

17 August 2023



West Suffolk Planning Department  
West Suffolk House  
Western Way  
Bury St Edmunds  
Suffolk  
IP33 3YU

Flora MacLeod MRTPI  
E: [flora.macleod@savills.com](mailto:flora.macleod@savills.com)  
DL: +44 (0) 7890 987 271

Savills  
74 High Street  
Sevenoaks

Dear West Suffolk Planning Department,

**Former Animal Health Trust Research Centre, Kentford, Newmarket CB8 7UA  
Planning Portal Reference: PP-12356790 (Prior Approval)**

On behalf of the Lochailort Kentford Ltd (The Applicant, hereafter LKL), this letter has been prepared to support a Prior Approval application submission for Former Animal Health Trust Research Centre, Kentford, Newmarket CB8 7UA (herein referred to as 'the site') under the provisions of Class MA, Part 3, Schedule 2 of the Town and Country (General Permitted Development) Order 2015 (as amended) (the "GPDO"). The proposal seeks to change the use of Building 11 (Small Animal Studies Building), from Class E (commercial, business and service) to C3 (residential). This Prior approval application has reference.

No external alterations are proposed to the existing building as part of this application. However, a concurrent planning application has been submitted to make external changes to the building. Please refer to application reference DC/23/1194/FUL for further details.

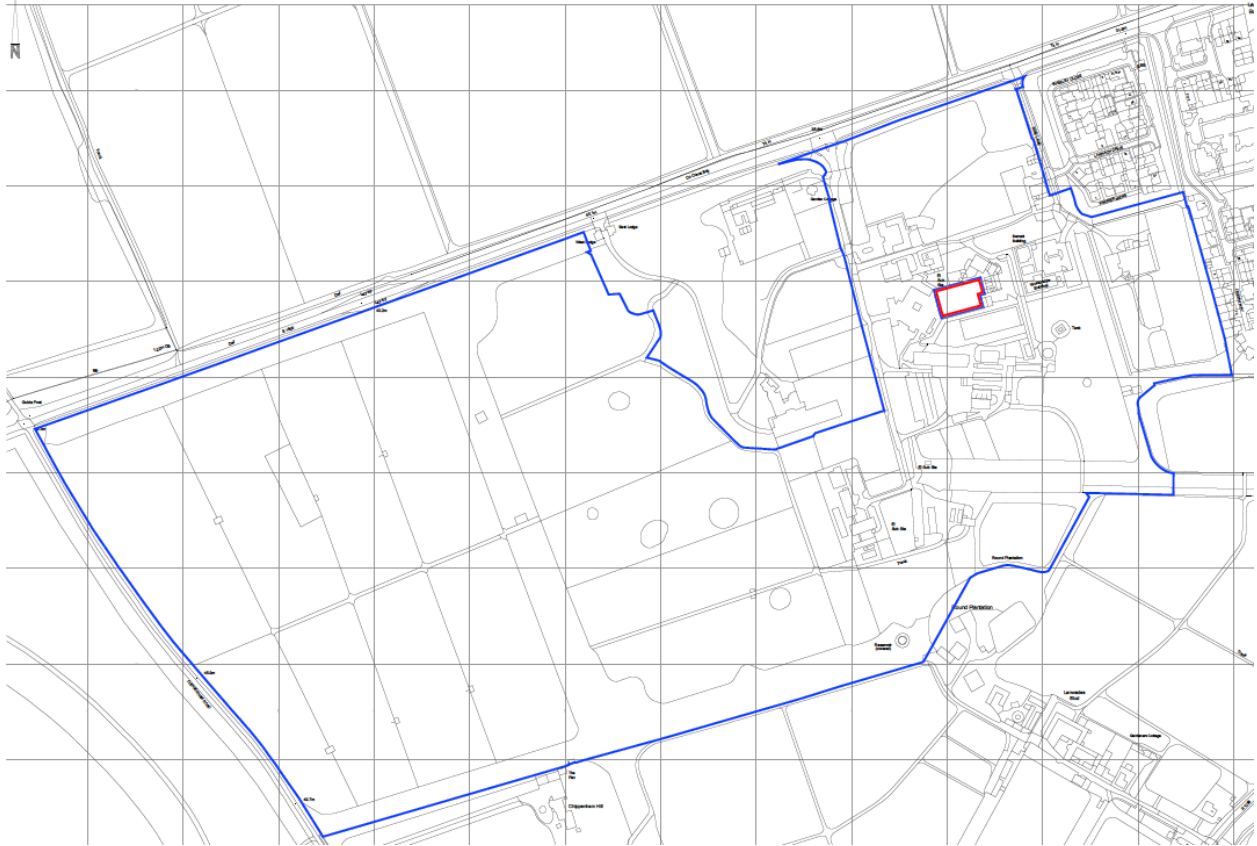
The precedent for this approach has been set by a planning application at 1 - 3 High Street Haverhill (ref. DC/21/2275/P3CMA) in which a prior approval application was submitted concurrently with a planning application which sought to insert 13 ground floor windows and infill part of a doorway. The application was deemed to comply with the regulations of Class MA and was approved on 16/11/23 by West Suffolk Council. This approach is also supported by a letter by Douglas Edwards KC.

