

Forest Heath District Council

**DEVELOPMENT
CONTROL
COMMITTEE**

14 MAY 2014

DEV14/112

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

**PLANNING APPLICATION DC/13/0144/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)

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Committee Report

App. No:	DC/13/0144/FUL	Committee Date:	14 May 2014
Date Registered:	21 November 2013	Expiry Date:	16 January 2014
Case Officer:	Philippa Kelly	Recommendation:	APPROVAL
Parish:	Beck Row	Ward:	Eriswell and The Rows
Proposal:	Change of use of land from scrap yard to mobile home park for permanent residential occupation by people over 50 years old (Major Development and Departure from the Development Plan)		
Site:	Scrapyard, Skeltons Drove, Beck Row, Suffolk		
Applicant:	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 conditional APPROVAL following completion of a s106 agreement.

Application details:

1. This application is for the change of use of land from a scrap yard to a mobile home park for permanent residential occupation by people over the age of 50. The submitted red line application site plan indicates that access will be taken from Skeltons Drove, immediately to the east.
2. The application is accompanied by an indicative site layout which proposes up to 32 mobile homes centred around an area of open space, although no upper threshold is sought. The existing scrap yard business which currently occupies this land would cease as a result of the proposals. A separate planning application on adjoining land to the north of the application site and which relates to the scrap yard has also been submitted (local authority planning application reference DC/13/0143/FUL). The corresponding report to Development Control committee is found elsewhere on this agenda.

Site details:

3. The application site is located between Skelton Drove and Rookery Drove, Beck Row, and extends to an area of approximately 1.3 hectares. The site relates to an existing scrap yard, the use of which is classified as '*sui generis*' under the planning use class order.
4. Access to the site would be taken from Skeltons Drove to the east, an unclassified highway. This is an existing access which currently serves the existing scrap yard. Rookery Drove, an unadopted track, forms the southern boundary of the site. Undeveloped land lies further to the south on the opposite side of Rookery Drove, beyond which is existing residential development. Immediately adjacent the eastern boundary of the site are residential properties and their amenity areas. 'Sandy Park' Caravan Site lies immediately to the north.
5. An access track from Rookery Drove which is not currently in use lies just outside the western boundary of the application site. It is understood that this access was historically used to serve the scrap yard. Land to the west is in separate ownership and is also in use as a motor vehicle scrapyard.
6. The application site is currently occupied by the business known as Beck Row Auto Dismantlers. The western area is occupied by rows of cars, and includes a workshop building adjacent the eastern boundary. An above ground diesel fuel tank lies adjacent the workshop. At the time of the planning officer's site visit it was not possible to access the southern part of the site, which is overgrown.
7. The site is level and contains no natural features. It lies within groundwater source protection zones, but is not within an area of flood risk. It is understood that the site is a Licensed Waste Management Facility and a Registered Waste Treatment of Disposal Site.
8. The site lies outside of the defined settlement boundary for Beck Row. Beck Row is designated as a Primary Village in the Core Strategy Policy CS1. At 2011 the village had an existing population of approximately 3990.

Application supporting material:

9. The application is accompanied by the following documents:
 - Application forms and drawings – including site location plan and indicative site layout plan showing schedule of units.
 - Planning, Design and Access Statement.
 - Contaminated Land Assessment.
10. The Planning, Design and Access Statement which accompanies the application sets out the applicant's justification for the proposed development. A request for further evidence in support of the need for the mobile home park, and the sustainability of the proposals, was made by Council officers to the applicant, at meetings held on 6 February 2014 and 25 March 2014. In response to this request, further correspondence was received from the planning agent on 6 March 2014 and 31 March 2014.

11. The applicant's supporting documentation refers to the absence of a District-wide five year land supply, and the government's presumption in favour of sustainable development as set out in the National Planning Policy Framework ('the Framework').
12. During the course of the application the planning agent confirmed the acceptability of reverting to an indicative layout for 32 mobile home units, as opposed to a 35 unit scheme which had originally been submitted.

Planning history:

13. F/2002/792 – Change of use of land previously used as a scrap yard to mobile home site – Approved 16 May 2005.

Officer note: The above planning application was not implemented. It lapsed on 15 May 2010.

