

Committee Report

Item No: 4

Reference: 4714/16

Case Officer: Gemma Walker

Ward: Wetheringsett.

Ward Member: Cllr Glen Horn.

Description of Development

Variation of Conditions 2 (Approved Plans) & 14 (Parking/turning Provision) following grant of planning permission of 3701/15. (Conversion of Kelly House to residential use, Conversion of the Old Chapel to Residential Use, Demolition of workshop adjoining the Old Chapel, Demolition of free-standing workshop building and the erection of 7No new houses

Location

Kerrison Conference & Training Centre, Stoke Ash Road, Thorndon IP23 7JG,

Parish: Thorndon

Site Area: 7036 m²

Conservation Area:

Listed Building: Not Listed

Received: 17/11/2016

Expiry Date: 10/03/2017

Application Type: FUW - Full App Without Compliance of Condition

Development Type: Major Small Scale - Dwellings

Environmental Impact Assessment: Environmental Assessment Not Required

Applicant: Witnesham Ventures Ltd

Agent: Barefoot And Gilles Ltd

DOCUMENTS SUBMITTED FOR CONSIDERATION

This decision refers to drawing number 1864 DE 10-01 A received 13/10/2015 as the defined red line plan with the site shown edged red. Any other drawing showing land edged red whether as part of another document or as a separate plan/drawing has not been accepted or treated as the defined application site for the purposes of this decision.

The plans and documents recorded below are those upon which this decision has been reached:

Defined Red Line Plan 1864 DE 10-01 A - Received 13/10/2015

ANGLIAN WATER PLAN - Received 13/10/2015

135924-1 - Received 13/10/2015

MAGIC MAP - Received 13/10/2015

NATIONAL GRID LETTER - Received 13/10/2015
UK POWER NETWORK PLAN - Received 13/10/2015
Design and Access Statement STATEMENT - Received 13/10/2015
Viability Assessment ECONOMIC VIABILITY ANALYSIS - Received 13/10/2015
Land Contamination Assessment ENVIROSCREEN REPORT - Received 13/10/2015
Tree Protection Plan TREE SURVEY AND AIA - Received 13/10/2015
Floor Plan - Proposed KELLY HOUSE 1864 DE 20-03 A - Received 13/10/2015
Floor Plan - Proposed 1864 DE 20-02 A - Received 13/10/2015
Floor Plan - Existing OLD CHAPEL 1864 DE 20-04 A - Received 13/10/2015
Plans - Existing & Proposed KELLY HOUSE 1864 DE 30-04 A - Received 13/10/2015
Plans - Existing & Proposed KELLY HOUSE 1864 DE 30-01 A - Received 13/10/2015
Plans - Existing & Proposed KELLY HOUSE 1864 DE 30-03 A - Received 13/10/2015
Plans - Existing & Proposed KELLY HOUSE 1864 DE 30-02 A - Received 13/10/2015
Arboricultural Report ARBORICULTURAL PLAN 4836-D - Received 13/10/2015
Site Plan EXISTING SITE PLAN 1864 DE 10-02 - Received 13/10/2015
Floor Plan - Existing KELLY HOUSE 1864 DE 20-01 A - Received 13/10/2015
Survey Plan SITE SURVEY ALS7039/200/01 AND 2 - Received 13/10/2015
Plans - Proposed 1864 DE 20-06 D - Received 02/02/2016
Plans - Proposed 1&2 1864 DE 20-05 C, - Received 02/02/2016
Plans - Proposed 3,4&5 1864 DE 20-07 B - Received 02/02/2016
Application Form - Received 17/11/2016
Landscaping Plan 1864 DE 10-04 C - Received 17/11/2016
Site Plan 1864 10-03 J - Received 17/11/2016
Plans - Proposed EXTERNAL WORKS PLAN CL-01 P4 - Received 17/11/2016
Tree Protection Plan TREE PLAN 5647-D - Received 09/01/2017
Arboricultural Report HAYDENS REPORT - Received 09/01/2017

The application, plans and documents submitted by the Applicant can be viewed online at www.midsuffolk.gov.uk. Alternatively, a copy is available to view at the Mid Suffolk and Babergh District Council Offices.

