

# Development Control Committee

## 3 April 2024

### Planning Application DC/23/2040/FUL – 30-38 High Street, Haverhill

<b>Date registered:</b>	13 December 2023	<b>Expiry date:</b>	10 February 2024 – EOT 5 April 2024
<b>Case officer:</b>	Clare Oliver	<b>Recommendation:</b>	Approve application
<b>Parish:</b>	Haverhill Town Council	<b>Ward:</b>	Haverhill Central
<b>Proposal:</b>	Planning application - change of use from Class E (c)(i) (professional services) to Class F.1(a) for the provision of education to part of the ground floor and part of the second floor		
<b>Site:</b>	30-38 High Street, Haverhill		
<b>Applicant:</b>	Louise Carroll (University and Professional Development Centre)		

**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:**

**The application is presented to the Development Control Committee for determination due to the proposal being on land which is owned by West Suffolk Council. This item was presented before the previous Development Control Committee (March 2024), and it was resolved to grant planning permission. It is returning to the Committee, due to the applicant requesting an extension to the previously required hours of construction condition limits.**

**The Town Council offer support to this application, and the application is recommended for approval.**

## **Proposal:**

1. This application seeks permission for change of use from Class E (currently in use as (c)(i) professional services) to Class F.1(a), for the provision of education. The proposal includes a modest part of the ground floor and a larger part of the second floor. No external changes are proposed.

## **Application supporting material:**

2.
  - Application Form
  - Planning Statement
  - Location Plan (Drawing No. 40-001A)
  - Block Plan (Drawing No. 40-002)
  - Existing Floor Plans (Drawing No. 40-003)
  - Existing Elevations (Drawing No. 40-004)
  - Proposed Floor Plans (Drawing No. 40-006)
  - Proposed Elevations (Drawing No. 40-007)
3. Since the resolution to approve at March Development Control Committee, the applicant has requested extended permissible hours of construction to reduce the possibility of negatively impacting existing tenants during preparatory works through being disturbed from noise impacts. Extending the permissible hours during which conversion works can take place will enable the workforce to utilise hours before and after the standard working day and also during the weekends in order to minimise disruption to existing tenants working in other areas of the building during normal office hours. That said, the applicant confirmed they have sought to minimise/mitigate noise generating construction activities and this application is a refurbishment and fit out project therefore the running of large plant will be avoided. Adjacent residents, businesses and stakeholders will be notified in advance and the applicant has advised that they have a complaint handling action plan in place to address any complaints should they be received.

## **Site details:**

4. The application site comprises a four-storey building located centrally on High Street in Haverhill. The building occupies units 30-38 with this proposal relating to the partial change of use to a section of the ground floor (approximately 85sqm) and part of the second floor (approximately 427sqm) for educational purposes. The site is located within the Haverhill

settlement boundary, town centre boundary and the primary shopping area. The adjacent car park is located towards the south-west. Haverhill Town Hall and Arts Centre is Grade II Listed and is located approx. 25m towards the south-east. There are no protected trees within close proximity to the application site.

**Planning history:** No recent relevant planning history.

**Consultations:**

5. Private Sector Housing and Environmental Health – Due to a potential problem being identified with regards to preparatory works and noise impacts to existing tenants the request for extended hours has been assessed. Information was requested and supplied with regards to confirmation that there will be no audible noise beyond the site boundary, that there are no noise receptors in the vicinity and there is an action plan in place to deal with any complaints. Private Sector Housing and Environmental Health conclude that they would not object to the variation of hours for construction, subject to adhering to the assurances provided and specifically (but not limited to) the action plan that is in place to deal with any complaints received. Furthermore, subject to the strict compliance with the imposed conditions which relate to hours of opening and restriction to hours of works for construction/conversion/strip-out works and any ancillary activities in connection with the change of use surrounding the protection of the amenity of occupiers of adjacent properties from noise and disturbance.

