

# Forest Heath District Council

**DEVELOPMENT  
CONTROL  
COMMITTEE**

**1 JUNE 2016**

**DEV/FH/16/010**

**Report of the Head of Planning and Growth**

**PLANNING APPLICATION DC/16/0317/VAR - LAND ADJACENT SMOKE HOUSE  
INN, SKELTONS DROVE, BECK ROW**

## **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

**Date:** 15 February      **Expiry Date:** 16 May 2016  
**Registered:** 2016

**Case Officer:** Philippa Kelly      **Recommendation:** Grant  
**Parish:** Beck Row      **Ward:** Eriswell and the Rows

**Proposal:** Planning Application DC/16/0317/VAR: Variation of Condition 3 to enable the occupation of Plot 151 before the completion of the Section 278 works, in association with planning application DC/14/1206/FUL: Proposed residential development of 166 no. market dwellings, including associated public open space, associated accesses, landscaping and ancillary works, including the part retrospective development of 24 residential units (as amended by drawings received 09 July 2015 which proposes 49 affordable housing units).

**Site:** Land adjacent Smoke House Inn, Skeltons Drove, Beck Row

**Applicant:** Persimmon Homes (Anglia)

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## **BACKGROUND:**

**This application is referred to the Development Control Committee, because it is a Major Application relating to a site which has had complex planning policy issues.**

**The application is recommended for conditional approval following completion of a Section 106 agreement.**

## **APPLICATION PROPOSAL:**

1. Planning permission is sought for a variation of Condition 03 of DC/14/1206/FUL which was granted on 25 November 2015.
2. Condition 03 of DC/14/1206/FUL requires that prior to the first occupation of both Units 151 and 152 within Phase 1, the highway works associated with separate Section 278 and Section 38 applications shall be carried out in full.

3. This application to vary Condition 3 of DC/14/1206/FUL was submitted following a breach of condition notice being served by the Council, and follows advice offered to the applicant by highways officers and planning officers.
4. The application proposes alternative temporary car parking for Unit 151, adjacent to Unit 149.

**APPLICATION SUPPORTING MATERIAL:**

5. The application is supported by the following documents:
  - (i) Application form.
  - (ii) Drawing No. BR3-SK01 – Temporary Parking Plot 151.

**SITE DETAILS:**

6. The application relates to a site which is located in the village of Beck Row, in part within the defined settlement boundary. Beck Row is designated as a Primary Village in the Core Strategy Policy CS1. It has a population of 3897 (including Holywell Row and Kenny Hill (2011 Parish Profile).
7. The site is situated centrally within Beck Row, to the north of The Street (A1101). It occupies an area of approximately 5 hectares which is divided into two distinct land parcels which are separated by Skelton's Drove. Skelton's Drove is a private road which was owned by Defence Estates until recently. It is understood that it was sold during the summer of 2015.
8. Skelton's Drove demarks the northern and eastern boundaries of the western land parcel, and part of the western boundary of the eastern land parcel.
9. Land to the immediate north of the application site comprises arable farmland and land which was until recently in the ownership of the RAF. Existing residential development is situated adjacent the site. This includes properties to the north—west which are occupied by USAF personnel.
10. To the south-west of the site is new residential development on the site of the former Smoke House hotel complex. Rear gardens of existing dwellings which front The Street/Locks Lane back onto the southern boundary of the site.
11. Existing residential development is also located adjacent the eastern boundary of the site, which comprises predominately single storey properties. The opposite side of Holmsey Green consists of one and two storey cottages and some local retail/commercial uses.

12. Construction has already commenced on twenty four of the residential units on the eastern side of Skeltons Drove, in accordance with an extant permission (planning reference F/2203/0177/OUT and 2007/0492/RMA).
13. Units 151 and 152 front Holmsey Green Road, and are situated close to its junction with the A1101 ('The Street'). It is understood that Unit 151 has been occupied since December 2015. Unit 152 is not currently occupied.

