

Development Control Committee 4 September 2019

Planning Application DC/19/1426/FUL – Unit 3, Haverhill Retail Park, Haverhill

Date Registered:	10.07.2019	Expiry Date:	04.09.2019
Case Officer:	Charlotte Waugh	Recommendation:	Approve Application
Parish:	Haverhill Town Council	Ward:	Haverhill Central
Proposal:	Planning Application - (i) Change of use from Class A1 (retail) to Class D2 (gymnasium) (ii) minor external alterations to provide new entrance to front elevation		
Site:	Unit 3, Haverhill Retail Park, Haverhill		
Applicant:	Mr Duncan Costin		

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:

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Background:

The application was considered by Delegation Panel given the objection received from Haverhill Town Council and subsequently referred to Development Control Committee for determination.

Proposal:

1. The application seeks the change of use from A1 (retail) to D2 (gym) to enable a gym to occupy the empty unit and operate 24 hours a day, 7 days a week. External works are proposed to the front elevation to provide new inward opening entrance doors in place of the sliding doors in place at present. A mezzanine floor was included on approved plans for the unit but has not been built, this 253.2sq.m area is shown on the submitted plans with the intention of installing it at a later date if required.

Application Supporting Material:

2. The following documents have been submitted with the application:
 - Application Form
 - Site and Block Plan
 - Existing and Proposed Floor Plans
 - Existing and Proposed Elevations
 - Planning Statement
 - Marketing information

Site Details:

3. The unit was completed in Spring 2017 as part of the Haverhill retail park development and has remained empty since. The wider scheme comprised a freestanding Lidl store and a terrace of 3 retail units, of which this site forms part. Units 1 and 2 are occupied by Home Bargains and Pets at Home. The wider site is served by 173 vehicle parking spaces, as well as motorcycle and bicycle parking.

Planning History:

4.

Reference	Proposal	Status	Received Date	Decision Date
SE/11/0242	Planning Application - Erection of (i) 11no. business start-up units (ii) 9no. warehouses (iii) 1no. builders merchants (iv) 3no. retail units (v) 1no. restaurant with drive-thru-takeaway(Class A3/A5) with ancillary	Application Granted	23.03.2011	25.05.2011

parking and landscaping (vi)
 1no. new vehicular access onto Ehringshausen Way and alterations to existing access off Stour Valley Lane (revised scheme) as amended by plans and details received 31 March 2011 providing details of the drainage strategy15.03.11

DC/15/2579/FUL	Planning Application construction of a foodstore and a 3 unit retail terrace with associated access, car parking, service yards and landscaping	Application Granted	23.12.2015	11.07.2016
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Consultations:

5. Haverhill Town Council - Object to this application for change of use. Although members welcome employment opportunities into the Town the Town Council supported the 2016 application for retail use only. The council requests evidence to ensure that effective and sufficient marketing has taken place for retail use.
6. Ward Councillor - No comments received.
7. Travel Plan Officer - Given that the wider retail park application required a travel plan it is appropriate to ensure this unit also has one. A condition has been recommended.
8. Environment & Transport – Highways - Acknowledges the need for a travel plan but is satisfied that the parking and cycle storage at this site are suitable for the proposed use and therefore, there will be no detrimental impact on the highway by the proposal.
9. Public Health and Housing - No objections to this application.
10. Economic Development - Support

Representations:

11. Three objections have been received which raise the following summarised concerns:

- Lack of parking - 173 car parking spaces include those allocated to Lidl- only 96 serve the retail units
- The wider retail park was granted with a below standard parking allocation and this will be worsened by the proposed change of use which will cause issues with traffic flows within the site and has the potential to create unacceptable impacts on the local highway network
- No obvious evidence of effective marketing or discussion with LPA about change of use
- Lack of employment opportunities compared to another use class
- Poor design statement with out of date data and no respect for Town Centre masterplan
- No respect for retail only planning condition
- Potential noise carrying to buildings 24/7
- Currently receiving anti-social behaviour reports from car park. There is a desire to close the car park via a barrier and how will this work with 24 hour gym access
- Health and Safety issues due to premises being monitored by CCTV
- Lack of disabled access to mezzanine
- Desire for something family oriented rather than another gym

12. One letter of support has been received making the following summarised comments:

- The proposal recognises that not everyone works 9-5 and provides a 24 hour, flexible, low cost, contract free alternative which can be used by late night NHS workers, care workers, early morning managers, students etc.
- With high obesity levels and low physical activity levels there is a desperate need for gym and leisure facilities that are accessible and affordable for all
- Proposal will widen the market and bring new customers to the already struggling small market town, which will be beneficial to other businesses in town

Policy:

13. 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.