Consultations:

14. 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.
15. **West Suffolk Strategic Housing** – Comments. The Strategic Housing Team does not consider that Forest Heath's Core Strategy Policy CS9 takes into account the provision of a mobile home within the definition of a dwelling that would trigger the requirement for the provision of affordable housing under this policy. This is because the type of residential use being proposed relates to caravans, and caravans are not dwellings under our current policy terms.
16. **West Suffolk Planning Policy** – Detailed comments provided. The following is a summary of the comments received:

NPPF – Land Supply

The preference would be to advance the allocation of this site via the Site Allocations Local Plan, (LP), process, in line with the requisite infrastructure planning and in order that the cumulative impact of development within the Local Plan period can be properly considered. However, the Authority can only demonstrate a 3.4 year supply of deliverable housing sites at this time. The NPPF, (para. 49), is clear insofar as policies for the supply of housing should not be considered up-to-date if a LPA cannot demonstrate a five-year supply of deliverable housing sites. Whilst the Authority continues to have a five-year land supply 'deficit', para. 14 of the NPPF, (the presumption in favour of sustainable development), must be a fundamental consideration in the assessment of any planning application for residential development that it receives.

Assessment of the Current Application

There are three key considerations in the determination of this application given the prevailing status of the 'local' Development Plan, (i.e. the stage the

Authority has reached in the preparation of its various LP documents and the absence of a demonstrable 5 year supply of deliverable housing sites):

1. Assessment of benefits 'versus' adverse impact(s)

The proposal offers clear societal 'benefit(s)' in terms of contributing to FHDC's objectively assessed housing needs, (and consequently having a positive bearing on the Authorities land supply status), and in making appropriate/proportionate provision for other infrastructure requirements associated with any development were it to be permitted. However, as identified above, the proposal would not make any contribution to the District's affordable housing 'stock', (as defined by the NPPF). The proposal would, however, provide relatively 'low-cost' market housing for those over 50 years of age for which there would appear to be a demonstrable need. Park homes are, generally speaking, cheaper to rent or purchase than conventional houses and normally less expensive to furnish, run and maintain. Park home living is an attractive option open to those nearing requirement and wishing to down-size, thus releasing capital and as a consequence introducing or re-introducing a more traditional residential unit to the 'open' housing market. Further, the proposal would not result in the loss of countryside in the traditional sense. Rather, it would replace a scrap yard and as such the proposal could, arguably, constitute environmental enhancement.

2. Sufficiency of this settlement's 'environmental capacity' to deliver the proposal in a sustainable manner

The emerging SIR Policy CS7 allocations are broadly in line with those contained within the 'original' policy CS7 which itself was deemed to be 'sound' strategy at the examination stage. This would suggest that Beck Row has the 'capability', (in broad terms), to support the current proposal, (notwithstanding the fact that the 2009 IECA evidence base is dated and should be supplemented with appropriate subsequent information which may include other consultation responses to the current application). The IECA identified a broad capacity range of some 240-420 new dwellings in the plan period to 2031, sufficient to cater for the requirements of this and other development permitted subsequent to its publication. However, such levels of development would be subject to infrastructure improvements in line with growth that would need to be properly considered and planned for. Consideration is afforded to 'tipping' points and cumulative impact below.

3. Would allowing the development prejudice FHDC's plan making processes, i.e. is it 'premature'?

The recent suite of Planning Policy Guidance, (e-PPG), confirms that 'prematurity' arguments are unlikely to justify the refusal of planning permission unless it is clear that the adverse impact of granting permission would significantly outweigh any benefits – taking account of the policies of the NPPF. Given the stage the Authority has reached in preparing its Site Allocations LP, (Regulation 18, Further Issues and Options stage), refusal of this application on the grounds of prematurity ought to be 'unlikely'. This is

not to say that refusal cannot be justified on grounds of prematurity should you be able to demonstrate that the adverse impacts likely to arise from permitting the scheme are so severe as to warrant this course of action.

The current proposal does need to be considered alongside other 'recent' development(s) in Beck Row and its surrounding area and in particular the approval of 117 dwellings, (at Aspal Lane), which alone constituted some 43% of the settlements allocation within the context of the emerging Site Allocations document, or some 70% of the emerging SIR Primary Village allocation of 168 dwellings in the plan period, (were all four Primary Villages to receive an equal share).

The 'Aspal Lane' development alone exceeded the 50-100 dwelling infrastructure 'tipping point' as envisaged by the IECA, even before consideration is given to the impact of the current proposal in tandem with it. Again, this does need to be caveated in respect of the age of the IECA appraisal and the requirement to consider consequent developments in respect of infrastructure provision.

The IECA indicated under provision of health infrastructure that is 'critical' in support of housing growth. Further, the IECA identified an ongoing need for investment in transport infrastructure to relieve congestion which is likely to worsen as the population of this settlement grows. The IECA also identified limited capacity at the Primary School, (schools being an 'essential' item of infrastructure), and the requirement for upgrades to wastewater and sub-station capacity, ('fundamental' items of infrastructure).