#### **PLANNING BACKGROUND:**

14. Planning application DC/14/1206 proposed 166 residential dwellings. It was taken to the October 2015 meeting of the Council's Development Control Committee, with the officer recommendation of approval.
15. At the committee meeting, some Members raised concern regarding the proximity of the private accesses serving Plot 151 and Plot 152, due to their close proximity to the Holmsey Green/A1101 The Street junction. Members resolved to grant planning permission, subject to the inclusion of an additional condition requiring the additional highway work required under separate highways applications (but not part of the planning application) to be implemented prior to occupation of these units.
16. The wording of this condition (Condition 3 of the decision notice) was agreed by the Suffolk County Council Highways Engineer and the Planning Applicant prior to the issue of the decision notice:

#### **'PRIOR TO FIRST OCCUPATION OF PHASE 1 - UNITS 151 AND 152**

Prior to the first occupation of units 151 and 152 within Phase 1 (as shown on the Phasing Plan, Approved Drawing No. 6740 SL01 W), the highway works associated with the S278 and S38 highways work shall be carried out fully in accordance with the approved details.

*Reason: In the interests of highway safety'.*

17. For the avoidance of doubt, applications made under Section 38 of the Highway Act 1980 relate to the means by which a road becomes a public highway. In the context of this development site, the Section 38 work relates to the new estate road which runs through the application site from the A1101 roundabout onto Holmsey Green Road. Section 278 applications under the Highway Act 1980 relate to the detailed highways works. In this context, the Section 278 work relates to, *inter alia*, the road configuration where the estate road joins Homsey Green Road; highway/footway works at the junction of the A1101 and highway/footway works relating to the new priority junction of the estate road with Holmsey Green Road.

#### **PLANNING HISTORY:**

##### Extant Planning Permission

18. The application site has a lengthy and complex planning history.

**DC/16/0676/S106BA** Application under S106BA - Variation of affordable housing requirements (Refused 28 April 2016).

**DC/14/1206/FUL** Proposed residential development of 166 no. market dwellings, including associated public open space, associated accesses, landscaping and ancillary works, including the part retrospective development of 24 residential units (as amended by drawings received 09 July 2015 which proposes 49 affordable housing units). (Granted 25 November 2015)

**F/2007/0492/RMA** - Reserved matters for 150 dwellings for occupation by USAF personnel (resubmission) (Granted 2008)

**F/2003/1077/OUT** - Outline planning permission for residential development of the site (Granted 2005).

**F/2007/0014/RMA** - reserved matters for 150 dwellings for occupation by USAF personnel (withdrawn)

**F/2002/524/OUT** - residential development and means of access for occupation by USAF personnel (Refused).

**F/98/568/OUT** - Residential development and means of access for occupation by USAF personnel (Refused. Appeal Dismissed).

**F/93/260/OUT** - Residential development and means of access for occupation by USAF personnel (Refused. Appeal Dismissed).

**F/91/611/OUT** - Residential development and means of access for occupation by USAF personnel. (Refused. Appeal dismissed).

#### **CONSULTATIONS:**

19. Members of the public and statutory consultees were consulted in respect of the scheme as submitted. The following is a summary of statutory comments received in relation to the scheme as originally submitted and as amended.

20. **Suffolk County Council Highways – No objection. Comments.** The proposal to temporarily locate the parking for Plot 151 at Plot 149 is acceptable to the Highway Authority as a short term solution (until S278 works are complete). As previously discussed, if Plot 152 should become occupied prior to the S278 being completed, additional accessible parking will be required.

21. **West Suffolk Strategic Housing – No further comments.**

22. **West Suffolk Public Health and Housing – No further comments.**

23. **West Suffolk Environmental Health- No objection.**

24. **Suffolk County Council, Flood and Water Manager – No comments to make.**

25. **Environment Agency – No comments to make.**

26. **Mildenhall Drainage Board. No objection.**

**REPRESENTATIONS:**

27. **Third party representations** have been received from the residents of the following property:

- 1 Harvester Lane

28. The following is a summary of the issues raised:

- Car parking already a problem in this area.
- More car parking should be encouraged.
- Existing green space should be used for car parks.
- Open space should be properly managed and maintained.

**POLICIES:**

**DEVELOPMENT PLAN**

29. The Development Plan for Forest Heath comprises the following:

- The Forest Heath Local Plan (1995) as 'saved' by the Secretary of State in September 2007 and as subsequently amended by the adoption of the Forest Heath Core Strategy in May 2010, and the Joint Development Management Policies in February 2015.
- The Forest Heath Core Strategy adopted in May 2010, as amended following the High Court Order which quashed the majority of Policy CS7 and made consequential amendments to Policies CS1 and CS13.
- The adopted policies of the Joint Development Management Policies Document (JDMP) Local Plan Document (February 2015).

30. The following Development Plan policies are applicable to the application proposal:

**Forest Heath Local Plan (1995) Saved Policies**

Inset Map No.6 - Beck Row Development Boundary.

