

## ITEM 12

B/07/00532/FUL  
FULL

### SUDBURY – LAND TO REAR OF TOWN HALL, GAOL LANE

Erection of three-storey building to provide 2 no. shop units, with associated storage on ground floor, and 6 no. flats over (existing building to be demolished)

Applicant: Orchard Developments  
Case Officer: Gemma Pannell

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### SITE

1. The application site is a 0.03 ha parcel of land adjacent to the Town Hall and having a frontage of 20 metres along Gaol Lane and includes an existing garage block that fronts the street. At present the site forms part of the extended service area for the shops fronting North Street and also there is some informal parking occurring.
2. The site is located within Sudbury Conservation Area and rear of 3 & 4 North Street, which are Grade II Listed Buildings. The buildings to the west of the site are a mix of two and three storey development with shops at ground floor, to the east is the tourist information centre which is two storey and to the south (opposite) are two storey buildings with ground floor shop units.

### PROPOSAL

1. The application seeks full planning permission for the erection of a three storey building containing two retail units on the ground floor and six flats on the upper floors.
2. The retail units would be 130.6m and the flats would be a mix of one and two bedroom. Traditional timber painted shop fronts are proposed to the Gaol Lane frontage for the retail units with access for the flats, including bin and cycle storage, to the rear.
3. Access is retained at the east edge of the site to the service area at the rear to allow rear servicing to the shops in North Street.

### HISTORY

4. 1967 – Outline planning permission granted for the erection of a single storey yard office for taxi business. (S/67/00893/S refers)
5. 1996 – Planning permission granted for the erection of two two-storey shops with flats over and associated parking (B/96/00395/FUL refers)
6. 2001 – Planning permission renewed: B/96/00395/FUL
7. 2002 – Planning permission granted for the erection of three-storey building to provide 2 shop units with associated storage on ground floor and 6 flats over.

Alteration to existing vehicular access (existing buildings on site to be demolished).  
(B/02/00324/FUL refers)

## POLICY

8. Suffolk Structure Plan 2001
  - ENV3 (Design Standards)
  - CS1 (Sustainable Development)
  - CS3 (Location of new Housing Development)
  - ECON8 (Town and Local Centres)
  
9. Babergh Local Plan, Alteration No.2 (2006)
  - CN08 (Conservation Areas)
  - SD01 (Principal Shopping Area)
  - SD02-SD04 (Mixed Use Areas)
  - SD07 Land to Rear of Market Hill)
  - HS30 (Design and Layouts)
  - CN01 (General Design & Context policy)
  - CN05 (Listed Buildings)
  - CN06 (Listed Buildings)
  - SP01 (Retail Strategy)
  - SP03 (Retail Development outside of Town Centres)
  - HS08 (Affordable Housing)
  - HS32 (Public Open Space)

## PPS3 – Housing

10. Good design and layout of new development can help to achieve the Government's objectives of making the best use of previously-developed land and improving the quality and attractiveness of residential areas. In seeking to achieve these objectives, local planning authorities and developers should think imaginatively about designs and layouts which make more efficient use of land without compromising the quality of the environment. Local planning authorities should:
  - avoid developments which make inefficient use of land (those of less than 30 dwellings per hectare net);
  - encourage housing development which makes more efficient use of land (between 30 and 50 dwellings per hectare net); and
  - seek greater intensity of development at places with good public transport
  - accessibility such as city, town, district and local centres or around major nodes along good quality public transport corridors.

## PPS6 (Planning for Town Centres)

11. This PPS sets out the Government's key objective for town centres, that is to promote their vitality and viability by:

- Planning for the growth and development of existing centres; and
- Promoting and enhancing existing centres, by focusing development in such centres and
- Encouraging a wide range of services in a good environment, accessible to all.

#### PPG13 – Transport

12. PPG13 sets out Government planning policy and guidance in relation to transport and identifies that the planning system has a key role in delivering the Government's integrated transport strategy and that the consistent application of planning policies will help reduce some of the need for car journeys.
13. Two of the objectives of the guidance within PPG13 are to i) promote access to jobs, shopping, leisure facilities and services by public transport, walking and cycling and, ii) reduce the need to travel, especially by car.

#### PPG15 (Planning and the Historic Environment)

14. PPG15 was issued in September 1994 and remains the main document for Government advice and guidance to Local Planning Authorities on the operation of the planning system in relation to the historic environment.

