

Development Control Committee



Forest Heath
District Council

Title:	Agenda
Date:	Wednesday 3 June 2015
Time:	6.00 pm
Venue:	Council Chamber District Offices College Heath Road Mildenhall
Full Members:	Membership subject to approval at Annual Council on 27 May 2015 Politically balanced and on the basis of one Member per Ward.
<p>A SITE VISIT WILL BE HELD ON MONDAY 1 JUNE 2015 AT THE FOLLOWING TIME:</p> <p>Planning Applications DC/14/2162/FUL & DC/14/2384/FUL - Caravan Mobile Site, Elms Road, Red Lodge Change of use of land to residential use for three gypsy families including 3 no. mobile homes and 6 no. amenity buildings; and Change of use of land to a residential caravan park for 4 no. related gypsy families, including 4 no. mobile homes, 6 no. caravans and 4 no. day rooms</p> <p>Site visit to be held at 9.30am</p>	
Substitutes:	Named substitutes are not appointed
Interests – Declaration and Restriction on Participation:	Members are reminded of their responsibility to declare any disclosable pecuniary interest not entered in the Authority's register or local non pecuniary interest which they have in any item of business on the agenda (subject to the exception for sensitive information) and to leave the meeting prior to discussion and voting on an item in which they have a disclosable pecuniary interest.
Quorum:	Five Members
Committee administrator:	Helen Hardinge Committee Administrator & FHDC Scrutiny Support Tel: 01638 719363 Email: helen.hardinge@westsuffolk.gov.uk

DEVELOPMENT CONTROL COMMITTEE AGENDA NOTES

Notes

Subject to the provisions of the Local Government (Access to Information) Act 1985, all the files itemised in this Schedule, together with the consultation replies, documents and letters referred to (which form the background papers) are available for public inspection.

All applications and other matters have been considered having regard to the Human Rights Act 1998 and the rights which it guarantees.

Material Planning Considerations

1. **It must be noted that when considering planning applications (and related matters) only relevant planning considerations can be taken into account. Councillors and their Officers must adhere to this important principle which is set out in legislation and Central Government Guidance.**
2. **Material Planning Considerations include:**
 - Statutory provisions contained in Planning Acts and Statutory regulations and Planning Case Law
 - Central Government planning policy and advice as contained in Circulars and the National Planning Policy Framework (NPPF)
 - The following Planning Local Plan Documents

Forest Heath District Council	St Edmundsbury Borough Council
Forest Heath Local Plan 1995	St Edmundsbury Borough Local Plan 1998 and the Replacement St Edmundsbury Borough Local Plan 2016
The Forest Heath Core Strategy 2010, as amended by the High Court Order (2011)	St Edmundsbury Borough Council Core Strategy 2010
Emerging Policy documents	Emerging Policy documents
Joint Development Management Policies	Joint Development Management Policies
Core Strategy – Single Issue review	Vision 2031
Site Specific Allocations	

- Supplementary Planning Guidance/Documents eg. Affordable Housing SPD
- Master Plans, Development Briefs
- Site specific issues such as availability of infrastructure, density, car parking
- Environmental; effects such as effect on light, noise overlooking, effect on street scene
- The need to preserve or enhance the special character or appearance of designated Conservation Areas and protect Listed Buildings
- Previous planning decisions, including appeal decisions
- Desire to retain and promote certain uses e.g. stables in Newmarket.

3. The following are **not** Material Planning Considerations and such matters must not be taken into account when determining planning applications and related matters:
 - Moral and religious issues
 - Competition (unless in relation to adverse effects on a town centre as a whole)
 - Breach of private covenants or other private property / access rights
 - Devaluation of property
 - Protection of a private view
 - Council interests such as land ownership or contractual issues
 - Identity or motives of an applicant or occupier
4. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that an application for planning permission shall be determined in accordance with the Development Plan (see table above) unless material planning considerations indicate otherwise.
5. A key role of the planning system is to enable the provision of homes, buildings and jobs in a way that is consistent with the principles of sustainable development. It needs to be positive in promoting competition while being protective towards the environment and amenity. The policies that underpin the planning system both nationally and locally seek to balance these aims.

Documentation Received after the Distribution of Committee Papers

Any papers, including plans and photographs, received relating to items on this Development Control Committee agenda, but which are received after the agenda has been circulated will be subject to the following arrangements:

- (a) Officers will prepare a single Committee Update Report summarising all representations that have been received up to 5pm on the **Thursday** before each Committee meeting. This report will identify each application and what representations, if any, have been received in the same way as representations are reported within the Committee report;
- (b) the Update Report will be sent out to Members by first class post and electronically by noon on the **Friday** before the Committee meeting and will be placed on the website next to the Committee report.

Any late representations received after 5pm on the **Thursday** before the Committee meeting will not be distributed but will be reported orally by officers at the meeting.

Public Speaking

Members of the public have the right to speak at the Development Control Committee, subject to certain restrictions. Further information is available on the Councils' websites.

DEVELOPMENT CONTROL COMMITTEE DECISION MAKING PROTOCOL

The Development Control Committee usually sits once a month. The meeting is open to the general public and there are opportunities for members of the public to speak to the Committee prior to the debate.

Decision Making Protocol

This protocol sets out our normal practice for decision making on development control applications at Development Control Committee. It covers those circumstances where the officer recommendation for approval or refusal is to be deferred, altered or overturned. The protocol is based on the desirability of clarity and consistency in decision making and of minimising financial and reputational risk, and requires decisions to be based on material planning considerations and that conditions meet the tests of Circular 11/95: "The Use of Conditions in Planning Permissions." This protocol recognises and accepts that, on occasions, it may be advisable or necessary to defer determination of an application or for a recommendation to be amended and consequently for conditions or refusal reasons to be added, deleted or altered in any one of the circumstances below.

- Where an application is to be deferred, to facilitate further information or negotiation or at an applicant's request.

- Where a recommendation is to be altered as the result of consultation or negotiation:
 - The presenting Officer will clearly state the condition and its reason or the refusal reason to be added/deleted/changed, together with the material planning basis for that change.

 - In making any proposal to accept the Officer recommendation, a Member will clearly state whether the amended recommendation is proposed as stated, or whether the original recommendation in the agenda papers is proposed.

- Where a Member wishes to alter a recommendation:
 - In making a proposal, the Member will clearly state the condition and its reason or the refusal reason to be added/deleted/changed, together with the material planning basis for that change.

 - In the interest of clarity and accuracy and for the minutes, the presenting officer will restate the amendment before the final vote is taken.

 - Members can choose to
 - delegate the detailed wording and reason to the Head of Planning and Regulatory Services;

- delegate the detailed wording and reason to the Head of Planning and Regulatory Services following consultation with the Chair and Vice Chair(s) of Development Control Committee.
- Where Development Control Committee wishes to overturn a recommendation and the decision is considered to be significant in terms of overall impact; harm to the planning policy framework, having sought advice from the Head of Planning and Regulatory Services and the Head of Legal and Democratic Services (or Officers attending Committee on their behalf)
 - A final decision on the application will be deferred to allow associated risks to be clarified and conditions/refusal reasons to be properly drafted.
 - An additional officer report will be prepared and presented to the next Development Control Committee detailing the likely policy, financial and reputational etc risks resultant from overturning a recommendation, and also setting out the likely conditions (with reasons) or refusal reasons. This report should follow the Council's standard risk assessment practice and content.
 - In making a decision to overturn a recommendation, Members will clearly state the material planning reason(s) why an alternative decision is being made, and which will be minuted for clarity.
- In all other cases, where Development Control Committee wishes to overturn a recommendation:
 - Members will clearly state the material planning reason(s) why an alternative decision is being made, and which will be minuted for clarity.
 - In making a proposal, the Member will clearly state the condition and its reason or the refusal reason to be added/deleted/altere, together with the material planning basis for that change.
 - Members can choose to
 - delegate the detailed wording and reason to the Head of Planning and Regulatory Services
 - delegate the detailed wording and reason to the Head of Planning and Regulatory Services following consultation with the Chair and Vice Chair(s) of Development Control Committee
- Member Training

- In order to ensure robust decision-making all members of Development Control Committee are required to attend annual Development Control training.

Notes

Planning Services (Development Control) maintains a catalogue of 'standard conditions' for use in determining applications and seeks to comply with Circular 11/95 "The Use of Conditions in Planning Permissions."

Members/Officers should have proper regard to probity considerations and relevant codes of conduct and best practice when considering and determining applications.

Agenda

Procedural Matters

Part 1 - Public

- 1. Election of Chairman for 2015/2016**
- 2. Appointment of Vice-Chairman for 2015/2016**
- 3. Apologies for Absence**
- 4. Substitutes**
- 5. Minutes** **1 - 8**
To confirm the minutes of the meeting held on 29 April 2015 (copy attached).
- 6. Planning Application DC/14/2162/FUL - Caravan Mobile Site, Elms Road, Red Lodge** **9 - 40**
Report No: **DEV/FH/15/018**

Change of use of land to residential use for three gypsy families including 3 no. mobile homes and 6 no. amenity buildings
- 7. Planning Application DC/14/2384/FUL - Caravan Mobile Site, Elms Road, Red Lodge** **41 - 74**
Report No: **DEV/FH/15/019**

Change of use of land to a residential caravan park for 4 no. related gypsy families, including 4 no. mobile homes, 6 no. caravans and 4 no. day rooms
- 8. Planning Application DC/15/0401/ADV -Vehicle Dismantlers, Bridge End Road, Red Lodge** **75 - 84**
Report No: **DEV/FH/15/020**

Retention of advertisement on suspended car

This page is intentionally left blank

Development Control Committee



Forest Heath
District Council

Minutes of a meeting of the **Development Control Committee** held on **Wednesday 29 April 2015** at **6.00 pm** at the **Council Chamber, District Offices**, College Heath Road, Mildenhall IP28 7EY

Present: **Councillors**

Chairman Chris Barker

Vice Chairman Andy Drummond

Michael Anderson
John Bloodworth
David Bowman
Simon Cole
Warwick Hirst

Tim Huggan
Carol Lynch
Tony Simmons
Eddie Stewart
Bill Sadler

40. **Apologies for Absence**

Apologies for absence were received from Councillors Bill Bishop, Rona Burt, Roger Dicker, David Gathercole and Tony Wheble.

41. **Substitutes**

Councillor Bill Sadler attended the meeting as substitute for Councillor Bill Bishop.

42. **Minutes**

The minutes of the meeting held on 1 April 2015 were unanimously accepted by the Committee as an accurate record and were signed by the Chairman subject to it being noted that Councillor Eddie Stewart had been incorrectly listed twice as being present and Councillor Bill Sadler's surname had been misspelt.

43. **Reserved Matters Application DC/14/0942/RM & Planning Application DC/15/0264/FUL - Land South of Burwell Road, Exning (Report No DEV/FH/15/015)**

Councillor Simon Cole declared a non-pecuniary interest in this item as he lived on Burwell Road. He would remain in the meeting to speak upon the item but would abstain from the voting thereon.

Prior to the consideration of this agenda item the Lawyer informed the Committee that the Council had received confirmation from the Secretary of State that they had received a request to call in this application.

Therefore, should Members be minded to approve the application the Secretary of State intended to issue an Article 31 holding direction. This meant that the Secretary of State would consider the application against the Written Ministerial Statement on call-in and would assess whether they considered it necessary to call-in the application for determination.

The Lawyer clarified that should the Secretary of State call in the application they would not be looking at the principle of development as this was previously approved by the Committee as Outline Planning Application F/2012/0552/OUT. The call-in would purely concern the Reserved Matters Application DC/14/0942/RM that was before Members for determination at this meeting.

Reserved Matters Application DC/14/0942/RM – Submission of details under Outline Planning Permission F/2012/0552/OUT and Planning Application DC/15/0264/FUL – Change of use from agricultural to recreational use and associated landscaping.

These applications were referred to the Development Control Committee due to the controversial nature of the previously approved Outline Planning Application F/2012/0552/OUT.

Officers were recommending that both applications be approved as set out in Paragraphs 69 and 70 of Report No DEV/FH/15/015.

The Principal Planning Officer – Major Projects advised that since the publication of the agenda he had received the following comments:

- Suffolk County Council (as Lead Local Flood Authority for Suffolk) – no objections;
- Ecology and Landscape Officer – no objections; and
- Exning Parish Council (in response to the second set of amended plans) - continued to raise a number of objections including:
 - i. Concern at the single pedestrian access which could result in 'forced footways' emerging across the site;
 - ii. A request to extend the cycle link to National Cycle Route 51;
 - iii. A request to extend the green-screening throughout the development (and not just for the houses to the West of the entrance); and
 - iv. Disappointment at the lack of provision of a mini-roundabout at the development junction with Burwell Road.

Councillor Simon Cole then commenced discussion in his capacity as Ward Member for the applications. He raised a number of questions/comments which were responded to by the Case Officer:

- He firstly inquired as to the intended ownership of the green-screening/belt that was to be put in place for the existing Burwell Road residents that were to the West of the development's entrance, the Planning Officer explained that the applicant was undertaking discussion directly with the homeowners in question.