PART ONE – REASON FOR REFERENCE TO COMMITTEE

The application is referred to committee for the following reason/s:

It is a “Major” application for:

- a residential land allocation for 15 or more dwellings

PART TWO – APPLICATION BACKGROUND

History

The planning history relevant to the application site is listed below. A detailed assessment of the planning history including any material Planning Appeals will be carried out as needed in Part Three:

2195/07	Change of use from Leisure and Recreation to Leisure, Recreation and Child care combined.	Granted 15/11/2007
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3024/15	Conversion of Kelly House to Residential Use, Conversion of the Old Chapel from Industrial Use to Residential Use, Demolition of Workshop Adjoining The Old Chapel, Demolition of Free-Standing Workshop Building and the Erection of 7No. New Houses (Plot 1, 3 to 7 and 28). Please also refer to Planning Application Ref No. PP-04245016: Conversion of Existing Premises from B1a Office Use To Use Class 3 Dwelling houses at Kelly House, Stoke Road, Thorndon.	Withdrawn Invalid / Never Valid 04/09/2015
3701/15	Conversion of Kelly House to residential use, Conversion of the Old Chapel to Residential Use, Demolition of workshop adjoining the Old Chapel, Demolition of free-standing workshop building and the erection of 7No new houses.	Granted 08/04/2016
3413/16	Non material amendment sought following grant of planning permission 3701/15. Widen the access road in front of the Old Chapel to 4m to adoptable standard. Additional information added regarding outbuildings. The boundary fence to plot 19 amended to ensure adequate area for outbuilding facilities. Root protection areas added to site plan drawings. Kelly House floor plans amendment to internal layout. Elevations amended window and rooflight positions.	Split Decision 19/09/2016

All Policies Identified As Relevant

The proposal has been assessed with regard to adopted development plan policies, the National Planning Policy Framework and all other material considerations. Highlighted local and national policies are listed below. Detailed assessment of policies in relation to the recommendation and issues highlighted in this case will be carried out within the assessment:

Summary of Policies

CS01 - Settlement Hierarchy
CS05 - Mid Suffolk's Environment
FC01 - Presumption In Favour Of Sustainable Development
FC01_1 - Mid Suffolk Approach To Delivering Sustainable Development
GP01 - Design and layout of development
HB13 - Protecting Ancient Monuments
H17 - Keeping residential development away from pollution
CL02 - Development within special landscape areas
CL08 - Protecting wildlife habitats
H03 - Housing development in villages
H15 - Development to reflect local characteristics
H14 - A range of house types to meet different accommodation needs
H10 - Dwellings for key agricultural worker
H16 - Protecting existing residential amenity
T09 - Parking Standards

List of other relevant legislation

- Human Rights Act 1998
- Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990
- Natural Environment and Rural Communities (NERC) Act 2006 (any rural site)
- The Conservation of Habitats and Species Regulations 2010
- Localism Act
- Consideration has been given to the provisions of Section 17 of the Crime and Disorder Act, 1998, in the assessment of this application but the proposal does not raise any significant issues.

Details of Previous Committee / Resolutions and any member site visit

This application previously received delegated authority for grant from Development Control Committee A on 8th February 2017.

This was on the basis that the original consent (3701/15) had been determined before the implementation of CIL, and was the subject of a S106, including contributions to SCC education. However, this variation application for a very minor change would now result in a development that would be CIL liable.

As part of the contribution was towards education this could no longer be sought, as essentially it would result in this being sought twice.

In the light of this it was proposed to require a new S106, with the viability argument allowing for all contributions previously obtained towards education to be used to secure affordable housing instead. However, during the drafting of the S106 the implications of the CIL regulations have now been confirmed and it was decided that an amended authority from members is required.

Whilst the development would become CIL liable under this new application this only relates to any new floorspace created. The application does not result in any change to the floorspace from the original permission, as such the obligations through S106 as sought under the original consent (3701/15) should continue to be sought.

In summary by granting this application the following would be achieved:

The amendment to the scheme required to deliver the housing proposed on this site, which amounts to a change to the layout.

