

Parish: SUDBURY

Location: Spa Haven, First and Second Floor, 10 Market Hill

Proposal: Change of use of first and second floors from commercial use to residential (3 No. one bed units).

Applicant: Audley-Suffolk Ltd

Case Officer: Ben Elvin

Date for Determination: 23/05/08

SITE

1. The property is a Grade II listed building that lies to the north side of Market Hill, within the Sudbury Conservation Area.
2. The property previously hosted a building society at ground level and a beauticians on the first and second floors. This use ceased in March 2008. A separate access serves the first and second floor from the Market Hill frontage.

PROPOSAL

3. The application proposes the change of use of the first and second floors of the building to form three one bedroom units of residential accommodation.
4. A supporting statement has been submitted with the applicant which indicates that;
 - Policy SD04 is relevant for the application as the building is under-used and the occupiers of the ground-floor do not require the upper-floors so they will become vacant.
 - Correspondence has been provided from Elsom Spettigue Associates which clearly states that the space has been difficult to let over a sustained period.
 - The Council have not met their housing requirement for the planning period and this will provide a small windfall.
 - The proposal is in accordance with policies HS01 (Housing), CN01 (General Design), CN06 (Listed Buildings) and HS30 (Design of Dwellings) of the Local Plan.
 - The evidence submitted proves that the upper floors cannot be filled even on discounted rental rates.

RELEVANT HISTORY

5. B/08/00036/LBC - Installation of new shop front, external staircase, reinstatement of rear doorway, formation of doorways at first-floor, blocking of doorway in side elevation, and internal works including removal of staircase (approved)
6. B/99/01272/FUL – Change of use of 1st and 2nd floors from Office (Class A2) to beauty salon (Class A1) (approved).
7. B99/01183/FUL and B/99/01184/LBC – Insertion of new shopfront entrance screen and alterations to front entrance doors (approved).

NATIONAL GUIDANCE

8. **PPS1:** Delivering Sustainable Development.
9. **PPS6:** Town Centres
10. **PPG15:** Planning and the Historic Environment.

PLANNING POLICIES

11. The following Development Plan policies are applicable to the proposal:
 - **CN01** (General Design)
 - **CN06** (Listed Buildings)
 - **CN08** (Conservation Areas)
 - **HS30** (Design of Dwellings)
 - **SD01** (Sudbury - Principle Shopping Area)
 - **SD04** (Sudbury - Housing)
 - **EM24** (Retention of Existing Employment Sites)

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

OBSERVATIONS

12. TC – No objection.
13. LHA – No objection.

REPRESENTATIONS

14. None received at the time of preparing this report.

PLANNING CONSIDERATIONS

15. The building has been in two separate uses for many years. The last use of the upper floors of the building was as a beauty salon and the proposed change of use into dwellings would result in the loss of an employment site in Sudbury Town Centre. The proposal therefore needs to be considered against the provisions of policy EM24.
16. Policy EM24 provides that planning applications to redevelop or use existing or vacant employment land, sites and premises for non-employment purposes, will only be permitted if the applicant can demonstrate that their retention for an appropriate employment use has been fully explored. The policy provides two means of achieving this, either through the carrying out of an agreed marketing campaign for a period not less than 12 months or, where agreed in advance, the applicant can demonstrate that the land, site or premises are inherently unsuitable or not viable for all forms of employment related use.
17. It is understood that a local agent has made some attempts to market the property since 2002, despite the upper floors being occupied up until early 2008. The details of the campaign carried out have not been agreed with the Local Planning Authority and would not be sufficient to comply with the first option provided by EM24.
18. The applicant has provided some general information about the layout of the building and its unsuitability for an employment use. However, the premises were occupied until recently as a beauty salon. The information submitted with the application does not provide sufficient justification that the building is unsuitable for all types of

employment uses and does not allow the need for a marketing campaign to be set aside.

19. The site lies in a prominent location in the main commercial area of Sudbury. It does not lie within the designated Mixed Use Area. Whilst it is clear that a vacant unit in this location would be undesirable, the need for an agreed marketing campaign to be carried out is required in this case to establish whether the building is unsuitable for employment purposes. In the absence of such a campaign an unacceptable precedent could be set if the requirement is not fulfilled.
20. Further, Policy HS32 requires the applicant/developer to either provide 10% of the application site as public open space (where agreed in advance with the Local Planning Authority) or financial contributions towards the upgrade/expansion of existing Local Authority maintained areas of public open space away from the site. In this case, the provision of 10% of the application site is not a suitable option given the small size of the site (which will not provide a useable area of open space) but no legal agreement has been submitted with the application to ensure that established planning policy requirements are fulfilled.
21. In the light of the above the proposal is unacceptable and accordingly it is recommended that permission be refused.

RECOMMENDATION

22. Refuse planning permission for the following reasons;
 - Insufficient justification to allow the loss of employment site, contrary to policy EM24 and SD01.
 - Lack of public open space contributions/agreement, contrary to policy HS32.