#### OBSERVATIONS

15. TC – Refuse: the materials used should be in harmony with those use for the adjacent town hall extension.
16. SCC Highways – Views awaited
17. SCC Archaeology – Standard condition
18. Suffolk Preservation Society : –
  - The society does not object to the principle of demolition of the existing unsightly garages provided what is proposed to replace them is of clear architectural merit and will improve the appearance of the area.
  - The society completely endorses the detailed comments made regarding the new building submitted by the Sudbury Society.
  - If a pastiche design is to be adopted then it must be designed and executed with a clear understanding of the scale and proportion and detailing of previous architectural forms and type.
  - We would suggest that the current proposal does not demonstrate that level of understanding needed to achieve a good end result.

19. Sudbury Society: We have no problems with the principle of demolishing the existing unsightly garages and building something more worthy of this prominent site adjacent to the Town Hall.
- We have serious concerns about the choice of red brick and the very heavy handed pastiche detailing – the various facades are cluttered with string courses, stone bands, quoins etc when what the site really needs is a much more dignified and restrained set of elevations.
  - The rear extension to the Town Hall which in its choice of white brick and restrained detailing provides a model of what should be aimed for on this site.
  - You could get rid of all of the detailing features referred to above and achieve a structure that would sit far more easily alongside the listed Town Hall.
  - At the rear bin storage appears to be provided for the flats but not for the two shops. Are their large commercial wheelie bins to be left in the open, marring the visual approach to the flats? We also feel that the rear of the building should provide the residents of the flats with secure storage facilities for bicycles etc.
  - We trust that the entrance to the shops from Gaol Lane will be at pavement level, avoiding the need for intrusive ramps. We also believe that the redevelopment of the pavement in Gaol Lane fronting both this site and the adjoining site to the NW must be seen as one project with a coherent approach to choice of paving materials, a change in those materials where goods vehicles are crossing, lighting and street, furniture.

## ASSESSMENT

20. The main issues to be considered are:

- The Principle of Development
- Conservation and Setting of Listed Building Issues
- Design and Layout
- Planning obligations

## THE PRINCIPAL OF DEVELOPMENT

21. The application site is located on Gaol Lane where policy SD07 is relevant when considering the principle of development. SD07 sets out that in the area rear of shops on North Street and Market Hill that small scale proposals for new shop units or extensions to existing units will be considered acceptable provided that adequate provision is made for rear servicing of existing shops.
22. Considered against the aims of this policy it is considered that the application proposal, for 2 retail units and 6 flats, is acceptable in principle and accords with the requirements of SD07. The provision of retail on ground floor contributes to the vitality and viability of the town centre in a wider sense by creating an active frontage in this location and residential above contributes to vitality when the shops would be closed. This would accord with the principles of SP01, SP03 and PPS6.

The proposal retains an access to the rear of the proposal and existing North Street shops to allow servicing in a rationalised manner in accordance with SD07.

23. The principle of this development is also established by the earlier grant of planning permission for an identical scheme in 2002. The scheme also respects and reflects a planning permission that was granted on the adjacent site B/06/01065/FUL which members of the previous committee considered on 19<sup>th</sup> July 2006 for the erection of 3 no. retail units and 6 no. flats.

### CONSERVATION ISSUES

24. Policy ENV1 of the Suffolk Structure Plan states that the character and setting of Conservation Areas and buildings listed as being of special architectural and/or historic interest will be protected and enhanced. New developments in Conservation Areas or affecting the setting of listed buildings must be in harmony with their surroundings.
25. This approach is reinforced through the provisions of the adopted Babergh Local Plan. Within the emerging Local Plan Policy CN08 sets out that proposals for development in a conservation area or which have an impact upon views into or out of a conservation area should (inter alia):
- Preserve or enhance the character of the conservation area or its setting.
  - Retain all components, including open spaces, which contribute to the special character of the area.
  - Be of an appropriate scale form and detailed design.
  - Use natural or handmade materials, which complement or harmonise with the character of the area.
  - Ensure that natural features are retained and integrated into any proposal.
26. To establish the impact of the proposal on the character of the Conservation Area it is important to understand the role that the site currently plays in contributing to the character and appearance and then a judgment can be made on whether the proposal would preserve or enhance. It is important to be clear that the site's location within a Conservation Area does not prohibit development but requires development to either preserve or enhance and be of a high quality when permitted. In this location it is also important to consider the relationship of the proposals to the Listed Buildings on North Street as required in policies CN05 and CN06 of the Local Plan.
27. In this case the role that the site currently plays in contributing to the character of the Conservation Area is limited. The space does not provide setting to particular buildings or groups of buildings or provide views to or from Listed Buildings or through the Conservation Area that it is necessary to protect. Further the site contains no features, such as protected trees.
28. In particular the rear area of the buildings on North Street is at present untidy and not rationalised in terms of servicing arrangement, a point that the pre amble to

SD07 in fact picks up on. As such it is considered that a development proposal of the appropriate form, scale, materials and detailing would serve to enhance the Conservation Area in this location.

