

ITEM 15

B/06/00233/FUL, B/07/00234/FUL and B/07/00235/FUL
FULL and VARIATION OF CONDITION

FRESTON – ESTATE OFFICE, THE STREET

Application A: Change of use of agricultural and to provide additional car parking spaces (B/07/00233/FUL)

Application B: Change of use of building from office/light industrial (Class B1) to offices with associated part-time training use (D1) (B/07/00234/FUL).

Application C: Variation of condition 2 attached to planning permission B/02/02014/FUL – change in office hours (B/07/00235/FUL).

Applicant: Mileva Drljaca

Case Officer: Gareth Durrant.

BACKGROUND

The application has been referred to the Development Committee for determination by the Local Member. A panel of Members visited the site on 30th May 2007 to assess the impact of the proposal on residential amenity and traffic.

SITE

1. Located to the north side of The Street, the application site supports a range of brick and tile former agricultural buildings which were converted to Class B1 use following grant of planning permission in 2003. The Estate Office is situated adjacent to No.8 The Street and its side wall actually forms the boundary to the dwelling. There are 10 window openings in the wall of the Estate Office building which overlook the yard area of the dwelling. One of the applications (B/07/00233/FUL) relates to small parcel of existing agricultural land to the south of The Street opposite to the Estate Office. There is a scattering of dwellings at this part of The Street, but the area is predominantly agricultural in character.
2. Freston village does not have a local plan built up area boundary. Accordingly, the application sites are situated in the countryside for the purposes of Local Plan policies. The Estate Office buildings and surrounding land to the north of The Street is situated within the nationally designated Area of Outstanding Natural Beauty (AONB). Land to the south of The Street, which includes the site of the proposed car park, is outside the AONB.

PROPOSALS

3. **Application A: B/07/00233/FUL.** This proposes the change of use of a small parcel of agricultural land (0.01 hectares) to provide additional car parking in connection with the existing/proposed uses of the Estate Office.
4. **Application B: B/07/00234/FUL.** This application proposes change of use of the existing Estate Office building from Class B1 to a mixed use comprising part Class B1 (offices) and part Class D1 (training facility).

5. **Application C: B/07/00235/FUL.** This application proposes to vary the provisions of condition 2 of planning permission no. B/02/02014/FUL. This permission authorised the use of the buildings for Class B1 office/light industrial uses. Condition 2 of the planning permission controls the permitted opening hours and restricts these to 0730-1800 weekdays and 0730-1300 Saturdays. The condition does not permit working on Sundays or Bank Holidays. The applicant is proposing to amend the opening hours to 0730-2200 weekdays, 08:30-1800 Saturdays and 08:30-18:00 Sundays.
6. The applicant has provided a statement in support of the application. This can be viewed in full in advance of the meeting by prior arrangement with the case officer and is summarised as follows;
- Our impact in the area is, and will continue to be, less than expected within current planning permission. The changes sought in these applications combine, not to support increased commercial activity, but to give us flexibility to run our charity as we need to.
 - The revisions to working hours and change of use will include i) occasional quiet work after 6pm in response to crisis deadlines, involving maximum three people, ii) occasional work at weekends for the same reasons and mentoring and professional development (13 people) and iii) visitors coming for training purposes on up to 130 occasions per year (more likely to be 25-50 occasions).
 - Therefore traffic flow and drainage will remain low, late weekday and weekend hours will be minimal, there will be less noise than domestic use.
 - We need both the flexibility sought in these planning applications and to feel that we fit well within the village, to make the premises viable.
 - As a charity we have a responsibility to minimise the costs of administration and maximise the funding we put into the charity. Earning income from running training courses and a small mail-order catalogue business enables us to offset administration costs.
 - Having looked for some time for the right premises we were delighted to find The Old Estate Office, which, unusually, offers excellent administrative offices, storage for mail-order stock and a large space suitable for training.
 - Change of use from light industry to training use will allow us to run a programme of courses for care workers, health and education staff. 130 is the maximum the charity would ever run, but it is extremely unlikely ever to reach this number;
 - i) at least 45 of these would be for a diploma group of up to 10
 - ii) a further 12 will be for small groups of up to 12
 - iii) in 2007-2008 we have planned only 25 days for training courses
 - iv) all courses start at 10.00am and finish at 4.00pm so will not conflict with times when residents go to and return from work.
 - v) based on experience of running identical courses over a twenty year period, approximately 10% of participants only arrive by car, the others use public transport.
 - vi) we offer a financial incentive to use public transport

- vii) our course programme will be advertised on the web in future and anyone will be able to identify the number of days in the programme.
- There are no windows in the training space facing towards the neighbours. There are windows in the offices facing the dwellings but it is not possible to see out of them without standing on a ladder. We are about to install blinds and never open these windows.
- The proposed car parking spaces will have minimal impact and would not be visible from the road.