- He made reference to the burial remains that were found as part of the archaeological investigations undertaken by the applicant and the desire by Exning residents for the remains to be returned to their resting place in the village. The Planning Officer suggested that the Parish Council could work alongside Suffolk County Council with regard to this matter in order to reach a resolution with the applicant.
- He raised concern at the single roadway access being so close to the designated LEAP area and asked if it would be possible to include a head of trees at the front of the LEAP area which would form a degree of protection. The Planning Officer explained that he was happy to raise this with the applicant subject to drivers' visibility not being impaired.
- He explained that the Parish Council felt that they were not being listened to by the County Council with regard to their request for a mini-roundabout at the junction with Burwell Road. The Planning Officer stated that he would be willing to facilitate the Parish Council's involvement in the consultation concerning the off-site highways works, however, he stressed that the final decision would lay with the Highways Authority.
- Lastly, Councillor Cole formally thanked the Parish Council and villagers who approached the applicant directly and had managed to achieve significant gains for existing Exning residents in respect of this development.

Councillor Andy Drummond then spoke and proposed that the applications be refused, contrary to the Officer recommendation, in order to allow the applicant more time in which to undertake discussions with Exning Parish Council. However, this motion was not seconded.

The Service Manager (Planning – Development) reminded Members that the principle of development was not up for debate as this had already been determined and access to the site was approved as part of the outline application.

Councillor Drummond then withdrew his motion for refusal and instead proposed that the application be deferred, again on the basis that this would allow more time in which for the applicant to undertake negotiations with the parties concerned. Again, this motion was not seconded.

Councillor Bill Sadler then moved that the application be approved and this was duly seconded by Councillor Eddie Stewart.

The Lawyer read out some detailed amendments in respect of the recommendations that were set out in Paragraphs 69 and 70 of the report. To ensure that Members were clear on what they were voting on it was agreed by the Chairman for each of the recommendations to be taken separately.

With 9 voting for the motion, 1 against and with 2 abstentions it was resolved that:

1. The change of use application DC/15/0264/FUL be **GRANTED** subject to:

- i. The completion of a new Section 106 agreement for application DC/15/0264/FUL that secures all the previous obligations save for the sum £306,402 which was to provide off site Open Space, and replace that with the following:
 - £30,000 in total for a 10 year maintenance fee for the land subject to application DC/15/0264/FUL;
 - That the land subject to application DC/15/0264/FUL is given over to the District Council;
 - That the land subject to application DC/15/0264/FUL is landscaped in a manner as described above; and
 - That £41,760 is given to the Council for the improvements to allotment facilities in Exning.
- ii. And the following conditions:
 - Development to commence within 3 years;
 - Construction methodology statement for the removal of top soil to be agreed in writing with the Local Planning Authority;
 - Landscaping details including trees, wildflower mix and other soft landscaping measures to be agreed in writing with the Local Planning Authority;
 - All planting agreed under the landscaping condition to be carried out in their entirety before the area of open space is first brought into use;
 - Maintenance plan to be submitted to the Local Planning Authority and agreed in writing before the area is first brought into use. The agreed plan shall be adhered to and followed thereafter unless otherwise agreed in writing with the Local Planning Authority; and
 - Fencing details agreed in writing with the Local Planning Authority and installed before the land is first brought into use as an area of public open space.

With 9 voting for the motion, 1 against and with 2 abstentions it was resolved that:

2. Application DC/14/0942/RM be **GRANTED** subject to:

- i. The completion of a new Section 106 agreement for application DC/14/0942/RM that takes into account all the previous obligations related to the outline application F/2012/0552/OUT except for the sum of £306,402 which was to provide off site Open Space and replace with the four bullet points listed in 1.i. above.
- ii. And the following conditions:
 - The development to which this permission relates must be commenced not later than the expiration of 2 years from the date of this permission;
 - The development hereby permitted shall not be carried out except in complete accordance with the details and plans submitted;

- The landscaping shown on the submitted layout should be retained and maintained for a period of 5 years; and
- Details of the play equipment to be provided in the LEAP area to be agreed in writing with the Local Planning Authority and installed in accordance with those agreed details before the LEAP is first brought into use.

Speakers: Dr Marion Treby (Exning resident) spoke against the application.
Councillor Andrew Burton (Exning Parish Council) spoke against the application.

44. **Planning Application DC/14/2080/CR4 - Hall Farm Barn, Church Lane, Freckenham (Report No DEV/FH/15/016)**

Conversion of barns to 2 no. residential units and change of use of agricultural land to garden.

This application was referred to the Development Control Committee following consideration by the Delegation Panel and because the Parish Council and Ward Member were in support of the proposal, contrary to Officers' recommendation of refusal as set out in Paragraph 27 of Report No DEV/FH/15/016.

The Senior Planning Officer read out a statement on behalf of the applicant's agent. The agent welcomed the comments of support made by the Parish Council and Ward Member and explained that the applicant had worked closely with the Local Planning Authority to alleviate a number of concerns with the application. The agent also drew attention to the fact that Policy DM28 had not been adopted by the Council when the application was submitted in January 2015.

Councillor Andy Drummond spoke in support of the application and proposed that it be approved, contrary to the Officer recommendation. This was duly seconded by Councillor Tim Huggan.

The Service Manager (Planning – Development) explained that applications had to be determined on the basis of the policies that were in place at the time, not at the time of the application's submission. The fact that Policy DM28 had not been adopted in January 2015 was not a valid reason to grant the application.

Councillor Carol Lynch spoke in support of the Council's policies and proposed that the application be refused in line with the Officers' recommendation. Councillor David Bowman echoed these comments and seconded the motion.

The Chairman put the first motion on the table, for approval, to the vote and with 2 voting for the motion and 10 against he declared the motion lost.

The motion for refusal was then put to the vote and with 10 voting for the motion and with 2 against it was resolved that:

Planning permission be **REFUSED** for the following reason:

Policy DM28 of the Joint Development Management Policies Document states that proposals for the conversion of redundant or disused barns in the countryside into dwellings will be permitted where alternative uses have been fully explored and discounted. The proposal fails to comply with Policy DM28 by virtue of the lack of consideration of alternative uses which fails to demonstrate that the site could not support the economic growth in the rural area in order to create jobs and prosperity in accordance with Paragraph 28 of the National Planning Policy Framework.

Councillor Tim Huggan left the meeting at 7.03pm following conclusion of the above item.

45. **Planning Application DC/15/0236/R3LA - Sam Alper Court, Depot Road, Newmarket (Report No DEV/FH/15/017)**

Proposed 10 no. B1 business units, together with roof mounted photovoltaic installations and associated works.

This application was referred to the Development Control Committee due to the applicant being Forest Heath District Council. No objections had been received and Officers were recommending that the application be approved as set out in Paragraph 31 of Report No DEV/FH/15/017.

The Senior Planning Officer explained that since publication of the agenda the Highways Authority had responded and proposed two additional conditions which would be incorporated into the recommendation (as Nos. 9 and 10).

It was proposed by Councillor David Bowman, seconded by Councillor Michael Anderson and with the vote being unanimous, it was resolved that:

Planning permission be **GRANTED** subject to the following conditions:

1. Time limit (development to commence within 3 years);
2. Hours of operation to be limited to 08:00-18:00 Monday-Saturday, 09:00-17:00 Sundays and Bank Holidays;
3. Construction waste shall not be burnt on site;
4. Hours of construction. Demolition and site preparation shall be limited to 08:00-18:00 Monday-Friday, 08:00-13:30 Saturdays, and at no time Sundays or Bank Holidays;
5. Tree protection measure to be in place prior to work commencing on site;
6. Highway conditions to be reported verbally;
7. To be in accordance with approved plans;
8. If contamination is found then a scheme of remediation should be submitted and approved by the Local Planning Authority prior to further development;
9. Bin storage to be provided prior to occupation; and
10. Parking and bike storage to be provided prior to occupation and retained.

46. **Chairman's Announcement**

Prior to the conclusion of the meeting, as this was the last Development Control Committee of the current administration the Chairman formally thanked all Members and Officers for their help and input whilst he had been Chairman of the Committee.

The meeting concluded at 7.11pm

Signed by:

Chairman

This page is intentionally left blank

Forest Heath District Council

**DEVELOPMENT
CONTROL COMMITTEE**

3 JUNE 2015

DEV/FH/15/018

Report of the Head of Planning and Growth

**PLANNING APPLICATION DC/14/2162/FUL - CARAVAN MOBILE SITE, ELMS
ROAD, RED LODGE**

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

Case Officer: Sharon Smith
Tel. No: 01284 766333
sharon@lsrlegal.co.uk

Committee Report

Date: 10th December **Expiry Date:** 3rd June 2015
Registered: 2014

Case Officer: Sharon Smith **Recommendation:** Approve with conditions
Parish: Red Lodge **Ward:** Red Lodge

Proposal: Planning Application DC/14/2162/FUL - change of use of land to residential use for three gypsy families including 3 no. mobile homes and 6 no. amenity buildings

Site: Caravan Mobile Site, Elms Road, Red Lodge

Applicant: Mr Paul Falco, Richard Falco and Stephen Smith

Background:

This application is referred to the Development Control Committee by the Head of Planning and Growth due to the controversial and contentious nature of the proposal.

The application is recommended for APPROVAL.

1. Planning permission is sought for the change of use of land to a residential use for three gypsy families, including 3 no. mobile homes and 6 no. amenity buildings.
2. The application has been amended since submission by the submission of a Phase 1 Desktop Contaminated Land Survey and a revised plan showing the location of the three pitches moved closer to Bridge End Road.

Application Supporting Material:

3. Information submitted with this application is as follows:
 - Signed application forms (including ownership certification).
 - Drawings (including location plan, plan showing the proposed site layout and a larger scale plan showing the area of the pitches).
4. A stage 1 contamination report was received on 20th March 2015, and was the subject of a full reconsultation.
5. Subsequent to this, a revised layout plan was provided on 29th April 2015,

following discussions with the agent regarding a small parcel of the site being shown within land that is the subject of a separate application. The plan was revised to ensure that the proposed pitches were outside this parcel of land. These plans were also the subject of a full reconsultation, which ends on 2nd June 2015. Any comments received will be reported at the meeting.

Site Details:

6. The site lies to the west of Red Lodge, and is separated from the village by the A11.
7. The site is located to the south of Elms Road and to the west of Bridge End Road, and forms part of a former landfill site that is currently left in an untended, naturalised condition.
8. The site comprises a long parcel of land that is sited to the southern end of the land. To the west is a parcel of land that was granted planning permission in 2011 for the *"change of use of land to use as a residential caravan site for two gypsy families with a total of 5 caravans including the erection of 2 amenity buildings and the erection of a 2 metre high boundary fence"*. This consent is an extant planning permission.
9. Access to the site would be achieved from an existing track that is located to the west of the land, and which runs directly from Elms Road. The roadside boundary with Elms Road is formed by a mature hedgerow, which terminates at the access point. A gate currently exists across the access point, which is set back some distance from Elms Road.
10. A bridleway runs along the northern and eastern boundaries of the land leading down Bridge End Road and crossing the A11 some distance to the south. A public footpath runs to the south of the properties on Bridge End Road, crossing the A11 at the footbridge and leading into Red Lodge along Heath Farm Road.

Planning History:

11. In January 2011, planning permission was granted for the change of use of land to a use as a residential caravan site for two gypsy families, with a total of 5 caravans, including the erection of 2 amenity buildings and the erection of a 2 metre high boundary fence under Council reference F/2010/0012/FUL. This permission relates to the parcel of land immediately to the south west of the application site, but includes part of this previously approved site.
12. The application proposes an increase to the site previously granted planning permission. The extant permission is a material planning consideration.
13. In September 2011, the Council approved an application to vary condition 3 of the above permission to allow the removal of an earth bund and its replacement with screen fencing and a landscaping strip. This bund was subsequently removed.

14. Prior to this, the site was used for landfill for many years, and there is a history of permissions for this use dating back to the late 1980s.

Consultations:

15. Highway Authority – recommends conditions relating to the areas to be provided for the storage of refuse/recycling bins, gates to be set back a minimum distance of 5 metres from the edge of the carriageway, areas for the parking of vehicles and cycle storage to be provided and the provision of visibility splays.
16. Environment Agency – initial comments were to object to the proposal and comments (summarised):
- The site is potentially contaminative, which the application form fails to recognise. The site is considered to be of high sensitivity and could present potential pollutant/contaminant linkages to controlled waters.
 - Object as there is insufficient information to demonstrate that the risk of pollution to controlled waters is acceptable.
 - Therefore, an assessment of potential contamination in the proposed development site, an assessment of the pollution linkages that the development could introduce, and consideration for the risk posed by surface water drainage, foul water drainage and foundations will need to be undertaken.
 - Indicates that the applicant should provide a Preliminary Risk Assessment, including a Desk Study, Conceptual Site Model and initial assessment of risk.
 - Provides information regarding changes to the way in which small sewage discharges will be regulated.

Revised comments received 9th April 2015 in response to the contamination report:

Are satisfied with the level of information submitted in the Desktop Study and would be minded to withdraw their objection if conditions are imposed relating to:

- The submission of a remediation strategy.
 - Measures to deal with any unidentified risks encountered during development.
 - A scheme for surface water disposal to be submitted and approved.
 - Pilings and foundation designs and investigatory boreholes using penetrative methods shall not be permitted.
 - A scheme of foul drainage to be submitted and approved.
17. West Suffolk – Environmental Health – initially recommended a condition relating to the submission of a contaminated land assessment, and the requirement for mitigation if contamination is identified.

Further comments received 9th April 2015 - Subsequent to the receipt of the Phase 1 Contaminated Land Desk Study, there is potentially a high risk that may affect site workers, future residents, and controlled waters due to the historical use of the site. Recommends conditions requiring further investigation, reporting and remediation prior to any development being carried out.

In response to additional plan, Environmental Health advise that the previous comments and suggested comments still apply.