- The application comprises the following documents:
- Application Form;
- Advice from Douglas Edwards KC;
- Transport Statement by RPS;
- Ground Investigation Report by Soiltechnics Ltd;
- Heritage Technical Note by Handforth Heritage; and
- Former Animal Health Trust Site – Research Facility Background Information.

## The Site

The site is located at the former Animal Health Trust Research Centre, Kentford, CB8 7UA. The wider site. It was historically occupied in its entirety by the Animal Health Trust and used for the purposes and activities. The site to which this application for prior approval relates to is shown in Figure 1 below outline in red (with the rest of the former Animal Health Trust Research Centre site owned by the Applicant outlined in blue.

Figure 1: Site Location Plan



The site comprises brownfield land and is situated in a sustainable location within close proximity (approximately 0.6km or a 10-minute walk) to the west of the village of Kentford where there are a local shop and post office, 2 public houses, and a wide range commercial premises. The site is located approximately 1km away (2-minute car journey, 5 minute cycle journey or 10-15-minute walk) from Kennett railway station, which operates services to Cambridge and Ipswich every 40 minutes. There are also bus stops to the east of the site on Moulton Road which provide services to Bury St Edmunds, Mildenhall, Bury St Edmunds, Newmarket and Exning.

Existing vehicular and pedestrian access points are from B1506 with Sir Graham Kirkham Avenue and Sire Lane.

As per the council's adopted policies map, the site is located within the countryside. It has no other designations.

As per the Environment Agency's Flood Map for Planning, the site is located in Flood Risk Zone 1 (Low Risk).

The site is not located within a Conservation Area and is not a listed building. The wider site (within the blue line and outside the application boundary) contains the Visitor's Centre (a Grade II listed building) that comprise the former stables to Lanwades Hall, a Grade II listed house located adjacent to the former Animal Health Trust Research Centre site.

### **Current use of the site**

Until 2020, the site was occupied by the Animal Health Trust (AHT), an independent charity focused on the research and treatment of diseases in companion animals. The AHT had occupied the site since circa 1948 and closed in 2020 as a result of financial issues, and its assets were subsequently liquidated. The site has lain vacant since then and LKL acquired the site in June 2023.

The Animal Health Trust used the site for three interrelated purposes. First, the site was used for the Trust's scientific research, including in respect of inherited and infectious diseases within small animals and horses. Secondly, the Trust undertook clinical activities at the site, on a referral basis, whereby members of the public were referred by a veterinary practitioner to the Trust for the specialist investigation, diagnosis and treatment of small animals and horses. The clinical activities were closely related to the research programmes undertaken at the site. Thirdly, there was an education element to the Trust's activities, which included post-graduate training and CPD programmes through daytime and evening courses, directed at veterinary practitioners and associated professionals.

