



St Edmundsbury
BOROUGH COUNCIL

DEV/SE/16/67

WITH THE AGREEMENT OF THE CHAIRMAN AND VICE-CHAIRMEN, THIS ITEM HAS BEEN WITHDRAWN FROM CONSIDERATION AT THIS MEETING BY THE OFFICERS TO ENABLE CLARIFICATION TO BE SOUGHT ON CERTAIN MATTERS

Development Control Committee 6 October 2016

**Planning Applications: DC/16/1589/VAR,
DC/16/1590/VAR and DC/16/ 1591/VAR
Larks Pool Farm, Mill Road, Fornham St Genevieve**

Date: 22 July 2016 **Expiry Date:** 16 September 2016
Registered:

Case Officer: Ed Fosker **Recommendations:** Approve

Parish: Fornham St **Ward:** Fornham
Martin Cum St
Genevieve

Proposal:

DC/16/1589/VAR - Planning Application - Variation of Condition 2 of DC/15/1753/FUL , Retention of modification and change of use of former agricultural building to storage (Class B8), to enable amendment to opening hours, as amended by revised wording in planning statement 21 July 2016;

DC/16/1590/VAR – Planning Application - Variation of Condition 2 of DC/15/1754/FUL , Retention of modification and change of use of former agricultural building to storage (Class B8), to enable amendment to opening hours, as amended by revised wording in planning statement 21 July 2016; and

DC/16/1591/VAR - Planning Application - Variation of condition 2 of DC/15/1759/FUL, 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), to enable amendment to opening hours

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 granted for the above applications, subject to conditions.

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Background:

These applications are presented to the Development Control Committee as they relate to locally contentious proposals that were originally considered by the Committee on 3 March and 4 May 2016. In view of this scenario and noting the Parish Council objection to all three applications, the proposals, therefore, have not been presented to the Delegation Panel and they are submitted directly to the Development Control Committee for consideration.

The applications are all recommended for APPROVAL.

Proposal:

1. Planning permission is sought to vary the hours of opening / operation associated with each of the three proposals. DC/16/1589/VAR relates to building C, DC/16/1590/VAR to building D and DC/16/1591/VAR relates to the open storage at Area H. Buildings C and D are the small scale 'lock up' type storage within the former piggery buildings in the centre of the site.
2. In relation to DC/16/1589/VAR, DC/16/1590/VAR and DC/16/1591/VAR these seek to vary Condition 2 of DC/15/1753/FUL, DC/15/1754/FUL and DC/15/1759/FUL respectively. Condition 2 of these permissions are identical and presently read as follows –

'There shall be no vehicle or pedestrian movements to or from the site in relation to the use hereby approved, nor any employees, visitors, customers or other personnel on the site in relation to the use hereby approved, outside of the following times -

*07.00 - 18.00; Monday - Friday
08.00 - 13.00; Saturdays*

The premises shall not be open, accessed or otherwise used (except for in situ storage) outside of these times nor at any time on Sundays, Bank or Public Holidays'.

3. The proposals seek to vary these conditions with the following wording -

'There shall be no vehicle or pedestrian movements to or from the site in relation to the use hereby approved, nor any employees, visitors, customers or other personnel on the site in relation to the use hereby approved, outside of the following times -

*07.00 - 21.00; Monday – Friday
08.00 - 18.00; Saturdays, Sundays and Bank and Public Holidays*

The premises shall not be open, accessed or otherwise used (except for in situ storage) outside of these times.'

Site Details:

4. The site known as Larks Pool Farm is located in Fornham St Genevieve (Countryside) on the northern side of Mill Road and comprises a series of commercial buildings and open storage uses located on a former pig farm. The applicant operates a haulage firm from the site, with a number of lock up garages, offices and workshops within converted former livestock sheds. An area of woodland protected by a Tree Preservation Order exists to the east along Mill Road, with a large pond within the woodland.
5. Larks Pool Farm house is located to the western side of the site and is occupied by the applicant family. Beyond this, and closest to the application site is Oak Lodge, which is the nearest third party owned property being approximately 100 metres as the crow flies to the nearest on-site building. The dwelling known as 'Kingsbury Hill Wood' is located on the southern side of Mill Road approximately 100 metres away to the east. 'The Lighthouse' is located approximately 140 metres to the north of the site and located on West Stow Road.

Planning History:

6. The site has some formal planning application history including the six planning applications approved at the Development Control Committee meeting on 4 May 2016.
7. The site also has an extensive enforcement history including investigations into the haulage business which concluded in 2001 when it was considered that the said business was lawful because of the length of time that had passed. There are also ongoing enforcement investigations into the present unauthorised uses which has led to the submission of these applications.

Consultations:

8. Highway Authority: All three applications - Do not wish to restrict the granting of planning permission.
9. Public Health and Housing: All three applications – no objection.

Representations:

10. Fornham St Martin Cum St Genevieve Parish Council: All three applications – *'The Parish Council has made its feelings and opinions very clear over a long period regarding the Larkspool development and we were encouraged by the Development Committee's original decision to apply sensible conditions regarding operational hours.'*

The Parish Council would therefore be disappointed if the decision of the Development Committee regarding operational hours was revoked to the detriment of local residential amenity at this time.