18. West Suffolk – Strategic Housing – supports the application as it is helping to contribute towards the need for more Gypsy and Traveller pitches as identified through the Gypsy and Traveller Accommodation Needs Assessment.
19. Suffolk County Council - Rights Of Way – No objections, but draws attention to the applicant’s responsibilities in terms of the Bridleway 5, which lies adjacent to the site.
20. Suffolk County Council – Minerals and Waste – makes comments (summarised):
 - The land lies within a Minerals Consultation Area.
 - Notes that the application land comprises part of a former landfill site that is now in agricultural use.
 - It is unclear from the site location plan where the boundary lies between the former landfill site and the proposed development footprint of the structures.
 - Comments that it is unclear how the boreholes identified in the historic contamination report relate to the proposed development.
 - It is unclear how the foundations of structures would inter-relate with the former landfill contents/capping, or how drainage would work.
 - Recommends consultation with the Environment Agency.
 - Comments on the lack of information within the Design and Access Statement.
 - Questions whether there is sufficient information on which to consider the application at this stage.
21. Suffolk County Council – Development Contributions Manager – makes comments (summarised):
 - The agreed countywide threshold which triggers a corporate infrastructure assessment is 10 dwellings and above. On this basis we will not be seeking infrastructure contributions due to the scale and nature of the proposed development.
 - In terms of the local primary school situation, there is significant pressure on St Christopher’s CEVC Primary School.
 - The agreed strategy is for the county council to establish a new primary school to serve the growing community.

22. Planning Policy

The planning policy officer's comments, which were received after this report was drafted, are appended, in full, to this report.

Representations:

23. Red Lodge Parish Council (summarised) Objections and Comments:

- The site is outside the masterplan boundary.
- There is no policy to allow gypsy settlements within Red Lodge.
- The grant of permission has expired. There was a limited constraint that it was to be family only use granted at one time. What is the definition of family?
- There is pressure on the current school with no spaces available.
- SCC have raised issues concerning this being a landfill site and therefore there may be drainage problems. This needs to be referred to the Environment Agency.
- The road into the site is currently not wide enough for two way traffic.
- Bad visibility to the right on exiting the site which could cause accidents.

Red Lodge Parish Council subsequently commented on 17th April 2015 that, following consideration of the additional information, the objection to the application was confirmed.

24. Freckenham Parish Council raises no objections but makes the following comments (summarised):

- The LPA should be satisfied there are no contamination risks (animals grazing on the site have died unexpectedly).
- The development should be strictly in accordance with the plans.
- If approved, it should be a personal permission to the applicants.

Subsequent comments received 2nd April 2015, stating it is clear that the proposals should not be granted approval due to the high risk of ground gases causing harm to site workers, end users and within buildings and the moderate risk of contaminates within the soil and ground water.

25. Herringswell Parish Council requests the opportunity to consider the matter further once the additional information from the Environment Agency and other consultees is submitted.

26. Ramblers – raises no objections, subject to the adjacent boundary fencing being kept in a good state of repair. Notes that the Bridleway is overgrown and some of the fencing requires repair.

27. 10 letters have been received from local residents including at the following addresses raising **objections** to the proposed development;

Moulton Manor Farm, Nr Newmarket
Hydes Barn, Elms Road, Freckenham
The Roost, Bridge End Road, Red Lodge
Elephanta, Bridge End Road, Red Lodge
Upton Suffolk Farms, Park Farm, Herringswell
Blandings Farm, Badlingham
Longview, Bridge End Road, Red Lodge

28. The issues and objections raised are summarised as follows:

- The site is outside the settlement boundary for this area, and there is no justification or enabling reason why the development should be granted other than within a settlement limit.
- It would set yet another precedent for further planning applications in the future, and in 10 years time there could be a very large number of caravans on site (up to 38-40).
- Subsequent applications are likely to be made for 4 caravans per plot, where each plot has a mobile home.
- Increased traffic onto very small country roads.
- Concern that other illegal points of access will be created and these will be dangerous to other highway users.
- There could be an isolation problem, particularly with regards to bringing up children.
- There could be no school places locally, as schools are already at breaking point. 5 children have been identified in the application, as well as an intention to extend the families further. There is no capacity for this.
- It would be very unwise to have people living close to or even on top of the infilled pit.
- There were rumours that there was a problem with sheep grazing this summer, and that this is being investigated by the Environment Agency on health and safety grounds.
- There is enormous local objection to this, which should be taken into account.
- The development is unsustainable, as future occupants would be wholly reliant on the use of the private car, thus increasing emissions and contributing towards climate change.
- The proposed development does not fall within any of the 'special circumstances' set out at paragraph 55 of the NPPF.
- All of the proposed gypsy families would need to access local services by car.
- The junction of Bridge End Road and Elms Road is on a partial bend, and is dangerous for existing residents and road users.
- Elms Road is a rat run, used increasingly by HGVs and agricultural vehicles, and US employees at the local air bases. On numerous occasions, American drivers have been witnessed on the wrong side of the road having left the A11.
- Whilst the application would assist in delivering gypsy pitches in the FHDC area, given that there are other gypsy sites in the village, a further 7 families is excessive and would dominate the local community.

- The resourcing issues that the Council has faced would make it difficult to contain the numbers on this large site, and enforcement will be difficult and protracted, so the site may well become an illegal encampment for an undetermined number of permanent and transient travellers.
- Notes that Freckenham Parish Council have raised concerns over contamination at the site, and that some animals grazing here for less than 48 hours died unexpectedly.
- The contamination reports are out of date and unprofessional and cannot be viewed as acceptable.
- The design and access statement is very light on information relating to the land in general, and little to no information on construction arrangements, land disturbance and up to date contamination reporting.
- Insufficient information is provided with the application as to the applicants' local connections.
- Policy C of the PPTS identifies that gypsy sites should not dominate local communities. The application is a large site which, if approved, would dominate the local community.
- The contamination information is inadequate and is surprised that the application was validated.
- All types of materials were deposited at the landfill site and, therefore, it is unsuitable for residential habitation.
- There must also be questions about the stability of the land.
- We are yet to see any planting of trees or shrubs on this area, so proposed planting is unlikely to be successful. Site would be very exposed in the area.
- Elms Road is a narrow road with no footpaths and street lights, and the new estates at Kings Warren and Wimpey site are drawing a lot of traffic from each direction.
- The proposal seems very hazardous for many reasons; subsidence, disturbance, drainage, contamination etc.
- This is an application requesting an exception based on the status of the applicant. There is no policy for Red Lodge that requires an exception to be made. The application should be treated as any third party open market application, without exceptions.
- A gypsy house should be protected from related health and safety issues in the same way as an open market house.
- The health and safety of the applicant is at risk, and there is considerable liability attached to granting a consent.
- Any development that affects the integrity of the landfill restoration, which was carried out in accordance with a site restoration plan, by breaking the site encapsulation risks destabilising the site and exacerbating the pollution risk to the occupier and adjacent properties.
- The Environment Agency should be consulted on foundations and drainage. Until the EA confirm that there is no on site or off site risk, the site should remain undeveloped.
- If the application is granted, it should be subject to the same controls, financial contributions and planning conditions that would be imposed on any equivalent residential applications.
- The development of this site imposes additional infrastructure requirements on the district.

- The development should be restricted until at least the new school is delivered.
- Can understand the reasons why the families wish to settle on this site, but this seems quite a lot of caravans and mobile homes for these sites.
- If permission is granted, would this be in addition to the 5 caravans already permitted?
- Will monitoring of the site continue?
- The applicant has filled in all of a drainage ditch along one side so all of the rainwater runs onto our boundary.
- The addition of nine caravans and hardstanding is going to mean water will run onto Elms Road, making a driving hazard.
- Concerns regarding wildlife that lives on the site, including skylarks and lapwing.
- The contamination report needs further investigations into the findings.
- The natural water table can be seen in the quarry across the road from this site.
- Contaminants could find their way into the underground waterways.

Policy

29. The application has to be determined in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. At present, the Development Plan comprises:

- Forest Heath Core Strategy (May 2010)
- Remaining saved policies in the Forest Heath Local Plan (1995)
- The Joint Development Management Policies Documents (February 2015)

30. The following policies within these documents are of particular note in the consideration of this application:

Core Strategy

- CS3: Landscape Character and the Historic Environment
- CS5: Design Quality and Local Distinctiveness
- CS8: Provision for Gypsies and Travellers
- CS10: Sustainable Rural Communities

Joint Development Management Policies Document

- DM1: Presumption in Favour of Sustainable Development
- DM2: Creating Places – Development Principles and Local Distinctiveness
- DM5: Development in the Countryside
- DM13: Landscape Features.
- DM14: Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards

National Policy

31. The following Central Government planning guidance are material considerations in the making of planning decisions:
32. The National Planning Policy Framework (the Framework) sets out the Government's planning policies for England and how these are expected to be applied.
33. Paragraph 14 of the Framework identifies the principle objective:
34. "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."
35. This presumption in favour of sustainable development is further reinforced by advice 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". Paragraph 187 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".
36. The Government has published its Planning Practice Guidance (PPG) (March 2014) following a comprehensive exercise to review and consolidate all existing planning guidance into one accessible, web-based resource. The guidance assists with interpretation about various planning issues and advises on best practice and planning process.
37. Central Government recently undertook consultation in respect of changes to national planning policy and Planning Policy for Traveller Sites (PPTS) with a view to strengthening policy in these areas. The proposals relate primarily to changes to PPTS, although some would apply to the settled community and would involve changes to wider national planning policy. The consultation document states that the Government remains committed to increasing the level of authorised traveller sites in appropriate locations, to address historic undersupply, as well as to meet current and future needs. However, the Government also believes that further measures are needed to ensure that planning rules apply fairly and equally to both the traveller and settled community. The Government's view is that where travellers have ceased to

travel then they should be treated no differently to members of the settled community.

38. The consultation ended on 23th November 2014 and currently analysis of the feedback is taking place. There has been no change to Planning Policy for Travellers Sites to date, therefore it remains the current national policy position to be considered and applied in the determination of this application.

Officer Comment:

39. The issues to be considered in the determination of the application are:

- Principle of Development
- Planning Policy Considerations
- Need and Supply
- Ecology and Landscape (Natural Heritage)
- Environmental Conditions (Flood Risk, Drainage and Contamination)
- Design, Layout and Residential Amenity
- Highway Issues
- Sustainability

Principle of Development

40. At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development. The policies in paragraphs 18 to 219 of the Framework, taken as a whole, constitute the Government's view of what sustainable development means in practice for the planning system. It goes on to explain that there are three dimensions to sustainable development:
- i) economic (contributing to building a strong, responsive and competitive economy),
 - ii) social (supporting strong, vibrant and healthy communities) and,
 - iii) environmental (contributing to protecting and enhancing our natural, built and historic environment ;)
41. The Framework explains (paragraph 9) that in order to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system. It is Government policy that the planning system should play an active role in guiding development to sustainable solutions.
42. The provision of gypsy and traveller sites in rural areas is not, in principle, unacceptable. Provision is made within PPTS for the consideration of traveller sites in rural areas and the open countryside, but indicates that local planning authorities should strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan. Local planning authorities should ensure that sites in rural areas respect the scale of, and do not dominate the nearest settled community, and avoid placing an undue pressure on the local infrastructure.

43. The extent to which planning policy provides for the proposed development, and the manner in which this application should be considered, is set out within the later sections of this part of the report.

Planning Policy Considerations

44. National guidance in the form of PPTS seeks to, inter alia, ensure fair and equal treatment for travellers, in a way that facilitates the traditional and nomadic way of life of travellers, while respecting the interests of the settled community.
45. Within the guidance, 'gypsies and travellers' means '*persons of nomadic habit of life, whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling show people or circus people travelling together as such*'.
46. In relation to plan making, the guidance is clear in Policy B of the PPTS that '*Where there is no identified need, criteria-based policies should be included to provide a basis for decisions in case applications nevertheless come forward*'. Policy CS8 of the adopted Core Strategy is a criteria based policy which conforms to this guidance and will be discussed later in this section of the report.
47. In relation to sites in rural areas and the countryside, the PPTS states in Policy C that, '*When assessing the suitability of sites in rural or semi-rural settings, local planning authorities should ensure that the scale of such sites does not dominate the nearest settled community*'.
48. Policy H of the PPTS sets out information on determining planning applications for traveller sites and sets out the issues, amongst other relevant matters, to be considered:

- a) **the existing level of local provision and need for sites** – The GTNA shows an unmet need for 9 additional pitches within the District for the period 2011-2016.

The applicant identifies that the family are true Romany travellers who are actively pursuing a more settled lifestyle in the interests of their childrens' educational needs and for their health and safety, although there is still an intention to travel. The extent to which this need can be met by the proposed site is considered later in this report.

- b) **the availability (or lack) of alternative accommodation for the applicants** – The application does not address why the need cannot be met from other sites including The Sandy Park site, which appears to have availability of alternative accommodation.
- c) **other personal circumstances of the applicant** – The application contains some information about the need for a settled site to provide access to healthcare and education services. However, this is not considered to be specific to the application site. The education requirement is considered in more detail later in this report.

- d) **that the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites** - Policy CS8 of the adopted Core Strategy sets out the locally specific criteria against which any applications for a gypsy and traveller site should be determined. This is considered in further detail below.
- e) **that they should determine applications for sites from any travellers and not just those with local connections** - This guidance is being followed in the determination of this application.