RELEVANT HISTORY

7. 2003 – planning permission granted for change of use of redundant agricultural building to office/light industrial use (B1). Alteration of existing vehicular access (B/02/02014/FUL).

NATIONAL GUIDANCE

8. **PPS1 (2005) Delivering Sustainable Development** - relates to achieving sustainable development and high quality layout and design.
9. **PPS7 (2004) Sustainable Development in Rural Areas** – sets out the Government’s policies for rural areas.
10. **PPG13 (2001) Transport** – sets out the Government’s planning policies relating to transport issues.

PLANNING POLICIES

11. The following Development Plan policies are relevant to this application;

Suffolk Structure Plan 2001

- CS2 (employment development and the economy)
- CS6 (rural communities)
- ENV2 (conversion of rural buildings)
- ENV3 (design standards)
- ENV4 (the countryside)
- ENV7 (Areas of Outstanding Natural Beauty)
- ECON1 (expansion of existing employment sites)
- T9 (development related private car parking)

Babergh Local Plan (Alteration No.2)

- EM01 (general employment policy)
- EM20 (expansion of existing employment uses)
- CR01 (landscape quality)
- CR02 (Areas of Outstanding Natural Beauty)
- CR07 (landscaping of new development in the countryside)
- CR18 (conversion of buildings in the countryside to employment, recreation and community uses)

- TP15 (parking standards)

** please note that details or extracts of policies are no longer included in reports - see page 4 of these papers*

OBSERVATIONS

Application A

12. PC – A car park was provided when the estate office was refurbished but according to neighbours and villagers this does not seem to be used at all. Cars are parked on what is described as ‘the lay-by’ but this is purely a piece of verge which has gradually been worn down by the passing farm machinery and has never, as far as we are aware, been prepared by the Highways for use as an official lay-by. It is quoted as such on the planning application but has not come before the Parish Council as a formal use, which the Council would oppose.
13. LHA - Suggest that any planning permission granted should be subject to conditions to ensure the access to the parking area is properly surfaced and that the parking/manoeuvring area is provided and retained.

Application B

14. PC – is concerned about the proposed change of use especially regarding the immediate neighbours. Although it is stated that there would only be ‘some noise’ which ‘will not be discernable from outside the building’, with the extended use of the premises, it seems highly unlikely that this can be guaranteed. The change of use is substantial compared to the current office function.
15. There are residential properties in very close proximity to the former Estate Office of which a number of the windows face directly onto a privately owned house. Apart from concerns about the overall noise level, presumably these windows will need to be opened in the summer as the training appears to involve movement aswell as music. This would affect the quiet enjoyment of the gardens of the neighbouring properties in a very small village with an historic, peaceful environment. The Council is happy that the current hours remain.
16. The road is a very narrow, no-through road and the village is aware of the amount of traffic and dangers of meeting farm traffic. Any visitors to the village will be unfamiliar with this and the increase in traffic (from 4 to 15 cars) will make it more dangerous for pedestrians. The Council is also concerned about the safety of children who regularly play in front of their houses if clients are trying to negotiate parked cars in the evenings and weekends.
17. The applicants state they have had discussions with their neighbours regarding these proposals. The Parish Council is unaware of any such discussions.
18. Drainage could remain as a problem as it appears that the soakaway has been but on adjacent land not owned by the farm. A further concern is whether it is sufficient for the extra use if it is to be a training centre.
19. LHA – recommend that any permission granted is subject to a condition requiring details of proposals for parking and manoeuvring of vehicles to be provided.

20. Environmental Health – Planning permission B/02/02014/FUL contained a condition requiring details of foul drainage. I understand that this condition has not been discharged. The present application implies increased occupancy and details of foul drainage arrangements should be submitted.
21. I consider that intensification of the use as a training venue is unacceptable, By definition the B1 protection against loss of amenity is removed. Significant loss of amenity will arise from large numbers of persons accessing the site and increased noise levels within the buildings will inevitably occur. Reference is made to dance training so some form of music will be played. The sound insulation properties of the buildings are very poor (due to window openings). The front building has nine inch brick walls but I have no information in respect of the acoustic properties of the roof structure. I appreciate that the current applicant indicates relatively light use of the site. However, significant intensification of use in the future could not be controlled by planning condition. In the worst case scenario heavy usage at weekends and up to 10:00pm could even give rise to statutory noise nuisance.

