

Parish: LONG MELFORD

Location: Windmill Hill House, Windmill Hill

Proposal: Erection of detached outbuilding for Class B1 use (following demolition of existing outbuilding of Class B1 use).

Applicant: Mr and Mrs Hollywood

Case Officer: Graham Chamberlain **Date for Determination:** 7 August 2009

This application is reported to Committee as the application raises planning policy issues.

THE SITE

1. The site is located outside of the Built up Area Boundary (BUAB) of Long Melford, the eastern boundary of the site being the BUAB. The Conservation Area boundary is also delineated by the eastern boundary of the site. Windmill Hill House is a modern detached dwelling. To the north of the site is open countryside with the site being visible from the public footpath to the north east. The northern boundary of the site comprises of mixed hedges and cypress fir trees which ensures the site is not prominent in views from the north and north east. The southern boundary comprises of a native hedge with hedge trees, some of which are quite significant in the street scene. The landscaping on the southern boundary screens the site from the main road. There are listed buildings in the vicinity of the site (Westgate Cottage).
2. The site is accessed from the A1092, the main road connecting Long Melford with Clare and Cavendish to the west. The site has a single access off the A1092 shared by Windmill Hill House and the building/site which is subject to this application. The site is located in a slightly elevated position to the main road.
3. The site currently comprises of an unused employment site. It is unclear what the original purpose of the building was but it has been used as an office. The current building is utilitarian in design. It has a pitched roofed, the roof having a shallow pitch. The building is finished in block work and white bricks. It has been extended with a flat roofed rendered section and timber lean to.

THE PROPOSAL

4. The proposal is to demolish the existing building and replace it with a larger commercial building. The use class would be expanded to enable all B1 uses (office, research and development or light industry), the current building has a condition restricting it to just a B1 office use.
5. The development would be speculative, there is no end user identified with the application. The applicants have stated that they have had difficulties in finding a tenant for the current building.
6. The replacement building would be two storeys in height, would have the appearance of a rural outbuilding (with black stained weatherboard and low eaves height). The parking would be located to the side of the building with the access remaining unaltered.

7. The proposal has been amended once following concerns expressed by Officers about the siting and design of what was proposed. The applicant amended the scheme and provided additional supporting information. The current amendments have partially overcome these concerns but there are a number of outstanding alterations which are necessary to gain the support of Officer's. These are as follows:-
- Reduce the floor area to around 400sqm
 - Increase the level of parking
 - Additional landscaping on the northern boundary
 - Redesign the windows and remove the roof lights
 - Confirmation is sought with regards to the materials
8. The applicant has agreed to make all of these amendments, therefore this report is written in light of the amendments outlined above which have been agreed. The applicant has been given the chance to amend the scheme as the amendments are of a minor nature and will take the application from a scheme that Officers could not support to one which Officers consider to be acceptable.

RELEVANT HISTORY

9. The most relevant application is B/07/01788. This was an application to regularise the use of the building as a B1 unit. The B1 use had previously been unlawful. The 2007 permission had a condition restricting the use to B1 office use only. The reason for this condition is set out on the decision notice; it is to enable the Local Planning Authority to retain control in the interests of road safety, neighbouring amenity and the character of the area as supported by Policy EM25 of the Local Plan. Policy EM25 is not now a saved policy.
10. Following the 2007 approval the applicants have had difficulty in finding a tenant for the property, to this end a residential scheme was considered and a marketing campaign undertaken. Officers advised that a residential scheme is highly unlikely to be supported; therefore the applicants have suspended the marketing campaign while they explore a replacement building on the site which they consider they could market with more success.

NATIONAL GUIDANCE

11. **PPS1** (Delivering Sustainable Development)
12. **PPS7** (Sustainable Development in Rural Areas)

PLANNING POLICIES

13. The Development Plan comprises the East of England Plan, adopted 2008, saved policies in the Suffolk Structure Plan, adopted 2001, and the Babergh Local Plan (Alteration No. 2) adopted 2006. The following policies are relevant to this proposal:-

East of England Plan (EEP) 2008

- **ENV7** (Quality in the Built Environment)
- **SS1** (Achieving Sustainable Development)

Babergh Local Plan (Alteration No.2) 2006

- **CN01** (Maintaining Local Distinctiveness)
- **TP15** (Parking)
- **CR01** (Development in the Countryside)
- **CR04** (Special Landscape Areas)

- **CR08** (Hedgerows)
- **CN08** (Development in or near Conservation Areas)
- **EM01** (General Employment)
- **EM20** (Expansion/Extension of Existing Employment Uses)

The relevant documents can be viewed via the internet. Please see Page 4 for details.

CONSULTATIONS

14. PC – no comments received.
15. Local Highway Authority – No objection subject to conditions (including provision of sufficient parking).
16. Natural England – No comments to make.
17. Suffolk Wildlife Trust – From the information provided it would appear that the building to be demolished is sound and there are no records of protected species on this site. We would therefore consider that this application can be determined without the need for ecological surveys.
18. BDC Countryside and Landscape Officer – a good quality landscaping scheme on the northern boundary is necessary to integrate the site with the wider countryside.
19. BDC Economic Development – No objection in principle but the building has a residential appearance (since receiving these comments the application has been amended, the residential elements which raised concerns have been removed or altered – this is discussed in more detail below).
20. BDC Tree Officer – No objection to the proposal. The Arboricultural Report demonstrates that the development proposed and the trees within the site are compatible.
21. At the time of writing a re-consultation exercise on the amended drawings is being undertaken, members will be updated on any new comments.