The Parish Council therefore Objects to applications DC/161589, DC/161590 and DC/16/1591 for variance to operational hours.'

11. Representations: One letter of objection has been received to all three applications. This raises the following comments –
- Two of the applications are contradictory in relation to weekend/public holiday access.
 - Whilst I have no problem with applying the "reason" to the original conditions I do have concerns about overturning the DCC decisions and relaxing operating hours.
 - Some "private" users could be considered infrequent and low key but surely they could arrange their affairs to access over weekdays/Saturdays during conditional hours.
 - Historical evidence shows that several commercial users of the garage units and shipping containers storage and parking will make full use of any access outside of normal hours.
 - Rentals will inevitably yo-yo between private/commercial use in the future - impossible to control without a firm stance on hours.
 - Difficult to devise a variation which gives leeway for considerate occasional private access but prevents inconsiderate commercial high impact evening/night/weekend/holiday nuisance.

Policy: The following policies of the Forest Heath and St Edmundsbury Joint Development Management Document February 2015, the St Edmundsbury Core Strategy December 2010 and the National Planning Policy Framework 2012 have been taken into account in the consideration of this application:

12. St Edmundsbury Core Strategy December 2010

- Policy CS3 – Sustainable development

13. Forest Heath and St Edmundsbury Joint Development Management Document February 2015

- DM1 Presumption in favour of sustainable development
- DM2 Creating Places – Development Principles and Local Distinctiveness

Other Planning Policy:

14. National Planning Policy Framework (2012)

Officer Comment:

15. The issues to be considered in the determination of the application are:

- The conditions for which these amendments are sought were imposed in the interests of residential amenity so this is the sole matter for

consideration.

Residential Amenity

16. The relevant Condition 2 on all three applications was imposed in the interests of amenity so this is the principal matter for consideration. It is noted that Public Health and Housing have no objection to the additional three hours that are sought on Monday to Friday, or in relation to the additional five hours that are sought until 18:00 on Saturday, Sunday or Bank Holidays.
17. The applicant suggests that the storage units now granted consent are low-key and their use infrequent. What is significant, in the opinion of the applicant, is that those who use the storage are able to do so at a time which gives them greater flexibility but which is not unreasonable in terms of any impact upon amenity. The applicant argues that storage users typically work conventional hours elsewhere and will often have a need to access their stored items outside the hours specified in the condition. Consequently, the applicant considers that Condition 2 as approved is unduly prohibitive and unnecessarily restrictive.
18. The proposals seek to allow access to the storage units until 21:00 during the week, instead of the 18:00 cut off hour in the consented scheme. No change is sought to the a.m. hours. On weekends and Bank Holidays the consented scheme allows access until 13:00 whereas these proposals seek access until 18:00.
19. Buildings C and D are small scale single storey 'lock up' style units. They are of a scale typical for domestic use that might typically be served by a domestic vehicle and trailer or a van. They are located within the centre of the site approximately 120 metres from Oak Lodge, which is the nearest off-site dwelling. Area H is located to the north of the site, screened by fencing to the north, and accessed through the site from the south. The nearest dwelling to the north is Little Farm which is approximately 150 metres away. Area H is used for the storage / parking of larger vehicles which might generate more noise than perhaps a domestic vehicle would, but the hours sought are considered to be within the bounds of reasonableness.
20. Within the context of this site therefore, noting the wider extent of uses, noting the separation distances to off-site dwellings, and noting the generally low key nature of these storage uses, it is not considered that the extension of the hours would give rise to amenity impacts that would otherwise be prejudicial to residential amenity. Whilst there may be impacts arising throughout a greater period of the day they are considered to be modest and in accord with the provisions of DM2 which seeks to protect residential amenity.
21. Comments made in relation to this proposal are summarised above. These comments are noted and respected but, given the modest scale of the units and open storage, and the fact that the hours sought remain wholly within the bounds of reasonableness, it is not considered that any amenity

impacts are sufficient to justify the withholding of planning permission. The Parish Council has expressed disappointment if the hours of use were relaxed to the detriment of the amenities of nearby dwellings. For the reasons expressed in this report, Officers do not consider that such would be likely.

22.No further objections or concerns have been raised with regard to loss of residential amenity. Furthermore, no adverse comments have been received from Environmental Services in relation to the consideration of these applications.

Other Issues

23.There are no other changes to the applications, which remain as before. It is not considered that the revised hours give rise to the need to reconsider in detail matters of highways impact, drainage or biodiversity.

24. These applications seek to vary conditions and, in planning law, are therefore separate approvals in themselves. As well as amending Condition 2 as so requested it will be necessary to include the original conditions as before, amended as necessary to reflect updated timescales.

Conclusion

25.The applications are therefore considered to comply with policies contained within the Forest Heath and St Edmundsbury Joint Development Management Document February 2015, the St Edmundsbury Core Strategy December 2010 and the National Planning Policy Framework 2012.

Recommendations:

In respect of applications DC/16/1589/VAR, DC/16/1590/VAR and DC/16/1591/VAR it is **RECOMMENDED** that planning permissions be **granted** to vary Condition 2 as set out above.

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=OAO7YPPDII100>

<https://planning.westsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=OAO7YWPDII300>

<https://planning.westsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=OAO7YYPDII500>

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