Application C

22. PC – please refer to paragraphs 14-18 above.
23. LHA - recommend that any permission granted is subject to a condition requiring details of proposals for parking and manoeuvring of vehicles to be provided.
24. Environmental Health – I have been familiar with these premises for many years and the original use as an office created no loss of residential amenity. I had no concerns with the hours of operation approved as part of the planning permission (B/02/02014/FUL). Also, by definition, B1 use prohibited any use that would give rise to loss of amenity.
25. I consider that the proposed extension of operating hours is completely unacceptable. This site is situated in a very quiet rural location which experiences very low ambient noise levels for much of the day and night. The westerly sides of the building are contiguous with the boundary to No. 8 Freston Street. Therefore there is no attenuation by distance separation of any noise generated with the application buildings. The situation is made even more sensitive by a total of windows opening directly onto the neighbouring property.
26. Even quiet activity within the office may be audible in the garden of No.8 (eg voices, telephone use etc.). The current restriction on hours of use curtails the use sufficiently to prevent loss of residential amenity and is consistent with similar sites through the district. Use of the office in the evenings, Saturday afternoons and Sundays is like to give rise to loss of amenity. I am particularly concerned about the proposed use for meetings as considerable disturbance is likely to arise from vehicle movements. Although the current applicant suggests relatively light use of the premises, this could be greatly intensified at some time in the future.

Representations received in relation to all three applications

27. SPS – cautiously welcomes and supports the proposal. However, the drawings do not appear to indicate where existing or proposed car parking is. In respect of the proposed extended hours, while these initially seem acceptable they could have major impact on noise, traffic flow and light pollution. They could make the proposal intrusive into the countryside whereas at present it appears acceptable.
28. Third Party Representations: Five letters have been received from local residents objecting to the applications. The issues and objections raised are summarised as follows;
- The Street is not suitable for additional traffic.
 - The building is too close to dwellings.
 - Windows overlook and give access to the garden of No.8 The Street.
 - Detrimental impact of music to be played within the building. There is likely to be a breakout of noise to the detriment of the neighbours, particularly if windows in the building are open.
 - Increase in working hours will be detrimental to amenity. Work should not be permitted after 6pm or at weekends.
 - May lead to groups of people congregating outside the building (i.e. smoking breaks).
 - There is nowhere for vehicles to turn.
 - The increase in numbers using the building and its facilities will create disturbance.
 - The car park will create a visual incursion into the countryside.
 - The original planning permission required the provision of a vehicle passing place. I question whether this was provided in accordance with the plans and whether vehicles are permitted to park in it.
 - The proposed parking facility does not equate to the expected number of visitors.
 - Increased pressure on the foul drains; no details of proposed drainage was submitted in pursuance of the discharge of the condition attached to planning permission no. B/02/02014/FUL.
 - Events occurring outside of normal office hours could be held in the village hall.
29. Three letters have been received in support of the applications. Comments are summarised as follows;
- The applicants are well aware of the impact on our community and want to play their part in it.
 - There will be no noise or pollution generated.
 - Any increase in traffic has not resulted from the applicants work.
 - We have at no time seen vehicles causing obstruction.
 - The work done at the old Estate office is valuable.

ASSESSMENT

Application A (Change of use of land to parking)

30. This application proposes an extension to an existing parking area for the Estate Office which was approved as part of the initial conversion in 2003. The car park would serve the existing Class B1 use of the Estate Office building and, if planning permission is granted, the training use (Class D1) which is proposed under planning Application B.
31. The proposal would not have an impact upon the Area of Outstanding Natural Beauty to the north because there is a mature field hedge which adequately screens the existing parking area and this would also screen the proposed extension. The car park extension would not be visible from public vantage points (i.e. The Street) for the same reasons. The site is, however, open to the countryside to the south (not designated AONB) but it is considered that vehicles parked could be screened adequately by new planting. The LHA are content with the vehicular access arrangements, subject to improvements and there are no highway safety issues with the application.
32. In the light of the above the proposed car park extension would not have an impact upon the amenities of occupiers of adjacent dwellings.