14. 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
- Policy DM46 Parking Standards
- Core Strategy Policy CS3 - Design and Local Distinctiveness
- Core Strategy Policy CS9 - Employment and the Local Economy
- Core Strategy Policy CS10 - Retail, Leisure, Cultural and Office Provision
- Vision Policy HV1 - Presumption in Favour of Sustainable Development

Other Planning Policy:

15.National Planning Policy Framework (2019)

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 NPPD. 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:

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

- Principle of Development
- Impact on Visual Amenity
- Impact on Residential Amenity
- Parking/Highway impact

Principle of Development

17.Planning permission was granted in July 2016 for retail development on the site which comprised a food store, a terrace of 3 retail units and associated parking, service yards, landscaping etc. These units have been built and are occupied by Lidl (large detached unit), Pets at home and Home Bargains. The unit which is subject to this application has been empty since completion in Spring 2017.

18.Policy DM35 and the NPPF classify a D2 use, which includes gymnasiums, as a town centre use. As such, any application for such a use outside a town centre, as in this case, should be supported by a sequential test. Paragraph 86 of the NPPF requires proposals for main town centre uses not in an existing town centre to firstly consider the availability and suitability of

alternative sites within town centres, then in edge-of-centre locations. Only then should out-of-centre locations be considered.

19. Paragraph 87 of the NPPF states that when considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre.
20. The application is supported by a sequential test which identifies 5 available sites within the town centre and on its edge. The largest of these is 109 sq.m and therefore, falls significantly short of the 560sq.m minimum floor space required. Whilst it references the local plan allocations within the town centre these have already been discounted in previous applications and accepted by the Planning Inspectorate. Notwithstanding this, these sites are not currently available or suitable for the proposed use. Officers agree with the statement submitted which demonstrates that there are no suitable, viable or available sites in sequentially preferable locations. The site chosen is considered an edge of centre location and is well linked to the town centre, a route that's aided by the recent installation of a signalled pedestrian crossing directly outside the site.
21. Whilst the Town Council have requested evidence to ensure that effective marketing has taken place for the unit. This is not a requirement under the development plan, however, the agent has provided details of the marketing that has taken place since the commencement of development. The units at Haverhill Retail Park have been marketed as bulky goods retail by specialist retail agents Jones Lang LaSalle and Bidwells via brochures, websites, marketing boards and email campaigns which have also targeted national and regional retailers directly. During this campaign only two offers have been received for unit 3, both from gym occupants. Whilst the first withdrew, the current applicant Pure Gym is committed to opening a facility in Haverhill.
22. Haverhill Vision 2031 discusses the importance of culture and leisure facilities with aspiration 16 stating 'In 2031, Haverhill will be a place where...more people access cultural and leisure opportunities'. It acknowledges that the population of Haverhill is set to increase by over a third by 2031 and therefore it is desirable to increase the amount of leisure provision to match this increased population. The provision of leisure uses within the West Suffolk promotes good health (physical, emotional and mental), social interaction and economic development as well as assisting with the desire to improve the retail, leisure and cultural offer within Haverhill.
23. Whilst there are other gyms in Haverhill and there is a desire to see a wider range of retail offer, the applicant has demonstrated that there has been no other interest in the unit. The applicant suggests there will be up to 12 jobs created including management, cleaners and personal trainers. It is difficult to compare this to the employment generated by a retail use which fulfils the bulky goods definition without knowing an end user but it is unlikely to be significantly more and consequently the application still results in job creation.
24. On that basis, the application satisfies DM35 and is acceptable in principle.

Impact on Visual Amenity

25. At present the unit is accessed through sliding doors on the front elevation. This is proposed to be changed to inward opening double doors with an internal set of doors providing a secure entry pod. This results in a minimal change to the appearance of the building and no objections are raised in this regard.

