

Item No: 6

Reference: B/09/00666/FUL

Parish: SUDBURY

Location: 36 Station Road

Proposal: Erection of three storey building to provide 5 no. apartments, and 1 Class A3 unit. Construction of new vehicular access.

Applicant: Mr. D Rossi and Mr R. Fuller.

Case Officer: Mrs. Christine Thurlow

Date for Determination: 027/11/09

THE SITE

1. The application site lies on the corner of the junction of Station Road with Edgworth Road. It has a frontage of 12 metres to Station Road and a depth (to Edgworth Road) of 20 metres. It lies adjacent to an existing 2 storey brick and slate roofed building which was part of the earlier planning permission granted for the whole site and it is understood that works have commenced on the conversion of the adjoining building in conjunction with that permission.
2. Although the adjoining building is not a Listed Building, it is included on the Local List. The application site is located in a prominent position within Sudbury Conservation Area. The dwellings to the west and north of the site are two and three storeys in height respectively. To the east and south lies the car park associated with the Waitrose building (which itself lies further to the south).

THE PROPOSAL

3. The application seeks planning permission for the erection of a three storey building to comprise five apartments (at first and second floor level) and a Class A3 (restaurants and café use(excluding internet café) – for the consumption of food on the premises on the ground floor(with associated toilet facilities etc on the first floor). To support the application the agent has formally stated:-
 - The purpose of this application is to seek a variation to the internal layout and arrangement to provide 5 no self contained residential apartments and Class A3 use. The only external change is the addition of a chimney to house the kitchen extraction ductwork from the proposed Class A3 use. In all other respects the size scale and external appearance of the proposed building is identical to that approved.
 - Development has commenced in relation to conversion of the two storey building (in relation to the earlier approved scheme)
4. The application is accompanied by the following supporting statements and documents:-
 - A Design and Access Statement
 - Environmental report (to address contamination issues)

- Section 106 documents to address public open space contributions required under Local Plan Policy HS32.

All documents can be seen in full via arrangement with the Case Officer.

5. Access to the site would be from Edgworth Road leading to a communal parking area – 7 spaces - to be provided as part of the earlier approved scheme.
6. Amended plans and documents have been submitted since the application was received to clarify discrepancies. (These plans have been the subject of full re-consultation with all interested parties.) In addition and since receipt of these drawings the agent has confirmed that the location of the extractor flue/chimney has been discussed with the Council's Environmental Health Department. The proposed location was chosen as it can be disguised from view and is located a good distance from the rooflight windows and openings into the roof level flats. (e.g. in excess of 3m on plan, terminating above the head of the higher level roof windows, which serve bathrooms, and more than 1m above the head of the french doors).

RELEVANT HISTORY

7. Prior to the demolition of a number of warehouse buildings on the site during the late 1990s the site was in employment use by Bruntons Propellers. Since their demolition the site has been cleared and in 2000 planning permission was granted on this site for the demolition of the existing brick and slate roofed building and the erection of 18 three storey town houses in two separate terraces with associated car parking. (B/00/0444/FUL). This permission was not implemented and has since lapsed.
8. The adjoining building is not listed but is included in the local list of historic buildings. The Council's Conservation Officer has worked with the current owners to improve the condition of the building with a view to its retention and re-use and in May 2007 a planning application was received for the conversion of the existing building and its alteration and extension by the erection of a three storey building to comprise five apartments (at first and second floor level) and a retail unit and office (Class A2) unit on the ground and first floor. This was withdrawn by the applicant prior to determination (B/07/00694/FUL).
9. In July 2008 planning permission was granted for the conversion of the existing building and its alteration and extension by the erection of a three storey building to comprise five apartments (at first and second floor level) and a Class A1 retail unit and a Class A2 office unit on the ground and first floor. A Planning Agreement was completed prior to the grant of planning permission for off site public open space contributions to address policy Local Plan Policy HS 32 (application reference B/07/1798/FUL).

NATIONAL GUIDANCE

10. **PPS1** (Delivering Sustainable Development) - relates to achieving sustainable development and high quality layout and design.
11. **PPS3** (Housing) sets out the Governments housing policies for planning.
12. **PPG13** (Transport) sets out Government policies regarding Transport, including car parking.
13. **PPG15** (Planning and the Historic Environment) – includes Government Guidance regarding (inter alia) conservation areas.

PLANNING POLICIES

14. The Development Plan comprises the East of England Plan, adopted 2008, saved policies in the Suffolk Structure Plan, adopted 2001, and the Babergh Local Plan (Alteration No. 2) adopted 2006. The following policies are relevant to this proposal:

Babergh Local Plan (Alteration No.2)

- **HS01** (housing development in towns)
- **HS27** (housing density and house type)
- **HS28** (infilling)
- **HS32** (public open space provision – small sites)
- **CN01** (maintaining local distinctiveness)
- **CN08** (development having an impact upon conservation areas)
- **SD02-SD04** (mixed use areas)

This report only includes policy references. For further details please see Page 4.