Although, in isolation, you may consider that the current proposal would not have such a severe 'adverse' impact, (in economic, environmental and/or societal terms), as to warrant refusal, you may yet consider that cumulatively, (in respect of the 'Aspal Lane'/other 'recent' permissions in the locality), 'sufficient harm' is likely to accrue for the application to be refused on prematurity grounds. Such a course of action remains an option regardless of the status of the Authorities development plan. Conversely, you may consider that, on balance, the particular characteristics of Beck Row are such that the settlement has the capacity to accommodate the current proposal alongside 'other' recent development(s).

Summary

In common with all residential applications received at this time, you need to consider/balance the benefits of the proposal against the adverse impacts, (in economic, environmental and/or societal terms). It has been demonstrated that there are clear societal and possibly environmental, benefits likely to accrue from this proposal. Provided that you consider that the benefits outweigh any adverse impacts even after a through infrastructure appraisal, (including consideration of 'post-IECA' evidence), which leads you to conclude that this settlement has the ability to 'absorb' the impact of this proposal alongside other recent permissions, it ought to be approved. Conversely, should you consider that the cumulative impact of this and other permissions, in light of your infrastructure appraisal, would be of such significant detriment, (in economic, environmental and/or societal terms), that it justifies refusal then you should take this course of action, (citing prematurity as your grounds). The contention

would be that future decisions on the scale and location of new development within this settlement would 'better', (properly and robustly), be achieved via the plan-making processes.

17. **West Suffolk Environmental Health** - No objection.
18. **West Suffolk Leisure Services** – Comments. Good central position for the open space. Recommends additional soft landscaping.
19. **Suffolk County Council Planning Obligations** – Comments. Detailed advice received on a range of planning matters, including S106 developer contributions:
 - Education - As the scheme is proposed to be occupied by people aged 50 and over there are no education requirements.
 - Transport issues - See separate SCC Highways consultation response.
 - Libraries – Contribution of £90 per person sought.
 - Waste – A waste minimisation and recycling strategy should be secured by planning condition.
 - Sustainable Drainage Systems (SUDs) –SuDS should be incorporated into the development, in the interests of reducing flood risk, improving water quality and biodiversity/amenity benefits.
 - High Speed Broadband –Recommends that the development should be equipped with high speed (fibre optic) broadband.
 - Legal costs - SCC will require reimbursement of its own legal costs.
20. **SCC Highways** – Comments. The current accesses onto both Skeltons Drove and Falcon Way/Rookery Drove are acceptable for this level of development. No objection.
21. **Suffolk Fire and Rescue Service** – Comments. No objection.
22. **Suffolk County Council Archaeological Services** – Comments. No objection subject to conditions relating to an agreed programme of archaeological investigation.
23. **Mildenhall Internal Drainage Board** – Comments. No objection provided that soakaways form an effective means of surface water disposal.
24. **Environment Agency** – Comments. No objection subject to planning conditions relating to the details of a contamination remediation strategy and surface water disposal.
Representations:
25. **Beck Row Parish Council** - Support the application.

**Policies:
Development Plan**
26. 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

- Policies 10.2, 10.3 and 10.5 – Open Space Provision
27. The following Forest Heath Core Strategy (2010) policies are relevant to the consideration of this application:
- Policy CS1: Spatial Strategy
 - 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 CS9: Affordable Housing Provision
 - Policy CS10: Sustainable Rural Communities
 - Policy CS13: Infrastructure and Developer Contributions
28. *Office Note:* It has been held at planning appeal that mobile homes are a form of 'low cost' market housing. The Council's general housing policies are therefore of relevance to the consideration of the application proposals.
29. *Officer Note:* Core Strategy Policy CS7 and, insofar as it relates to housing numbers, Policy CS1, relate to the supply of housing. In accordance with the National Planning Policy Framework they are considered to be out of date, given the fact that the Council cannot demonstrate a five year land supply.

Other Planning Policy:

30. 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.
31. 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."*
32. In addition, Paragraph 49 states:

"Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up to date if the Local Planning Authority cannot demonstrate a five-year supply of deliverable housing sites"

33. 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."*
34. In the specific context of this planning application, Paragraph 120 of the Framework is relevant. 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

35. This application relates to the use of land as a mobile home park, which is a residential use. However, it has been established under planning case law that mobile homes are not dwellings. The mobile homes which would be installed on the land normally fall within the definition of a caravan, as set out in the Caravan Sites and Control of Development Act 1960 (as amended) – i.e. a structure designed or adapted for human habitation which is capable of being moved from one place to another.

