

# Forest Heath District Council

**DEVELOPMENT  
CONTROL  
COMMITTEE**

**14 MAY 2014**

**DEV14/111**

**Report of the Head of Planning and Regulatory  
Services**

**PLANNING APPLICATION DC/13/0143/FUL – SCRAPYARD, SKELTONS  
DROVE, BECK ROW**

## **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**

Philippa Kelly (Case Officer)

01638 719382

# Committee Report

---

<b>App. No:</b>	DC/13/0143/FUL	<b>Committee Date:</b>	14 May 2014
<b>Date Registered:</b>	19 November 2013	<b>Expiry Date:</b>	16 January 2014
<b>Case Officer:</b>	Philippa Kelly	<b>Recommendation:</b>	APPROVAL
<b>Parish:</b>	Beck Row	<b>Ward:</b>	Eriswell and The Rows
<b>Proposal:</b>	Part Retrospective Application: Change of use of agricultural land to extend existing scrap yard with the continued use of part of the site as a scrap yard and retention of the facilities building (Major Development and Departure from the Development Plan)		
<b>Site:</b>	Scrapyard, Skeltons Drove, Beck Row, Suffolk		
<b>Applicant:</b>	Mr T Buckley		

---

## Background:

**This application is referred to Development Control Committee due to its complex nature which raises District wide planning policy issues.**

**The applicant is recommended for APPROVAL.**

### Application details:

1. This application relates to the continued use of part of the site as a scrap yard, the retention of an ancillary 'facilities' building on this part of the land, and the change of use of existing vacant land in the northern part of the site to a scrap yard.
2. The existing scrap yard use is long established and currently operates primarily from land to the south of the application site, which fronts Rookery Drove and is accessed from Skeltons Drove. The applicant is also seeking the change of use of the adjoining land from the current use as a scrap yard, to a mobile home park. A separate planning application has been submitted and is found elsewhere on this Agenda.

### **Site details:**

3. The application site is located between Skelton Drove and Rookery Drove, Beck Row, and relates to an approximately rectangular parcel of land which extends to approximately 2 hectares. The application site plan shows that the site would be accessed from Rookery Drove to the south, via a track approximately 200m in length.
4. The southern part of this application site contains an existing scrap yard use known as 'Beck Row' Auto Dismantlers' and includes an ancillary 'facilities building' on the southern boundary, adjacent the access track. The southern part of the site also contains a number of redundant buildings which are understood to have been associated with the former agricultural use of the site. These buildings do not form part of the application submission.
5. The northern part of the application site relates to an open area of former agricultural land, which was used in the past as a lawful temporary overspill storage area associated with the scrap yard use. It is now generally vacant, although contains a number of disused motor vehicles and a large storage container. The site includes an existing dog compound which is situated along the north-eastern boundary.
6. The application site abuts open countryside to the north. To the north-east and south-east is land which is in the ownership of the applicant and includes a horse paddock and Sandy Park Caravan Site. The western and northern boundaries of the site are bunded. The western boundary includes a tree belt containing mature conifer trees. Further to the west is Willow Park Caravan Site. To the south and abutting the proposed access track is a motor vehicle scrap yard which is in separate ownership.
7. The application seeks to regularise the existing scrap yard use of the southern part of the site (an area of just under one hectare in size) and which contains the facilities building, the retention of which is also sought. The application also proposes the extension of the scrap yard use into the northern part of the application site (an area of just over one hectare in size).
8. The site has no designations as defined in the current development plan, and lies outside the settlement boundary for Beck Row. The site is level and with the exception of the boundary trees, contains no natural features. It lies within groundwater source protection zones, but is not within an area of flood risk.
9. Officers note that the planning agent refers to the site as being designated for industrial use. Policy 5.9 of the Forest Heath Local Plan (1995) did refer specifically to this application site and allocated it for non-conforming industrial uses. However, the policy was not saved, and has been superseded by Core Strategy Policies, including CS6 - Sustainable Economic and Tourism Development.

### **Application supporting material:**

10. The application is accompanied by the following documents:
  - Application forms and drawings – including site location plan.

- Planning, Design and Access Statement.

### **Planning history:**

11. The planning history which is of relevance to the application site is as follows:

F/2002/788 – Change of use of land for storage and sale of second hand and scrap vehicles – Approved May 2005.

F/98/602/CL – Certificate of lawful use for the storage and processing of scrap vehicles – Approved 24<sup>th</sup> December 1998.

F/87/916 – Change of use to storage of vehicles for a temporary period of 3 years. Refused 10 February 1988. Appeal allowed 18 October 1988.