6. Suffolk County Council Highway Authority – does not consider that the proposed change of use will significantly impact the public highway compared to the pre-existing permission. The site is centrally located with good accessibility to local services and public car parks. There are some Sheffield stands in the area, though there is a lack of conveniently located spaces near the entrance to the building. It is suggested that provision in this area is improved. Therefore, a condition requiring details for secure, covered and lit cycle storage including electric assisted cycles is required for inclusion, requesting details to be submitted and approved in writing by the LA before occupation.

7. Economic Development – Generally seek to protect existing employment land within the district and would not ordinarily be supportive of a loss of employment land. However, recognition was given to the development of a skills centre within Haverhill town centre and the benefits this would bring to the local community and ultimately contribute positively to a local, skilled workforce.

**Representations:**

8. **The Town Council** SUPPORT this application, which is an excellent addition to the Town Centre.

9. Haverhill Town **Councillor John Burns** – in support of the application but made comments relating to noise, opening hours, parking, residential amenity and traffic/highways and disabled access.

10. **Ward Member** – no comments received.

11. **Neighbour representations** - No representations have been received.

**Policy:**

12. 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.

13. 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 DM30 Appropriate Employment Uses and Protection of Employment Land and Existing Businesses

Policy DM35 Proposals for main town centre uses

Policy DM41 Community Facilities and Services

Policy DM46 Parking Standards

Core Strategy Policy CS3 - Design and Local Distinctiveness

Core Strategy Policy CS10 - Retail, Leisure, Cultural and Office Provision

Haverhill Vision Policy HV19 – Haverhill Town Centre Masterplan

**Other planning policy:**

14. National Planning Policy Framework (NPPF)

15. The NPPF was revised in December 2023 and is a material consideration in decision making from the day of its publication. Paragraph 225 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 2023 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
- Character and Design of Proposal
- Impact on Amenity
- Impact on Highway

Principle of Development

17. Policy DM41 supports the provision and enhancement of community facilities. Education facilities are noted within the supporting text to the policy as being a community facility but which are only 'protected' from loss by this policy in villages, small settlements and suburban areas. The support otherwise offered by DM41 for their provision is universal and supports the principle of the development.

18. In addition, policy CS10 specifies that the town centre of Haverhill will continue to be the focus for new retail, leisure, cultural and office development taking into account the need to maintain a building's vitality and viability, supporting the aims of Policies DM1 and HV19.

19. In this case, the application to change the use of part of the ground floor and part of the second floor for use as an educational provision is considered to lead to local community benefit in addition to wider economic benefit by way of increasing visitor footfall, in turn creating opportunities for retail spending. The change of use will also present employment opportunities.

20. The education provision, centrally located along High Street in Haverhill has robust pedestrian access and readily accessible public car parking provision.

21. Externally there will be no changes to the building. There are considered no unacceptable impacts on future occupiers, nor would the proposal compromise the use of the surrounding land.

22. Policy DM35 relates to proposals for main town centre uses. The site is within the town centre and also within a Primary Shopping Area and a Primary Shopping Frontage. This policy seeks to strike a balance between shops (noted as being A1 in the policy, but which has been superseded by the introduction of the new Class E in 2020) and non-retail uses. The policy only permits the change of use of ground floor premises away from retail use in certain circumstances. The policy is out of date noting the changes to the Use Classes order but, in any event, this is largely moot since the current use of the premises is not within retail use, and therefore even in the event that Policy DM35 remained relevant, there would be no conflict.

23. Policy DM30 seeks to protect sites and premises last used for employment purposes, as is the case in relation to this proposal. However, the change of use is modest, relating to only part of the building, and which is presently vacant. The application relates to the change of use of

approximately 85sqm of the ground floor and approximately 427sqm of the second floor for educational purposes. No marketing evidence has been provided to demonstrate what steps have been taken to retain the premises in employment use, and this is therefore a matter that weighs against the scheme. However, the proposed use will undoubtedly offer significant benefit to the community in accordance with criterion D of Policy DM30, while still of course providing some employment opportunities. Any very modest conflict with DM30 is not therefore considered sufficient to justify the refusal of permission. Comments from the Council's Economic Development team echoed officer concerns regarding loss of employment land but offered support of the proposal due to the overarching local community benefit and opportunity to positively contribute to the local and skilled workforce.