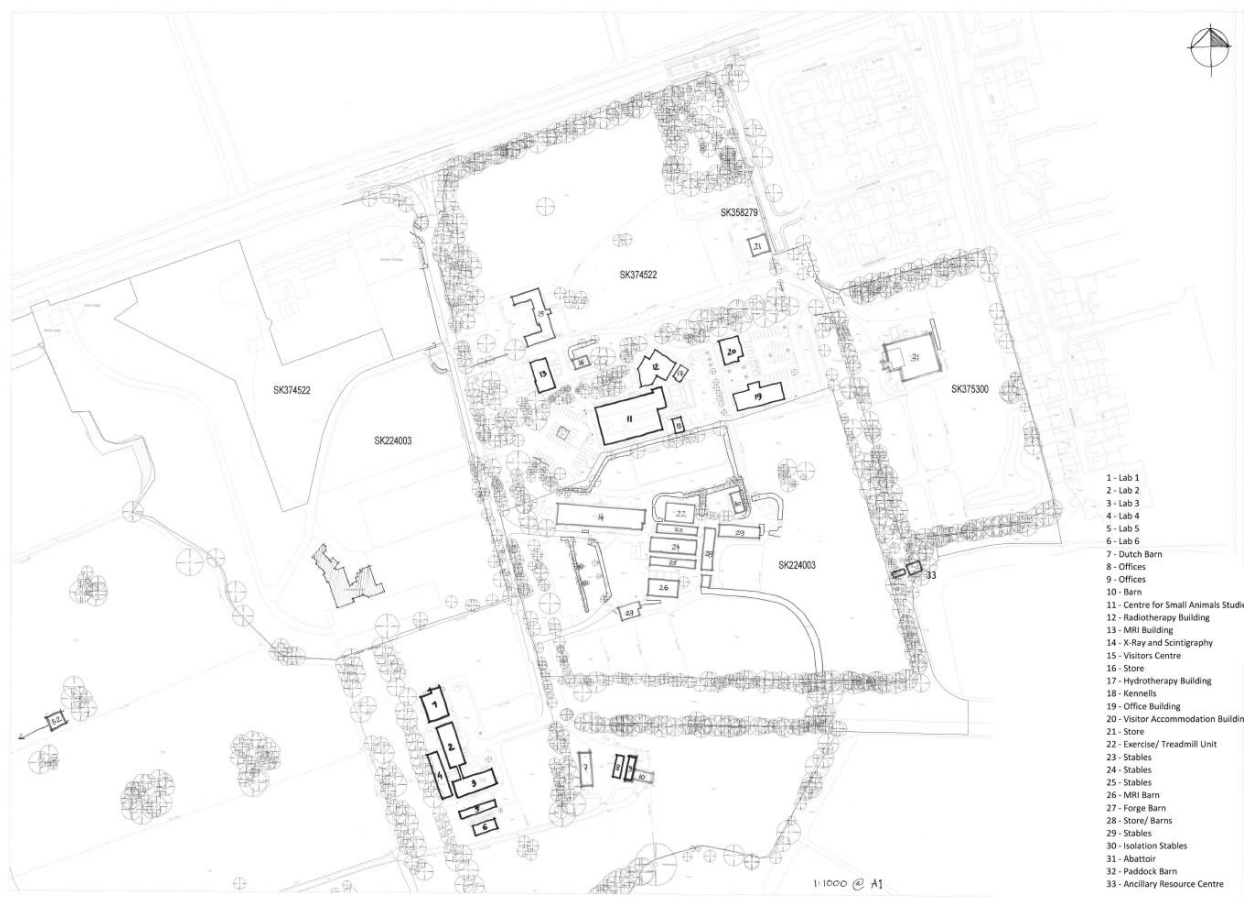
In applying the well-established principles set out in *Burdle v Secretary of State for the Environment* [1972] 3 All.E.R. 240 (see, in the context of the operation of the Use Classes Order, *G. Percy Trentham Ltd. v Gloucestershire County Council* (1966) 1 WLR 506 and *Brazil (Concrete) Limited v Amersham UDC* (1867) 18 P&CR 396), it is the case that the site now, and when under the control of the Animal Health Trust, comprises a **single unit** of occupation.