Planning History

36. Planning permission for the change of use of the application site to a mobile home park was granted in May 2005 under application reference F/2002/792. The change of use was not implemented, and the planning permission lapsed in May 2010.
37. The applicant argues that the principle of the change of use has already being established, given the historic planning approval. Whilst the previous planning history of the site is noted, planning law requires this planning application to be considered in the context of the current Development Plan context. Since the previous planning application was granted there have been some changes in planning policy – including the adoption of the Forest Heath Core Strategy Development Plan Document in May 2010, and the publication of the Framework in March 2012.
38. Under Policy CS1 of the Council's Core Strategy, Beck Row is designated as a Primary Village. This policy generally supports in principle limited housing growth to meet local housing needs. The subject application site relates to land which is outside of the defined settlement boundary of Beck Row, and as such is classified as countryside. The proposed residential use of this land as a mobile home park would not meet any of the criteria outlined in Policy CS10, for

residential development to be permitted outside of a defined settlement boundary. It would also not meet the criteria under Policy CS9 to be considered as an affordable housing exception site.

39. On this basis, the proposed use of the site as a mobile home park would be contrary to retained policies within the Council's existing local Development Plan, which allow residential development in rural areas only in certain specific circumstances.

Housing Supply

40. Paragraph 49 of the Framework states that if a local planning authority cannot demonstrate a five-year supply of deliverable housing sites, relevant policies for the supply of housing should not be considered up-to-date. Forest Heath District Council cannot currently demonstrate a five-year housing land supply. The Planning Policy Officer has confirmed in consultation correspondence that the Authority can only demonstrate a 3.4 year supply of deliverable housing sites at the present time. In these circumstances, Paragraph 14 of the Framework is clear - planning permission for development proposals should be supported, unless *'any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole'*.
41. The absence of a five year supply of land lends significant weight in support of this planning application. However, it has been held at planning appeal that this does not equate to a 'blanket approval' for residential development in locations that would otherwise have conflicted with Local Plan policies. Consideration must also be given to the wider objectives of the Framework as a whole - particularly with regard to whether the proposed development represents sustainable development. If the adverse impacts of the proposal significantly and demonstrably outweigh the benefits, then planning permission should still be refused.

Sustainable Development

42. The objectives of the Framework and its presumption in favour of sustainable development are clearly fundamental to the consideration of the application, given that the District does not have a five year land supply for housing. The three dimensions to sustainable development (economic, social and environmental) and the importance of these overarching roles within the planning system are summarised in Paragraph 7 of the Framework. Within this context, Paragraph 17 sets out a number of core land-use planning principles that should underpin decision making.
43. For the purposes of local planning policy, Beck Row is categorised as a Primary Village because of the type and nature of the available facilities and local services. The principle of modest growth in this village is accepted and has been established through Core Strategy Policy CS1. There has been no change in these circumstances, and Beck Row remains a sustainable settlement.
44. The emerging core strategy Policy CS7 Single Issue Review submission consultation document (which was agreed with Members in the autumn of 2013) allocates some 168 dwellings to Beck Row in the period to 2031 (based

on an even split of 670 dwellings over the four primary villages). This suggests that in broad terms Beck Row has the capacity to support the level of development proposed by the subject application.

Environmental Capacity

45. The provision of services and facilities within the District's settlements has been the subject of investigation and assessment through the 2009 Infrastructure and Environmental Capacity Appraisal (IECA), which informed the local plan process. The IECA report considers the environmental capacity of settlements, and recognises the need for a mechanism to provide social, physical and environmental infrastructure to support growth. The report also considers settlement infrastructure tipping points, which are utilised to evaluate potential impacts on infrastructure.
46. The IECA report acknowledges that Beck Row has a reasonable network of existing infrastructure for a primary village. It also notes that many local residents work on the Mildenhall Air Base and may therefore use services there that are not necessarily open to community uses. This means that the provision of some infrastructure types (such as sports facilities) is relatively poor. There are also no GP's or dentists which ordinarily a settlement of this size would be able to support. The report also recognizes that the local transport network is a potential constraining factor to development.
47. In terms of the environmental capacity of Beck Row, the IECA report identifies capacity for some 240 – 420 new dwellings to 2031. The report notes that the village could only support a limited amount of growth before investment in infrastructure is required. In terms of actual housing numbers, a 'tipping point' of around 50 – 100 new homes is referred to, beyond which it advises that further investment in infrastructure would be necessary.
48. The subject application proposes up to 32 mobile homes, which is below the range considered by IECA to have a significant impact on existing infrastructure in the village. On this basis, the scale of the development is such that it is not considered to have an adverse impact on existing infrastructure, and no objection is raised on these grounds.