24. The principle of the development can therefore be supported.

#### Character and Design of Proposal

25. Policies DM2, DM35 and CS3 all seek to ensure that proposed development respects the character, scale and design of the existing and the surrounding area. In this respect, no external works are proposed as a result of this change of use and the effects upon the wider character and appearance of the area will remain unchanged, therefore.

#### Impact on Amenity

26. Policy DM2 seeks to ensure that new development does not have a detrimental impact on residential amenity, nor the amenities of the wider area. The policy states that the amenities of adjacent areas by reason of noise, smell, vibration, overlooking, overshadowing, loss of light or other pollution (including light pollution, or volume or type or vehicular activity generated), must be considered.

27. To protect the nearby occupiers of adjacent properties from noise and disturbance it would be necessary to condition hours of work for any construction/conversion/strip-out works and ancillary activities in connection with the change of use along with stipulating the opening hours for the education facility. A condition is therefore recommended to secure compliance with any construction/conversion/strip-out works and ancillary activities in connection with the change of use being carried out between 07:00 – 21:30 (Monday – Friday), 08:00 – 18:00 (Saturday) and 10:00 to 16:00 (Sunday) and at no times during Bank / Public Holidays without the prior written consent of the Local Planning Authority. The opening hours of the facility are to be restricted to 07:30 – 21:30 (Monday – Friday), 07:30 – 17:00 (Saturday) and 09:00 – 14:00 (Sunday or Bank/Public Holidays). In response to comments received from Councillor John Burns, the hours of opening have been specified in line with the applicant's requirements.

28. It is the applicant's request to amend the hours within which conversion works can take place which is the reason why this matter is back before the Committee. In seeking to manage the effect on the existing occupiers of the building some flexibility is needed, for the duration of an approximately 8 week conversion process. Increasing the hours when these works can take place into the evening's allows the conversion to take place with as modest an impact as possible on the current occupiers of the building, which during the day remains a place of work.

29. This matter has been discussed specifically with Public Health and Housing colleagues, and it has been confirmed that there is no objection. The conversion works are limited in nature, extent and duration, and noting this, and the town centre location of the building, it is not considered that this change will lead to any material impacts upon residential amenity. Information was requested and supplied with regards to confirmation that there will be no audible noise beyond the site boundary, that there are no noise receptors in the vicinity and there is an action plan in place to deal with any complaints.

30. Subject to conditions therefore the proposal is deemed acceptable in accordance with policy DM2 and impacts to amenity.

#### Impact on Highway

31. Policy DM46 states that all proposals must comply with Suffolk Parking Guidance and Local Planning Authorities will seek to reduce over-reliance on the car and to promote more sustainable forms of transport. Furthermore, policy DM2 seeks to ensure that proposals maintain or enhance the safety of the highway network.

32. Paragraph 115 of the NPPF states that, "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."

33. There is a public car parking provision to the rear of the building which includes disabled parking and EV charge points, and six Sheffield hoop bike stands located by the Helions reception. Whilst Suffolk County Council Highway Authority recommended the inclusion of cycle hoop stands at the front of the building, officers do not consider this practical, given the building has direct access onto High Street. Ample cycle storage is provided to the rear of the building, and it would be recommended and expected that the education facility ensures that details of the location of cycle storage is shared with prospective users to promote their use. A condition will be required to ensure the six cycle hoops are retained in perpetuity to encourage sustainable travel option to be viable.