As the site comprises a series of buildings and open land historically occupied in its entirety by the AHT and used for the purposes and activities of the AHT, primarily research activities alongside the aforementioned ancillary clinical and education activities, it is considered that the site comprises a **single planning unit**.

In respect of use class, the primary use of the AHT was for research activities undertaken by the Trust in the field of animal health. Clinical activities were also undertaken on site, essentially following referral by veterinary practitioners and associated with the research activities that were carried out on site. Education activities also took place on site and were associated with the dissemination and outputs of the research carried out on site. On this basis, it is considered that the whole site falls within Use Class E of The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020, which is defined as "Commercial, Business and Service". Specifically of relevance is Part (g)(ii): *research and development of products or processes*. All of the buildings were related to this primary use of the wider site and used for research and development purposes. It is therefore the case that the whole site falls within the Class E Use Class. Further details can be found in the Note prepared by Douglas Edwards KC, and the Planning History document that accompanies this application.

There are 33 existing buildings (as shown in Figure 2 below) across the site, the uses of which included extensive laboratories and research facilities, the Centre for Small Animal Studies, Cancer Therapy Centre, MRI and x-ray buildings, a visitors' centre, staff accommodation block, offices, a hydrotherapy unit, and associated stables, kennels and barns.

Figure 2: Existing Buildings on the site



A separate Lawful Development Certificate is being submitted to verify the use above.

### Building 11

Building 11 was last used as a Small Animal Centre. The application building was last used as a centre for small animal studies, which included a veterinary service coupled with a research facility, looking specifically at the treatment of small animals. According to its planning history it was granted planning permission in 1994 under ref. F/94/410. This would fall within the bracket of Class E (Commercial, Business and Service) as per the Town and Country Planning (General Permitted Development) (England) Order 2015 which includes “(g) i) office ii) the research and development of products or processes or iii) any industrial process, (which can be carried out in any residential area without causing detriment to the amenity of the area).”

Figure 3: Photo of Building



### Planning History

The following planning applications were found on the West Suffolk Council website for Building 11.

Application Reference no.	Decision and date	Description of application
F/94/410		Erection of centre for small animal studies with associated parking provision and landscaping as amended by letters and drawings received 25/07/94 and 28/07/94
F/2002/109	27/03/2002	Alterations and extension to small animal unit.
F/2002/817		Erection of store for the storage of contaminated medical waste.
F/2008/0700/FUL	19/12/2008	Erection of a two storey cancer therapy centre with re-location of hydrotherapy pool and erection of clinical waste bunker/store (Major Development).
F/2010/0469/DC	20/09/2010	Discharge of conditions 2, 3, 4, 7 & 9 of planning permission F/2008/0700/FUL

### **Proposed use of the building**

The building is proposed to be converted into 31 residential (Class C3) dwellings.