Cumulative Impacts

49. It is considered appropriate to consider potential cumulative impacts with other commitments for residential development in Beck Row. At the March 2014 meeting of Planning Committee, Members resolved to approve an outline planning application for up to 117 dwellings on land east of Aspal Lane. With 32 units from the subject planning application, this could potentially mean an additional 149 residential units for the village.
50. Officers have considered the cumulative impacts of an additional 149 residential units in the context of the IECA report, with specific reference to Appendix 5. This provides a break down of each type of infrastructure in Beck Row, and an assessment according to its capacity. Reference has also been made to consultation advice received during the course of the application. This process has highlighted the following types of infrastructure as being at the 'critical' or 'essential' stage.

Critical Infrastructure - Healthcare Provision

51. The IECA report lists healthcare provision in Beck Row as 'critical' infrastructure being already at tipping point. National standards suggest that the village has sufficient population to support both a GP surgery and dental practice, although neither of these facilities are available at the moment.
52. Officers are aware that there is currently a capacity deficit in the catchment GP surgery (Mildenhall). It is acknowledged that the future population of the proposed mobile home park might increase the pressure on existing healthcare services - particularly given that occupancy will be those over the age of 50. However, no consultee advice on this issue has been forthcoming. This is because the scale of the development (35 units) is below the threshold of 50 units which would ordinarily trigger a formal response on behalf of NHS Property Service Ltd. In the absence of formal advice on healthcare provision, officers do not consider it would be appropriate or reasonable to seek to require the development proposal to mitigate the capital cost to the NHS for the provision of additional healthcare services arising directly as a result of this development proposal.

Critical Infrastructure – Education

53. The ongoing Schools Organisation Review and consultation advice received on behalf of Suffolk County Council supersedes the evidence contained in the 2009 IECA report with regard to the provision of education in Beck Row. Officers understand that a critical infrastructure tipping point has already been reached with regard to local primary school provision. Beck Row Primary School is almost at capacity and expansion would be difficult due to site constraints.
54. The subject application proposes mobile home units which are for occupation by people over the age of 50 years, and this can be controlled by way of a relevant Section 106 planning obligation. On this basis, officers are satisfied that the proposal would trigger no educational requirements, and would therefore have no impact on this critical infrastructure type.

Fundamental/Essential Infrastructure – Transport

55. The IECA report provides commentary on local transport issues in Beck Row, and categorises investment in transport infrastructure as 'fundamental' and 'essential'. It advises that mitigation of current congestion problems should be investigated as part of the consideration of proposals for new development, and seeks to encourage public transport services given limited existing provision. Consultation advice received on behalf of the Suffolk County Council as Highway Authority has raised no objection to the scheme as proposed. On this basis, officers consider that this fundamental/essential infrastructure type would not be compromised by the proposed development.

Fundamental Infrastructure – Wastewater Capacity

56. Anglian Water, the statutory undertaker for providing water and dealing with waste water treatment, has previously advised that there is sufficient capacity at the local wastewater treatment works in Mildenhall works to cope with the

additional growth arising from new development in Beck Row.

57. The ability of local wastewater pumping stations in Beck Row to cope with both existing flow and increased flows arising from new development, is also a local concern. Officers note that there have been operational issues at certain pumping stations in this area for some time, and that Anglian Water has been working to address sewage problems in affected areas. This project includes the relocation of six pumping stations in Beck Row, which at the time of writing this report is scheduled to be completed by the end of April 2014.
58. At the time of writing this report, no consultation response had been received on behalf of Anglian Water. A verbal update will be given to Members at the committee meeting. Subject to formal confirmation being received from Anglian Water that the development will have no adverse impact upon the wastewater treatment works, officers are satisfied that the proposed development will not have a significant impact on wastewater capacity.
59. On the basis of the above evaluation, officers are satisfied that the potential cumulative impacts of residential development in Beck Row would not compromise existing infrastructure in this village such as to warrant the refusal of the proposed development on these grounds.

Prematurity

60. The subject application has been submitted in advance of the Core Strategy Policy CS7 Single Issue Review and the Site Specific Allocations Document, which will determine future housing numbers and distribution within the District. The proposal therefore raises the issue of prematurity - specifically whether the development would prejudice the proper consideration of site options for development within Beck Row.
61. Further advice on the issue of prematurity is offered in the government's finalised online planning practice guidance, which was published on the Planning Portal on 6 March 2014. The guidance recognises that prematurity may provide a reason for refusal where a proposal is of such significance that it would prejudice an emerging local plan that has reached an advanced stage - but advises that refusal on prematurity grounds would 'seldom' be justified where a local plan has yet to be submitted for examination.
62. At 32 mobile home units, the proposed development is considered to represent a small proportion of the total allocation of residential development for Beck Row as set out in the context of the emerging Site Allocations document. The Planning Policy Officer concurs that given the stage of the preparation of the Site Allocations Local Plan, refusal of this application on the grounds of prematurity ought to be 'unlikely'. On the basis of the available evidence, officers do not consider it would be reasonable to object to the scheme on the grounds of prematurity.