49. Policies CS8 and CS10 do not preclude development in the countryside providing the proposal meets the stated criteria and would not result in unacceptable harm. This is considered within the following paragraphs.
50. Policy CS8 of the Core Strategy is a criteria based policy for the assessment of proposals for gypsies, travellers and travelling showpeople, as advised in PPTS. The policy provides criteria by which to consider sites and proposals for gypsies and travellers. These criteria will be considered within the relevant sections of this report, as follows:

Need and Supply

51. Policy CS8 requires that proposals meet identified needs, including the mixture of types of accommodation and tenures. However, this needs to be considered in light of the other material planning considerations.
52. There is an unmet need for 9 additional pitches in Forest Heath for the period 2011-2016. However, any proposal must also be acceptable in terms of local plan policy.
53. The Council is aware that there are currently a number of pitches, potentially as many as 11, available at the Sandy Park site in Beck Row. This site is approximately 7 miles from the appeal site, and is a well established gypsy and traveller site. No evidence has been provided as to why the applicant could not utilise this established site to meet their need.

Ecology and Landscape (Natural Heritage)

54. In respect of ecology and landscape, Policy CS8 requires consideration of the impact on the landscape, environment and biodiversity, and mitigation of the impact on visual amenity.
55. This site comprises relatively flat land where the proposal will not be prominent in landscape views and in this respect is considered acceptable.
56. The Council's landscape Officer comments that, this site is located off Elms Road and south east of Red Lodge Landfill site. The proposed site is orientated so that it runs parallel to the existing residential and commercial sites, occupying the relatively flat land between the access track and Bridge End Road. The land that

makes up the landfill site immediately to the north rises such that the site generally sits comfortably behind the higher ground which forms a convenient visual screen to the proposed site when viewed from the north and northwest. The proposed native hedge and tree screens will further soften and screen the development including the suburban style fence; to the north the hedge is outside the fence line. The existing vegetation along Bridge End Road will further serve to soften any long distance views from the A11.

Biodiversity

57. No information has been submitted in relation to the nature conservation value of the site. There are no records of protected species in the immediate vicinity of the site and no ecological constraints have been raised. The site presents a low risk to biodiversity although there is potential for biodiversity gain through planting of native trees and shrubs if permission is granted. No objection.

Environmental Conditions (Flood Risk, Drainage and Contamination)

58. The site forms part of a former landfill site.
59. The application has been supported by a Phase 1 Desktop Land Contamination Report, dated 19th March 2015, which considers the potential for contaminants to impact on the development, the extent of any such impacts and whether the development can be carried out safely. This report concludes that:
- Based on the conceptual site model and risk assessment there is a high risk of a significant pollutant linkage that could affect site workers, end users, controlled waters and buried services.
 - Additional investigation should be undertaken, which should be agreed with the Council's Environmental Health Officer before being undertaken.
 - The report should be forwarded to the relevant statutory consultees including the Environment Agency and Local Authority to seek their comments and subsequent approval prior to site works commencing.
60. The report was the subject of a full reconsultation, which included the Environment Agency and the Council's Environmental Health service. It should be noted that the Environment Agency are minded to withdraw their initial objection, subject to the imposition of conditions related to the submission and approval of a scheme of investigation and remediation of any contaminants encountered, and also the submission and approval of schemes for foul and surface water drainage.
61. This position is also reflected by the Council's Environmental Health service, who also recommend conditions in respect of the investigation and remediation of contaminants prior to the development proceeding.
62. In light of the advice from the Environment Agency and the Council's Environmental Health service, the issue of possible contamination resulting from the development can be controlled by conditions. For clarity, this would require the details to be provided and approved prior to any other part of the development being carried out (i.e. the development could not proceed until the investigations, and any necessary remediation, has been completed).

63. Therefore, in the event that planning permission is, granted in this case, it would be essential to include these conditions on the decision.
64. The site does not lie within an area that is identified as being liable to flooding. Concerns have been expressed by local residents that water runoff resulting from the proposed development, including the hardstanding, could give rise to water being dispersed onto the road, and also that any proposed drainage systems could allow contaminants into the water system. In response to this, the EA have recommended conditions requiring both surface water and foul drainage systems to be submitted and approved prior to the development being carried out. These matters can, therefore, be addressed by conditions.

Design, Layout and Residential Amenity

65. The proposal would result in three individual plots aligned in a linear arrangement that are sited to the southern end of the land. Access would be gained via a newly formed access point that would adjoin the southern end of the main access track into the site.
66. Landscaping is proposed to the south of the plots, and a belt of landscaping is also shown to be provided around the entirety of the plots, consisting of a mix of native species.
67. The internal access is proposed to be formed by a tarmac road. Whilst the provision of tarmac in this location would result in urbanisation of the land, the proposed planting around the entirety of the plots should ensure that the external impacts of this are restricted to the immediate locality of the plots.
68. There would be a total of three separate plots, each containing a park home/caravan, day room and an outbuilding. Fencing is proposed to separate and surround the plots, though this would lie to the inside of the landscaping proposed.
69. Whilst there is no specific provision for parking in each of the plots, there is sufficient space within each plot to allow for the parking of vehicles and their manoeuvring.
70. The pitch sizes are, themselves, of sufficient size to ensure that the living accommodation has sufficient space around it and that the development is not overcrowded on the plot. Policy CS8 requires that pitch sizes facilitate good quality living accommodation without overcrowding or unnecessary sprawl, and it is considered that the proposed layout would comply with this element of the policy.
71. The proposed plots would be separated from the residential properties that lie to the south by a landscape belt that would provide relief from the physical construction of the day rooms and outbuildings that lie to the southern end of the plots.
72. In light of this, it is considered that the proposed development would not be such that would give rise to an unacceptable loss of amenity to those properties.

There are no other properties in the immediate vicinity that could be affected by the proposals. In the case of this site, the proposal utilises the existing flat ground.

Highway Issues

73. Policy CS8 seeks to ensure that adequate access, parking and manoeuvring for all vehicles and all essential uses is available.
74. Representations made by local residents have identified concerns regarding the width of the access track being insufficient for vehicles to pass, and also in respect of visibility to the right when exiting from the access. The proposal does not appear to bring forward any alterations to the existing access track.
75. The Highway Authority have recommended conditions, in respect of the provision of parking and manoeuvring space on the site, and in respect of details of visibility splays being provided in accordance with details previously approved in writing by the LPA.
76. As such, in the absence of concerns from the Highway Authority, the use of conditions to control visibility, parking and manoeuvring would be necessary, if the application is to be supported.

Sustainability

77. The justification statement submitted with the application identifies that the location of the site is within walking or cycling distance of Red Lodge, where there is a Doctor's surgery and a post office/general store.
78. Access to Red Lodge by cycle or foot would be facilitated by travelling along the bridleways/footpaths from Elms Road, along Bridge End Road, over the A11 footbridge and then into the village via Heath Farm Road. Alternatively, it would be necessary to travel down Elms Road, along the B1085 and then back into Red Lodge via Newmarket Road.
79. The latter option is not considered to be practical given the lack of footways, the unrestricted speed limits and the need to navigate the roundabouts at the end of the B1085 and Newmarket Road. The first option would, by virtue of the position of the post office/store, take approximately 35-40 minutes to reach on foot. This would mean a round trip of 1 hour and 20 minutes to walk to the store and return.
80. In comparison, a trip by car would result in a round trip of approximately 12 minutes. It is, therefore, extremely unlikely that it would be convenient for the occupiers of this site to make use of alternative methods of transport to carry out their day to day activities. This would be even less likely during the winter months, when weather conditions are poor.
81. The site is physically divided from the village of Red Lodge by the A11. It does not, therefore, read as part of the village, and this position is accentuated by the rural setting and open landscape in the locality, which gives the site an isolated, countryside, position.

82. However, the issue of sustainability requires consideration of more than just the physical relationship of the site to its surroundings, and the access to services and facilities that the location offers. The supporting statement identifies a desire to provide a settled base for the families, and that the children are settled in local schools. The statement also identifies that the families have worked in the locality for many years. It is known that one of the applicants has contacted the Gypsy and Traveller Liaison Service, who were able to discuss the welfare needs of the families and whether any support was required through the planning process. It was identified that there were no particular welfare needs, and that they did not require support at that time.
83. The supporting statement identifies that all three families are living on existing sites, where they are doubling up with their parents. As such, there is a need for the families to find alternative accommodation. There would, therefore, be particular social benefits for the families arising from consolidation on a single site. The quality of life available to the families would be improved, and a more settled existence would be likely to give rise to improved health and wellbeing.
84. Furthermore, there is a desire to have a settled base for the purposes of employment. The supporting statement provides generic information regarding the employment of two of the applicants in the area as landscape gardeners, and the third as a general dealer. It is not unreasonable to surmise that a settled base would enhance the prospects of more regular employment being sourced.
85. There is, therefore, some local connection with the families to this area. Having children already settled in local schools, and the opportunity for further employment in the local area, gives rise to a local connection that should be taken into account when considering the suitability of this site for this development.

Other Matters

Planning Permission F/2010/0012/FUL

86. Planning permission was granted in 2011 for the change of use of land to a use as a residential caravan site for two gypsy families, with a total of 5 caravans, including the erection of 2 amenity buildings and the erection of a 2 metre high boundary fence. It appears that this permission was implemented through the erection of the boundary fence, and the subsequent removal of the bund that was the subject of a variation of conditions application in September 2011.
87. The site does not appear to have been occupied by residential caravans since those permissions were granted, but the existence of this extant permission is a material consideration in this case. Whilst there have been developments/changes in national and local planning policy since the grant of those permissions, the fact remains that that part of the site remains capable of being used for occupation by two gypsy families.
88. The agent, acting for the applicant has confirmed that the permission sought is an alternative permission to the 2011 consent and is not therefore an additional

use. The application site would: - be limited to 3 gypsy families, comprising 3 mobile homes and 6 amenity buildings.

Conclusion:

89. The proposed development would be sited in a recessed position on the land, running at right angles to the access track, clustered towards the existing development, where the development can be accommodated without giving rise to harm to the character of the landscape.
90. The proposed layout of the pitches provides for landscaping to the perimeter of the site and a belt of landscaping between the pitches and the existing properties lying to the south. There is sufficient separation between the proposed pitches and the existing properties to ensure that the proposed use does not result in a detrimental impact on the amenity of those properties.
91. There is a need to balance the provision of a settled home for the proposed occupants of the site and the relationship of the site to local facilities. The applicants have links with the local area in terms of employment and education, and currently reside in situations that are unsustainable, in terms of the applicants' quality of life. However, the site is some distance from the village, whereby the existing bridleway/footpath links are such that are unlikely to result in access to the village using methods other than a car.
92. The land has been the subject of a planning permission for occupation by gypsy families as recently as 2011. The permission is extant. In this respect, the proposed use would not be unsustainable in terms of the social and economic benefits resulting for the applicants, and therefore, on balance, the proposal is considered to be acceptable. The proposal would also contribute towards meeting an unmet need within the District, whilst complying with planning policy in all other respects.

Recommendation:

93. It is recommended that planning permission be **APPROVED** subject to the following conditions:
 1. Standard time limit
 2. In accordance with submitted plans
 3. Details of all facing and roofing materials to be agreed for the utility/day blocks and outbuildings
 4. Occupation limited to those who satisfy the planning definition of a Gypsy or Traveller, as set out in PPTS
 5. Details of vehicular access to be provided
 6. Means to prevent discharge of water onto highway to be agreed
 7. Light source shall not be visible from any highway
 8. Parking and manoeuvring areas to be provided
 9. Gates to be set back a minimum of 10m and shall only open into the site.
 10. Details of visibility splays to be provided
 11. Clear visibility to be provided and thereafter permanently retained
 12. Scheme of foul water drainage
 13. Scheme of surface water drainage

14. Full contamination assessment and remediation to be carried out and completed prior to any other works commencing (as per EA and Environmental Health recommendations)

An informative is also recommended confirming that any consent granted is an alternative to the 2011 consent.

Documents:

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

<https://planning.westsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=NF13JTPD03F00>

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

This page is intentionally left blank

Planning Policy comments: DC/14/2162/FUL & DC/14/238/FUL

To: Development Control
From: Planning Policy
Date: 18th May 2015
Ref: DC/14/2162/FUL & DC/14/238/FUL

Location: Elms Road, Red Lodge, Suffolk.

Proposal: (i) DC/14/2162/FUL: Change of use of land to a residential use for three gypsy families including 3 mobile homes and 6 no. amenity buildings.
(ii) DC/14/2384/FUL: Change of use of land to a residential caravan park for 4 related gypsy families, including 4 mobile homes, 6 caravans and 4 day rooms.

These applications have to be determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise. At present the Development Plan comprises:

- Forest Heath Core Strategy (May 2010).
- Remaining saved policies in the Forest Heath Local Plan (1995).
- The Joint Development Management Policies Local Plan Document (Feb 2015).

The following policies within the above documents are of particular note in the consideration of these applications:

Core Strategy

- CS3: Landscape Character and the Historic Environment.
- CS5: Design Quality and Local Distinctiveness.
- CS8: Provision for Gypsy and Travellers.
- CS10: Sustainable Rural Communities

Joint Development Management Policies Document

It is anticipated that the Joint Development Management Policies will be adopted in February 2015. As the plan is likely to be in place at the time this application is considered, policies are being afforded significant weight in this response. The policy particularly relevant to the proposals is;

- DM1: Presumption in Favour of Sustainable Development.
- DM2: Creating Places – Development Principles and Local Distinctiveness.
- DM13: Landscape Features.
- DM14: Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards.