29. Considering the issue of the relationship of the site and the impact on the setting of the Listed Buildings that front North Street it is concluded that the development proposed would not harm the setting of these buildings. Namely, the principal view of these buildings, which require protection are the facades within the street scene along North Street and the rear elevations of these buildings have been altered substantially with modern changes and additions.

## DESIGN AND LAYOUT

30. The key policies pertinent to the consideration of the design elements of the proposals are ENV3 of the Structure Plan and HS30 and CN01 of the Babergh Local Plan Alteration No. 2 (2006). These policies seek well-designed layouts that provide an appropriate scale, density, form, parking and garden provision.
31. The scale and massing of the proposal responds to the street scene in that the west boundary is next to proposed three storey development and two storey development is proposed to the rear of the site.
32. The proposal makes no provision for parking for the residents of the flats. The site is located in the town centre of Sudbury and could not be more appropriately located for access to facilities on foot and thus for a car free residential development. Equally being located in Sudbury town centre allows staff for the shops could reasonably travel to the site by public transport or walk. The servicing requirements/arrangements for the shops have not been detailed and this has been queried with the applicant's agent.
33. Further no amenity provision is made for the flats proposed. The location of the site in the town centre means that a quality and private amenity space would not be achievable or necessarily expected in this location. The issue from a planning perspective is whether there would be harm to the quality of the environment created from the lack of such provision and also from lack of parking. Overall it is concluded that the proposal makes good use of a vacant site in a town centre and that when balanced against the objectives of SD07, SP01, SP03 and PPS6 refusal on lack of parking and amenity area would be difficult to defend.
34. The design proposed is simple in approach clearly taking a cue from the existing two and three storey shops to the west along Gaol Lane. The shop fronts are simple and traditional with materials being painted timber. The main building is proposed in brick and slate with timber sash windows with appropriate lintel and cill detailing. Materials can be secured through condition.
35. The site is located in the Conservation Area, as discussed above, and therefore it is important to secure a quality of development. The detailing proposed reflects that approved on the adjoining site in 2006. The application B/06/01065/FUL was amended following submission to reflect the detail that had been approved on the application site in 2002. Therefore it is considered that the development of the two sites with appropriate detailing proposed is entirely acceptable.

## PLANNING OBLIGATIONS

### Affordable Housing

36. The site is situated within a town (Sudbury, combined with Great Cornard) and Policy HS08 is, therefore relevant to affordable housing issues. As such, affordable housing cannot be secured from developments of 14 or less units (or on sites larger than ½ hectare if in outline). This application proposes 6 units.

### Education

37. There is no requirement for an education contribution from this proposal as the number of units is below the threshold.

### Public Open Space

38. In accordance with the guidance of Circular 05/2005 (Planning Obligations) and emerging policy HS32 of the Local Plan it is considered reasonable and necessary to require the developer to either provide 10% of the application site as public open space or provide financial contributions to the provision or upgrade of existing areas of public open space. Clearly open space cannot be provided on site therefore the applicant will be required to make a contribution in lieu.

## REASONS FOR APPROVAL

The proposed development is considered to be in accordance with the provisions of adopted and emerging Development Plan policies ENV3, and CN01 by reason of the scheme constituting acceptable group development in terms of its, layout, design, form, mix, scale, materials, relationship to adjoining development and public open space provision and in respect of its impact on the Conservation Area and the setting nearby Listed Buildings. There is no highway objection to the proposal and there are insufficient grounds on which to justify refusal in terms of its impact upon residential amenity, or the character and appearance of the town.

## RECOMMENDATION

- A. The Solicitor to the Council be authorised to secure an obligation under Section 106 of the Town and Country Planning Act, 1990 in respect of public open space contributions.
- B. Upon completion of the obligation the Head of Planning (Control) be authorised to grant planning permission, subject to the following conditions –
- Materials to be submitted (including re-use/re-cycling of materials arising from the demolition works);

- Proposed boundary treatments;
- Finished ground floor levels relative to existing and proposed finished ground levels;
- Any as recommended by the Highways Authority
- Use Class restriction to shop units (A1);

Otherwise,

C. Refuse planning permission. Reasons (as may be appropriate);

- Inadequate provision of public open space and play equipment (off site).

## DECISION

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