rear elevations and the dormer extension. The proposed windows are in keeping with the existing building and would not adversely impact its character and appearance. It is in fact considered that these proposals would enhance the appearance of the existing building which appears dilapidated in parts, due to its long period of vacancy. The Conservation Officer has raised no concerns regarding the nature and extent of the proposed development and its impact on the conservation area.

28. Overall, the scale, form and design of the development is considered acceptable and appropriate, given the site context. The site will benefit from the development which will improve the wider character and appearance of the Town centre and Conservation area. On this basis, the proposal is considered to comply with policies DM17 and DM22.

Impact on Highway Safety

29. Policy DM46 seeks to reduce over-reliance on the private car and to promote sustainable forms of transport. All development proposals should provide appropriately designed and sited car/cycle parking and should make provision for emergency, delivery and service vehicles, in accordance with the adopted standards. In the town centres and other locations with good accessibility to facilities and services, and/or well served by public transport, a reduced level of car parking may be sought in all new development proposals. Given the location of the proposed development and its proximity to numerous public car parks, the proposed development will exclude visitor parking.
30. The site includes a privately owned car park to the rear, which would accommodate parking associated with the proposed development. Nineteen allocated parking spaces with lockable bollards would be provided for the residents within the south eastern side of the carpark nearest to the building and secure internal storage for thirty two cycles provided within the building. The 2no three bed flats and three of the two bed flats would have two parking spaces, the remaining two 2 bed flats and seven one bed flats would have one parking space. Given the sustainable nature of the site, it is considered that this minor reduction in car parking standards is acceptable and that the loss of two car parking spaces is not significant with the Highways Authority raising no objection to this proposed arrangement.
31. The land to the rear is in the control of the application, being a privately owned and managed carpark. It would be reasonable to impose a condition securing the provision of 19 designated car parking spaces.
32. Aspiration 2 of the Haverhill Vision 2031 is to provide walkable neighbourhoods to enable communities to meet their day-to-day needs without necessarily requiring them to drive, also good access to local centres. The site is located in very close proximity to the town centre and it is considered that the pedestrian route into the town centre provides an acceptable solution.
33. Given the Town centre location of the site and the proposed parking and secure cycle storage provided with this scheme it is considered to comply with policy DM46 and Aspiration 2 of the Haverhill Vision 2031.

Residential Amenity

34. Given the location of the proposed flats and the degree of separation involved with Market Hill and St Mary's Church to the south and western sides, the existing car park/service area to the east, and the residential properties to the north separated by the highway it is considered that the proposed scheme would not lead to any adverse impact on the amenity currently enjoyed by any of the occupiers of surrounding dwellings. It would therefore be in accordance with policies DM2 and DM22.

35. It should be noted that the units at a ground floor level, fronting Market Hill are retail units and subject to conventional retail opening hours. There would be no loss of amenity to future occupiers of the dwellings through excessive noise or odour as there might be with a restaurant or take away use at ground floor level.
36. Initially concerns were raised by Public Health and Housing and Haverhill Town Council with regard to flat size and escape in event of fire. The National Space Standards provide guidance to Local Authorities when considering developments but this is not a policy at present. Furthermore, means of fire escape is an issue that would be dealt with by building regulations which any development must satisfy.
37. Since these concerns were raised the agent has made some minor amendments to the internal layout of the proposed scheme which address the flat sizes and public health and housing now raise no concern with regard to this issue. Also the spiral staircases within the third floor bedrooms has been repositioned and come down through a fire protected hallway on the second floor.

Vacant Building Credit

38. Concern has been raised that Argos had been using part of the first floor for storage up until the landlords sold the building and questions were therefore raised with regard to the allowance of full vacant building credit. However updated planning practice guidance to reflect the National Planning Policy Framework 2018 confirms that national policy offers an incentive for brownfield development on sites containing vacant buildings. Where any 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. In this instance this has been taken into account and even if a small section had been used for ancillary storage full vacant building credit should be allowed when calculating the viability of the proposed scheme with the Local Authorities Planning Obligations Officer and Legal team confirming this position.

Viability

39. The St Edmundsbury Core Strategy sets out the spatial strategy for development across the Borough, and identifies Haverhill as one of the main areas for development, with an expected contribution of 34% of planned housing growth across the plan period to 2031. It also lays out the appropriate level of affordable housing provision: 20% on sites of 5-9 dwellings/0.17-0.3ha and 30% on larger sites.
40. The Policy requirement is to provide 30% affordable housing on a scheme of this size, with this equating to 4.5 dwellings (4 dwellings on site, plus 0.5 secured through s106 contribution). The viability report received with this proposal for reduced affordable housing provision has been studied by an external consultant and his findings are detailed below.
41. Based on the average of 4no estate agents valuations and the latest BCIS median build cost rates the assessment shows a residual land value of

£84,818. When the assessment was reviewed by Dr Golland he assessed the benchmark land value at £350,000 which results in a viability deficit of -£265,382. Clearly with a viability deficit there is no surplus to fund any affordable housing contribution.