This would be subject to the same S106 requirements as the existing permission, providing for education and affordable housing.

This report therefore seeks to amend the recommendation, maintaining the contributions and condition as the original planning permission, allowing the minimal amendment to the layout to be agreed.

Details of any Pre-Application Advice

Pre-application advice was sought in respect of how to alter the car parking arrangements, and it was agreed that a S.73 variation was required as two conditions specifically required the implementation of the car parking in accordance with a specified plan.

Consultations and Representations

During the course of the application Consultation and Representations from third parties have been received. These are summarised below.

A: Summary of Consultations

Thorndon Parish Clerk

Support this application

SCC - Highways

Suffolk County Council Highways

I confirm that the Highway Authority has no objections to the proposed variations to Conditions 2 and 14 of approval 3701/15 as the variations relate to substitution of updated drawings. The minor revisions to the drawings are considered acceptable and have no overall detrimental highway impact.

Arboricultural Officer

Arboricultural Officer

Tree Survey and Arboricultural Assessment acceptable.

SCC - Flood & Water Management

Suffolk County Council Floods

Flood and Water Management have no comment to make.

B: Representations

None received.

PART THREE – ASSESSMENT OF APPLICATION

In light of the existing consent (3701/15) and committee resolution from 8th February 2017 a further report is not considered necessary with regards to the detail of the proposal, report attached to the committee papers.

PART FOUR – CONCLUSION

1.0 Statement Required By Article 35 Of The Town And Country Planning (Development Management Procedure) Order 2015.

1.1 When determining planning applications The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires Local Planning Authorities to explain how, in dealing with the application they have worked with the applicant to resolve any problems or issues arising.

1.2. In this case the issue arose from the change between S106 and CIL, which this report proposes to resolve.

2. Identification of any Legal Implications and/or Equality Implications (The Equalities Act 2012)

2.1. The proposed amendment to the original committee report and resolution would resolve the existing conflict and agree a decision in accordance with the CIL regulations.

3. Planning Balance

3.1. As with the previous recommendation the proposal, which amounts to a change to layout and parking, is not considered to be unacceptable or result in harm to consider refusal.

RECOMMENDATION

That the Corporate Manager - Growth & Sustainable Planning be authorised to grant the variation of condition application, Subject to the prior completion of a Section 106 or Undertaking on terms to their satisfaction to secure the following heads of terms:

Affordable Housing Contribution £68,587

Education Contribution £73,086 to Thorndon CEVP School and £73,420 secondary contribution and £19,907 to Eye Hartismere School

Estate Management

and that such permission be subject to the conditions as set out below (these are set out in full on this occasion in light of the stage this application has reached):

1. ACTION REQUIRED IN ACCORDANCE WITH A SPECIFIC TIMETABLE: COMMENCEMENT TIME LIMIT:

The development hereby permitted shall be begun not later than the expiration of three years from the date of permission 3701/15, being 8th April 2019.

Reason - To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004

2. APPROVED PLANS & DOCUMENTS

The development hereby permitted shall be carried out in accordance with the drawings/documents listed under Section A above and/or such other drawings/documents as may be approved by the Local Planning Authority in writing pursuant to other conditions of this permission or such drawings/documents as may subsequently be approved in writing by the Local Planning Authority as a non material amendment following an application in that regard.

Reason - For the avoidance of doubt and in the interests of proper planning of the development.

3. LANDSCAPE PROTECTION

The Arboricultural report, drawing 5647-D Rev A are agreed and such works as set out shall be undertaken fully in accordance with the details and time scale set out in these agreed details.

Reason - For the avoidance of damage to protected tree/s included within the landscaping scheme in the interests of visual amenity and the character and appearance of the area. This condition is required to be carried out prior to the commencement of any other development to ensure trees are protected early to ensure avoidance of damage or lost due to the development and/or its construction. If agreement was sought at any later stage there is an unacceptable risk of lost and damage to trees.