Application B (Change of use from B1 to mixed B1 and D1)

33. The application building has a close relationship with the adjacent dwelling (No. 8 The Street) and there are a number of openable windows overlooking the rear yard area of that property. The existing Class B1 use of the Estate Office building is, by definition, a use that can be operated within a residential area without detriment to that residential area. The introduction of a Class D1 use could introduce uses generating significant noise disturbance to the occupiers of the adjacent dwelling (for example amplified music). A restriction that the D1 use could only be for training purposes would not alleviate this concern. Whilst the thoughtful operation of the existing building by the current occupiers is noted, it is fact that any planning permission granted for a D1 use would run with the land and even if the current occupiers are careful in their operation of the proposed use, there can be no certainty that future occupiers would take similar care. A condition restricting the use for the benefit of the applicants only would be over-restrictive and unreasonable and would not in any event offer protection to local amenities. Strong objections to this application have been received from the Council's Environmental Health Officer (paras. 20 and 21 above) on amenity grounds.
34. The Estate Office is situated at an unsustainable rural location. The Class D1 use proposed for the building would attract a relatively high number of visitors and in the absence of good public transport links, the vast majority of people would arrive at the venue by car. The applicants' claim that only 10% of people would arrive by car is based on their current experiences of running courses in Leeds, a large city with excellent public transport facilities and links. It is not considered that this model could be applied to Freston. As such, the proposal for Class D1 use at this isolated countryside position clearly represents an unsustainable form of development.

Application C (Extended hours of operation)

35. As previously stated, a Class B1 uses can operate successfully in a residential area. This also applies during the night-time and at weekends when people are more likely to be at home and background noise levels are likely to be at their lowest (if the use causes loss of amenity at night it would not be deemed a Class B1 use). As such, the **use** of the building after 6.00pm for Class B1 office purposes is acceptable in this respect.
36. The concern with this application is not the intended use outside of the hours currently permitted, but activities outside of the building associated with it. However careful the occupiers of the building are, there is bound to be some disturbance connected with the coming and going of people to and from the building, including during smoking breaks which would need to be taken outside of the building. Furthermore, there would be potential disturbance from car doors being closed and car engines fired and revved up, all of which would be against low background noise levels. Accordingly, for these reasons it is not appropriate to increase the hours of operation which were imposed upon the Class B1 use by the 2003 planning permission. Again, the Environmental Health Officer has expressed strong objections to this application on noise and disturbance grounds (paras 24-26 above).

Drainage

37. Concerns have been expressed by the Parish Council and some local residents regarding the adequacy of the foul drainage system to serve the existing and proposed uses. Investigations have found that a condition attached to planning permission B/02/02014/FUL which required details of foul and surface water drainage to be submitted has not been complied with. These details were submitted shortly before this report was prepared and Members will be updated on this matter at the meeting. The Environment Agency and Council's Environmental Health Officer have been asked to comment on the adequacy of the existing system and the recommendations for planning applications B/07/00234/FUL and B/07/00235/FUL below reflect the fact that drainage may need to be added as a reason for refusal, if the matter is not resolved before the meeting. If the existing foul drainage system is considered inadequate, the Council would be able to secure a more adequate system by enforcing the relevant condition of planning permission B/02/02014/FUL.

REASONS FOR APPROVAL

38. Please note these reasons for approval relate solely to **Application A** (B/07/00233/FUL).
39. The proposal for the change of use of agricultural land to form an extension to the existing car park serving the office building would accord with the provisions of Development Plan policies ENV4, ENV7, T9, CR01, CR02, CR07 and TP15. These seek to protect the landscape qualities of Areas of Outstanding Natural Beauty and the wider countryside. They also seek to secure landscaping of new development in the countryside and ensure adequate vehicle parking is provided for new developments.

In this case there would be no material impact upon the Area of Outstanding Natural Beauty to the north and, with suitable additional landscaping, would have no materially detrimental impact upon the undesignated countryside to the south. Furthermore, the proposal provides adequate vehicle parking for the associated use of the former Estate Office building to the north, would have no materially adverse impact upon the amenities enjoyed by local residents and is acceptable in highway safety terms.

RECOMMENDATION

Application A. **B/07/00233/FUL** – grant planning permission, subject to conditions, including;

- As recommended by LHA
- Landscaping
- No lighting
- Details of surfacing.

Application B. **B/07/00233/FUL** – following resolution of the outstanding foul drainage issues discussed at paragraph 36 above, the Chief Planning Control Officer be authorised to refuse planning permission. Reasons;

- Adverse impact upon the amenities of occupiers of adjacent dwellings,
- Unsustainable form of development, and
- (if appropriate) Inadequate foul drainage system

Application C. **B/07/00235/FUL** – following resolution of the outstanding foul drainage issues discussed at paragraph 36 above, the Chief Planning Control Officer be authorised to refuse planning permission. Reasons;

- Adverse impact upon the amenities of occupiers of adjacent dwellings, and
- (if appropriate) Inadequate foul drainage system.

DECISION