REPRESENTATIONS

22. None received

PLANNING CONSIDERATIONS

23. The main issues to be assessed are as follows:-
 - The Principal of Development.
 - Design and Impact on Character.
 - Highways and parking.
 - Relationship with Surrounding Land Uses/Neighbour Amenity.

Principal of Development

24. Policy CR01 of the Babergh District Local Plan sets out what development is acceptable in the countryside. The development listed as being acceptable in principle being that which is essential to the efficient operation of agriculture, forestry, horticulture and appropriate outdoor recreation.
25. Policy EM20 of the Local Plan states that proposals to expand existing employment uses will be permitted provided there is no conflict with residential amenity, the environmental amenity or highway safety.

26. The application site is located within the countryside and is not one of those types of development which is considered to be acceptable in principle, however Policy EM20 states that the expansion of existing employment sites, such as the application site (all be it that the site is currently unoccupied), should be acceptable. There is consequently a policy contradiction.
27. PPS7 states the following in Para 19:-
- ‘The Government is also supportive of the replacement of suitably located, existing buildings of permanent design and construction in the countryside for economic development purposes. The replacement of buildings should be favoured where this would result in a more acceptable and sustainable development than might be achieved through conversion, for example, where the replacement building would bring about an environmental improvement in terms of the impact of the development on its surroundings and the landscape. Local planning authorities should set out in their LDDs the criteria they will apply to the replacement of countryside buildings. These should take account of the considerations set out in paragraph 17 that apply to the conversion and reuse for economic purposes of existing buildings in the countryside. Authorities should also set out the circumstances where replacement would not be acceptable and clarify the permissible scale of replacement buildings.’*
28. Babergh District Council has no specific policy relating to the replacement of rural buildings for economic development purposes. This leaves a potential policy conflict between PPS7 and Policy EM01 with Policy CR01.
29. As PPS7 states that rural buildings can be replaced for economic development, Officers consider that the scheme proposed is acceptable in principle, particularly so as it already has permission for a B1 use. The impact of the building on the countryside therefore has to be balanced against the principal objection under Policy CR01. As the principle is acceptable (following guidance in PPS7), it is important to assess the scheme against the criteria set out in Paragraph 19 of PPS7 to ascertain the impact on the countryside.
30. Suitable Location – Given the relatively small increase in floor space, and the existing B1 use, the location of the site, although not ideal, does not in the opinion of Officers, warrant a refusal of the proposed replacement building. In particular:-
- The building is located outside of a BUAB – it is therefore by definition unsustainably located.
 - It is however located on an A road and is very close to the boundary of the BUAB. It has the potential for people to be able to walk or cycle to the site, but is not a comfortable distance from the village centre (it is more than 400m as defined in the Urban Design Compendium).
 - National guidance in PPS6 indicates that town and village centres should be considered before out of town/village sites.
 - The site is not an ideal location for a medium to large sized office. The current building has a floor area of 361sqm, the applicants were originally proposing a replacement of 436sqm. They have agreed to scale the building down to 400sqm. This will ensure that the increase is not significantly greater than the floor space of the existing building. The proposal would be a small scale extension of floor space.
31. Permanent Design and Construction – Although the building has a semi derelict appearance it has been found to be of permanent construction. The following points are also relevant:-

- Permission was granted in 2007 for the use of the building as a B1 Office. The Policy which related to that assessment is CR18. One of the tests in Policy CR18 is whether the existing building is capable of being converted without significant rebuilding. It was found in 2007 that the building is of a sound, permanent construction. The site is unaltered.
 - It is important that the building passes this test as otherwise it would set an undesirable precedent whereby semi permanent or condemned buildings could then be replaced, pepper potting new buildings around the countryside which is both unsustainable and damaging to the character of the countryside.
32. Environmental Improvements – the proposal would result in some environmental improvement. In particular:-
- There were serious concerns about the design and scale of the building as originally submitted. The applicant has however agreed to alter the design and scale. The building would now have a rural style with black boarding, unbroken roof planes, low eaves, a ridge height which is not greater than the existing building and a sensitive siting which retains the landscaping on the southern boundary. The applicants are also proposing to replace the fir trees on the northern boundary with native planting. With the amendments, the proposal represents an environmental improvement with the existing building being replaced with a more sensitive structure. The existing building is not particularly prominent due to the dense planting on the southern boundary of the site; the proposed building will maintain this being a low key replacement. Even when visible the traditional form, design and detailing will ensure it will fit the rural context.
33. Officers are concerned that the size of the proposed building is greater than the existing thereby increasing activity at the site in an unsustainable location. The existing building is also of a permanent construction which could be upgraded instead of replaced. However as the existing building has little merit and has proven difficult to market and the scale of the replacement would be comparable with the existing (being approximately 30sqm larger) therefore not significantly increasing the potential activity at the site, the replacement is considered acceptable.
34. The harm in principle to the countryside needs to be balanced against the circumstances identified above and the guidance in PPS7. Subject to the amendments agreed to by the applicant, there would be no material harm to the countryside. This lack of harm along with the potential economic benefits outweigh the harm in principle from developing outside the BUAB (as set out in Policy CR01) with a new build B1 unit, given the specifics of the site and development proposed. Furthermore the building would provide premise for an additional business which could create jobs, an aim of Policy EM01.
35. The approach to this specific site would not set an undesirable precedent which could result in more new build units in the countryside. The circumstances of the site (the presence of a building on site with a B1 use, the lack of demand for this unit, the design and scale of the replacement, the location of the site, and the relationship of the site to its surroundings) are very specific and would be difficult to replicate. This application has been considered on its merits. Further development into the ‘open’ countryside would clearly be harmful.