4. ON GOING REQUIREMENT OF DEVELOPMENT: TIMESCALE FOR LANDSCAPING

All changes in ground levels, hard landscaping, planting, seeding or turfing shown on the approved landscaping details as shown on the approved plans shall be carried out in full during the first planting and seeding season (October - March inclusive) following the commencement of the development or in such other phased arrangement as may be approved, in writing, by the Local Planning Authority up to the first use or first occupation of the development.

Any trees, hedges, shrubs or turf identified within the approved landscaping details (both proposed planting and existing) which die, are removed, seriously damaged or seriously diseased, within a period of 5 years of being planted or in the case of existing planting within a period of 5 years from the commencement of development, shall be replaced in the next planting season with others of similar size and species.

Reason - To ensure that the approved landscaping scheme has sufficient time to establish, in the interests of visual amenity and the character and appearance of the area.

5. ACTION REQUIRED PRIOR TO FIRST OCCUPATION: DEMOLITION

Prior to the first occupation of any part of the hereby permitted development the building(s) or parts thereof scheduled for demolition as indicated on plan 1864 DE 10-03 J shall have been demolished.

Reason: To ensure the removal of existing buildings from the site to secure appropriate standards of amenity and to secure the character and appearance of the proposal.

6. **CONTAMINATION**

The development shall be carried out in accordance with the Delta Simmons Report received 14th July 2016.

MSDC Environmental Health are to be contacted in the event of unexpected ground conditions being encountered during construction.

The developer should also be aware that the responsibility for the safe development of the site lies with them.

Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off site receptors. This condition is required to be agreed prior to the commencement of any development to ensure health and safety is secured early for both development and its construction including the health of all workers during all phases of construction. If agreement was sought at any later stage there is an unacceptable risk to health and safety.

7. **BIODIVERSITY**

The development shall be undertaken in compliance with the scheme of measures to enhance biodiversity received 14th July 2016, subject to the complete implementation of List A and the implementation of at least two items from List B.

Reason - In order to secure biodiversity enhancements on site. This condition is required to be agreed prior to the commencement of any development as any construction process has the potential to disturb species and their habitat.

8. **HARD STANDING AREAS**

The scheme to provide hard standing carrying capacity to allow for pumping/high reach vehicles as shown on plan 161158 CL-01 P4, received 17th November 2016 shall be fully implemented in accordance with the approved scheme.

Reason - To ensure adequate provision for fire fighting vehicles.

9. **ACTION REQUIRED PRIOR TO FIRST OCCUPATION: HIGHWAYS - ACCESS SURFACE TREATMENT**

Prior to the development hereby permitted being first occupied, both of the existing vehicular access points onto the highway shall be properly surfaced with a bound material for a minimum distance of 30 metres from the edge of the metalled carriageway, in accordance with details which shall previously have been submitted to and approved in writing by the Local Planning Authority. The bound material as may be agreed shall be retained thereafter as approved.

Reason - To secure appropriate improvements to the existing vehicular access in the interests of highway safety having regard to the increase in its use which will result from the development permitted and to prevent hazards caused by loose materials being carried out into the highway.

10. **HIGHWAYS - SURFACE WATER DISCHARGE PREVENTION**

The scheme to prevent the discharge of surface water from the development onto the highway as shown on drawing 161158_CL-01_P2 received 27th September 2016 shall be carried out in its entirety before the access is first used and shall be retained thereafter in its approved form.

Reason - To prevent hazards caused by flowing water or ice on the highway.

11. **DRAINAGE**

The details of foul and surface water drainage received 14th July 2016 and 17th November 2016 shall be implemented in full in accordance with the approved plans.

No part of the development shall be first occupied or brought into use until the agreed method of drainage has been fully installed and is functionally available for use. The drainage scheme shall be thereafter retained as approved.

Reason - To safeguard the ground water environment and minimise the risk of flooding.

12. **SPECIFIC RESTRICTION ON DEVELOPMENT: PROVISION OF ROADS AND FOOTPATHS**

No dwelling shall be first occupied until the carriageways and footways serving that dwelling have been constructed to at least binder course level or above in accordance with the approved details.

Reason - To ensure that satisfactory access is provided for the safety of residents and the public.

