

Forest Heath District Council

**DEVELOPMENT
CONTROL COMMITTEE**

5 AUGUST 2015

DEV/FH/15/031

Report of the Head of Planning and Growth

**PLANNING APPLICATION DC/15/0530/VAR – TESCO RETAIL DEVELOPMENT,
DUMPLING BRIDGE LANE, LAKENHEATH**

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

Case Officer: Sarah Drane
Telephone: 01638 719432

Committee Report

Date	11.3.2015	Expiry Date:	10.06.2015
Registered:			(extended to 10.8.2015)
Case Officer:	Sarah Drane	Recommendation:	Approve
Parish:	Lakenheath	Ward:	Lakenheath

Proposal: Planning Application DC/15/0530/VAR - Erection of Class A1 retail store, associated access, car parking, landscaping and boundary treatment. Refurbishment of Matthew's Nursery shop including change of use to A1, A2 or A3 and creation of hard landscaped area between shop and High Street (demolition of 12 High Street, glasshouses and associated structures). (Major Development) (Departure from the Development Plan) without compliance with conditions 2, 6 and 7 of F/2010/0338/FUL to enable commencement of works prior to discharging conditions

Site: Tesco Retail Development, Dumpling Bridge Lane, Lakenheath

Applicant: Tesco Stores Ltd

Background:

This application is referred to the Development Control Committee because as it is a major application and the Parish Council object. The application is recommended for approval.

Proposal:

1. Planning permission is sought to vary conditions 6 (submission of hard landscaping details) and 7 (implementation of hard and soft landscaping) of permission F/2010/0338/FUL to enable the planning permission to be implemented to keep the permission live.
2. Condition 6 is currently worded to require the submission of hard landscaping details within 2 months of commencement of development. The request is to vary this condition and require these details prior to the commencement of the construction of the store building.
3. Condition 7 is currently worded to require the approved soft landscaping details to be implemented during the first planting season following approval of the details. The request is to vary this condition and require implementation of the approved soft landscaping during the first planting

season following commencement of construction of the store.

Application Supporting Material:

4. Information submitted with the application as follows:
 - Supporting letter

Site Details:

5. The site is situated within the settlement boundary of Lakenheath which is classified as a key service centre under Core Strategy Policy CS1. The majority of the site (excluding the access) is within the Conservation Area (the boundary of which is defined by Dumpling Bridge Lane). There are two TPO trees (both Ash trees) on the site on Dumpling Bridge Lane, both of which are shown to be retained.
6. The cut off channel runs along the western boundary of the site, but the entire site falls within flood zone 1. There is a gradual slope down from east to west. To the south of the site are dwellings accessed off Anchor Lane. To the east are residential and commercial properties on High Street. To the east of the site on the opposite side of the High Street is Chalk Farm which is a Grade II listed building. The dwellings on the southern side of Dumpling Bridge Lane are noted as Buildings of Local Importance in the adopted Conservation Area appraisal.
7. Land adjacent to the north is where the residential development is proposed (approved under F/2010/0337/OUT) and the reserved matters application (DC/15/0324/RM) is currently under consideration. To the rear of the Matthews Nursery building are a number of derelict greenhouses and storage buildings, all of which are to be demolished. The rear extension to the Matthews Nursery building is also proposed to be removed and the existing building made good, with the option of uses within classes A1, A2 or A3.

Planning History:

8. **F/2010/0338/FUL** - Erection of Class A1 retail store, associated access, car parking, landscaping and boundary treatment. Refurbishment of Matthew's Nursery shop including change of use to A1, A2 or A3 and creation of hard landscaped area between shop and High Street (demolition of 12 High Street, glasshouses and associated structures). (Major Development) (Departure from the Development Plan) - approved

F/2010/0340/CAC - Demolition of glasshouses and associated structures - approved

Consultations:

9. Highway Authority: No objection

EA: No comment

Environmental Health: No objection

Historic England: Request the application be determined in accordance with Local and National Policy

Representations:

10. Parish Council: Object, raising the following concerns:

- For sale signs are up for the commercial and residential parts of the site – Tesco clearly have no plans to build in Lakenheath.
- Changing the timings for delivery of hard and soft landscaping of the site will mean anyone who purchases the site will have the benefit of an extant permission without the need for doing any further development.
- The site will remain an eyesore – resulting in a similar situation in relation to Lakenheath Hall.
- Whilst conditions are in place there is hope that the site will be tidied and the village will get a badly needed store.

11. Two objections have also been received from local residents raising the same concerns as the parish council.

Policy:

The following policies of the Joint Development Management Policies Document and the Forest Heath Core Strategy 2010 have been taken into account in the consideration of this application:

12. Joint Development Management Policies Document 2015:

- DM2 – Creating places
- DM7 – Sustainable design and construction
- DM17 – Conservation Areas
- DM35 – Proposals for main town centre uses
- DM37 – Public realm improvements

13. Forest Heath Core Strategy 2010

- CS1 – Spatial Strategy
- CS3 – Landscape Character and the Historic Environment
- CS5 – Design Quality and Local Distinctiveness
- CS11 – Retail and Town Centre Strategy
- CS13 – Infrastructure and Developer Contributions

Other Planning Policy:

14. National Planning Policy Framework (2012)

- core principles

- Section 1 – Building a strong competitive economy
- Section 2 – Ensuring the vitality of town centres
- Section 7 – Requiring good design
- Section 12 – Conserving and enhancing the historic environment

Officer Comment:

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

- Principle of Development
- Appropriateness of varying the conditions
- Other matters

Principle of Development

16. The principle of development is well established and granted under F/2010/0338/FUL, approved by Members at committee on 22nd December 2010. Planning permission was issued on 23rd February 2012 following the signing of the S106 agreement. In order to keep this permission alive, development had to be commenced before 23rd February 2015. A number of pre-commencement conditions were attached to the permission and a series of Discharge of condition applications were submitted and approved to deal with these. A small area of the main access to the site off High Street was installed on 16.2.2015, so works have lawfully commenced in time, in accordance with the 2010 permission.