Design and Impact on Character

36. As stated above the scheme as it stands at the time of writing needs a number of amendments. These have been agreed by the applicant. Officers have had detailed discussions with the applicant and have been able to reach agreement.

37. The design at the time of writing as a concept is supported. The barn style character, the location of the building set back from the main road, the traditional form (using a gable end, steeply pitched roof and low eaves) and the use of high quality materials are all in the proposals favour. Officers are however concerned about the massing and the window design. The applicant has agreed to address both of these concerns by scaling down the overall mass of the building and addressing the concerns relating to the window design and placement i.e. the roof lights will be removed, the regularity of the window placement will be broken up.
38. The concept of a barn style building, if executed well, will enable the building to maintain local distinctiveness adhering to Policy CN01 of the Local Plan. For the same reason there will be no harm to the setting of the Long Melford Conservation Area ensuring there is no conflict with Policy CN08. The building will not be 'read' within the setting of any listed building, therefore there is no conflict with Policy CN06.
39. Subject to an acceptable landscaping scheme and high quality materials (conditions recommended) and due to the barn style character of the building, the proposal would have no harm to the Special Landscape Area or countryside. The building even when glimpsed will appear to relate to the rural context. The applicant has demonstrated that there will be no harm to the trees within the site, particularly the trees on the southern boundary with the A1092. The proposal therefore complies with Policy CR04.

Highways and Parking

40. The proposal at the time of writing has insufficient parking. Eleven spaces are proposed but 14.5 are required under the Parking Standards SPG. Due to the unsustainable location it is reasonable to require the maximum standard. The Local Highway Authority have indicated that a condition could be attached requiring a parking plan to be submitted. Officers are, however, concerned that the provision of parking spaces could have a knock on effect on the appearance of the site, the trees and hedges on the southern boundary and the layout of the site. To this end officers are not comfortable with conditioning this aspect of the scheme. Two of the proposed spaces are located hard up to the northern boundary of the site. To this end the applicant has agreed to scale down the building (reducing the floor space and therefore the number of spaces needed), relocate the spaces on the northern boundary and provide the maximum number of spaces (which will not be 13). These amendments will ensure that there is sufficient parking for the size of the building. There is no objection to the intensification in use of the existing access, there is sufficient visibility, turning space and off road parking which will enable safe entrance and exit. Consequently there is no conflict with Policy EM01 or EM20 in terms of highway safety.

Relationship with Surrounding Land Uses/Neighbour Amenity

41. Windmill Hill House is located approximately 50m to the east of the proposed building. Traffic would not need to pass the building and there is some intervening landscaping. The two uses could operate without any significant conflict. Notwithstanding this a B1 use is by definition acceptable in a residential area or in close proximity to residential properties. There is no harm to neighbour amenity by way of disturbance, over looking, loss of light or overbearing. There is no need to restrict the B1 use to just Offices either; any change of use would require a new application. There is no conflict with residential amenity; therefore the proposal complies with Policies EM01 and EM20 of the Local Plan.

Other Matters

42. Natural England and the Suffolk Wildlife Trust are satisfied that no harm will be caused to protected species. As a result no obvious conflict exists with the provisions of adopted planning policies in this regard.

REASONS FOR APPROVAL

43. The lack of any material harm to the countryside, the site specific design solution, proposed environmental improvements and the provision of employment floor space would outweigh the harm in principle to the countryside set out in Policy CR01 of the Babergh District Local Plan Alt 2 (2006). The proposed development would have no material harm to the countryside or visual amenity of the area. There would be no harm to highway safety, the conservation area, listed buildings, protect species or neighbouring amenity. The proposal therefore complies with policy guidance in Planning Policy Statement 7 and Saved Local Plan Policies CN01, CR01, CR07, EM20 and EM01 of the Babergh District Local Plan Alt 2 (2006).

RECOMMENDATION

That the Chief Planning Control Officer be authorised to grant planning permission subject to the following conditions:-

- Standard time limit
- As recommended by the LHA
- Landscaping to be provided
- Landscaping to be safeguarded for 5 yrs
- Tree protection fencing
- Materials to be submitted