Summary

63. It has been demonstrated that Beck Row has the environmental capacity to accommodate the proposed level of growth in a sustainable manner. Furthermore, the proposed mobile home park could help to support the

provision of a range of local services - and as such encourage the vitality and viability of Beck Row. In the absence of a five year supply of housing land, the principle of the development proposal is considered justified, subject to the following assessment of planning matters:

Justification of Need for Mobile Home Park

64. The Minister for Housing and Local Government in a written statement in July 2010 on park home reforms stated that *'the government values the role the park home sector plays in the housing market, offering an affordable alternative to mainstream housing for many people, often over the age of 50...'*. National planning policy guidance is silent on residential mobile homes specifically, other than within the context of gypsies, travelers and agricultural workers. However, Paragraph 50 indicates that local planning authorities should plan for a mix of housing based on demographic and market trends and the needs of different groups in the community - which may be interpreted as including park homes.
65. Whilst mobile home parks/park home estates are not specifically referred to in the Council's housing policies, as a form of market housing, they are subject to the Council's broader housing policies. Following a request for additional information, the planning agent provided further justification in support of the type of residential use proposed. This justification refers to the benefits of mobile homes as an alternative source of cheaper private housing, which can augment the shortage of private housing starts. Mobile homes also provide an opportunity for people to downsize, thus providing mobility in the housing market.
66. In support of mobile home parks in the local authority area, the planning agent refers to the recent Council's Strategic Housing Market Assessment (SHMA). This requires some 7239 'homes' to 2031, of which some 2400 can be classified as 'elderly', based on demographic expectations. The agent argues that the application proposals would go some way to satisfying this need. In the specific context of Beck Row, it is pointed out that this village historically had a large number of mobile homes on a site known as 'Donegal', the majority of which have been lost to 'bricks and mortar' housing in recent years. It is argued that the application proposals would help to redress these losses.
67. Officers are in general agreement of the benefits of mobile home parks as put forward by the planning agent (although note that the Council has no control over the purchase/rental prices of the plots). The development would represent an alternative form of lower cost private market housing for a specific demographic group. No objection is therefore raised to the type of residential development proposed.

Landscape Character, Design and Local Distinctiveness

68. The application site is a brownfield site on the edge of the village of Beck Row. It is well screened from public viewpoints, with an established hedgerow boundary along the southern side, and contains no distinctive landscape character or features of interest. Officers consider that the residential development of this parcel of land would not be out of context, given that it is adjoined by existing residential development to the immediate north and south.

69. In terms of the actual layout of the site, the Framework places great weight on high standards of design which should optimise the potential of a site and promote social interaction. During the course of the planning application, two site layouts were submitted which demonstrate how 32 and 35 mobile home units could be accommodated within the site. Whilst the precise layout of the site is a detail to be agreed as part of the planning condition process, officers consider that it is unlikely that a higher number of units could be achieved on this site, given the need to provide servicing arrangements, including bin storage arrangements. The Council's preference is for the 32 unit scheme, as this is considered to have a better relationship with the Rookery Drove frontage, and provides sufficient separation distance for an appropriate landscaping scheme to become established along that frontage. The planning agent has confirmed the acceptability of reverting to the 32 unit scheme for the purposes of the evaluation of this planning application.
70. On the basis of the above, it is considered reasonable to secure the following conditions should planning permission be forthcoming: limitation of the number of mobile home units to up to 32; full details of site layout include servicing and bin storage arrangements.
71. In terms of the potential visual impact of the proposed development, the site occupies a frontage with Skeltons Drove, and is considered unlikely to have more than a local landscape impact, when viewed from the south. It will be important to ensure that appropriate provision is made for landscaping and boundary, particularly along the southern frontage. Further details can be sought by way of planning condition.
72. On the basis of the above evaluation, officers are satisfied that the proposal is generally acceptable in terms of landscape character, and design and layout. The application is therefore considered to accord with Policies CS3 and CS5 of the Core Strategy.

Residential Amenity

73. Existing residential properties are situated immediately adjacent to the application site. The indicative site layout shows mobile homes would be situated adjacent to the eastern boundary of the site, which borders private amenity areas.
74. 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.
75. In terms of the residential amenity of prospective occupants of the mobile home park, it is considered important that the existing use of the site ceases to operate as a scrap yard, before occupation of the mobile homes. A relevant condition has been recommended. A condition has also been recommended to secure the implementation of appropriate boundary treatment including fencing, prior to occupation.
76. On the basis of the above evaluation, officers are satisfied that the application is acceptable in terms of potential impacts on residential amenity.