Appropriateness of varying the conditions

17. Condition 6 is currently worded to require the submission of hard landscaping details within 2 months of commencement of development. The request is to vary this condition and require these details prior to the commencement of the construction of the store building. No hard landscaping details were required to implement the permission, so the request to require these details prior to the construction of the store building is considered acceptable.

18. Condition 7 is currently worded to require the approved soft landscaping details to be implemented during the first planting season following approval of the details. The request is to vary this condition and require implementation of the approved soft landscaping during the first planting season following commencement of construction of the store. The landscaping details have been agreed under a discharge of condition application, but it will not be possible to implement them during the first planting season following approval. The request to vary this condition requiring implementation in the first planting season following commencement of construction of the store building is considered acceptable.

19. By implementing the permission and allowing the variation of these conditions, it will hopefully enable the site to be sold more easily as any purchaser would not need to go through the planning process again (unless they wanted to design an alternative scheme) as an extant permission is in place. There are clearly economic benefits in enabling this to happen.

Other matters:

20. The Parish Council's concerns are noted. The visual state of the site can be monitored and if necessary Enforcement action can be taken (serving of a s215 notice – untidy land). The other concerns raised would not justify reasons to refuse this variation of condition application.
21. As this is a variation of the original planning permission and the approval of this variation effectively gives a new planning permission for the site, it is necessary to re-impose relevant conditions from the original permission – as set out in the recommendation below.

Conclusion:

22. In conclusion, the principle and detail of the variation is considered to be acceptable and in compliance with relevant development plan policies and the National Planning Policy Framework.

Recommendation:

23. It is recommended that planning permission be **APPROVED** subject to the following conditions:
1. Time limit
 2. Compliance with approved plans
 3. Details of materials as agreed (under DCON(1)/10/0338)
 4. Details of existing, proposed and finished floor levels across the site as agreed (under DCON(1)/10/0338)
 5. Details of hard landscaping to be submitted and agreed
 6. Soft landscaping, including schedule of all plants to be planted and retained, as agreed (under DCON(1)/10/0338)
 7. Details of boundary treatment as agreed (under DCON(1)/10/0338)
 8. Tree retention and protection during construction as set out in Townscape Assessment
 9. Archaeological investigation & recording
 10. Details of fire hydrant provision to be agreed
 11. Comparison goods not to exceed 127sq m of floor space
 12. Restrict opening hours to 06.00-23.00 Mondays to Saturdays and 09.00-17.00 Sundays (subject to comments from Environmental Services)
 13. Restrict delivery times; 07.00 – 20.30 Mon – Fri, 08.00 – 19.30 Saturdays and 09.00 – 14.00 on Sundays and bank holidays (subject to comments from Environmental Services)
 14. Restrict loading and unloading times; 07.00 – 20.30 Mon – Fri, 08.00 – 19.30 Saturdays and 09.00 – 14.00 on Sundays and bank holidays
 15. Restrict movement of wheeled cages outside the store; 07.00 – 22.00 Mon – Fri, 08.00 – 21.00 Saturdays and 09.00 – 16.00 on Sundays and bank holidays
 16. Details of acoustic fencing to be submitted and agreed
 17. Restrict construction times to 8am – 6pm Mon – Fri and 9am-1.30pm on Saturdays only

18. Hours of use of the new occupier of the existing Matthews Nursery Building (A1, 2 or 3) to be agreed in writing
19. Construction management plan as agreed, and implemented, to control/mitigate against dust and noise during the construction process. (under DCON(1)/10/0338)
20. AL4 – access laid out and completed
21. V3 – visibility splays provided
22. GTP1 – travel plan to be agreed
23. P1 – parking and manoeuvring provided
24. Scheme for surface water drainage as agreed (under DCON(3)/10/0338)
25. Contamination investigation and remediation as agreed (under DCON(4)/10/0338)
26. Verification report demonstrating completion of works set out in remediation strategy
27. Contamination found during development and remediation
28. Piling or other penetrative methods for foundations not permitted unless agreed
29. Scheme of pollution control to the water environment including foul water drainage as agreed (under DCON(3)/10/0338)
30. Landscape management plan as agreed (under DCON(1)/10/0338)
31. The development shall secure a minimum of 10% of its energy from decentralised and renewable or low carbon sources, as agreed (under DCON(5)/10/0338)
32. Details of all external lighting, including within the car parks, to be submitted and agreed prior to first use of the store.
33. Details of the method to be used to prevent trolleys being taken out of the car park shall be submitted to, and agreed in writing
34. Details of the number, design and location of refuse storage bins and trolley parking bays to be provided within the car park shall be submitted to and agreed in writing
35. Details of the refuse storage provision to be made within the service yard shall be submitted to and agreed in writing cycle provision to be provided and retained as shown
36. No barriers or gates preventing vehicular access to the car park to be installed at any time

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=NL1GIAPDH3P00>