National Policy

The following Central Government planning guidance is a material consideration when making planning decisions:

- The National Planning Policy Framework (2012)
- Planning policy for Traveller Sites (2012)

Central Government undertook consultation in respect of changes to national planning policy and Planning Policy for Traveller Sites with the intention of strengthening policy in these areas. The consultation ended on 23 November 2014 and analysis of the feedback is currently taking place. Therefore the current (2012) national policy position should be considered and applied in respect of this application.

The need for additional Gypsy and Traveller accommodation.

The most up to date evidence in terms of future requirements is the Gypsy and Traveller Accommodation Needs Assessment (GTNA) published in October 2011, with an update published in April 2012. This assessment shows a need for 9 additional pitches in Forest Heath for the period 2011 – 2016.

A review of the Traveller Needs Assessment will commence in 2015 by Cambridgeshire County Council, the results of which will form an updated evidence base for the council.

The difference between a required 'theoretical' need in an evidence base for a Local Plan document, as opposed to an immediate 'actual' need which presents itself in the form of family requiring a gypsy/traveller site should be noted as should the support for the proposals and recognition of a need by West Suffolk Strategic Housing.

The principle of the development

This application presents two key issues for consideration in relation to the principle of development.

1. Whether the application meets the requirements set out in the national Planning Policy for Traveller sites.
2. Whether the application meets the requirements set out in local Policy, in particular policies CS8 of the Core Strategy and policy DM13 in the Joint Development Management Policies document.

These issues are considered below in turn;

1. National Guidance

- One of the main intentions of the national guidance Planning policy for Traveller Sites – is to;

'(3) ensure fair and equal treatment for travellers, in a way that facilitates the traditional and nomadic way of life of travellers while respecting the interests of the settled community.'

Within the guidance, 'gypsies and travellers' means 'persons of nomadic habit of life, whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling show people or circus people travelling together as such.'

- In relation to plan making, the guidance is clear in Policy B that;

'(10) Criteria should be set to guide land supply allocations where there is identified need. Where there is no identified need, criteria-based policies should be included to provide a basis for decisions in case applications nevertheless come forward.'

Policy CS8 of the adopted Core Strategy is the criteria based policy to be used in the assessment of this application.

- In relation to sites in rural areas and the countryside, the guidance states in Policy C that;

(12) When assessing the suitability of sites in rural or semi-rural settings, local planning authorities should ensure that the scale of such sites does not dominate the nearest settled community.

Policy C is considered within Policy CS8 of the adopted Core Strategy (criteria c).

- Policy H* sets out information on determining planning applications for traveller sites and sets out the issues, amongst other relevant matters, to be considered;

*a) the existing level of local provision and need for sites
b) the availability (or lack) of alternative accommodation for the applicants
c) other personal circumstances of the applicant*

- d) that the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites*
e) that they should determine applications for sites from any travellers and not just those with local connections'

These issues are considered in turn below;

- a) **'need'** – As stated above, the Gypsy and Traveller Accommodation Needs Assessment (GTNA) update April 2012 shows an unmet need for 9 additional pitches in Forest Heath for the period 2011 – 2016.
- b) **'availability'** – Planning policy is not aware of any alternative available sites. No sites have been submitted via the Site Specific Allocations Local Plan preparation process.
- c) **'personal circumstances of the applicant'** – both applicants state the need for a settled site to provide access to healthcare and education services.
- d) **'locally specific criteria'** – Policy CS8 of the adopted Core Strategy sets out the locally specific criteria against which any applications for a gypsy and traveller site should be determined. This is considered in further detail below.
- e) **'determine application for any travellers – not just those with local connections'** – This guidance is being followed in the determination of this application.

2. Local Planning Policy

Core Strategy

Policy CS3 of the Core Strategy requires developments to protect and seek to enhance local landscapes character. These issues are considered later in this response in relation to Policy DM13 of the Joint Development Management Policies Document.

Policy CS10 sets out the circumstances where residential development will be permitted in villages and small settlements not identified for growth in the Core Strategy. Criteria (d) allows for proposals for gypsy and travellers which complies with Policy CS8.

Policy CS10 and CS8 do not preclude development in the countryside provided the proposal meets the stated criteria and would not result in unacceptable harm.

Policy CS8 of the Core Strategy addresses the accommodation needs of gypsies and travellers and sets out criteria for the assessment of suitable sites.

Each point is considered in turn below;

a) Accessibility to local services, communities and facilities by a variety of means, to meet current long term needs.

The site is approx. 350m to the North West of Red Lodge, a Key Service centre which has a range of facilities and services. These are accessible by foot and bicycle via a footbridge over the A11 via Bridge end Rd and Heath Farm Road or car via Ems Rd, B1085 and Newmarket Road.

b) Adequate access, parking and manoeuvring for vehicles.

The comments of Suffolk County Council as Highways Authority should be noted.

c) Appropriate in scale to the nearest settled community.

The applications are for 3 and 4 gypsy families respectively on a total site area of some 3.5 ha. Red Lodge by contrast covers some 210 ha and a population of approx. 3800 in the 2011 census. Bridge End Road contains some 6 – 8 dwellings set in large plots and a vehicle dismantlers. The scale of the proposals is not considered to be excessive.

d) Impact on the landscape, environment and biodiversity.

The Ecology, Tree and Landscape Officer will provide a full response on the potential impact on landscape, environment and biodiversity. Impact on the landscape is considered below.

e) Impact on and from neighbouring residential, employment, commercial and utilities development.

The nearest residential and commercial properties are to the south of the site along Bridge End Road. The proposed plots are separated from the nearest housing to the south by a landscaped belt. The impact should be considered by the case officer.

f) Consistent with other policies in the development plan.

Relevant policies are listed above and considered in this report.

Proposals should also be considered to these additional criteria:

1. Proposal meets identified needs, including the mixture of types of accommodation and tenures.

The Gypsy and Traveller Accommodation Needs Assessment (GTNA) update April 2012 shows an unmet need for 9 additional pitches in Forest Heath for the period 2011 – 2016.

2. Pitch sizes that facilitate good quality living accommodation without overcrowding or unnecessary sprawl.

The proposed pitches appear adequate and to not lead to overcrowding or unnecessary sprawl.

3. Good design and layout including, the adequacy of facilities, services and amenities, the utility of outside space for leisure, recreation and for any essential employment related activities.

The layout of the proposed plots is acceptable in terms of the quality of life of any residents.

4. Mitigation of the impact of visual amenity

DC/14/2162/FUL: The site is on relatively flat land separated from Elms Road by the raised capped area of the former landfill site. Landscaping is proposed to the south of the plot separating the proposal from the nearest residential properties and in addition further landscaping is proposed around the other sides of the proposal to the countryside. It is not considered that the proposal would cause an unacceptable impact on visual amenity.

DC/14/2384/FUL: The proposed development is elevated above the surrounding landscape as elements are sited on the edge of the capped area of former landfill site, and although landscaping is proposed, the development would be very prominent, especially in views to the site across the open countryside to the West and North.

Joint Development Management Policies document

Policy DM13 – Landscape Features is particularly relevant to these applications.

The policy requires all development proposals to demonstrate that; *'their location, scale, design and materials will protect, and where possible enhance the character of the landscape, including the setting of settlements, the significance of gaps between them and the nocturnal character of the landscape...Where this is not possible development will not be permitted.'*

DC/14/2162/FUL: The proposed layout of the site respects the form of the current development in the area by occupying a long plot fronting Bridge End Road in the SE and extending towards the track to the NW. As stated in relation to CS8 (4) above it is considered the proposal can be accommodated in this position without causing unacceptable harm to the character of the surrounding landscape.

DC/14/2384/FUL: The proposal would create a linear form of development in a raised position running parallel to the track to the NW of Bridge End Road which will be visually intrusive in the landscape.

Conclusions

When considering the application against national and local development policy the starting point must be whether there is a need for sites. The Gypsy and Traveller Accommodation Needs Assessment (GTNA) update April 2012 shows an unmet need for 9 additional pitches in Forest Heath for the period 2011 – 2016. Any proposal must also be acceptable in terms of local planning policy.

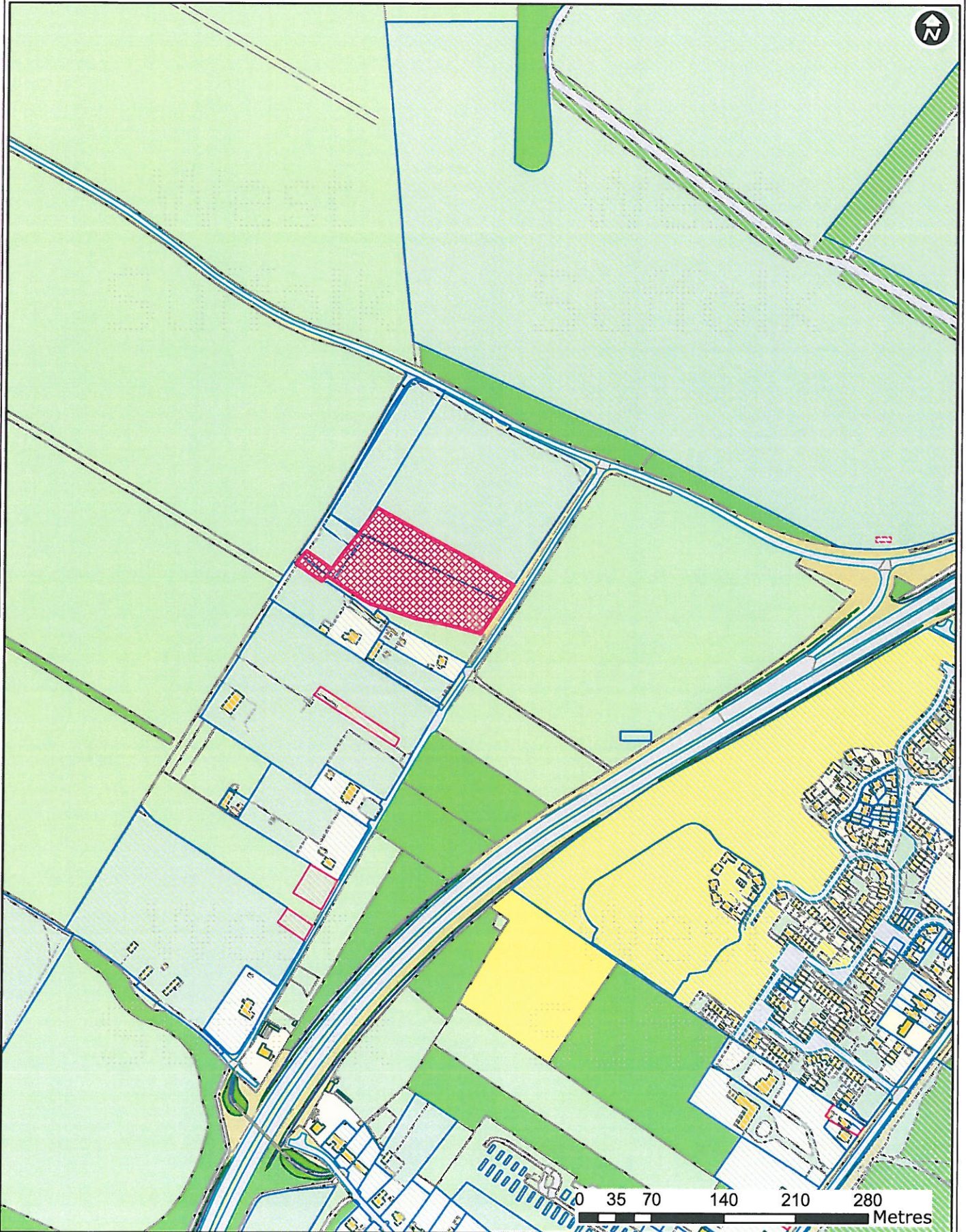
DC/14/2162/FUL: The proposal is considered acceptable in relation to national planning policy and locally specified criteria – No policy objection.

DC/14/2384/FUL: It is considered that the location of the site would cause unacceptable harm in terms of landscape character and is therefore contrary to policies CS3, CS8 and CS10 of the Core Strategy and DM1, DM2 and DM13 of the Joint Development Management Local Plan Document. The wider need for gypsy and traveller sites in the district is outweighed by the harm that the introduction of 4 mobile homes, 6 caravans and 4 day rooms will cause to the character and appearance of the countryside in this location. It is suggested that permission is refused.

