



*St Edmundsbury*  
BOROUGH COUNCIL

**DEV/SE/16/75**

# **Development Control Committee Report 3 November 2016**

**Planning Applications:**

**DC/16/1589/VAR**

**DC/16/1590/VAR and DC/16/ 1591/VAR**

**Lark's Pool Farm, Mill Road, Fornham St Genevieve**

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

**Case Officer:** Ed Fosker      **Recommendations:** Grant permissions

**Parish:** Fornham      **Ward:** Fornham  
St.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, at Building C;

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, at Building D; 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 at Area H

**Site:** Lark's Pool Farm, Mill Road, Fornham St Genevieve, Suffolk, 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 applications, subject to conditions.

CONTACT CASE OFFICER: Ed Fosker  
Email: [Edward.fosker@westsuffolk.gov.uk](mailto:Edward.fosker@westsuffolk.gov.uk)  
Telephone: 01638 719431

## **Background:**

**These applications are presented to the Development Control Committee as they relate to locally contentious applications that were originally considered by the Development Control Committee in March and May 2016. Therefore because this scenario, and also noting the Parish Council objection to all three applications, the proposals have not been presented to the Delegation Panel and they are presented directly to the 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 this seeks to vary Conditions 2 of DC/15/1753/FUL, DC/15/1754/FUL and DC/15/1759/FUL respectively. Condition 2 of these applications is identical and presently reads 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 to 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 Lark's 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 Tree Preservation Order exists to the east along Mill Road, with a large pond within the woodland.
5. Lark's Pool Farm house is located to the western side of the site and is occupied by the applicant family. Beyond this, and the second closest dwelling to the application site is Oak Lodge, which is 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 100m. away to the east. 'The Lighthouse' is located approximately 140m. 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 seven planning applications approved by the Development Control Committee 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 then due to the length of time that it had existed. There are also ongoing enforcement investigations into a number of present unauthorised uses.

### **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 – there are no noise sensitive receptors close by which may be affected by this application. Therefore Public Health and Housing have no objection.
10. Ramblers' Association: Object to all three applications. Concern is raised with regard to the safety and accident risk to walkers, cyclists and horse riders on Mill Road and at the junction to West Stow/Culford Road with regard to increased heavy vehicle traffic on this narrow road. The use of this road as a local amenity, and which forms part of the public rights of way - the Lark Valley Path and St Edmunds Way, is particularly significant at weekends and weekday evenings. The proposed extension of use therefore, which would increase the traffic at these very times, is unacceptable. Suggest therefore that the Planning Committee's decision to include Condition 2 restrictions should remain unaltered.

11. Rights of Way(13/10/2014): All three applications – no objection.

12. Rights of Way (14/10/2016): The two routes combined accommodate the Lark Valley Path, a promoted long distance trail from Bury St Edmunds to Mildenhall. This is a very popular route and well used at weekends and evenings during the summer months. The proposed increase in operating hours will cause increased traffic along this quiet stretch of road conflicting with pedestrians accessing the route. Also to cyclists and horse riders gaining access through to Hengrave.

### **Representations:**

13. 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.'*

14. Representations: Two letters of objection to all three applications, have been received and are both from the same author. These raise the following summarised 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.
- Impossible for operating hours to be controlled or monitored by officers.
- The convenience of the users of the storage units appears to be given undue priority and weight to the detriment of public and residential amenity.

- Concern over outstanding lawful development certificates for other buildings on the site.
- Also concern that conditions are being breached by way of the external storage of materials.

**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:

15.St Edmundsbury Core Strategy December 2010

- Policy CS3 – Sustainable development

16.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:**

17. National Planning Policy Framework (2012)

**Officer Comment:**

18.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 amenity so this is the principal matter for consideration.

**Amenity Impacts**

19.The relevant conditions on all three applications were 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 a day that are sought on Monday to Friday, or in relation to the additional five hours until 18.00 on Saturday, or to the additional ten hours that are sought from 08.00 until 18:00 on Sunday and Bank Holidays. Public Health and Housing also conclude that there are no noise sensitive receptors close by which may be affected by this application.