42. **Sales Values**
Valuations were received from 4 local estate agents. The average gross development value is £2,065,000 which equates to a sales value of £2,139/m².
43. **Build Costs**
In line with normal viability practice and the recommendations of the Planning Practice Guidance updated in July 2018 the BCIS median rate for refurbishment of apartments has been used and provides a rate of £1,138/m². No allowance has been made for any additional external works costs.
44. **Developers Profit**
The Planning Practice Guidance updated in July 2018 recommends developers profit in the range of 15-20% and it should reflect the risk profile of the development. A conversion scheme will have a moderately high risk profile because the full extent of build costs cannot be quantified until the structure is fully exposed and the extent of repair works understood. For this reason an 18% profit level has been adopted. However, even if the lowest level of profit at 15% was adopted the appraisal would still show a deficit of -£213,634, further confirming the lack of viability in the scheme.
45. **S106 Costs**
Included within the appraisal was the s106 contribution of £41,252. The viability appraisal shows a deficit of -£265,382 using the benchmark land value set by Dr Golland and therefore no subsidy is generated by the scheme to support any affordable housing contribution.

Developer Contributions

46. Regulation 122 of The Community Infrastructure Levy Regulations 2010 states that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:
 - (a) necessary to make the development acceptable in planning terms;
 - (b) directly related to the development; and
 - (c) fairly and reasonably related in scale and kind to the development.
47. The following section 106 contributions would be required for the proposed development:
Primary School contribution: £24,362
Pre School contribution: £16,666
Library Contribution £224
These are considered to be necessary, directly related and reasonably related to the scale of development, with the applicant agreeing to enter into a Section 106 agreement to provide these funds.

Conclusion:

48. In conclusion, the site is located within the Housing Settlement Boundary and close to the town centre where there is a presumption in favour of

development. The re-development of brownfield land is encouraged in the NPPF and would create a more efficient use of the land, boosting housing supply. Furthermore, the site at present does not positively contribute to the street scene and its re-development would provide an improved appearance to the Town centre and surrounding Conservation Area.

49. Having regard to the Framework and all other material planning considerations the proposal is considered to comply with the provisions of both national and development plan policy. On this basis, the application is recommended for approval.

Recommendation:

50. It is recommended that planning permission be **APPROVED** subject to the following conditions and the completion of a Section 106 agreement with the contributions as listed above: conditions

- 1 The development hereby permitted shall be begun not 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:

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

- 3 No individual dwelling hereby approved shall be occupied until the optional requirement for water consumption (110 litres use per person per day) in Part G of the Building Regulations has been complied with for that dwelling.

Reason: To improve the sustainability of the dwellings in accordance with policy DM7 of the Joint Development Management Policies (2015).

- 4 The dwellings hereby approved shall not be occupied until the area(s) within the site shown on 003_A-095 Rev 03 (indicating 19 allocated vehicle parking spaces and cycle storage for 38 cycles) for the purposes of [LOADING, UNLOADING,] manoeuvring and parking of vehicles has been provided and thereafter that area(s) shall be retained and used for no other purposes.

Reason: To ensure that sufficient space for the on-site parking of vehicles is provided, in accordance with policy DM2 and DM46 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 9 of the National Planning Policy Framework and all relevant Core Strategy Policies

- 5 The dwellings hereby approved shall not be occupied until details of the areas to be provided for bin storage on 003_A-095 Rev 03 has been provided and thereafter that area shall be retained and used for no other purposes.

Reason: To ensure that sufficient space for on-site bin storage is provided, in accordance with policy DM2 and DM46 of the West Suffolk Joint Development Management Policies Document 2015, Chapters 9 and 12 of

the National Planning Policy Framework and all relevant Core Strategy Policies.

6. Prior to first occupation, at least 10% of car parking spaces in private communal parking areas shall be provided with an operational electric vehicle charge point at reasonably and practicably accessible locations. The Electric Vehicle Charge Points shall be retained thereafter and maintained in an operational condition.

Reason: To promote and facilitate the uptake of electric vehicles on the site in order to minimise emissions and ensure no deterioration to the local air quality, in accordance with Policy DM14 of the Joint Development Management Policies Document, paragraphs 105 and 110 of the National Planning Policy Framework paragraphs 105 and 110 and the Suffolk Parking Standards.

Documents:

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/17/2539/FUL](#)