

# Forest Heath District Council

**DEVELOPMENT  
CONTROL  
COMMITTEE**

**4 JUNE 2014**

**DEV14/116**

**Report of the Head of Planning and Regulatory  
Services**

**PLANNING APPLICATION F/2013/0355/FUL – LAND AT KENNETT PARK,  
KENTFORD (PARISH OF MOULTON)**

## **Synopsis:**

Application under the Town and Country Planning Act 1990 and the Planning (Listed Buildings and Conservation Areas) Act 1990 and associated matters.

## **Recommendation:**

**It is recommended that the Committee determine the attached application and associated matters.**

## **CONTACT OFFICER**

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# Committee Report

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**App. No:** F/2013/0355/FUL      **Committee Date:** 4 June 2014

**Date Registered:** 1 July 2013      **Expiry Date:** 30 July 2013

**Case Officer:** Christine Flittner      **Recommendation:** APPROVAL

**Parish:** Moulton      **Ward:** South

**Proposal:** Erection of 16 new dwellings (including 5 affordable) with associated car parking and the provision of a footpath link to Bury Road (Major Development)

**Site:** Land at Kennett Park, Kentford (Parish of Moulton)

**Applicant:** Kennett Park LLP

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## Background:

**This application was considered by the Development Control Committee on 14 May 2014. The decision was taken to defer the application for one month to seek clarification on the marketing strategy and economic development issues.**

**A further written report will be circulated to members prior to the meeting and a full verbal presentation will be given at the meeting to provide clarification on the issues raised at the last meeting.**

**The application is recommended for conditional APPROVAL following the completion of a S106 agreement.**

### Application details:

1. See original report attached as Working Paper 1.

### Site details:

2. See original report attached as Working Paper 1.

**Application supporting material:**

3. See original report attached as Working Paper 1.

**Amended plans:**

4. See original report attached as Working Paper 1.

**Planning history:**

5. See original report attached as Working Paper 1.

**Consultations:**

6. See original report attached as Working Paper 1.

**Representations:**

7. See original report attached as Working Paper 1.

**Policies:**

8. See original report attached as Working Paper 1.

**Officer comment:**

9. For main comments, which still apply, see original report attached as Working Paper 1.
10. A further report to deal with members' concerns around the marketing strategy will be circulated prior to the meeting and there will also be a verbal presentation at the meeting.
11. The officer comments relating to the justification for the loss of the employment/commercial site, taken from the original report, have been reproduced for ease of reference below at paragraphs 12 – 19.

**Justification of Need for Residential Development**

12. In the submitted planning statement the applicant seeks to justify the change of use of the land from it's approved commercial use to residential use through the provision of marketing information and application of polices and guidance contained within the Framework and local policy documents.
13. The applicant indicates that the site has not been developed for commercial use due to viability issues concerning the cost of providing good quality units coupled with the failure of an exhaustive and continual marketing campaign to attract B1 users. Marketing information has been submitted to evidence this point from Bidwells and further statistics are provided within the Planning Statement submitted by the agents.