### **Consultations:**

12. Members of the public and statutory consultees were consulted in respect of the scheme as submitted. The following is a summary of statutory comments received.
13. **West Suffolk Environmental Health** - No objection.
14. **SCC Highways** – Comments. The current access onto both Skeltons Drove and Falcon Way/Rookery Drove are acceptable for this level of development. No objection.
15. **Suffolk County Council Archaeological Services** – Comments. No objection subject to conditions relating to an agreed programme of archaeological investigation.
16. **Mildenhall Internal Drainage Board** – Comments. No objection provided that soakaways form an effective means of surface water disposal.
17. **Environment Agency** – Comments. Objection on the grounds of risk of pollution to controlled waters and surface and groundwater quality.
18. **Anglian Water** – No comments to make.

### **Representations:**

19. **Beck Row Parish Council** – No response received.

### **Policies:**

#### **Development Plan**

20. The following Forest Heath Local Plan (1995) saved policies are relevant in the consideration of this application:
  - Policy 9.1 and 9.2 – The Rural Area and New Development
21. The following Forest Heath Core Strategy (2010) policies are relevant to the consideration of this application:

- Policy CS2: Natural Environment.
- Policy CS3: Landscape Character and the Historic Environment.
- Policy CS4: Reduce Emissions, Mitigate and Adapt to Future Climate Change.
- Policy CS5: Design Quality and Local Distinctiveness.
- Policy CS6: Sustainable Economic and Tourism Development.
- Policy CS10: Sustainable Rural Communities.

### **Other Planning Policy:**

22. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. [The National Planning Policy Framework](#) ('the Framework') is a material consideration for planning decisions and is relevant to the consideration of this application.

23. Paragraph 14 identifies the principle objective of the Framework:

*"At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. For decision taking this means:*

- *Approving development proposals that accord with the development plan without delay; and*
- *Where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:*
  - *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this framework taken as a whole;*
  - *or specific policies in this framework indicate development should be restricted."*

24. This presumption in favour of sustainable development is further reinforced by advice within the Framework relating to decision-taking. Paragraph 186 of the Framework requires Local Planning Authorities to *"approach decision taking in a positive way to foster the delivery of sustainable development"* and Paragraph 187 which states that Local Planning Authorities *"should look for solutions rather than problems, and decision takers at every level should seek to approve applications for sustainable development where possible."*

25. Paragraph 28 of the Framework seeks to promote a strong rural economy, in order to create jobs and prosperity. This places emphasis on planning policies which support the sustainable growth and expansion of all types of business and enterprise in rural areas. Paragraph 120 is also of relevance in the context of this planning application. This requires decisions to ensure that new development is appropriate for its location, and takes account of the effects of pollution on health, and the potential sensitivity of the proposed development to adverse effects from pollution.

## **Officer comment:**

### Principle of Development

26. The subject planning application seeks the extension of the scrap yard use onto land which is currently vacant. The application also seeks to regularise the scrap yard use of part of the application site – which was approved in part under application F/2002/788; and the retention of an existing ancillary building which serves the scrap yard.
27. Current planning policy advice in respect of the industrial use of the land is found within the Framework and the Core Strategy. These documents offer general support for rural development that delivers jobs, and encourages the establishment and growth of employment enterprises – subject to there being no significant detrimental impact.
28. In terms of the extension of the scrap yard use, the land to which this extension relates has previously had the benefit of a temporary planning permission for this use, under application F/87/916 which was approved on appeal in October 1988. Whilst the Development Plan context has changed since this time, the Inspector's Decision letter provides useful guidance in respect of the evaluation of the current planning application.
29. Officers acknowledge that the use of the land for the storage of scrapped vehicles is not usually a rural activity. However, it is not considered a use that would be encouraged in a residential area, or even in modern laid out industrial estates. Moreover, officers are mindful of the Inspector's decision letter in respect of application F/87/916 - which noted that there are many instances of such storage sites in quasi-rural areas where such a situation would do little harm to the environment.
30. The scrap yard business use is clearly well established and has been operating from this general location for some years. The application benefits from the fact the proposals supplement the existing activity nearby. Mindful of Development Plan policies which seek to encourage employment growth in rural areas, the application proposals are therefore generally supported in principle - subject to the following detailed consideration of planning matters.

### Landscape Character, Design and Local Distinctiveness

31. The application site is situated in rural location, outside of the settlement boundary of the village off Beck Row. It is generally well screened from public viewpoints. The existing boundary bunding and tree line would provide a screen to help mitigate the visual effect.
32. In terms of the visual impact of the proposals, this is considered unlikely to have more than a local impact. The applicant has confirmed an intention to provide landscaping within the site and landscaping/fencing to boundaries, as part of the proposals. This would be particularly important given the relationship with adjacent residential uses. An appropriate planning condition has been recommended to secure this in advance of the extension of the scrap yard use.