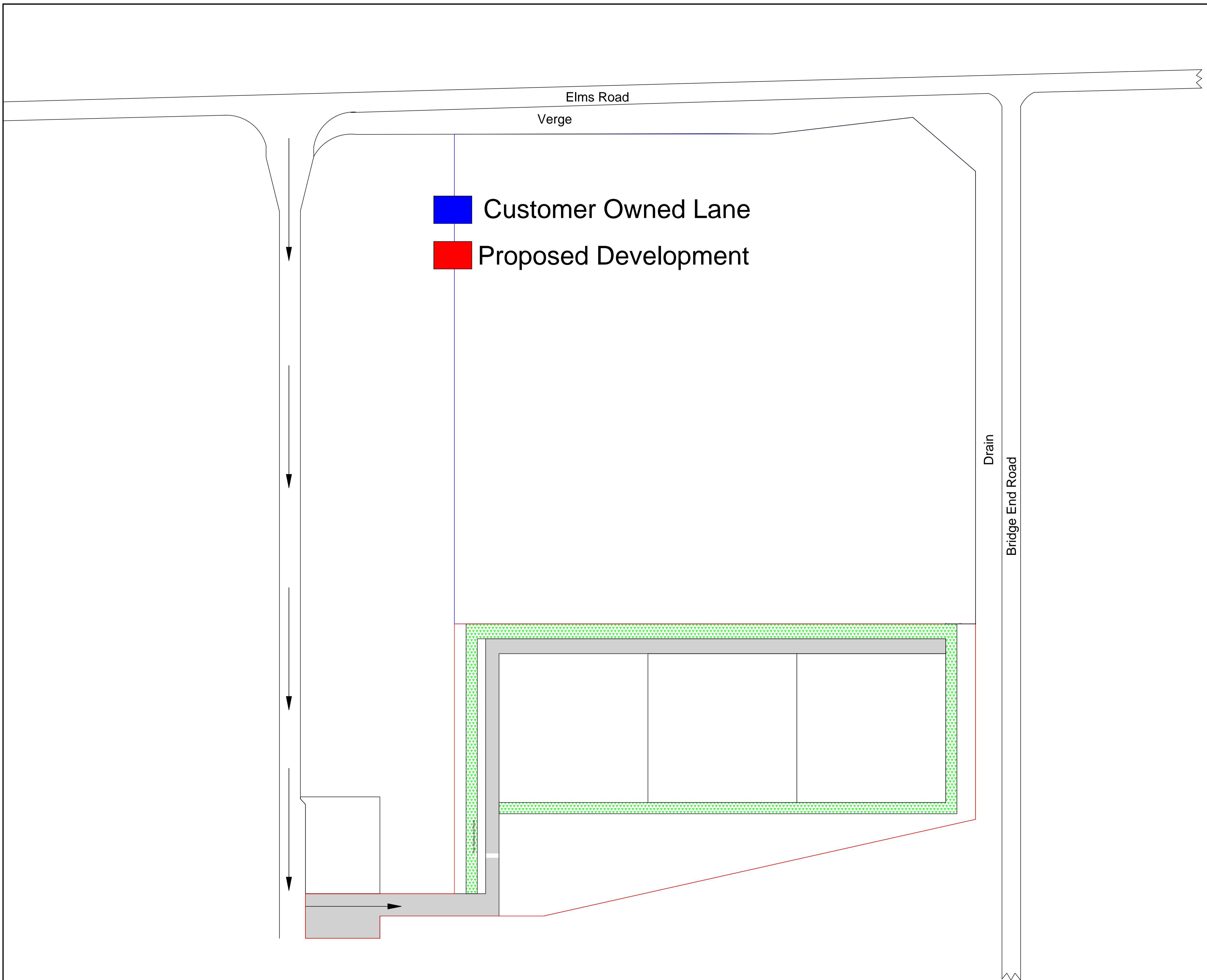
This page is intentionally left blank

DC.14.2162.FUL

Caravan Mobile Site, Elms Road, Red Lodge



This page is intentionally left blank



2 the drawing board <small>Do Not Scale this drawing. Dimensions to be checked on site & any discrepancies reported.</small>			
<small>Suite 3, 62 James Carter Road, Midsalhall, Suffolk IP28 7DE Telephone 07971920112</small>			
HILL VIEW, BRIDGE END ROAD, RED LODGE, SUFFOLK IP288LQ			
Proposed PLOT Layout			
No:	Revision:	Date:	Date:
A		00-00-00	29-4-2015
B			Scale: 1:500
			Drawn By: WK
			Drawing No: 001
			Paper Size: A1

Forest Heath District Council

**DEVELOPMENT
CONTROL COMMITTEE**

3 JUNE 2015

DEV/FH/15/019

Report of the Head of Planning and Growth

**PLANNING APPLICATION DC/14/2384/FUL - CARAVAN MOBILE SITE, ELMS
ROAD, RED LODGE**

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

Case Officer: Sharon Smith
Tel. No: 01284 766333
sharon@lsrlegal.co.uk

Committee Report

Date 19th December **Expiry Date:** 3rd June 2015
Registered: 2014

Case Officer: Sharon Smith **Recommendation:** Refuse planning permission
Parish: Red Lodge **Ward:** Red Lodge

Proposal: Planning Application DC/14/2384/FUL - change of use of land to a residential caravan park for 4 no. related gypsy families, including 4 no. mobile homes, 6 no. caravans and 4 no. day rooms

Site: Residential Caravan Park, Elms Road, Red Lodge

Applicant: Mr H Stretton

Background:

This application is referred to the Development Control Committee by the Head of Planning and Growth due to the controversial and contentious nature of this proposal.

The application is recommended for REFUSAL.

Proposal:

1. Planning permission is sought for the change of use of land to a residential caravan park for 4 no. related gypsy families.
2. The proposal includes the provision of 4 no. mobile homes, 6 no. caravans and 4 no. day rooms.
3. The application has been amended since submission by the submission of details relating to proposed levels and sections across the site, and by the submission of a Phase 1 Desktop Contaminated Land Survey.

Application Supporting Material:

4. Information submitted with the application is as follows:
 - Signed application forms (including ownership certification).
 - Drawings (including location plan, plan showing the areas of existing and new development, proposed site layout plan, a plan showing the proposed fencing and a plan of the utility/day rooms).
5. Additional plans were requested and received on 18th March 2015, which

included details of the levels and sections through the site. Those plans were the subject of reconsultation.

6. A stage 1 contamination report was also requested from the agent, which was received on 20th March 2015 and was the subject of a full reconsultation.

Site Details:

7. The site lies to the west of Red Lodge, and is separated from the village by the A11.
8. The site is located to the south of Elms Road and to the west of Bridge End Road, and forms part of a former landfill site that is currently left in an untended, naturalised condition.
9. The site comprises a long parcel of land that runs from the roadside edge at the northern end and continues south-westerly to a point approximately 150 metres in length. The site is 40 metres in depth.
10. At the southern end of the site is a parcel of land that was granted planning permission in 2011 for the *"change of use of land to use as a residential caravan site for two gypsy families with a total of 5 caravans including the erection of 2 amenity buildings and the erection of a 2 metre high boundary fence"*. This is an extant planning permission.
11. Access to the site would be achieved from an existing track that is located to the west of the land, and which runs directly from Elms Road. The roadside boundary with Elms Road is formed by a mature hedgerow, which terminates at the access point. A gate currently exists across the access point, which is set back some distance from Elms Road.
12. A bridleway runs along the northern and eastern boundaries of the land leading down Bridge End Road and crossing the A11 some distance to the south. A public footpath runs to the south of the properties on Bridge End Road, crossing the A11 at the footbridge and leading into Red Lodge along Heath Farm Road.

Planning History:

13. In January 2011, planning permission was granted on an adjacent piece of land for the change of use of land to a use as a residential caravan site for two gypsy families with a total of 5 caravans, including the erection of 2 amenity buildings and the erection of a 2 metre high boundary fence under Council reference F/2010/0012/FUL. This permission relates to the parcel of land immediately to the south west of the application site.
14. In September 2011, the Council approved an application to vary condition 3 of the above permission to allow the removal of an earth bund and its replacement with screen fencing and a landscaping strip. This bund was subsequently removed. This permission is considered to be extant, but where occupation of the site has not yet occurred.

15. Prior to this, the site was used historically for landfill, and there is a history of permissions for this use dating back to the late 1980s.

Consultations:

16. Highway Authority – recommends conditions relating to the areas to be provided for the storage of refuse/recycling bins; gates to be set back a minimum distance of 5 metres from the edge of the carriageway; areas for the parking of vehicles and cycle storage to be provided; and the provision of visibility splays.
17. Environment Agency – initial comments were to object to the proposal and comments (summarised):
- The site is potentially contaminative, which the application form fails to recognise. The site is considered to be of high sensitivity and could present potential pollutant/contaminant linkages to controlled waters.
 - Object as there is insufficient information to demonstrate that the risk of pollution to controlled waters is acceptable.
 - Therefore, an assessment of potential contamination in the proposed development site, an assessment of the pollution linkages that the development could introduce, and consideration for the risk posed by surface water drainage, foul water drainage and foundations will need to be undertaken.
 - Indicates that the applicant should provide a Preliminary Risk Assessment, including a Desk Study, Conceptual Site Model and initial assessment of risk.
 - Provides information regarding changes to the way in which small sewage discharges will be regulated.

Revised comments received 9th April 2015 following consideration of the contamination report:

Are satisfied with the level of information submitted in the Desktop Study and would be minded to withdraw their objection if conditions are imposed relating to:

- The submission of a remediation strategy.
- Measures to deal with any unidentified risks encountered during development.
- A scheme for surface water disposal to be submitted and approved.
- Pilings and foundation designs and investigatory boreholes using penetrative methods shall not be permitted.
- A scheme of foul drainage to be submitted and approved.

In respect of the additional plans a response was provided saying no further comment to make to previous letter.

18. West Suffolk – Environmental Health – recommends a condition relating to the submission of a contaminated land assessment, and the requirement for mitigation if contamination is identified.

Further comments received 9th April 2015 - Subsequent to the receipt of the Phase 1 Contaminated Land Desk Study, there is potentially a high risk that may affect site workers, future residents, and controlled waters due to the historical use of the site. Recommends conditions requiring further investigation, reporting and remediation prior to any development being carried out.

19. West Suffolk – Strategic Housing – supports the application as it is helping to contribute towards the need for more Gypsy and Traveller pitches as identified through the Gypsy and Traveller Accommodation Needs Assessment.
20. Suffolk County Council - Rights Of Way – No objections, but draws attention to the applicant’s responsibilities in terms of the Bridleway 5, which lies adjacent to the site.

In respect of additional plans, no further comment to make in addition to our original response dated 6th April 2015 concerning Bridleway 5.

21. Suffolk County Council – Minerals and Waste – makes comments (summarised):
- The land lies within a Minerals Consultation Area.
 - Notes that the application land comprises part of a former landfill site that is now in agricultural use.
 - It is unclear from the site location plan where the boundary lies between the former landfill site and the proposed development footprint of the structures.
 - Comments that it is unclear how the boreholes identified in the historic contamination report relate to the proposed development.
 - It is unclear how the foundations of structures would inter-relate with the former landfill contents/capping, or how drainage would work.
 - Recommends consultation with the Environment Agency.
 - Comments on the lack of information within the Design and Access Statement.
 - Questions whether there is sufficient information on which to consider the application at this stage.
22. Suffolk County Council – Development Contributions Manager - makes comments (summarised):
- The agreed countywide threshold, which triggers a corporate infrastructure assessment is 10 dwellings and above. On this basis we will not be seeking infrastructure contributions due to the scale and nature of the proposed development.
 - In terms of the local primary school situation, there is significant pressure

on St Christopher's CEVC Primary School.

- The agreed strategy is for the county council to establish a new primary school to serve the growing community.

23. Planning Policy

The planning policy officer's comments, which were received after this report was drafted, are appended, in full, to this report.

Representations:

24. Red Lodge Parish Council (summarised) Objections and Comments:

- The site is outside the masterplan boundary.
- There is no policy to allow gypsy settlements within Red Lodge.
- The grant of permission has expired. There was a limited constraint that it was to be family only use granted at one time. What is the definition of family?
- There is pressure on the current school with no spaces available.
- SCC has raised issues concerning this being a landfill site and therefore there may be drainage problems. This needs to be referred to the Environment Agency.
- The road into the site is currently not wide enough for two way traffic.
- Bad visibility to the right on exiting the site which could cause accidents.

Red Lodge Parish Council subsequently commented on 17th April 2015 that, following consideration of the additional information, the objection to the application was confirmed.

25. Freckenham Parish Council raises no objections but makes the following comments (summarised):

- The LPA should be satisfied there are no contamination risks (animals grazing on the site have died unexpectedly).
- The development should be strictly in accordance with the plans.
- A limit should be put on the number and size of commercial vehicles.
- No commercial activity should take place on site.
- The track is not wide enough for two vehicles to pass.
- If approved, it should be a personal permission to the applicants.

Subsequent comments received 2nd April 2015, stating it is clear that the proposals should not be granted approval due to the high risk of ground gases causing harm to site workers, end users and within buildings and the moderate risk of contaminates within the soil and ground water.

26. Herringswell Parish Council requests the opportunity to consider the matter further once the additional information from the Environment Agency and other consultees is submitted.

27. Ramblers – raises no objections, subject to the adjacent boundary fencing being kept in a good state of repair. Notes that the Bridleway is not shown on the

plans, and that the overgrown state of the Bridleway has been reported to SCC.

28. 10 letters have been received from local residents including at the following addresses raising objections to the proposed development;

- Moulton Manor Farm, Nr Newmarket
- Hydes Barn, Elms Road, Freckenham
- The Roost, Bridge End Road, Red Lodge
- Elephanta, Bridge End Road, Red Lodge
- Upton Suffolk Farms, Park Farm, Herringswell
- Blandings Farm, Badlingham
- Longview, Bridge End Road, Red Lodge

29. The issues and objections raised are summarised as follows:

- The site is outside the settlement boundary for this area, and there is no justification or enabling reason why the development should be granted other than within a settlement limit.
- It would set yet another precedent for further planning applications in the future, and in 10 years time there could be a very large number of caravans on site (up to 38-40).
- Subsequent applications are likely to be made for 4 caravans per plot, where each plot has a mobile home.
- Increased traffic onto very small country roads.
- Concern that other illegal points of access will be created and these will be dangerous to other highway users.
- There could be an isolation problem, particularly with regards to bringing up children.
- There could be no school places locally, as schools are already at breaking point. 5 children have been identified in the application, as well as an intention to extend the families further. There is no capacity for this.
- It would be very unwise to have people living close to or even on top of the infilled pit.
- There were rumours that there was a problem with sheep grazing this summer, and that this is being investigated by the Environment Agency on health and safety grounds.
- There is enormous local objection to this, which should be taken into account.
- The development is unsustainable, as future occupants would be wholly reliant on the use of the private car, thus increasing emissions and contributing towards climate change.
- The proposed development does not fall within any of the 'special circumstances' set out at paragraph 55 of the NPPF.
- All of the proposed gypsy families would need to access local services by car.
- The junction of Bridge End Road and Elms Road is on a partial bend, and is dangerous for existing residents and road users.
- Elms Road is a rat run, used increasingly by HGVs and agricultural vehicles, and US employees at the local air bases. On numerous occasions, American drivers have been witnessed on the wrong side of the road having left the A11.
- Whilst the application would assist in delivering gypsy pitches in the FHDC

area, given that there are other gypsy sites in the village, a further 7 families is excessive and would dominate the local community.