14. The marketing strategy has attracted considerable criticism from local residents and Parish Council's who have come forward to say they know of interested parties who have made enquiries, but these have not been pursued. Officers have investigated this point further but have no evidence either from the individuals concerned, the Economic Development Team, the agents for the application or Bidwells to suggest that there is genuine interest in the site. As a result this point cannot be taken further and the information on the marketing campaign submitted as part of the application must be taken into account in support of the application.
15. As an authority with spatial economic objectives which seek to support the growth of the local economy, emerging policy seeks to protect employment land, but also recognises that policy must be flexible and not seek to protect under utilised employment land or floor space which could be used to meet other objectives.
16. Policy DM30 of the emerging Joint Development Management Policies takes this approach forward and whilst requiring specific criteria to be met when assessing applications of this nature, echoes the approach advocated in the Framework as set out in paragraph 45 above. This requires local authorities to treat applications for alternative uses of land or buildings on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities. Furthermore policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose and land allocations regularly reviewed.
17. The application site was at one time allocated as an employment site, but the policy behind the allocation is not one of those saved in the Local Plan. The whole "Friskies" site constituted the commercial/employment allocation and much of it has since been developed for residential use. At the time the application to develop the site for mixed use was considered by the committee (October 2007) it was noted that the site was identified as sub-optimal for employment use facing competition from other more attractive sites which were already up and running. The Framework at para 51 indicates that local authorities should normally approve planning applications for change of use to residential use where there is an identified need for additional housing in that area, provided there are not strong economic reasons why such development would be inappropriate.
18. The comments from Economic Development and Growth colleagues expressing concern about the loss of the site to residential use have been fully considered. It is noted that there is no formal objection to the proposed change of use and there is a request for mitigation should the application be approved.
19. When considered against the up to date policies of the Framework and

the emerging local policy the comments cannot be given full weight to justify a refusal and indeed refusal is not recommended in the response. In addition, as the authority does not have a specific policy to seek mitigation through S106 contributions for the loss of employment land the suggested contributions towards employment training cannot be lawfully sought as part of the S106 obligation. Whilst it is regrettable to lose the employment area this has to be tempered against the market realities presented and the benefits which could accrue from residential development, in terms of infrastructure and sustainability considerations, compared to the alternative which is stagnation of the site.

### **Conclusion:**

20. The development proposal has been considered against the objectives of the National Planning Policy Framework, the Core Strategy and local emerging policy. The government's drive to 'boost significantly' the supply of housing as set out in paragraph 47 of the Framework lends considerable weight in support of the scheme, given that the Council does not currently have a five year land supply. This is further bolstered by the need to regularly review land allocations and avoid long term protection of employment sites where there is no prospect of the allocated use coming forward as set out in paragraph 22 of the Framework.
21. Kentford has been identified as a Primary Village that can accommodate some growth within the Council's Core Strategy. The proposed development would provide an element of open market and affordable housing and bring forward a site for development which has not come forward for commercial use despite marketing and the completion of one unit.
22. In conclusion the proposal is considered to constitute sustainable development as set out in the Framework. There are not considered to be any adverse planning matters that would significantly and demonstrably outweigh the benefits of the scheme so having regard to the Framework and all other material planning considerations, with the S106 package which is necessary for the development to be acceptable in planning terms, the proposal is considered to comply with the Framework and Development Plan policy. The recommendation is one of approval.

### **Recommendation:**

23. That planning permission is **GRANTED** subject to:
  - (1) The completion of a S106 agreement as detailed within the report:
  - (2) And the following conditions:
    1. Time limit
    2. Approved plans and details
    3. Materials as detailed
    4. Construction hours

5. Construction Management Plan
6. Internal Noise Environment (sound attenuation for buildings)
7. Unsuspected Contamination
8. Details of landscaping scheme.
9. Tree Protection Plan
10. Landscaping and Tree Protection Plan implementation
11. Landscaping Management Plan for Tree Belt to northern boundary and general landscaping.
12. Recommendations of ecology report to be implemented and enhancement measures incorporated into detailed landscape plan
13. Lighting scheme to be provided and implemented including the recommendations within the ecology report
14. Details of surface water discharge to highway.
15. Details of road layout and surfacing arrangements.
16. Provision and retention of parking and manoeuvring areas
17. Surface water disposal.
18. Bin storage and collection points to be provided and retained.

**Documents:**

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online;

<http://planning.stedmundsbury.gov.uk/online-applications/simpleSearchResults.do;jsessionid=6054D338A476726C2C227B557DB43513?action=firstPage>

Alternatively, hard copies are also available to view at Planning, Planning and Regulatory Services, Forest Heath District Council, District Offices, College Heath Road, Mildenhall, Suffolk IP28 7EY

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