- 31 x 1B1P studios

The accommodation schedule is as follows:

<b>Unit</b>	<b>No. of bedrooms/persons</b>	<b>Floor area (sqm)</b>
<b>1</b>	1B1P	44
<b>2</b>	1B1P	50
<b>3</b>	1B1P	50
<b>4</b>	1B1P	50
<b>5</b>	1B1P	50
<b>6</b>	1B1P	50
<b>7</b>	1B1P	50
<b>8</b>	1B1P	37
<b>9</b>	1B1P	39
<b>10</b>	1B1P	50
<b>11</b>	1B1P	50
<b>12</b>	1B1P	50
<b>13</b>	1B1P	50
<b>14</b>	1B1P	50
<b>15</b>	1B1P	50
<b>16</b>	1B1P	44
<b>17</b>	1B1P	37
<b>18</b>	1B1P	39
<b>19</b>	1B1P	39

20	1B1P	39
21	1B1P	39
22	1B1P	39
23	1B1P	37
24	1B1P	39
25	1B1P	39
26	1B1P	39
27	1B1P	39
28	1B1P	39
29	1B1P	39
30	1B1P	39
31	1B1P	37
		1343

### Use Class MA

Class MA allows for “the change of use from Use Class E to residential (Use Class C3) which came into effect from 1st August 2021. Development consisting of a change of use of a building and any land within its curtilage from a use falling within Class E (commercial, business and service of Schedule 2 to the Use Classes Order to a use within Class C3 (dwellinghouses) of Schedule 1 to that Order.”

Class MA allows you to convert up to 1,500 square metres of building into residential which can include both the ground and upper floors, up to the floorspace limit.

The GPDO states that development is not permitted by Class MA –

(a) unless the building has been vacant for a continuous period of at least 3 months immediately prior to the date of the application for prior approval;	The building has been vacant since the Animal Health Trust left the site in 2020.
(b) unless the use of the building fell within one or more of the classes specified in sub-paragraph (2) for a continuous period of at least 2 years prior to the date of the application for prior approval;	The whole site is Class E and has been so for more than two years

<p>(c) if the cumulative floor space of the existing building changing use under Class MA exceeds 1,500 square metres;</p>	<p>The cumulative floorspace of the building is less than 1,500 as shown on the drawings</p>
<p>(d) if land covered by, or within the curtilage of, the building—</p> <ul style="list-style-type: none"> <li>(i) is or forms part of a site of special scientific interest;</li> <li>(ii) is or forms part of a listed building or land within its curtilage;</li> <li>(iii) is or forms part of a scheduled monument or land within its curtilage;</li> <li>(iv) is or forms part of a safety hazard area; or</li> <li>(v) is or forms part of a military explosives storage area;</li> </ul>	<p>None of these apply</p>
<p>(e) if the building is within—</p> <ul style="list-style-type: none"> <li>(i) an area of outstanding natural beauty;</li> <li>(ii) an area specified by the Secretary of State for the purposes of section 41(3) of the Wildlife and Countryside Act 1981(1);</li> <li>(iii) the Broads;</li> <li>(iv) a National Park; or</li> <li>(v) a World Heritage Site;</li> </ul>	<p>None of these apply</p>
<p>(f) if the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained; or</p>	<p>This is not the case</p>
<p>(g) before 1 August 2022, if—</p> <ul style="list-style-type: none"> <li>(i) the proposed development is of a description falling within Class O of this Part as that Class had effect immediately before 1st August 2021; and</li> <li>(ii) the development would not have been permitted under Class O immediately before 1st August 2021 by virtue of the operation of a direction under article 4(1) of this Order which has not since been cancelled in accordance with the provisions of Schedule 3.</li> </ul>	<p>This does not apply</p>
<p>(2) The classes mentioned in sub-paragraph (1)(b) are the following classes of the Use Classes Order—</p> <p>(a) the following classes of the Schedule as it had effect before 1st September 2020—</p> <ul style="list-style-type: none"> <li>(i) Class A1 (shops);</li> <li>(ii) Class A2 (financial and professional services);</li> <li>(iii) Class A3 (food and drink);</li> <li>(iv) Class B1 (business);</li> <li>(v) Class D1(a) (non-residential institutions – medical or health services);</li> </ul>	<p>The use is Class E</p>