- The resourcing issues that the Council has faced would make it difficult to contain the numbers on this large site, and enforcement will be difficult and protracted, so the site may well become an illegal encampment for an undetermined number of permanent and transient travellers.
- Notes that Freckenham Parish Council has raised concerns over contamination at the site, and that some animals grazing here for less than 48 hours died unexpectedly.
- The contamination reports are out of date and unprofessional and cannot be viewed as acceptable.
- The design and access statement is very light on information relating to the land in general, and little to no information on construction arrangements, land disturbance and up to date contamination reporting.
- Insufficient information is provided with the application as to the applicants' local connections.
- Policy C of the PPTS identifies that gypsy sites should not dominate local communities. The application is a large site which, if approved, would dominate the local community.
- The contamination information is inadequate and is surprised that the application was validated.
- All types of materials were deposited at the landfill site and, therefore, it is unsuitable for residential habitation.
- There must also be questions about the stability of the land.
- We are yet to see any planting of trees or shrubs on this area, so proposed planting is unlikely to be successful. Site would be very exposed in the area.
- Elms Road is a narrow road with no footpaths and street lights, and the new estates at Kings Warren and Wimpey site are drawing a lot of traffic from each direction.
- The proposal seems very hazardous for many reasons; subsidence, disturbance, drainage, contamination etc.
- This is an application requesting an exception based on the status of the applicant. There is no policy for Red Lodge that requires an exception to be made. The application should be treated as any third party open market application, without exceptions.
- A gypsy house should be protected from related health and safety issues in the same way as an open market house.
- The health and safety of the applicant is at risk, and there is considerable liability attached to granting a consent.
- Any development that affects the integrity of the landfill restoration, which was carried out in accordance with a site restoration plan, by breaking the site encapsulation risks destabilising the site and exacerbating the pollution risk to the occupier and adjacent properties.
- The Environment Agency should be consulted on foundations and drainage. Until the EA confirm that there is no on site or off site risk, the site should remain undeveloped.
- If the application is granted, it should be subject to the same controls, financial contributions and planning conditions that would be imposed on any equivalent residential applications.
- The development of this site imposes additional infrastructure requirements on the district.

- The development should be restricted until at least the new school is delivered.
- Can understand the reasons why the families wish to settle on this site, but this seems quite a lot of caravans and mobile homes for these sites.
- If permission is granted, would this be in addition to the 5 caravans already permitted?
- Will monitoring of the site continue?
- The applicant has filled in all of a drainage ditch along one side so all of the rainwater runs onto our boundary.
- The addition of nine caravans and hardstanding is going to mean water will run onto Elms Road, making a driving hazard.
- Concerns regarding wildlife that lives on the site, including skylarks and lapwing.
- The contamination report needs further investigations into the findings.
- The natural water table can be seen in the quarry across the road from this site.
- Contaminants could find their way into the underground waterways.

Policy:

30. The application has to be determined in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. At present, the Development Plan comprises:
- Forest Heath Core Strategy (May 2010)
 - Remaining saved policies in the Forest Heath Local Plan (1995)
 - The Joint Development Management Policies Document (February 2015)
31. The following policies within these documents are of particular note in the consideration of this application:

Core Strategy

- CS2: Natural Environment
- CS3: Landscape Character and the Historic Environment
- CS5: Design Quality and Local Distinctiveness
- CS8: Provision for Gypsies and Travellers
- CS10: Sustainable Rural Communities

Joint Development Management Policies Document

- DM1: Presumption in Favour of Sustainable Development
- DM2: Creating Places – Development Principles and Local Distinctiveness
- DM5: Development in the Countryside
- DM13: Landscape Features.
- DM14: Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards

National Policy

The following Central Government planning guidance are material considerations in the making of planning decisions:

- The National Planning Policy Framework (2012)
 - National Planning Practice Guidance (2014)
 - Planning Policy for Traveller Sites (2012)
32. The National Planning Policy Framework (the Framework) sets out the government's planning policies for England and how these are expected to be applied.
33. Paragraph 14 of the Framework identifies the principle objective:
34. "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."
35. This presumption in favour of sustainable development is further reinforced by advice 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". Paragraph 187 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".
36. The Government has published its Planning Practice Guidance (PPG) (March 2014) following a comprehensive exercise to review and consolidate all existing planning guidance into one accessible, web-based resource. The guidance assists with interpretation about various planning issues and advises on best practice and planning process.
37. Central Government recently undertook consultation in respect of changes to national planning policy and Planning Policy for Traveller Sites (PPTS) with a view to strengthening policy in these areas. The proposals relate primarily to changes to PPTS, although some would apply to the settled community and would involve changes to wider national planning policy. The consultation document states that the Government remains committed to increasing the level of authorised traveller sites in appropriate locations, to address historic undersupply, as well as to meet current and future needs. However, the Government also believes that further measures are needed to ensure that

planning rules apply fairly and equally to both the traveller and settled community. The Government's view is that where travellers have ceased to travel, then they should be treated no differently to members of the settled community.

38. The consultation ended on 23th November 2014 and currently analysis of the feedback is taking place. There has been no change to Planning Policy for Travellers Sites to date, therefore it remains the current national policy position to be considered and applied in the determination of this application.

Officer Comment:

39. The issues to be considered in the determination of the application are:

- Principle of Development
- Planning Policy Considerations
- Need and Supply
- Ecology and Landscape (Natural Heritage)
- Environmental Conditions (Flood Risk, Drainage and Contamination)
- Design, Layout and Residential Amenity
- Highway Issues
- Sustainability

Principle of Development

40. At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development. The policies in paragraphs 18 to 219 of the Framework, taken as a whole, constitute the Government's view of what sustainable development means in practice for the planning system. It goes on to explain that there are three dimensions to sustainable development:
- i) economic (contributing to building a strong, responsive and competitive economy),
 - ii) social (supporting strong, vibrant and healthy communities) and,
 - iii) environmental (contributing to protecting and enhancing our natural, built and historic environment;)
41. The Framework explains (paragraph 9) that in order to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system. It is Government policy that the planning system should play an active role in guiding development to sustainable solutions.
42. The provision of gypsy and traveller sites in rural areas is not, in principle, unacceptable. Provision is made within PPTS 2012 for the consideration of traveller sites in rural areas and the open countryside, but indicates that local planning authorities should strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan. Local planning authorities should ensure that sites in rural areas respect the scale of, and do not dominate the nearest settled community, and avoid placing an undue pressure on the local infrastructure.

43. The extent to which planning policy provides for the proposed development, and the manner in which this application should be considered, is set out within the later sections of this part of the report.

Planning Policy Considerations

44. National guidance in the form of PPTS seeks to, inter alia, ensure fair and equal treatment for travellers, in a way that facilitates the traditional and nomadic way of life of travellers, while respecting the interests of the settled community.
45. Within the guidance, 'gypsies and travellers' means '*persons of nomadic habit of life, whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling show people or circus people travelling together as such*'.
46. In relation to plan making, the guidance is clear in Policy B of the PPTS that '*Where there is no identified need, criteria-based policies should be included to provide a basis for decisions in case applications nevertheless come forward*'. Policy CS8 of the adopted Core Strategy is a criteria based policy which conforms to this guidance and will be discussed later in this section of the report.
47. In relation to sites in rural areas and the countryside, the PPTS states in Policy C that, '*When assessing the suitability of sites in rural or semi-rural settings, local planning authorities should ensure that the scale of such sites does not dominate the nearest settled community*'.
48. Policy H of the PPTS sets out information on determining planning applications for traveller sites and sets out the issues, amongst other relevant matters, to be considered:

- a) **the existing level of local provision and need for sites** – The GTNA shows an unmet need for 9 additional pitches within the District for the period 2011-2016.

The applicant identifies that the family are true Romany travellers who are actively pursuing a more settled lifestyle in the interests of their childrens' educational needs and for their health and safety, although there is still an intention to travel. The extent to which this need can be met by the proposed site is considered later in this report.

- b) **the availability (or lack) of alternative accommodation for the applicants** – The application does not address why the need cannot be met from other sites including The Sandy Park site, which appears to have availability of alternative accommodation.
- c) **other personal circumstances of the applicant** – The application contains some information about the need for a settled site to provide access to healthcare and education services. However, this is not considered to be specific to the application site. The education requirement is considered in more detail later in this report.

- d) **that the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites** - Policy CS8 of the adopted Core Strategy sets out the locally specific criteria against which any applications for a gypsy and traveller site should be determined. This is considered in further detail below.
- e) **that they should determine applications for sites from any travellers and not just those with local connections** - This guidance is being followed in the determination of this application.

49. Policies CS8 and CS10 do not preclude development in the countryside providing the proposal meets the stated criteria and would not result in unacceptable harm. This is considered within the following paragraphs.

50. Policy CS8 of the Core Strategy is a criteria based policy for the assessment of proposals for gypsies, travellers and travelling showpeople, as advised in PPTS. The policy provides criteria by which to consider sites and proposals for gypsies and travellers. These criteria will be considered within the relevant sections of this report, as follows:

Need and Supply

51. Policy CS8 requires that proposals meet identified needs, including the mixture of types of accommodation and tenures. However, this needs to be considered in light of the other material planning considerations.

52. There is an unmet need for 9 additional pitches in Forest Heath for the period 2011-2016. However, any proposal must also be acceptable in terms of local plan policy.

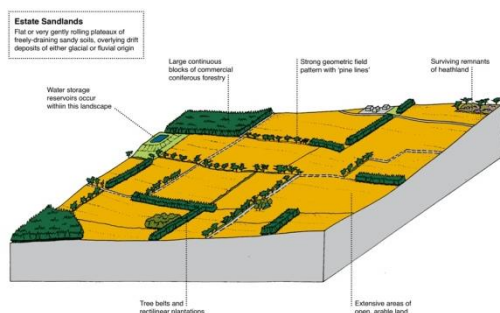
53. The Council is aware that there are currently a number of pitches, potentially as many as 11, available at the Sandy Park site in Beck Row. This site is approximately 7 miles from the appeal site, and is a well established gypsy and traveller site. No evidence has been provided as to why the applicant could not utilise this established site and why this site cannot meet their need.

Ecology and Landscape (Natural Heritage)

54. In respect of ecology and landscape, Policy CS8 requires consideration of the impact on the landscape, environment and biodiversity, and mitigation of the impact on visual amenity.

55. As discussed, the proposal provides for the siting of the buildings and caravans in an elevated position due to the topography of the land where mounds form part of the reprofiled landscape following the historic landfill. This would result in an incongruous, visually prominent form of development extending in a linear form within the countryside setting when viewed from Elms Road and within the wider countryside.

56. The proposal is to utilise these mounds where the mobile homes, caravans and day rooms will be sited on this raised ground.
57. The Council's landscape Officer comments that the site is located within the 'Estate Sandlands' which defines 'the Brecks'. The landscape in the vicinity of the site is typical of the character type as illustrated by the composite character feature sketch below with wide open geometric areas and bold rectilinear tree screens and hedges.



58. This site is located off Elms Road and on the north eastern edge of Red Lodge landfill site. The proposed site is located adjacent to the access track from Elms Road to the south west to adjoin the land with an existing permission for similar use. The proposed site rises in height towards the south east such that the day rooms and a number of the caravans would be placed on the higher ground. The number of separately located buildings proposed along with the number of mobile homes, caravans and vehicles, represent a significant sub-urbanisation of the site in conflict with the existing rural landscape character (see above).
59. The proposals show landscape hedges and trees to the south eastern boundary of the site and the boundary with Elms Road. To the north west boundary a hedge would front a 2m high close board fence. Irrespective of this the site would remain visually exposed from the north and west when approached along Elms Road. The visual prominence of the development at this location would cause harm to the character and openness of the surrounding countryside
60. The proposed development would result in unacceptable harm to the character and appearance of the countryside, in particular as a result of its effects on:
- views across the landscape into the site area,
 - the openness of the character of the landscape,
 - intensification of domestic character including suburban fencing, and
 - the likely impact of additional lighting, particularly the external lighting required for a pitch to be functional for residential uses, in the rural landscape.

Biodiversity

61. No information has been submitted in relation to the nature conservation value of the site. There are no records of protected species in the immediate vicinity of the site and no ecological constraints have been raised. The site presents a low risk to biodiversity although there is potential for biodiversity gain through planting of native trees and shrubs if permission is granted.