20.The applicant suggests that the storage units now consented 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 impacts, either upon amenity, highway safety or upon the amenity enjoyment of nearby rights of way. 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.

21. 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 AM hours. There is currently only provision for access between 08.00 and 13.00 on Saturdays and no provision for Sunday or Bank Holiday access within the current consent. These proposals seek access on weekends and Bank Holidays between 08.00 and 18.00.
22. Buildings C and D are small scale single storey 'lock-up' style units. They are of a size typical for domestic use that might typically be served by a domestic vehicle and trailer or a van, although the prospect of some commercial use could not be controlled and should not therefore be discounted. They are located within the centre of the site approximately 120 metres from Oak Lodge, which is the nearest off site dwelling, albeit closer to the applicant owned property at Lark's Pool Farm house. 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 to 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.
23. 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 storages 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, for example vehicular movements to and of the site during these extended hours, these impacts are considered modest, and in accord with the provisions of DM2 that seek to protect residential amenity.
24. Third party comments made in relation to this proposal are summarised above. These comments are noted and respected. In assessing this point the modest scale of the units and open storage, and the fact that the hours sought remain wholly within the bounds of reasonableness, leads to a conclusion that any amenity impacts are not sufficient to justify the withholding of planning consent. The Parish Council express disappointment if the hours of use were relaxed to the detriment of the amenities of nearby dwellings. Given the distances of separation with third party owned property Officers do not consider that there would be any material adverse impact on residential amenity currently enjoyed, and certainly not to an extent that would withstand the scrutiny of an appeal. None of the proposed hours sought would have impacts judged likely to materially and adversely affect amenity at hours that were so anti-social so as to justify a refusal, not least given the low key nature of the storage sought and the fact that it is not considered that the proposal will lead to any material increase in vehicular numbers, rather that it will spread these movements out over a greater period of time.

- 25.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.
- 26.The Rights of Way Officer initially raised no objection to the three applications. The following day this position was revised and concerns were raised with regard to an increase in traffic conflicting with users of the Lark Valley path on evenings and weekends. The Ramblers' Association raised the same concern.
- 27.The view of the Rights of Way Officer and the Ramblers is respected, and must be given due consideration. The presence of vehicles serving these uses at times when pedestrians might otherwise expect to be enjoying the tranquillity of the nearby footpath route has the potential to adversely affect the enjoyment of users of the recreational route. This must be taken as weighing against the scheme, particularly noting the extended hours in evenings and weekends when leisure use of the footpaths is likely to be at its highest, and also noting that the existing consent does not allow such access at these times.
- 28.However, the view of Officers, on balance, is that any such impact is not considered sufficient to justify a refusal of the scheme. The extended hours are not considered to lead to any material increase in vehicular movements, and the storage uses in question are located within the site, rather than around the periphery, where any adverse effects upon amenity of users of the footpath will consequentially be limited as a result.
- 29.It is considered that there is no indication that these extended hours would lead to an increase in vehicular movements, rather that they would be more sporadic as a result of the flexibility allowed by longer hours. The effect upon the safety of the highway network can therefore reasonably be judged acceptable.

### **Other Issues**

- 30.There are no other changes to the applications proposed. Accordingly, whether the lettings and storage are private or commercial, or a mixture of both, is not a consideration, as it was not previously. It is not considered that the revised hours give rise to the need to reconsider drainage or biodiversity or any other matters.
31. 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. Officers are satisfied that the enforcement of any revised hours conditions will be no more or less difficult that it would be under the existing consent.
32. Conditions 5, 6, 8, 11 & 12 of DC/15/1753/FUL, DC/15/1754/FUL &



DC/15/1759/FUL are still currently outstanding (submissions within three months were required when approving the previous applications, which expired in September and which is being pursued from an Enforcement perspective). It is not considered to be unreasonable to change these therefore to 'within one month' as most of the work should already have been done and should be submitted soon thereafter following any revised approvals, noting in any event that this matter is being pursued by the Enforcement Team and that formal notice can be served if necessary to secure a submission.

