



## Development Control Committee 7 April 2016

**ITEM WITHDRAWN ON 30 MARCH 2016**

**Planning Applications: DC/15/1754/FUL,  
DC/15/1758/FUL, DC/15/1760/FUL,  
DC/15/1761/FUL, DC/15/1752/FUL,  
DC/15/1753/FUL, DC/15/1759/FUL**

**Larks Pool Farm, Mill Road, Fornham St Genevieve,  
Suffolk**

<b>Date</b>	2 September	<b>Expiry Date:</b>	28 October 2015 (EoT
<b>Registered:</b>	2015		date to be agreed with agent)
<b>Case Officer:</b>	Dave Beighton	<b>Recommendations:</b>	Approve
<b>Parish:</b>	Fornham St Martin Cum St Genevieve	<b>Ward:</b>	Fornham
<b>Proposal:</b>	DC/15/1752/FUL - Planning Application - Retention of modification and Change of use of former agricultural building to part offices (Class B1(a)) and part storage (Class B8). (Building B).		
	DC/15/1753/FUL - Planning Application - Retention of modification and change of use of former agricultural building to storage (Class B8). (Building C).		
	DC/15/1754/FUL - Planning Application - retention of modification and change of use of former agricultural building to storage use (Class B8) (Building D).		
	DC/15/1758/FUL - Planning Application - retention of modification and change of use of former agricultural building to Class B1 (a) offices or B1(b) research or B1 (c) industrial or B8 Storage or Sui Generis use. (Building F).		

DC/15/1759/FUL - Planning Application - Retention of change of use of former agricultural land to use for open storage (Class B8) for caravans and motorhomes, (10 max), horseboxes (5 max) and containers (20 max).

DC/15/1760/FUL - Planning Application - retention of modification and change of use of former agricultural building to Class (B8) storage use. (Building I).

DC/15/1761/FUL - Planning Application - retention of modification and change of use of former agricultural building to Class (B8) storage use. (Building J).

**Site:** Larks Pool Farm, Mill Road, Fornham St Genevieve, Suffolk, IP28 6LP

**Applicant:** C J Volkert Limited

**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 planning permission be approved for the above seven applications, subject to conditions.

CONTACT CASE OFFICER: Dave Beighton  
Email: [dave.beighton@westsuffolk.gov.uk](mailto:dave.beighton@westsuffolk.gov.uk)  
Telephone: 01638 719470

## **Background:**

**These applications are presented back to the Development Control Committee following consideration by the Committee in March 2016.**

**Following the resolution to grant planning permission on all seven applications the matter was subject to our receipt of a 'pre-application protocol' letter from an aggrieved third party who was threatening to judicially review the decisions to approve.**

**The applications have not therefore been formally determined, and are not hereby presented back before Members today for determination. Rather, the Committee are asked to consider in light of the clarifications set out below whether their decision would remain the same or whether it would be different.**

**If the Committee remain satisfied that their decision would have been the same then their resolution to that effect will enable the decisions to be issued. If Members consider that the clarification sought below would have altered their decision making on these applications then all seven applications can be referred back to the Committee in due course for redetermination.**

## **Officer Comment:**

1. It is not proposed to repeat material that was included within the previous month's Officer report. This remains available for inspection and Members are reminded to familiarise themselves with this documentation.
2. In considering and responding to the pre-application protocol letter Officers consider that it would be helpful to clarify three points with Members.
3. One of these relates to the need, or not, for a 'sustainability appraisal' as set out within Policy DM33. The second relates to Building F and the sui-generis use proposed, and the third relates to the issue of whether or not 'significant' levels of traffic would be generated.
4. Members were advised verbally at the previous meeting that a 'sustainability appraisal' was not required. This advice was technically erroneous. While there is no requirement in national policy for sustainability appraisal there is a requirement in Policy DM33 for such a document.
5. What is true however is that a document referred to specifically as a 'sustainability appraisal' is not strictly necessary, but that written consideration and appraisal of sustainability issues is necessary. Policy DM33 does not identify that the document has to be in any particular format and in this regard Officers consider that the planning statement submitted with these applications is a sustainability appraisal for these purposes.