Impact on residential Amenity

26. The gym is proposed to open 24 hours a day, 7 days a week. Supporting information provided by the applicant shows that comparable sites experience less than 10 visitors an hour between the hours of 10pm and 5am. No classes are run between these times with only background music playing. Given the location of the site which is a reasonable distance from residential properties this is not considered to cause a significant loss of residential amenity by reason of noise or disturbance in accordance with policies DM2 and CS3.

27. A local resident has expressed concern at anti-social behaviour which has occurred within the car park and I would suggest that the opening of a 24 hour use would help with this issue by introducing activity, lighting and traffic movements, however modest. Should the land owner wish to erect a barrier to the site they will be aware of the access requirements of their tenants and can seek to resolve accordingly.

Parking/Highway Impact

28. The overall retail park site is served by 173 vehicle parking spaces, with 96 dedicated to units 1, 2 and 3 as well as cycle and three wheeler parking. Fitness classes at the gym generally accommodate 20-25 participants and peak activity times (early morning and evening on weekdays) are unlikely to conflict with those for the retail units. As such, vehicle movements generated through the gym use are likely to be less than the approved retail unit. The site is served by a signalised crossing outside the units over Ehringshausen Way and subsequently is easily accessible from the town centre, surrounding residential areas and public transport. No changes are proposed to the parking allocation or access arrangements which are considered sufficient to serve this use. Suffolk Highways are satisfied in this regard.

29. The wider retail park development required the submission of a travel plan to mitigate the staff movements from the units. Whilst it is not possible to amend this it is appropriate to ensure this unit also considers its movements to and from the site. A condition is recommended which requests a travel plan to be submitted and approved prior to the gym opening.

Conclusion:

30. The NPPF stresses the importance of building a strong and competitive economy, stating at paragraph 80 that significant weight should be placed on supporting economic growth. National policy as well as local policy, particularly the Haverhill Vision also seek to ensure that the general public has good access to leisure opportunities to improve health, wellbeing and inclusive communities. The application demonstrates that no sequentially

preferable sites are available for the proposed use and as such, the edge of centre position, which is well connected to the town centre is considered appropriate. No adverse impacts by reason of noise, disturbance, appearance or parking have been identified and on that basis, the proposal complies with local and national policy.

Recommendation:

31. It is recommended that planning permission be **APPROVED** with the following 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:

Location & Block Plan - 105 SLP REV A
Existing Floor Plans - 101 EFP REV A
Proposed Floor Plans - 102 PFP REV B
Existing Elevations - 103 EE REV A
Proposed Elevations - 104 PE REV A

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

3. Prior to first occupation of the development, details of the travel arrangements to and from the site for employees in the form of a Travel Plan in accordance with the live Travel Plan submitted as part of outline application DC/15/2579/FUL shall be submitted for the approval in writing by the Local Planning Authority in consultation with the Highway Authority. This Travel Plan must contain the following:
 - Baseline travel data based upon the information provided in the Travel Plan submitted on behalf of the outline application with suitable measures, objectives and targets identified to reduce the vehicular trips made by employees across the whole development, with suitable remedial measures identified to be implemented if these objectives and targets are not met.
 - Appointment of a suitably qualified Travel Plan Coordinator to implement the Travel Plan in full and clearly identify their contact details in the Travel Plan, with a commitment to engage and cooperate with the Travel Plan submitted on behalf of the outline application.
 - A further commitment to monitor the Travel Plan annually on each anniversary of the approval of the Full Travel Plan and provide the outcome in a revised Travel Plan to be submitted to and approved in writing by the Local Planning Authority for a minimum period of five years using the same methodology as the baseline monitoring.

- A suitable marketing strategy to ensure that all employees, visitors and customers on the site are engaged in the Travel Plan process.
- A Travel Plan budget that covers the full implementation of the Travel Plan for a minimum period of five years.
- A copy of an employee travel pack that includes information to encourage employees to use sustainable travel in the local area.

The site shall not be occupied until the Travel Plan has been agreed. The approved Travel Plan measures shall be implemented in accordance with a timetable that shall be included in the Travel Plan and shall thereafter adhered to in accordance with the approved Travel Plan.

Reason: In the interest of sustainable development as set out in the NPPF, and policies CS7 and CS8 of the St Edmundsbury Core Strategy and policies DM45 and DM46 of the Forest Heath and St Edmundsbury Joint Development Management Policies Document.

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=PUD5Q6PDGZQ00>