## Conditions

33. For ease of reference the conditions for DC/16/1589/VAR DC/16/1590/VAR and DC/16/ 1591/VAR are laid out below in full:

### DC/16/1589/VAR

- 1 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the following approved plans and documents:

Reason: To define the scope and extent of this permission.

- 2 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, Sunday and bank holidays

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

- 3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order) 2015 as amended (or any Order revoking and re-enacting that Order) the site and buildings thereon shall be used for storage only; and for no other purpose (including any other use in Class B8; of the Schedule to the Town and Country Planning (Use Classes) Order 1987 as amended or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order.

Reason: To safeguard the amenities of the locality.

- 4 Details of any existing and proposed external lights at or to be installed at the site shall be submitted to and approved in writing by the Local Planning Authority prior to their provision on site. ( See Note 1). No fixed external lighting other than any approved through his condition shall be used on site.

Reason: To prevent light pollution in the interests of residential and

visual amenity, and in the interests of biodiversity.

- 5 Details of otter fencing and wildlife reflectors to be provided on site as per the submitted ecological report shall be submitted in writing to the Local Planning Authority within one month of the date of this decision. Any such details as may be approved in writing by the Local Planning Authority shall be implemented in accordance with the agreed details within a period of three months from the date that written approval is given, or in accordance with any other timescales as may be agreed in writing by the Local Planning Authority. The otter fencing and wildlife reflectors shall thereafter be retained as installed.

Reason: To ensure that mitigation measures are provided to ensure that wildlife habitats are maintained and are not adversely affected by the development.

- 6 Details of bat and bird boxes to be provided on site shall be submitted in writing to the Local Planning Authority within three months of the date of this decision. Any such details as may be approved in writing by the Local Planning Authority shall be implemented in accordance with the agreed details within a period of one month from the date that written approval is given, or in accordance with any other timescales agreed in writing by the Local Planning Authority. The bat and bird boxes shall thereafter be retained as installed. (please see Note Two below).

Reason: To ensure that mitigation measures are provided to ensure that wildlife habitats are maintained and are not adversely affected by the development.

- 7 Notwithstanding the details shown on the submitted landscaping plan (Drawing Number LSDP 11214.01 which is not hereby approved) a soft landscaping scheme for the areas within the red and blue lines shall be submitted to the Local Planning Authority in writing within three months of the date of this decision. This scheme, drawn to a scale of not less than 1:200, shall include accurate indications of the position, species, girth, canopy spread and height of all existing and proposed trees and hedgerows on and adjacent to the site and details of any to be retained, together with measures for their protection. Any scheme as may be submitted shall have regard to the provisions set out within Note Three below.

The approved scheme shall be implemented in its entirety within the first full planting season (October - March inclusive) following the date on which written approval to any scheme is given by the Local Planning Authority.

Any retained or new trees removed, dying or becoming seriously damaged or diseased within five years of either approval of the landscaping scheme or the date of planting (as may be relevant, and whichever is the later) shall be replaced within the first

available planting season thereafter with planting of similar size and species unless the Local Planning Authority gives written consent for any variation.

Reason: To enhance the appearance of the development.

- 8 Details of boundary treatments to the protected woodland area to the east of the site shall be submitted in writing to the Local Planning Authority within one month of the date of this decision. Any such details as may be approved in writing by the Local Planning Authority shall be implemented in accordance with the agreed details within a period of one month from the date that written approval is given, or in accordance with any other timescales agreed in writing by the Local Planning Authority. The boundary treatments to the protected woodland area shall thereafter be retained as installed. (please see Note Four below).

Reason: To enhance the appearance of the development.

- 9 The development hereby permitted 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.

Reason: To ensure that vehicles can enter and leave the public highway in a safe manner in the interests of road safety.

- 10 A scheme for the storage of refuse and the provision of recycling facilities shall be submitted in writing to the Local Planning Authority within three months of the date of this decision. Any such details as may be approved in writing by the Local Planning Authority shall be implemented in accordance with the agreed details within a period of one month from the date that written approval is given, or in accordance with any other timescales agreed in writing by the Local Planning Authority. The refuse and recycling facilities shall thereafter be retained as installed.