<p>(vi) Class D1(b) (non-residential institutions – crèche, day nursery or day centre);</p> <p>(vii) Class D2(e) (assembly and leisure – indoor and outdoor sports), other than use as an indoor swimming pool or skating rink;</p> <p>(b) on or after 1st September 2020, Class E (commercial, business and service) of Schedule 2.</p>	
--	--

The change of use from Class E (commercial, business and service) to C3 (residential) is subject to the condition that before beginning the development, the developer shall apply to the local planning authority for a determination as to whether prior approval will be required as to:

- (a) transport and highways impacts of the development, particularly to ensure safe site access;
- (b) contamination risks in relation to the building;
- (c) flooding risks in relation to the building;
- (d) impacts of noise from commercial premises on intended occupiers of the development;
- (e) where
  - i. the building is located in a conservation area, and
  - ii. the development involves a change of use of the whole or part of the ground floor, the impact of that change of use on the character or sustainability of the conservation area;
- (f) the provision of adequate natural light in all habitable rooms of the dwellinghouses;
- (g) the impact on intended occupiers of the development of the introduction of residential use in an area the authority considers to be important for general or heavy industry, waste management, storage and distribution, or a mix of such uses;
- (h) where the development involves the loss of services provided by
  - i. a registered nursery, or
  - ii. a health centre maintained under section 2 or 3 of the National Health Service Act 2006, the impact on the local provision of the type of services lost; and
  - i. where the development meets the fire risk condition, the fire safety impacts on the intended occupants of the building.

### **Assessment of the application against the requirements of Class MA**

#### **(a) Transport and highways impacts of the development, particularly to ensure safe site access**

As aforementioned, the site comprises a brownfield development and is situated in a sustainable location within close proximity (approximately 0.6km or a 10-minute walk) of the village of Kentford which contains a number of local facilities including a post office and local shop, 2 public houses, and a number of commercial enterprises including at the Lanwades Business Park. The site is located approximately 1km away (2-minute car journey, 4 minute cycle ride or 10-15-minute walk) from Kennett railway station, which operates services to Cambridge and Ipswich. There are also bus stops to the east of the site on Moulton

Road which provide hourly services to Bury St Edmunds, Mildehall, Bury St Edmunds, Newmarket and Exning.

The proposed development will utilise both existing vehicular and pedestrian access points from B1506 with Sir Graham Kirkham Avenue and Sire Lane.

The existing site buildings will be retained and redeveloped to accommodate the proposed residential units. Also, the existing internal road network and car parking areas will be retained to accommodate the proposed vehicular and pedestrian demand.

A Transport Statement has been prepared by RPS to supplement the application. The Transport Assessment has been conducted for the whole site (all 33 buildings) that will deliver 203 units under Class MA of the GPDO. Section 5 of the Transport Statement refers to the parking provisions on site. The Suffolk Guidance for Parking requires a minimum of 265 car parking spaces are required for the whole development. However, the site currently provides 478 parking spaces. Therefore, no additional parking spaces are required as part of the proposal.

With regards to cycle storage provision, Drawing No. 19285 1003 Rev. A of the submitted Transport Statement indicates the Bin and Cycle Store Layout. 477 Cycle Parking Spaces are required for the proposed development. This cycle provision will be accommodated within the proposed masterplan to satisfy Suffolk's minimum cycle standards. The planning application for these Cycle Parking Spaces has been submitted under Planning Portal reference DC/23/1194/FUL.

Based on the assessment outlined in this report, it is concluded that the proposals accord fully with prevailing transport policy guidance and that the scheme proposals are appropriate for the location. Therefore, it is considered that there are no highway or traffic reasons why planning permission should not be granted.