Highway Issues

77. Skeltons Drove is a highway comprising a minor unclassified carriageway, with no footways. Access to the proposed mobile home park will be from an existing access onto Skeltons Drove, which currently serves the scrap yard. The indicative site layout plan which accompanied the application indicates a secondary access onto Rookery Drove (a private road) will provide access for emergency vehicles. Officers note that this access is not included in the 'red line' application site plan, and therefore does form part of the application proposals.
78. The County Highways Engineer, in consultation correspondence, has confirmed that the existing access arrangement onto Skeltons Drove is acceptable, and that highways safety will not be compromised by what is proposed. On this basis, the access arrangements to serve the mobile home park is considered appropriate in terms of highway issues.
79. The submitted indicative layout plan shows one car parking space adjacent to each of the mobile homes, with 12 additional visitor car parking to be provided. Details of the car parking arrangements have not been requested by the County Highways Engineer. However, it is considered reasonable to secure this information by way of planning condition. It is also recommended that the details of the internal road layout, and waste disposal storage and collection arrangements are secured by way of planning condition. This will ensure that the internal layout is acceptable in highways terms ensure that servicing arrangements do not compromise existing highway safety.
80. Subject to the recommendation of planning conditions as described above, the proposal is considered acceptable in highway terms.

The Natural Environment

81. 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.
82. 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

83. The historic use of the application site as a scrap yard gives rise to potential contamination from a range of contaminants. In accordance with Paragraph 120 of the Framework, the responsibility for securing a safe development rests with the landowner. Officers understand that the Environmental Permit for the

existing scrap yard use will need to be surrendered when this use ceases. As part of that process, the permit holder will be required to reinstate the land to an appropriate standard. It is considered appropriate that this is secured by way of planning condition.

84. A Phase 1 site assessment was submitted which addresses specific contamination issues. This provides evidence to indicate an increased risk of soil/groundwater contamination given the historic use of the site. In accordance with the consultation advice offered on behalf of the Environment Agency, a detailed Phase 2 investigation will need to be carried out before development commences. A relevant condition can be recommended to ensure that the required investigative work is carried out.

Flood risk

85. The application site lies within Flood Zone 1 on the Environment Agency Flood Risk maps, representing an area at low risk of flooding. In terms of surface water disposal, the Environment Agency, in consultation comments, has advised that this should not pose a risk to groundwater quality, and recommended that the details of surface water disposal are controlled by way of planning condition.
86. In terms of foul drainage, Anglian Water has been consulted, but at the time of writing this response, no response had been received. Your officers will provide a verbal update at the committee meeting in respect of this issue. However, to prevent unacceptable risk of flooding downstream, officers consider it appropriate to require the details of the foul water drainage strategy by way of planning condition.
87. Subject to the recommendation of the relevant conditions as detailed above, the proposed development is considered acceptable with regard to environmental issues and in accordance with the principles of the Framework with regard to preventing unacceptable risks from pollution.

Archaeology

88. The proposed development affects an area of archaeological potential. Consultation advice received from the County Archaeological Officer notes that the surrounding area is rich in known archaeological sites, and that there is high potential for important heritage assets of archaeological interest to be defined in this location.
89. In accordance with the advice offered, a condition can be secured to ensure a scheme of archaeological investigation. 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.

Section 106 Planning Obligation Issues

90. Planning obligations secured must be in accordance with the Community Infrastructure Levy Regulations 2010, which came into force on 06 April 2010. In particular, Regulation 122 states that a planning obligation may only constitute a reason for approval if it is:

- (a) Necessary to make the development acceptable in planning terms;
- (b) Directly related to the development; and
- (c) Fairly and reasonably related in scale and kind to the development.

91. These are the three principal tests set out in Paragraph 204 of the Framework and are of relevance in guiding the negotiation of planning obligations sought prior to the coming into force of the CIL Regulations. In assessing potential S106 contributions, officers have also been mindful of Core Strategy Policy CS13 and the Suffolk County Council guidance in respect of Section 106 matters, 'A Developers Guide to Infrastructure Contributions in Suffolk'.