Reason: To ensure the incorporation of waste storage and recycling arrangements.

- 11 A scheme for the provision and implementation of surface water drainage for the site shall be submitted in writing to the Local Planning Authority within one month of the date of this decision. Any such details as may be approved in writing by the Local Planning Authority shall be implemented in accordance with the agreed details within a period of one month from the date that written approval is given, or in accordance with any other timescales agreed in writing by the Local Planning Authority. The scheme for the provision and implementation of surface water drainage shall thereafter be retained as installed.

Reason: To ensure a satisfactory method of surface water

drainage.

- 12 A scheme for the provision and implementation of foul water drainage for the site shall be submitted in writing to the Local Planning Authority within one month of the date of this decision. Any such details as may be approved in writing by the Local Planning Authority shall be implemented in accordance with the agreed details within a period of one month from the date that written approval is given, or in accordance with any other timescales agreed in writing by the Local Planning Authority. The scheme for the provision and implementation of foul water drainage shall thereafter be retained as installed.

Reason: To ensure a satisfactory method of foul water drainage.

- 13 No vehicle over 3.5 tonnes (gross vehicle weight) shall be stationed, parked or stored on this site.

Reason: In the interests of residential and visual amenity.

- 14 No goods, plant, material (including waste material) or other items shall be deposited, displayed or stored outside the building without the prior written consent of the Local Planning Authority.

Reason: To safeguard the amenities of the locality.

#### DC/16/1590/VAR

- 1 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the following approved plans and documents:

Reason: To define the scope and extent of this permission

- 2 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, Sunday and bank holidays

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

- 3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order) 2015 as amended (or any Order revoking and re-enacting that Order) the site and buildings thereon shall be used for storage only; and for no other purpose (including any other use in Class B8; of the Schedule to the Town and Country Planning (Use Classes) Order 1987 as amended or in

any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order.

Reason: To safeguard the amenities of the locality.

- 4 Details of any existing and proposed external lights at or to be installed at the site shall be submitted to and approved in writing by the Local Planning Authority prior to their provision on site. ( See Note 1). No fixed external lighting other than any approved through his condition shall be used on site.

Reason: To prevent light pollution in the interests of residential and visual amenity, and in the interests of biodiversity.

- 5 Details of otter fencing and wildlife reflectors to be provided on site as per the submitted ecological report shall be submitted in writing to the Local Planning Authority within three months of the date of this decision. Any such details as may be approved in writing by the Local Planning Authority shall be implemented in accordance with the agreed details within a period of one month from the date that written approval is given, or in accordance with any other timescales as may be agreed in writing by the Local Planning Authority. The otter fencing and wildlife reflectors shall thereafter be retained as installed.

Reason: To ensure that mitigation measures are provided to ensure that wildlife habitats are maintained and are not adversely affected by the development.

- 6 Details of bat and bird boxes to be provided on site shall be submitted in writing to the Local Planning Authority within one month of the date of this decision. Any such details as may be approved in writing by the Local Planning Authority shall be implemented in accordance with the agreed details within a period of one month from the date that written approval is given, or in accordance with any other timescales agreed in writing by the Local Planning Authority. The bat and bird boxes shall thereafter be retained as installed. (please see Note Two below).

Reason: To ensure that mitigation measures are provided to ensure that wildlife habitats are maintained and are not adversely affected by the development.

- 7 Notwithstanding the details shown on the submitted landscaping plan (Drawing Number LSDP 11214.01 which is not hereby approved) a soft landscaping scheme for the areas within the red and blue lines shall be submitted to the Local Planning Authority in writing within one month of the date of this decision. This scheme, drawn to a scale of not less than 1:200, shall include accurate indications of the position, species, girth, canopy spread and height of all existing and proposed trees and hedgerows on and adjacent to the site and details of any to be retained, together with

measures for their protection. Any scheme as may be submitted shall have regard to the provisions set out within Note Three below.

The approved scheme shall be implemented in its entirety within the first full planting season (October - March inclusive) following the date on which written approval to any scheme is given by the Local Planning Authority.