CONSULTATIONS (Original Application Only)

15. TC – Approve subject to the following conditions:-
- Seven parking spaces are provided for residents only
 - Parking and congestion in Edgworth Road should be investigated by the Highway Authority
 - Investigate ways to minimise the problem of existing residents being overlooked and possible privacy issues by using suitable glazing in windows. Original planning approval for some of the rooms was for storage/office use where obscure glass could have been used.
16. LHA – recommends conditions regarding access and parking.
17. EA– recommends conditions regarding contamination
18. Fire Officer – makes comments in relation to access for fire fighting purposes and water supplies
19. Environmental Health – contamination – the site is not on our Sites of Potential Contamination but is adjacent to two a malthouse and an engineering works producing marine craft parts. In view of this and the fact that it is a sensitive end use it will be necessary to provide the necessary PPG23 documentation. Guidance has changed since the 2007 application and there is a need to take a precautionary approach.

REPRESENTATIONS

20. Sudbury Society Planning Group – we note the change of use to the ground floor and part first floor to accommodate a restaurant but would point out that the accessible customer toilet provision is rather exposed to view and should have some screening at least.

21. Three letters of representation from 2 nearby residents making the following points:-
- loss of privacy due to the proposed flats windows and the fact that parking facilities for the flat dwellers and the restaurant customers has not been addressed. Will the new proposals. Will the new proposals for the Sudbury bus station effect any decision over number 36.
 - Proposal will overlook my back garden
 - Concerned that new plans will involve a restaurant use on the ground floor with doors opening onto Edgworth Road. This road is usually quiet in the evening. This peace will be disturbed possibly by music from the restaurant and certainly by departing customers.
 - No provision for customer parking
 - The development is unacceptable in a conservation area and out of keeping with existing on that side of Station Road
 - Three storey will restrict light and the view from my dwelling as it is significantly taller its predecessor on the site. In particular it will seriously affect the view from my third storey front room which I use as my study. I will be overlooked by the development
 - Other than that the design is a considerable improvement on its predecessor but it is out of scale.
 - Seriously doubt retail units will succeed at this end of Station Road. The buildings should match the dimensions of the existing Victorian building on the site which has nicely restored and is an asset to the conservation area
22. Letter received from Waitrose making the following comments:-
- The Design and Access statement states that the site is close to the town centre and has substantial provision of publicity available car parking close by in Waitrose, Roys, Kingfisher Centre and Railway Station. Please note that the Waitrose car park is not a public car park and available for short term use only. The car park will be locked outside Waitrose trading hours.

PLANNING CONSIDERATIONS

23. The application site is situated within the built up area boundary of the town and occupies a prominent position within the Conservation Area. This site has enjoyed a longstanding employment use in the past with buildings of warehouse size and scale with no onsite parking or servicing (prior to the demolition of the warehouse buildings in the 1990s following the cessation of the employment use). Since then, the adjoining existing building on the site has been vacant. However planning permission was granted in July 2008 for the comprehensive re-development of the application site and the adjoining building for retail and office development including 5 apartments and works in connection with this permission have commenced on site. This proposal is a part resubmission of that approved scheme to allow for changes to the internal layout and the principle of Class A3 use to be considered in the 3 storey building.

24. The internal changes proposed in this part resubmission are entirely acceptable and do not result in any external alterations if compared with the approved scheme. Although the internal layout changes do result in more compartmentalisation of the first floor, with some windows now giving light to flats rather than retail floor space, the impact of these changes are not so significant as to justify refusal in relation to overlooking/loss of privacy or detriment to residential amenity.
25. With regard to the inclusion of a Class A3 restaurant and café use within this proposal rather than the retail units on the ground and first floor in the three storey element of the approved scheme, the following comments are made:-
- As the site is within a Mixed Use Area in land use policy terms there is no objection in planning policy terms to the introduction of this use within the area particularly as Great Easterns is sited almost opposite this application site and as the adjoining building is understood to have been used as a Public House albeit many years ago.
 - However being in a Mixed Use area it does lie close to existing residential development which nearby residents have described as quiet. The views of the Environmental Health Officer on the introduction of a Class A3 use are awaited. However it is understood that the ventilation equipment for cooking equipment within the establishment is contained in the dummy chimney added to the east elevation which would face into the site and away from existing properties. The agent states the chimney stack has been designed to be an acceptable distance away from the proposed flat windows so as to vent fumes etc away from occupiers of these flats. Confirmation that the introduction of this use and the location of this feature is acceptable is awaited from Environmental Health. A further verbal report on this outstanding matter will occur at the meeting.
 - With regard to hours of operation, the application states that the use would occur 9.00am till 11pm Monday to Fridays and that these hours would also remain the same on Saturdays Sundays and Bank Holidays. Negotiations are taking place with the agent and Environmental Health to establish whether these are appropriate given its location within the Mixed Use Area. A further verbal report on this matter will also be undertaken at the meeting.
 - In respect of parking it is understood that the 7 car parking spaces are for the occupiers of the flats and that all staff and customer parking associated with the Class A3 use would occur outside of the application site area in an identical way to that required to service the retail elements on the ground and first floor of the approved scheme. However it is clear that day time customers attending such an Class A3 could do so as part of another trip to the town and if travelling by car may already be parked. In the evening much of the towns car parks have capacity and given the location of this site in relation to the towns public car parks it is considered that the Class A3 use would benefit in car parking location terms.
 - With regard to the Sudbury Town Councils comments regarding congestion in Edgworth Road these have been referred to the Highway Authority for consideration as a separate matter.
26. In addition to the above the existence of the 2008 planning permission is material planning consideration and must be given due weight as must the Government planning documents PPS1 and PPS3 and various Development Plan policies which seek to ensure that new developments are of a high quality of design and layout. Further weight is added to this requirement at this particular site because of its location within the conservation area.

