



St Edmundsbury
BOROUGH COUNCIL

DEV/SE/16/031

Development Control Committee 4 May 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

Date	2 September	Expiry Date:	28 October 2015 (EoT date to be agreed with agent)
Registered:	2015		
Case Officer:	Dave Beighton	Recommendations:	Approve
Parish:	Fornham St Martin cum St Genevieve	Ward:	Fornham

Proposal: 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, IP28 6LP

Applicant: C J Volkert Ltd

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.

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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 hereby presented back before Members today for full determination, notwithstanding the resolutions to approve from March, which have been superseded by subsequent events.

The applications are therefore all recommended for APPROVAL.

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, which is included at **Working Paper 1**. Members should note, for the record however that reference to DC/15/1757/FUL in the report at Working Paper 1 has been superseded by the withdrawal of that application prior to consideration at March 2016 DC Committee.
2. The content of the original report should be read together with this since amplification and clarification on certain matters is offered in this update report as 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 March 2016 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, and is therefore compliant with Policy for the purposes of determining these proposals.

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 before the applications are determined.
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 March 2016 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 specifically before Members before the applications are determined.
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. As advised, this update report should be read together and in conjunction with the March 2016 DCC report. Had the committee been asked to clarify that their previous decisions made in March 2016 stood then the make up of the meeting would have needed to have been the same as it was in March 2016. On the basis that this is impractical, and to ensure that due consideration is given to the matters clarified above, legal advice is that the applications should be represented for determination again. In considering this matter Members are directed to both this report and the previous report at Working Paper 1 and, in light of the matters set out, are requested to redetermine all seven planning applications.
19. Accordingly, and in this light, the following recommendations are made.

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 planning permissions be **granted** subject to the following conditions:

1. Time limit where appropriate (if further operational development is sought, for example).
2. Compliance with plans.
3. Hours of Operation – 07:00 – 18:00 Monday to Friday and 08:00 – 13:00 Saturday with no use on a Sunday or Bank Holiday (except for in situ storage). No vehicle or pedestrian movements to or from any of the storage uses outside of these times.
4. Use restricted to specific uses sought (with uses in the alternative where submitted as such).
5. Details of lighting to be submitted (see informative 1)
6. Details of Otter fencing and wildlife reflectors as per submitted ecological report to be submitted within three months of approval, and implemented thereafter in accordance with agreed timescales. Installed details to thereafter be retained.
7. Details of bat and bird boxes to be submitted within three months of the date of approval (or prior to first use where application is not

retrospective). Agreed details shall be implemented in accordance with any timescales specified within the agreed scheme and shall thereafter be retained. See informative 2.

8. Revised soft landscaping scheme to be submitted within three months of the date of the approval. Approved scheme to be planted in the first planting season following the approval of details. See informative 3.
9. Boundary treatments to protected woodland area to be submitted and agreed within three months of approval and installed in accord with timescales and thereafter retained. See informative 4.
10. Area 'H' limited to a maximum of 20 containers (size of the containers to be clarified and specified within the condition), 10 caravans and motorhomes and 5 horseboxes. Containers to only be stacked to a single height.
11. All uses shall be accessed from Mill Road through the access on the red line plan submitted with the application. There shall be no access from Mill Road through any other access.

It is also recommended that the following informatives are included on all decision notices.

1. *In order to minimise adverse impacts upon bats using the site as a result of light disturbance, lighting on the commercial buildings B, C and D should be directed away from the woodland. Therefore, the following measures should be adopted when details are submitted under condition 5:*

1. *Type of lamp (light source): Light levels should be as low as possible as required to fulfil the lighting need. Low or high pressure sodium lamps should be used preferentially instead of mercury or metal halide lamps;*
2. *Lighting design: Lighting should be directed to where it is needed, with no horizontal spillage towards existing trees. This can be achieved by restricting the height of the lighting columns and the design of the luminaire as follows: Light columns in general should be as short as possible as light at a low level reduces the ecological impact. However, if taller columns (>8m) are required, the use of cowls, hoods, reflector skirts or shields should be used to prevent horizontal spill. The use of asymmetric beam floodlights (as opposed to symmetric) orientated so that the glass is parallel to the ground will ensure that the light is cast in a downward direction and avoids horizontal spillage; and Movement sensors and timers should be used to minimise the 'lit time'.*

2. *In order to satisfy the requirements of condition 7, the following advice is offered to support any such scheme to be submitted under this condition.*
 - *erect bat boxes (Appendix A3) such as the 2F-DFP on trees within the woodland (e.g. around the pond),*
 - *and Schwegler 1FF bat boxes should be erected on east gable end of building C and/or the south gable end of building D.*

Birds

- install artificial house martin boxes or sparrow terraces under the eaves on buildings C and E (Appendix A4). Boxes should be sited to avoid issues (droppings) for tenants, i.e. not above windows or doors.
- Bird boxes for small passerines and/or a tawny owl box should be erected on trees retained on site.

3. The following advice is offered in relation to the additional soft landscaping required under condition 8. The applications are supported by a landscape drawing which shows a number of elements as follows:

- A holm oak hedge to the northern and western edge
- Row of pine trees to the north of existing buildings
- Scattered trees – oak, birch and pine to the west and southern edge between site and the adjacent residential property at Larks Pool Farm
- Thicket and hedgerow between the site entrance and Mill Road

Holm oak is a slow growing evergreen species normally grown as a specimen tree. It is considered therefore that the hedgerow should be a mixed native hedge with a 50% evergreen element. This could include some evergreen oak but also holly, native privet, field maple, spindle, hawthorn and hazel. A native hedge should be substituted for the existing Leyland cypress hedge although a staged approach to removal once a new hedge has established would be acceptable – however it would be difficult to get the native species established next to the leylandii without a significant amount of aftercare and watering. The hedge is required to ensure the site is screened from West Stow Road. Additional species of trees to the west and south should be included including field maple, cherry and hornbeam. Additional trees (possibly hazel) should be planted south of building A. The native thicket and hedge should be extended behind buildings I and J to provide additional visual screening from Mill Road, enhance and define the edge of the protected woodland.

4. The existing protected woodland has suffered incursion from the extension and continued expansion of this site and this now needs to be checked. For this reason it is considered that a post and rail fence is erected on the woodland boundary to prevent further expansion of the 'uses' and protection of the woodland.

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=NU1GF4PDK500>

<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=NU1GEXPDK5>

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<https://planning.westsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=NU1GFFPK5W00>

<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