Affordable Housing

92. Mobile home parks can offer a low cost form of market housing. However, they do not meet the definition of 'affordable housing' as set out in Annex 2 of the Framework. The use cannot therefore be considered as affordable housing for planning purposes.
93. Policy CS9 of the Core Strategy seeks to secure the delivery of affordable housing. This policy is worded in such a way that the relevant development which triggers this requirement is a 'dwelling'. In the context of this planning application, it is not considered appropriate to apply Policy CS9 and the Council's Supplementary Planning Document (SPD) for Affordable Housing. This is because it has been established by planning case law that mobile homes are caravans and not dwellings. As such, Policy CS9 cannot be applied in these circumstances.
94. The Council's Strategic Housing Team, in consultation correspondence, confirm this interpretation of Policy CS9. On the basis that Policy CS9 does not apply to mobile homes, officers consider that it would be unreasonable to require the subject scheme to contribute towards the provision of affordable housing.

Open Space Provision

95. The indicative site layout shows a central area of open space which measures approximately 1950 square metres. The proposed development has been assessed against the Council's SPD for Open Space, Sport and Recreation. As with the Council's SPD for Affordable Housing, this document is based on a policy presumption that eligible residential development are dwellings. This presumption cannot be applied to the subject scheme, given that mobile homes are not dwellings. On the basis of this policy interpretation, it is considered unreasonable to seek to apply the Council's Open Space SPD. No contributions are sought.

Libraries

96. A developer contribution has been sought by the County Council for libraries, with detailed calculations based on a contribution of £90 per person. The County Planning Obligations Manager has confirmed that the contribution request has a strong policy basis, which is triggered by the proposed mobile home development. The proposal would bring extra people into the local area who would use local services and amenities including the local library. It is therefore considered consistent with the NPPF to seek contributions towards the

local library.

Summary

97. The request for a developer contribution in respect of libraries will ensure improvements locally to accommodate the growth of the village and meet the needs of the community, in accordance with Core Strategy Policy CS13. Officers are satisfied that the contribution request meets the three tests of planning obligations as set out in Paragraph 204 of the Framework, and are therefore entirely justified. The planning agent has confirmed the 'in principle' acceptability of entering into a S106 planning obligation to secure this benefit.

Conclusion:

98. The development proposal has been considered against the objectives of the Framework and the government's agenda for growth. The government's drive to 'boost significantly' the supply of housing, encapsulated in Paragraph 47 of the Framework, lends considerable weight in support of the scheme, given that the Council does not currently have a five year land supply.
99. Beck Row has been identified as a Primary Village that can accommodate some growth within the Council's Core Strategy. The proposed development would provide a form of lower cost market housing, which would contribute to improving the existing local supply of residential accommodation. It would also fulfil a demographic need for over 50's accommodation.
100. The development would bring environmental benefits, by replacing an industrial use on a brownfield site. The development would also provide potential economic benefits, in terms of local spending likely to be generated by the proposed residents, and monies from the new homes bonus payments.
101. The infrastructure pressures generated by the proposed development have been assessed. Officers are of the opinion that the development proposals would not have an impact on critical or fundamental/essential phase infrastructure – even when considered in accumulation with other committed development schemes in the locality.
102. Officers note that that proposed mobile home development does not trigger the requirement for the provision of open space and social infrastructure, and affordable housing, under the Council's adopted SPD's. Officers consider that this is a policy concession which is worthwhile - given the lower profit levels associated with mobile homes, as compared to 'bricks and mortar' housing. In reaching this decision, officers are mindful of the wider benefits that the scheme would bring forward.
103. On the basis of the above evaluation, the proposal is considered to constitute sustainable development as set out in the Framework. There are not considered to be any adverse planning matters that would significantly and demonstrably outweigh the benefits of the scheme. It is considered that on balance the environmental, economic and societal benefits which the scheme would bring would outweigh the prejudice to the plan making process.
104. Having regard to the Framework and all other material planning considerations, with the S106 package as set out below, which is necessary for the development to be acceptable in planning terms, the proposal is considered to

comply with the Framework and Development Plan policy. The recommendation is one of approval.

Recommendation:

105. That planning permission is **GRANTED** subject to:

(1) The completion of a S106 agreement to secure:

1. Libraries contribution (£90 per person)

In the event that there are any substantive changes to the S106 package, then this will go back to Members for consideration.

(2) And the following conditions:

1. Time limit
2. Upper restriction on the number of units to be accommodated on the site - 32.
3. Restriction of occupancy of the mobile home units to the over 50s.
4. Details of site layout and associated buildings and works.
5. Archaeology – investigation and post investigation assessment
6. Details of landscaping scheme.
7. Details of boundary treatment.
8. Removal of scrap yard use and remediation before occupation.
9. Details of car parking arrangements.
10. Details of road layout and surfacing arrangements.
11. Details of waste storage disposal and servicing arrangements.
12. Foul and surface water disposal.

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

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