27. In terms of design and external appearance, it remains as the earlier approved scheme with the addition of the chimney to accommodate ventilation equipment for the Class A3 use; the proposed three storey building being modelled on a warehouse type structure of a character which is prevalent elsewhere in the town. Although the three storied nature of the extension causes a difference in scale between the two elements of the structure there are other examples of three storey development in the vicinity.
28. The existing building and the proposed 3 storey building would be located adjacent to the Waitrose car park. As such it will be visible from a number of public vantage points but will not appear cramped in the street scene in spatial terms due to the largely undeveloped nature of the adjoining land. The proposed materials are facing brick and natural slate and the control of these is important given the prominent nature of the site within the Conservation Area. As such a condition is recommended.
29. Although this scheme does not include any affordable housing provision (as it is below the threshold), the flats to be provided are small one bedroomed units which will go towards meeting housing need for smaller units of accommodation within the area. As such the proposed development of the site is acceptable in principle and indeed accords with National and Local policies which seek to make more efficient use of previously developed land.
30. Although there is no onsite servicing for the Class A3 unit within this scheme this lack of provision was also incorporated within the approved scheme for the retail units; consequently any operators would have to service them from nearby roads where there is an ability to park or rely on small vehicle delivery. The Local Highway Authority has assessed the scheme and has no objection to the servicing arrangements or the level of on site parking provision given its town centre location. In any event it would have been difficult to provide such on site servicing in a manner which would have been acceptable in design terms and befitting of its prominent Conservation Area location in visual terms.
31. In accordance with the guidance contained in Circular 05/2005 (Planning Obligations) and policy HS32 of the Local Plan it is considered reasonable and necessary to require the developer to provide financial contributions to the provision or upgrade of existing areas of public open space in the area given that the scheme embodies 5 flats and as open space cannot be provided on site. Negotiations are currently taking place to secure the necessary Obligation and the recommendation of approval is subject to the Obligation being completed.

REASONS FOR APPROVAL

32. The proposed development is considered to be in accordance with the provisions of Development Plan policies HS01, HS27, HS32, SP01, CN01, CN08, SD02 SD03 and SD04 by reason of the scheme constituting acceptable development in terms of its, layout, design, form, mix, scale, materials, relationship to adjoining development and public open space provision and impact upon residential amenity. There would be no harm to interests of acknowledged importance in terms of impact upon road safety the character and appearance of the conservation area, or Sudbury Town Centre.

RECOMMENDATIONS

- (1) That, subject to satisfactory resolution of all outstanding matters above and a favourable response from the Environmental Health, the Solicitor to the Council be authorised to secure a planning Obligation under Section 106 of the Town and Country Planning Act, 1990, to ensure the payment of a contribution towards public open space provision.

- (2) That, subject to the completion of the Planning Obligation referred to in Resolution (1) above the Chief Planning Control Officer be authorised to grant planning permission subject to the following conditions:
- Materials and finishes
 - Part alternative scheme to planning permission B/07/1798/FUL
 - Finished site and ground floor levels
 - Surface water and foul drainage
 - As recommended by LHA
 - As recommended by CFO
 - As recommended by Env Agency
 - Any as recommended by Env Health
 - Hours of operation of the Class A3 unit
 - No amplified music (Class A3 unit)
- (3) That, in the event of material objections/adverse comments being received from the Environmental Health referred to in Resolution (1), or the planning Obligation referred to in resolution (1) not being secured, the Chief Planning Control Officer be authorised to refuse planning permission for the following reasons:
- any as recommended by Environmental Health
 - Unsatisfactory provision for public open space contrary to local plan policies (HS32)