6. In relation to Building F, this is proposed as a sui-generis use. This use does not, therefore, draw specific support from Policy DM33, which relates to employment uses (defined specifically in the Policy). However, Building F draws clear support from Policy DM5, which offers support for proposals for economic growth and expansion of all types of business and enterprise. The effect and outcome is therefore the same, but Officers consider it important that this distinct conclusion is drawn out and set before Members at this stage.
7. Finally, Officers consider that it would be helpful to also quantify details of the traffic levels generated by this proposal. Members will recall that this matter formed part of the Officer update at the meeting, with extensive details given verbally. The conclusion of Officers at that stage, supported by Members, and which remains Officers' view now, is that the proposal will not generate 'significant' levels of traffic and that the proposal is therefore compliant with the provisions of Policy DM33. For clarity however, it is considered helpful to set that out before Members.
8. The haulage firm that has operated at the site for approximately 25 years generates the bulk of the traffic associated with this site. Enforcement investigations as early as 2001 have confirmed the length of time that this use has occurred. Whilst there is presently no approved lawful Development certificate confirming this, the position is readily accepted, including in some of the third party representations received.
9. To support these applications automatic traffic counters have been placed in Mill Road by SCC, and also at the entrance to Larkspool Farm.
10. Traffic counts on Mill Road recorded a daily average of 80 vehicles eastbound and an average of 82 vehicles westbound.
11. These figures included 4 HGVs eastbound and 5 westbound.
12. They included 10 light goods vehicles eastbound and 11 west.
13. They included 18 vans eastbound and 19 westbound.
14. The average over the five day period of the survey is 9 HGV goods movements out of a total of 162 vehicle movements in any 24 hour period. The vast majority of these movements are in cars, vans and light goods vehicles.
15. Traffic counts done at the entrance to Larkspool Farm also show that of the HGV movements recorded in a five day period only five used Mill Road after 18:00 and none after 19:00. In the morning period only two HGV movements were recorded before 07:00 and these were both after 18:00.
16. The County Highway Authority have previously scrutinised the submitted transport statement and are satisfied that the highway has sufficient capacity to accommodate these vehicle movements. It must also be noted that much of these, in particular the HGV's, arise from the haulage business that operates from this site and which is NOT the subject of

these applications. It is also the case that the potentially intensive use of the site for pig farming purposes might also reasonably be very intense, without the need for any permission.

17. On this basis Officers remain satisfied that the proposal will not create 'significant levels of traffic' and that, therefore, the proposal complies with Policy DM33 of the Joint Development Management Policies DPD 2015 .

18. The committee are asked to consider in light of these clarifications whether their decisions would remain the same or whether they would be different.

### **Recommendations:**

In respect of applications DC/15/1754/FUL, DC/15/1758/FUL, DC/15/1760/FUL, DC/15/1761/FUL, DC/15/1752/FUL, DC/15/1753/FUL, DC/15/1759/FUL it is **RECOMMENDED** that the Committee resolve that, in light of the above information, their decisions on all seven of these applications would be the same as was reached by the Committee on 3 March 2016.

In the eventuality that their decisions would not have been the same, for these matters to be referred back before the Committee in due course for reconsideration.

### **Documents:**

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

<https://planning.westsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=NU1GF4PDK5S00>

<https://planning.westsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=NU1GEPPDK5000>

<https://planning.westsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=NU1GEXPDK5Q00>

<https://planning.westsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=NU1GFFPDK5W00>

<https://planning.westsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=NU1GFAPDK5U00>

<https://planning.westsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=NU07ZUPDK5F00>

<https://planning.westsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=NU07ZMPDK5D00>

<https://planning.westsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=NU07ZCPDK5B00>

Alternatively, hard copies are also available to view at Planning, Planning and Regulatory Services, West Suffolk House, Western Way, Bury St Edmunds, IP33 3YU