33. The existing 'facilities' building is large in scale and utilitarian in design. However, given the industrial use of the site, it is not considered to be of such a design, scale and form to warrant an objection on these grounds. In reaching this decision, officers are mindful that this building does not have a significant visual impact when viewed from outside of the site.
34. On the basis of the above evaluation, officers are satisfied that the proposal is acceptable in terms of landscape character, design and local distinctiveness. The application is therefore considered to accord with Policies CS3 and CS5 of the Core Strategy.

#### Residential Amenity

35. The application site abuts Sandy Park Caravan Site to the south, and private residential dwellings front Rookery Drove and Skeltons Drove, to the south and east. Officers note that the existing scrap yard use is not controlled in terms of working hours. In the interests of the protection of existing residential amenity, it is considered appropriate to control these arrangements. This can be consolidated by way of a planning condition.
36. On this basis, officers are of the opinion that the proposed use of the site would not compromise existing residential amenity such as to warrant the refusal of the application on these grounds.

#### Highway Issues

37. Access to the site is proposed from Rookery Drove, which is an unadopted highway. Officers note that this access is not currently in use.
38. The County Highways Engineer, in consultation correspondence, has confirmed that the proposed access arrangement onto Rookery Drove will be acceptable in highways terms, and that highways safety will not be compromised by what is proposed. On this basis, the development proposal is considered appropriate in terms of highway issues.

#### The Natural Environment

39. The Breckland Forest Site of Special Scientific Interest (SSSI) and component part of the Breckland Special Protection Area (SPA) lies outside the relevant buffer zones as designated in the Core Strategy. The SPA is not connected to the application site, and there are no habitats within the application site which are considered suitable for the bird features for which the SPA is designated. On this basis, the local planning authority considers that the likely impact of the development proposal on the SPA is neutral, and there is no requirement for an Appropriate Assessment under The Habitats Regulations.
40. The development proposals are considered unlikely to have an impact on any ecology issues. The proposal is therefore in accordance with Core Strategy Policy CS2.

## Environmental Issues

### Risk of pollution

41. The use of the land as a scrap yard gives rise to potential pollution risk issues. Your officers understand that the site is located above a Principal and Secondary Aquifer, Source Protection Zone and groundwater body. On this basis, the site is considered to be of high sensitivity and could present potential pollutant linkages to controlled waters.
42. In the absence of an assessment of potential contamination found in the proposed development site, and consideration for the risk posed by surface water drainage, the Environment Agency has raised an objection to the planning application. Your officers understand that in order to overcome the Environment Agency's objection, further technical information is required.
43. In the absence of the requested information, the proposals are unable to demonstrate the risk of pollution to controlled waters, surface water and groundwater quality. On this basis the proposals would be contrary to Development Plan policies which seek to conserve and enhance the natural and local environment by prevent both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution.
44. Your officers understand that the planning agent is working with the Environment Agency to address this issue. A verbal update will be provided at the committee meeting.

### Archaeology

45. The application site is located in an archaeological sensitive area, adjacent to the fen-edge. Consultation advice received from the County Archaeological Officer indicates that the proposed extension of the scrapyard will affect a known archaeological site, with previous finds in this locality indicating a multi-period settlement.
46. In accordance with the advice offered, a condition can be secured to ensure a scheme of archaeological investigation, prior to the extension of the scrap yard. This would accord with Core Strategy Policy CS3 and the advice offered in the Framework with regard to the conservation of heritage assets of archaeological interest.

### **Conclusion:**

47. The development proposal has been considered against the objectives of the Framework and the government's agenda for growth. The proposals would consolidate and regularise an existing economic activity, and are not considered to have a significant adverse impact on the local landscape, highways issues or existing residential amenity.
48. The application does fail to provide sufficient evidence to demonstrate that the proposals will not cause unacceptable risk of pollution. In the absence of this information, the proposals are contrary to the Framework, which seeks to



- ensure that new development does not contribute to pollution.
49. Subject to the removal of the objection on behalf of the Environment Agency, the development is found to be acceptable in planning terms. The recommendation is one of approval.

**Recommendation:**

50. That subject to the removal of the objection on behalf of the Environment Agency, planning permission is **GRANTED** subject to the following conditions:
1. Time limit
  2. Archaeology – investigation and post investigation assessment.
  3. Details of landscaping scheme to be agreed.
  4. Details of boundary treatment to be agreed.
  5. Details of waste storage disposal and servicing arrangements.
  6. Foul and surface water disposal details.
  7. Operating hours – working hours - tbc

**Documents:**

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online.

Alternatively, hard copies are also available to view at Planning, Planning and Regulatory Services, Forest Heath District Council, District Offices, College Heath Road, Mildenhall, Suffolk IP28 7EY

Case Officer: Philippa Kelly  
Tel. No 01638 719382