(b) Contamination risks in relation to the building

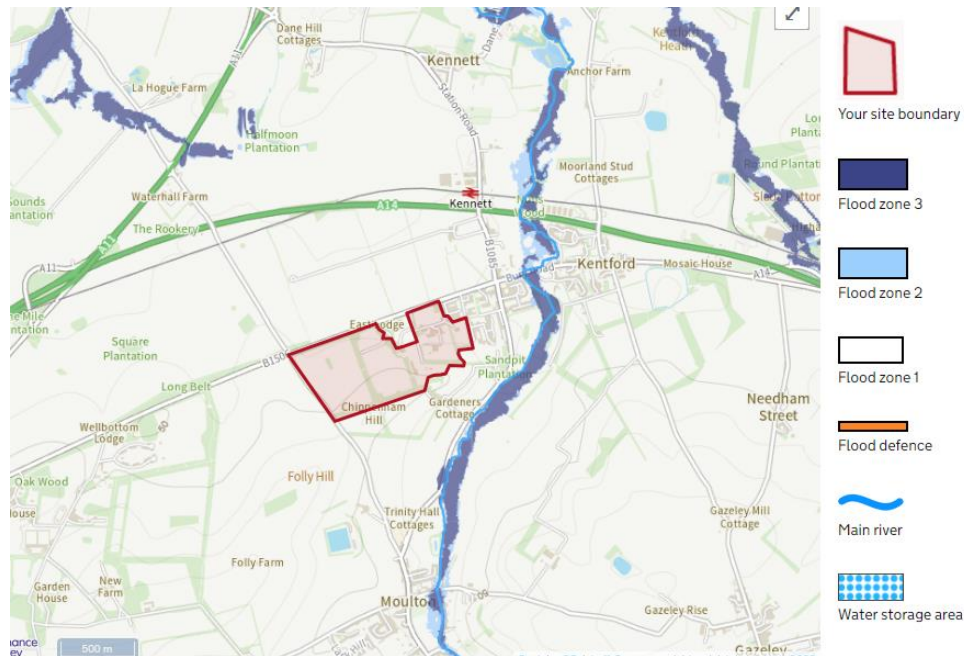
A Ground Investigation Report has been conducted on the site which has been submitted alongside the application. Overall, the investigation did not identified any significant contamination on site. One elevated concentration of arsenic was identified, which is considered to be relatively localised. Made Ground was encountered, which included odours and staining but laboratory testing did not identify any elevated contaminants within these soils.

Therefore at this stage no contamination has been identified and there are no remedial requirements for the site.

(c) Flooding risks in relation to the building

As per the Environment Agency Flood Risk Map for Planning, the site is located in Flood Zone 1 (see Figure 4). As such, the site is not within an area subject to flood risk and consequently a FRA is not considered necessary.

Figure 4: Flood Risk Assessment



(d) Impacts of noise from commercial premises on intended occupiers of the development

There are no commercial units within the vicinity of the site which would be impact the intended occupiers of the development.

(e) Where (i) the building is located in a conservation area, and (ii) the development involves a change of use of the whole or part of the ground floor, the impact of that change of use on the character or sustainability of the conservation area

The site is not located within a conservation area. A Heritage Statement is submitted as part of the application which confirms that the application building is not curtilage listed.

(f) The provision of adequate natural light in all habitable rooms of the dwellinghouses

Subject to the approval of planning permission under reference DC/23/1194/FUL, it is considered that all habitable rooms will have access to adequate natural light and all the rooms meet the nationally adopted space standards.

(g) The impact on intended occupiers of the development of the introduction of residential use in an area the authority considers to be important for general or heavy industry, waste management, storage and distribution, or a mix of such uses;

The site does not fall into this category.

(h) Where the development involves the loss of services provided by (i) a registered nursery, or (ii) a health centre maintained under section 2 or 3 of the National Health Service Act 2006, the impact on the local provision of the type of services lost

The site does not fall into this category.

### Conclusion

The application seeks prior approval for the conversion of a Class E commercial building to a residential unit (C3) with associated parking space. The application, as demonstrated in the sections above, meets the conditions set by Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). It is considered that prior approval should therefore be granted.

Yours sincerely

**Flora MacLeod**