**Forest Heath Core Strategy 2010**

Visions:

- **Vision 1** – Forest Heath

- **Vision 7** – Beck Row, Exning, Kentford, West Row

Spatial Objectives:

- **H1** – Housing provision
- **H2** – Housing mix and design standard
- **H3** – Suitable housing and facilities
- **T1** – Location of new development where there are opportunities for sustainable travel

Policies

- **CS1:** Spatial Strategy
- **CS5:** Design Quality and Local Distinctiveness
- **CS7:** Overall Housing Provision (sub-paragraph 1 only. Sub paragraphs 2,3, 4 and 5 were quashed by the Court Order)
- **CS9:** Affordable Housing Provision
- **CS13:** Infrastructure and Developer Contributions

**Joint Development Management Policies Document 2015**

- **DM1** – Presumption in Favour of Sustainable Development.
- **DM2** – Creating Places – Development Principles and Local Distinctiveness.
- **DM5** – Development in the Countryside.
- **DM7** – Sustainable Design and Construction.
- **DM22** – Residential Design.
- **DM45** – Transport Assessments and Travel Plans.
- **DM46** – Parking Standards.

**Emerging Development Plan Policy**

31. **Single Issue Review and Site Allocations Document:** Consultation on two Local Plan documents began on 04 April 2016 and ends on 08 June 2016. The documents cover homes and sites, and are known as the Overall Housing Provision and Distribution (Single Issue Review of Core Strategy Policy CS7) – Preferred Options and Site Allocations – Preferred Options.
32. The Examination of the 'submission' Core Strategy Single Issue Review (CS7) and Site Allocations Local Plan documents is not expected before early 2017, with adoption in mid-2017.
33. At the present time, the Single Issue Review and the Site Allocations Document carry limited weight in the decision making process, although the published evidence underlying the SIR still has weight.

## **Other Planning Policy**

### **Supplementary Planning Documents**

34. The following Supplementary Planning Documents are relevant to this planning application:

- Joint Affordable Housing Supplementary Planning Document (October 2013)
- Open Space, Sport and Recreation Supplementary Planning Document (October 2011)

### **National Planning Policy**

- National Planning Policy framework (2012) Core Principles and Paragraphs

## **PLANNING EVALUATION**

35. This application to vary Condition 03 of DC/14/1206/FUL has been made under Section 73 of the Town and County Planning Act 1990. In accordance with The Act, the Local Planning Authority can only consider the condition that is the subject of the application. It is not a complete re-consideration of the original planning application, nor a mechanism for opening up debate about other issues.

36. In accordance with The Act, the issues to be considered in the determination of the application are:

- Principle of development; and
- Highways and parking issues.

### **Principle of Development**

37. The development site has the benefit of planning permission for residential development, under DC/14/1206/FUL which was granted in November 2015. The principle of development is therefore established.

### **Highways and Parking Issues**

38. The current application seeks to vary Condition 03 of DC/14/1206/FUL, to enable occupation of Plot 151 before the completion of highways works required under Section 38 and Section 278 of the Highways Act 1980.

39. Alternative temporary car parking arrangements for Plot 151 have been identified, and are shown on submitted drawing BR3-SK01. This drawing demonstrates alternative car parking at Plot 149, and indicates that Plot 149 will remain unoccupied until the Section 278 works are carried out.



40. Whilst Plot 151 has been occupied since December 2015, it is understood that it is not possible to park off site, due to raised kerb levels. The dropping of these kerbs will only be possible through successful application to the Highway Authority. It is understood that the occupants of this property are using the parking provided adjacent Plot 149.
41. The alternative car parking arrangements for Plot 151 have been considered by the Suffolk County Council Highways Engineer. In consultation correspondence dated 07 March 2016 the alternative arrangements are confirmed as acceptable.
42. Officers are satisfied that the alternative parking arrangement for Plot 151 would address the original purpose of Planning Condition 3 – to prevent vehicular access to this plot until such time as the highway works have been undertaken. It is acknowledged that this would not be a permanent solution, and that vehicular access to Plot 151 would only be possible once the outstanding Section 278 highway works have been completed.
43. Officers have sought further advice on the timescale for undertaking the Section 278 highway works from both the Highways Engineer and the Applicant. It is understood that a Safety Audit has been submitted to the Highway Authority, but this needs to be signed off. At the time of writing this report it is not known how long it will take to sign off or undertake any work arising. A verbal update will be given at the committee meeting.