Any retained or new trees removed, dying or becoming seriously damaged or diseased within five years of either approval of the landscaping scheme or the date of planting (as may be relevant, and whichever is the later) shall be replaced within the first available planting season thereafter with planting of similar size and species unless the Local Planning Authority gives written consent for any variation.

- 8 Details of boundary treatments to the protected woodland area to the east of the site shall be submitted in writing to the Local Planning Authority within three months of the date of this decision. Any such details as may be approved in writing by the Local Planning Authority shall be implemented in accordance with the agreed details within a period of one month from the date that written approval is given, or in accordance with any other timescales agreed in writing by the Local Planning Authority. The boundary treatments to the protected woodland area shall thereafter be retained as installed. (please see Note Four below).

Reason: To enhance the appearance of the development.

- 9 The development hereby permitted 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.

Reason: To ensure that vehicles can enter and leave the public highway in a safe manner in the interests of road safety.

- 10 A scheme for the storage of refuse and the provision of recycling facilities shall be submitted in writing to the Local Planning Authority within one month of the date of this decision. Any such details as may be approved in writing by the Local Planning Authority shall be implemented in accordance with the agreed details within a period of one month from the date that written approval is given, or in accordance with any other timescales agreed in writing by the Local Planning Authority. The refuse and recycling facilities shall thereafter be retained as installed.

Reason: To ensure the incorporation of waste storage and recycling arrangements.

- 11 A scheme for the provision and implementation of surface water drainage for the site shall be submitted in writing to the Local

Planning Authority within one month of the date of this decision. Any such details as may be approved in writing by the Local Planning Authority shall be implemented in accordance with the agreed details within a period of one month from the date that written approval is given, or in accordance with any other timescales agreed in writing by the Local Planning Authority. The scheme for the provision and implementation of surface water drainage shall thereafter be retained as installed.

Reason: To ensure a satisfactory method of surface water drainage.

- 12 A scheme for the provision and implementation of foul water drainage for the site shall be submitted in writing to the Local Planning Authority within one month of the date of this decision. Any such details as may be approved in writing by the Local Planning Authority shall be implemented in accordance with the agreed details within a period of one month from the date that written approval is given, or in accordance with any other timescales agreed in writing by the Local Planning Authority. The scheme for the provision and implementation of foul water drainage shall thereafter be retained as installed.

Reason: To ensure a satisfactory method of foul water drainage.

- 13 No vehicle over 3.5 tonnes (gross vehicle weight) shall be stationed, parked or stored on this site.

Reason: In the interests of residential and visual amenity.

- 14 No goods, plant, material (including waste material) or other items shall be deposited, displayed or stored outside the building without the prior written consent of the Local Planning Authority.

Reason: To safeguard the amenities of the locality.

#### DC/16/ 1591/VAR

- 1 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the following approved plans and documents:

Reason: To define the scope and extent of this permission.

- 2 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, Sunday and bank holidays

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

- 3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order) 2015 as amended (or any Order revoking and re-enacting that Order) the site shall be used for open storage only in accordance with Condition 10; and for no other purpose (including any other use in Class B8; of the Schedule to the Town and Country Planning (Use Classes) Order 1987 as amended or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order.

Reason: To safeguard the amenities of the locality.

- 4 Details of any existing and proposed external lights at or to be installed at the site shall be submitted to and approved in writing by the Local Planning Authority prior to their provision on site. ( See Note 1). No fixed external lighting other than any approved through his condition shall be used on site.

Reason: To prevent light pollution in the interests of residential and visual amenity, and in the interests of biodiversity.

- 5 Details of otter fencing and wildlife reflectors to be provided on site as per the submitted ecological report shall be submitted in writing to the Local Planning Authority within one month of the date of this decision. Any such details as may be approved in writing by the Local Planning Authority shall be implemented in accordance with the agreed details within a period of one month from the date that written approval is given, or in accordance with any other timescales as may be agreed in writing by the Local Planning Authority. The otter fencing and wildlife reflectors shall thereafter be retained as installed.