34. In response to comments received from Town Councillor John Burns with particular regards to existing cycle parking near the entrance of the site, the focus on this application has been ensuring additional parking on site is readily available. Wider public car parks are available for use. The proposal will utilise the existing access arrangements. In response to comments from Councillor John Burns, due to no changes to existing disabled access being proposed the arrangements are to remain as existing. The site is located close to public transport links (bus service). Furthermore, the central town centre location which is well served with pedestrian walkways and connectivity to local residential development will promote the option of sustainable forms of transport to be selected. In response to comments received from Councillor John Burns the town centre location is considered to be more accessible than most locations and visitors to the site will be expected to comply with the terms of the High Street Traffic Regulation Order. The refuse collection point is located in the main car park with the bin

stores accessed off the service corridor. The proposal is therefore considered to comply with Policy DM46, DM2 and the NPPF.

### **Conclusion:**

35. The change of use is not considered to be detrimental to the character and appearance of the existing building or wider area. No external changes are proposed, and the internal changes are relatively modest and will lead to community benefit, potential wider economic revenue and employment opportunity. It is noted that there is a modest conflict with Policy DM30 in this regard due to the policy seeking to protect sites and premises last used for employment. However, this change of use only relates to part of the existing building for a unit that is otherwise vacant. This does weigh against the scheme, but the merits of the application and the significant community benefit it will bring results in officers considering the loss of employment opportunities not being sufficient to justify the refusal of permission.

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

### **Recommendation: It is recommended that planning permission be APPROVED subject to the following conditions:**

- 1 The development hereby permitted shall be begun not later than three 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, unless otherwise stated below:

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

<b>Reference number</b>	<b>Plan type</b>	<b>Date received</b>
40-001A	Location plan	13 December 2023
40-002	Block plan	13 December 2023
40-003	Existing floor plans	13 December 2023
40-004	Existing elevations	13 December 2023
40-006	Proposed floor plans	13 December 2023
40-007	Proposed elevations	13 December 2023

- 3 Any construction / conversion / strip-out works and ancillary activities in connection with the change of use shall only be carried out between the hours of:

07:00 to 21:30 Mondays to Fridays

08:00 to 18:00 Saturdays

10:00 to 16:00 Sundays

At no times during Bank / Public Holidays without the prior written consent of the Local Planning Authority.

Reason: To protect the amenity of occupiers of adjacent properties from



noise and disturbance, in accordance with policies DM2 of the West Suffolk Joint Development Management Policies Document 2015, the National Planning Policy Framework and all relevant Core Strategy Policies.

- 4 The hours of opening of the education facility hereby approved shall be restricted to only between the following hours:

Monday to Friday from 07:30 to 21:30

Saturday from 07:30 to 17:00

Sundays or Bank / Public Holidays from 09:00 to 14:00

Reason: To minimise the impact of the development on the locality in the interests of amenity in accordance with policy DM2 of the West Suffolk Joint Development Management Policies Document 2015, the National Planning Policy Framework and all relevant Core Strategy Policies.

- 5 No external mechanical plant / equipment and electrical extract fans, ventilation grilles, security lights, alarms, cameras, and external plumbing, including soil and vent pipe shall be provided on the exterior of the building until details of their location, size, colour and finish have been submitted to and approved in writing by the Local Planning Authority.

Reason: To protect the amenity of occupiers of adjacent properties from noise and disturbance, in accordance with policies DM2 of the West Suffolk Joint Development Management Policies Document 2015, the National Planning Policy Framework and all relevant Core Strategy Policies

6. The six Sheffield hoop bike stands located at the Helions reception shall be retained in accordance with the approved details and continue to be available for use unless the prior written consent of the Local Planning Authority is obtained for any variation to the approved details.

Reason: To encourage the use of sustainable forms of transport and reduce dependence on the private motor vehicle, in accordance with policy DM2 and DM45 of the West Suffolk Joint Development Management Policies Document 2015, Chapter 9 of the National Planning Policy Framework and all relevant Core Strategy Policies

### **Documents:**

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online [DC/23/2040/FUL](https://www.westsuffolk.gov.uk/DC/23/2040/FUL)