13. **ACTION REQUIRED PRIOR TO OCCUPATION - HIGHWAYS: PROVISION OF PARKING**

Prior to the first occupation of any dwelling hereby approved the area(s) within the site shown on Drawing 1864 DE 10-03 J for the purposes of manoeuvring and parking of vehicles shall have been provided and made functionally available. Thereafter that area shall be retained and remain free of obstruction except for the purpose of manoeuvring and parking of vehicles.

Reason - To ensure the provision of adequate on-site space for the parking and manoeuvring of vehicles where on-street parking and manoeuvring would otherwise be detrimental to highway safety.

14. **CYCLE PARKING**

Prior to the first occupation of any hereby approved dwelling the area for parking and secure storage of cycles for that dwelling shall have been provided in accordance with plan DE10 -04B and shall be retained thereafter and used for no other purpose.

Reason - In the interests of sustainable development and to accord to the principles of the NPPF.

15. **SPECIFIC RESTRICTION ON DEVELOPMENT: REMOVAL OF PERMITTED DEVELOPMENT RIGHTS**

In respect of all the residential development on site, notwithstanding Section 55 (2)(a)(ii) of the Town and Country Planning Act 1990 as amended and the provisions of Article 3, Schedule 2 Part 1 Classes A to E of the Town and Country Planning (General Permitted Development) Order 2015, (or any Order revoking and re-enacting that Order with or without modification):-

- no enlargement, improvement, insertion of new openings or other alteration of the dwelling house(s) shall be carried out,
- no garage, car port, fence, gate, wall or any other means of enclosure, building or structure shall be erected,

except pursuant to the grant of planning permission on an application made in that regard.

In respect of Kelly House and the Old Chapel only notwithstanding Section 55 (2)(a)(ii) of the Town and Country Planning Act 1990 as amended and the provisions of Article 3, Schedule 2 Part 1 Class G of the Town and Country Planning (General Permitted Development) Order 2015, (or any Order revoking and re-enacting that Order with or without modification):-

- no installations, alteration or replacement of a chimney, flue or soil and vent pipe shall be carried out

except pursuant to the grant of planning permission on an application made in that regard.

Reason - To enable the Local Planning Authority to retain control over the development in the interests of the amenity of the locality and to safeguard local distinctiveness.

16. **CONSTRUCTION MANAGEMENT**

The construction shall at all times be undertaken in accordance with the agreed methodology details as received 14th July 2016 unless otherwise agreed in writing.

Reason - To minimise detriment to nearby residential and general amenity by controlling the construction process to achieve the approved development. This condition is required to be agreed prior to the commencement of any development as any construction process, including site preparation, by reason of the location and scale of development may result adverse harm on amenity.

17. **ACTION REQUIRED PRIOR TO THE FIRST OCCUPATION OF DEVELOPMENT: DETAILS OF SCREEN WALLS AND FENCES**

Prior to the first occupation of each dwelling the walls and/or fencing to the boundary of that property shall be erected and thereafter be retained in the approved form.

Reason - In the interests of visual amenity and the character and appearance of the area.

18. **MATERIALS**

Materials as set out on Plan De10-10 A, received 14th July 2016 and details received 8th September 2016 shall be those used in the development and fully applied prior to the first use/occupation unless otherwise agreed in writing.

Reason - To secure an orderly and well designed finish sympathetic to the character of the existing building(s) and in the interests of visual amenity and the character and appearance of the area.

19. **ROAD SURFACE MATERIALS**

Details of the road surface materials and finishes as received 22nd August 2016 shall be those used in the development and fully applied prior to the first use/occupation unless otherwise agreed in writing.

Reason - To secure an orderly and well designed finish sympathetic to the character of the existing building(s) and in the interests of visual amenity and the character and appearance of the area.

20. **MEANS OF ILLUMINATION**

Details as received 14th July 2016 in respect of lighting or other means of external illumination, including details of the design, siting and appearance of the lighting, including the column or bollards proposed shall be carried out and retained as the submitted details unless otherwise approved in writing.

There shall be no other means of external lighting installed and/or operated on/at the site.

Reason - In the interests of amenity to reduce the impact of night time illumination on the character of the area and in the interests of biodiversity.