Reason: To ensure that mitigation measures are provided to ensure that wildlife habitats are maintained and are not adversely affected by the development.

- 6 Details of bat and bird boxes to be provided on site shall be submitted in writing to the Local Planning Authority within one month of the date of this decision. Any such details as may be approved in writing by the Local Planning Authority shall be implemented in accordance with the agreed details within a period of one month from the date that written approval is given, or in accordance with any other timescales agreed in writing by the Local Planning Authority. The bat and bird boxes shall thereafter be retained as installed. (please see Note Two below).

Reason: To ensure that mitigation measures are provided to ensure that wildlife habitats are maintained and are not adversely affected by the development.



- 7 Notwithstanding the details shown on the submitted landscaping plan (Drawing Number LSDP 11214.01 which is not hereby approved) a soft landscaping scheme for the areas within the red and blue lines shall be submitted to the Local Planning Authority in writing within one month of the date of this decision. This scheme, drawn to a scale of not less than 1:200, shall include accurate indications of the position, species, girth, canopy spread and height of all existing and proposed trees and hedgerows on and adjacent to the site and details of any to be retained, together with measures for their protection. Any scheme as may be submitted shall have regard to the provisions set out within Note Three below.

The approved scheme shall be implemented in its entirety within the first full planting season (October - March inclusive) following the date on which written approval to any scheme is given by the Local Planning Authority.

Any retained or new trees removed, dying or becoming seriously damaged or diseased within five years of either approval of the landscaping scheme or the date of planting (as may be relevant, and whichever is the later) shall be replaced within the first available planting season thereafter with planting of similar size and species unless the Local Planning Authority gives written consent for any variation.

Reason: To enhance the appearance of the development.

- 8 Details of boundary treatments to the protected woodland area to the east of the site shall be submitted in writing to the Local Planning Authority within one month of the date of this decision. Any such details as may be approved in writing by the Local Planning Authority shall be implemented in accordance with the agreed details within a period of one month from the date that written approval is given, or in accordance with any other timescales agreed in writing by the Local Planning Authority. The boundary treatments to the protected woodland area shall thereafter be retained as installed. (please see Note Four below).

Reason: In the interests of protecting the off site protected woodland area.

- 9 The development hereby permitted 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.

Reason: To ensure that vehicles can enter and leave the public highway in a safe manner in the interests of road safety.

- 10 The permission hereby granted shall be for a maximum of 20 containers (each container to be a maximum size as follows - length 6100mm, width 2400mm height 2600mm), 10 caravans and

/ or motorhomes and 5 horseboxes. The containers stored within the site shall only be stored to a single height with no stacking permitted. No other goods, plant or material (including waste material) shall be deposited or displayed within the site without the prior written consent of the Local Planning Authority.

Reason: To safeguard the amenities of the locality.

- 11 A scheme for the storage of refuse and the provision of recycling facilities shall be submitted in writing to the Local Planning Authority within one month of the date of this decision. Any such details as may be approved in writing by the Local Planning Authority shall be implemented in accordance with the agreed details within a period of one month from the date that written approval is given, or in accordance with any other timescales agreed in writing by the Local Planning Authority. The refuse and recycling facilities shall thereafter be retained as installed.

Reason: To ensure the incorporation of waste storage and recycling arrangements.

- 12 A scheme for the provision and implementation of surface water drainage for the site shall be submitted in writing to the Local Planning Authority within one month of the date of this decision. Any such details as may be approved in writing by the Local Planning Authority shall be implemented in accordance with the agreed details within a period of one month from the date that written approval is given, or in accordance with any other timescales agreed in writing by the Local Planning Authority. The scheme for the provision and implementation of surface water drainage shall thereafter be retained as installed.

Reason: To ensure a satisfactory method of surface water drainage.

- 13 No vehicle over 3.5 tonnes (gross vehicle weight) shall be stationed, parked or stored on this site, with the exception of the stored motorhomes and horse boxes.

Reason: In the interests of residential and visual amenity.

## **Conclusion**

34. 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=OAO7YWPDI1300>

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

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