### Summary

44. Officers consider it disappointing that the Applicant continued to progress the sale of this property in the full knowledge of the restrictive planning condition which prevented occupation until highway works had been carried out. An alternative car parking solution has been put forward which addresses the highway safety concerns raised by Members, which was the basis for securing the condition in the first place. It would therefore be unreasonable to refuse this application to vary the condition.
45. Officers have considered the wording of the existing condition, and consider it would be reasonable for it to be re-worded as follows:

#### PRIOR TO FIRST OCCUPATION OF PHASE 1 – UNITS 152

Prior to the first occupation of Unit 152 within Phase 1 (as shown on the Phasing Plan, Approved Drawing No. 6740 SL01 W), the highway works associated with the S278 highways work shall be carried out fully in accordance with the approved details.

*Reason: In the interests of highway safety.*

46. Officers note that the wording of the original condition restricted occupation of the adjacent Unit 152. It is understood that this property is not currently occupied. It considered appropriate that this restriction remains, and an additional condition relating to this property is recommended as follows:

## TEMPORARY CAR PARKING – UNIT 151

Temporary car parking to serve Unit 151 shall be as shown on submitted drawing Drawing No. BR3-SK01 – Temporary Parking Plot 151, until such time as the Section 278 Highway works has been carried out fully in accordance with the approved details.

*Reason: In the interests of highway safety.*

47. The Applicant has confirmed the acceptability of this condition.

### Conclusion

48. The Framework directs that applications should only be refused on transport grounds if the residential cumulative impacts of the development are severe. Officers are satisfied that the alternative parking arrangements proposed by this application are acceptable, and do not raise significant highways issues such as to refuse the application to vary this condition. In reaching this decision, it is material that that the County Highways Engineer has raised no objection to the proposals.

### **Section 106 Planning Obligation Issues**

49. The satisfactory determination of this application will result in the fresh grant of planning permission. A deed to vary the original Section 106 will therefore be required. The policy compliant developer contributions relating to affordable housing, education, open space, transport and healthcare which were sought and agreed under the Section 106 will remain unchanged.

50. At the time of writing this report, the Planning Applicant had not confirmed the acceptability of entering into a deed of variation. A verbal update will be given at the committee meeting.

### **CONCLUSIONS AND PLANNING BALANCE**

51. The principle and detail of the development is considered to be acceptable and in compliance with relevant development plan policies and the National Planning Policy Framework.

### **RECOMMENDATION**

52. That planning permission is **GRANTED** subject to:

(1) The variation of the Section 106 agreement relating to DC/14/1206/FUL

(2) And the following amended/new conditions:

PROPOSED AMENDED PLANNING CONDITION:

PRIOR TO FIRST OCCUPATION OF PHASE 1 – UNITS 152

Prior to the first occupation of Unit 152 within Phase 1 (as shown on the Phasing Plan, Approved Drawing No. 6740 SL01 W), the highway works associated with the S278 highways work shall be carried out fully in accordance with the approved details.

Reason: In the interests of highway safety.

PROPOSED NEW PLANNING CONDITION:

TEMPORARY CAR PARKING – UNIT 151

Temporary car parking to serve Unit 151 shall be as shown on submitted drawing Drawing No. BR3-SK01 – Temporary Parking Plot 151, until such time as the Section 278 Highway works has been carried out fully in accordance with the approved details.

*Reason: In the interests of highway safety.*

**(3)** And the following existing conditions under DC/14/1206/FUL (except where these conditions have already been discharged by the Local Planning Authority):

- Compliance with approved plans.
- Highways – Storage of refuse and recycling bins.
- Highways – Details of carriageways and footways.
- Highways – Deliveries Management Plan.
- Highways – Parking.
- Contamination – further investigative work if found.
- Foul water disposal details.
- Surface water drainage details: SuDs management plan.
- Construction method statement.
- Working hours.
- Ground levels details.
- Details of boundary treatment.
- Samples of materials.
- Detailed scheme of hard and soft landscaping.
- Tree protection.
- Details of tree works for retained trees.
- Detailed Arboricultural Method Statement and Tree Protection Plan.
- Open space management plan.
- Details of play equipment.
- Details of lighting.
- Recommendations of Ecological Appraisal to be implemented.
- Provision of fire hydrants.
- Waste minimisation and recycling strategy.

**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=O2G2TZPDN3000>

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