Environmental Conditions (Flood Risk, Drainage and Contamination)

62. The site forms part of a former landfill site.
63. The application has been supported by a Phase 1 Desktop Land Contamination Report, dated 19th March 2015, which considers the potential for contaminants to impact on the development, the extent of any such impacts and whether the development can be carried out safely. This report concludes that:
 - Based on the conceptual site model and risk assessment there is a high risk of a significant pollutant linkage that could affect site workers, end users, controlled waters and buried services.
 - Additional investigation should be undertaken, which should be agreed with the Council's Environmental Health Officer before being undertaken.
 - The report should be forwarded to the relevant statutory consultees including the Environment Agency and Local Authority to seek their comments and subsequent approval prior to site works commencing.
64. The report was the subject of a full reconsultation, which included the Environment Agency and the Council's Environmental Health service. It should be noted that the Environment Agency are minded to withdraw their initial objection, subject to the imposition of conditions related to the submission and approval of a scheme of investigation and remediation of any contaminants encountered, and also the submission and approval of schemes for foul and surface water drainage.
65. This position is also reflected by the Council's Environmental Health service, who also recommended conditions in respect of the investigation and remediation of contaminants prior to the development proceeding.
66. In light of the advice from the Environment Agency and the Council's Environmental Health service, the issue of possible contamination resulting from the development can, it is suggested, be controlled by conditions. For clarity, this would require the details to be provided and approved prior to any other part of the development being carried out (i.e. the development could not proceed until the investigations, and any necessary remediation, has been completed).
67. Therefore, in the event that planning permission is granted, in this case, it would be necessary to include these conditions on the decision.
68. The site does not lie within an area that is identified as being liable to flooding. Concerns have been expressed by local residents that water runoff resulting from the proposed development, including the hardstanding, could give rise to water being dispersed onto the road, and also that any proposed drainage systems could allow contaminants into the water system. In response to this, the EA have recommended conditions requiring both surface water and foul drainage systems to be submitted and approved prior to the development being carried out. These matters can, therefore, be addressed by conditions.

Design, Layout and Residential Amenity

69. The proposal would result in a linear form of development following the alignment of the existing track that would serve the plots. Due to the topography of the land, the development would be elevated above the track level and would, as discussed, be prominent in the landscape.
70. An area to the north end, adjacent to Elms Road, would be retained as an animal compound, grazing area and tree screening area. There would then be two equal sized plots created between this area and that which was granted planning permission in 2011. These plots would be set out in an identical layout, with a mobile home to either side of each plot, a day room associated with each mobile home to the rear of the plots, and the 6 caravans spread equally (3 per plot) set between the day rooms at the rear of the plot.
71. A total of 9 parking spaces for each of the two plots would also be provided.
72. The pitch sizes are, themselves, of sufficient size to ensure that the living accommodation has sufficient space around it and that the development is not overcrowded on the plot. Policy CS8 requires that pitch sizes facilitate good quality living accommodation without overcrowding or unnecessary sprawl, and it is considered that the proposed layout would comply with this element of the policy.
73. Landscaping is proposed to each of the boundaries of the plots. This is identified as being a mixture of native planting that mirrors that which was proposed in respect of the existing site, granted planning permission in 2011. The planting is therefore proposed to provide visual continuity, and thereby have a relationship with the existing planting on the land.
74. The proposed plots would be separated from the residential properties that lie to the south by the existing site that was granted planning permission in 2011 or, if approved, the alternative scheme that members are also considering. As stated, in respect of that site an extant permission exists and that is a material consideration in determination of the other application before members of this committee. There would, therefore, be no common boundary between the application plots and the residences to the south. However, as discussed this proposal would run alongside the track and would result, if approved, in the extension of a linear form of development within the countryside.
75. In light of this, it is considered that the proposed development would not be such that would give rise to an unacceptable loss of amenity to those existing properties. There are no other properties in the immediate vicinity that could be affected by the proposals.
76. The provision of the amenity area to the north end of the site provides an area of open space for the grazing of animals, whilst also providing a break between Elms Road and the built up plots. The extent to which the landscape character is affected has already been considered in the Ecology and Landscape section of this report. Notwithstanding this, the manner in which the plots have been laid out is considered to be acceptable, in terms of the quality of life of the proposed occupiers.

Highway Issues

77. Policy CS8 seeks to ensure that adequate access, parking and manoeuvring for all vehicles and all essential uses is available.
78. Representations made by local residents have identified concerns regarding the width of the access track being insufficient for vehicles to pass, and also in respect of visibility to the right when exiting from the access. The proposal does not appear to bring forward any alterations to the existing access track.
79. The Highway Authority have recommended conditions, in respect of the provision of parking and manoeuvring space on the site, and in respect of details of visibility splays being provided in accordance with details previously approved in writing by the LPA.
80. As such, in the absence of concerns from the Highway Authority, the use of conditions to control visibility, parking and manoeuvring would be necessary, if the application is to be supported.

Sustainability

81. The justification statement submitted with the application identifies that the location of the site is within walking or cycling distance of Red Lodge, where there is a Doctor's surgery and a post office/general store.
82. Access to Red Lodge by cycle or foot would be facilitated by travelling along the bridleways/footpaths from Elms Road, along Bridge End Road, over the A11 footbridge and then into the village via Heath Farm Road. Alternatively, it would be necessary to travel down Elms Road, along the B1085 and then back into Red Lodge via Newmarket Road.
83. The latter option is not considered to be practical given the lack of footways, the unrestricted speed limits and the need to navigate the roundabouts at the end of the B1085 and Newmarket Road. The first option would, by virtue of the position of the post office/store, take approximately 35-40 minutes to reach on foot. This would mean a round trip of 1 hour and 20 minutes to walk to the store and return.
84. In comparison, a trip by car would result in a round trip of approximately 12 minutes. It is, therefore, extremely unlikely that it would be convenient for the occupiers of this site to make use of alternative methods of transport to carry out their day to day activities. This would be even less likely during the winter months, when weather conditions are poor.
85. The site is physically divided from the village of Red Lodge by the A11. It does not, therefore, read as part of the village, and this position is accentuated by the rural setting and open landscape in the locality, which gives the site an isolated, countryside, position.
86. However, the issue of sustainability requires consideration of more than just the physical relationship of the site to its surroundings, and the access to services

and facilities that the location offers. The justification statement identifies a desire to provide a settled base for the families, where there is a history of occupancy of transit sites and occupation of temporary sites, where the occupants are regularly moved on. There would, therefore, be particular social benefits for the families arising from consolidation on a single site. The quality of life available to the families would be improved, and a more settled existence would be likely to give rise to improved health and wellbeing.

87. Furthermore, there is a desire to have a settled base for the purposes of employment. Whilst the application does not provide information on the types of employment sought/engaged in, it is not unreasonable to surmise that a settled base would enhance the prospects of more regular employment being sourced.
88. However, none of these points appear to be specific to the application site. No case is made that any of the families are employed locally, nor has it been demonstrated that access to health care or education can be secured at this site in preference to any other. Indeed, as considered later in this report, access to education would not be possible in the locality. Therefore, whilst the potential benefits that may arise from a settled base are acknowledged and understood, these are not site specific and will therefore be given due consideration in the making of the decision on this proposal. Furthermore, no justification has been given as to why the other sites, such as Sandy Park, cannot provide the accommodation.

Other Matters

Access to Education

89. The applicant identifies that there are five children who would reside on the land, aged between 1 and 9. The educational needs of the children is set out as forming an important consideration for the families, and the case made suggests that a settled base is needed to provide for the educational needs of the five children.
90. However, a number of concerns have been raised in respect of the lack of capacity at the local primary school, and consultation was therefore carried out with Suffolk County Council to seek advice on this point. They have responded to advise that there is significant pressure on St Christopher's CEVC Primary School, and the agreed strategy is for the County Council to establish a new primary school to serve the growing community.
91. As such, the settlement of the families on this site is very unlikely to lead to access to education locally. The primary school does not have the capacity to be able to accommodate a further five children at this time, and therefore it is considered that little weight can be given to the selection of this site as a base to provide access to education for these children. Indeed, the use of this site is thereby likely to result in significant additional travel needs away from the locality to access primary school place provision in the foreseeable future.

92.Planning permission was granted in 2011 for the change of use of land to a use as a residential caravan site for two gypsy families with a total of 5 caravans, including the erection of 2 amenity buildings and the erection of a 2 metre high boundary fence. It appears that this permission was implemented through the erection of the boundary fence, and the subsequent removal of the bund that was the subject of a variation of conditions application in September 2011.

93.The site does not appear to have been occupied by residential caravans since those permissions were granted, but the existence of this extant permission is a material consideration in this case. Whilst there have been developments/changes in national and local planning policy since the grant of those permissions, the fact remains that that this part of the site remains capable of being used for occupation by two gypsy families. This application proposes an additional area, extending the area of occupation.

Conclusion:

94.The applicant identifies a desire to provide a settled base for the families, giving improved access to education, employment and health care.

95.Whilst the benefits of a settled base for the site occupiers are appreciated, the justification made is not specific to this site and, in actuality, would be very unlikely to provide access to education for the five children to occupy this site, due to the lack of capacity at the nearest primary school.

96.Furthermore, the site lies in a position where access to facilities and services is likely to be accessed predominantly by car, thereby providing a reliance on motorised transport to service the day-to-day needs of the site occupiers. Whilst there is an extant permission for occupation of part of the other site by two gypsy families, the intensification of such a use and extension of the site in the manner proposed needs to be considered in the context of the planning policy provisions, and in light of any other material considerations.

97.The site lies in a prominent position in an elevated position, due to the reprofiled landscape following historic landfill where the proposed development would be elevated, visually prominent and incongruous. This detrimental impact is considered to be such that would give rise to significant harm to the landscape, and the material factors weighing in favour of the proposal would not outweigh the extent of the harm caused.

98.The wider need for gypsy and traveller sites in the District is outweighed by the significant harm that the introduction of 4 mobile homes, 6 caravans and 4 day rooms will cause to the character and appearance of the countryside in this location.

99.Therefore, on balance, the proposal is considered to be unacceptable by the resultant unacceptable detriment to the character of the landscape, contrary to the provisions of policies CS3, CS8 and CS10 of the Forest

Recommendation:

100. It is recommended that planning permission be **REFUSED** for the following reasons:
1. The proposed development would result in a detrimental impact to the character and appearance of the countryside, by virtue of the domestic and urban appearance of the site on the wider landscape. The site lies in a prominent location on Elms Road where views into the site are readily available which, notwithstanding the proposed landscape planting, would remain available through the access and at a number of points where landscaping would not break up such views. Such views would provide detriment to the appreciation of the general character of the locality, which is predominantly undeveloped. Furthermore, the provision of the proposed number of buildings within such close proximity to each other within a rural location would appear alien and intrusive in the rural environment. The proposal is, therefore, considered to be contrary to policies CS2 (Natural Environment), CS3 (Landscape Character) and CS8 (Provision for Gypsies and Travellers) of the Core Strategy, as well as Policy H of the PPTS (2012) and Policies DM1, DM2 and DM13 of the Joint Development Management Policies document. Therefore, for all of these reasons, and in the absence of an identified overriding need for the occupants to reside on this site, the development is contrary to the development plan.

Documents:

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

<https://planning.westsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=NGME6KPD03E00>

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

Planning Policy comments: DC/14/2162/FUL & DC/14/238/FUL

To: Development Control
From: Planning Policy
Date: 18th May 2015
Ref: DC/14/2162/FUL & DC/14/238/FUL

Location: Elms Road, Red Lodge, Suffolk.

Proposal: (i) DC/14/2162/FUL: Change of use of land to a residential use for three gypsy families including 3 mobile homes and 6 no. amenity buildings.
(ii) DC/14/2384/FUL: Change of use of land to a residential caravan park for 4 related gypsy families, including 4 mobile homes, 6 caravans and 4 day rooms.

These applications have to be determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise. At present the Development Plan comprises:

- Forest Heath Core Strategy (May 2010).
- Remaining saved policies in the Forest Heath Local Plan (1995).
- The Joint Development Management Policies Local Plan Document (Feb 2015).

The following policies within the above documents are of particular note in the consideration of these applications:

Core Strategy

- CS3: Landscape Character and the Historic Environment.
- CS5: Design Quality and Local Distinctiveness.
- CS8: Provision for Gypsy and Travellers.
- CS10: Sustainable Rural Communities

Joint Development Management Policies Document

It is anticipated that the Joint Development Management Policies will be adopted in February 2015. As the plan is likely to be in place at the time this application is considered, policies are being afforded significant weight in this response. The policy particularly relevant to the proposals is;

- DM1: Presumption in Favour of Sustainable Development.
- DM2: Creating Places – Development Principles and Local Distinctiveness.
- DM13: Landscape Features.
- DM14: Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards.

National Policy

The following Central Government planning guidance is a material consideration when making planning decisions:

- The National Planning Policy Framework (2012)
- Planning policy for Traveller Sites (2012)

Central Government undertook consultation in respect of changes to national planning policy and Planning Policy for Traveller Sites with the intention of strengthening policy in these areas. The consultation ended on 23 November 2014 and analysis of the feedback is currently taking place. Therefore the current (2012) national policy position should be considered and applied in respect of this application.

The need for additional Gypsy and Traveller accommodation.

The most up to date evidence in terms of future requirements is the Gypsy and Traveller Accommodation Needs Assessment (GTNA) published in October 2011, with an update published in April 2012. This assessment shows a need for 9 additional pitches in Forest Heath for the period 2011 – 2016.

A review of the Traveller Needs Assessment will commence in 2015 by Cambridgeshire County Council, the results of which will form an updated evidence base for the council.

The difference between a required 'theoretical' need in an evidence base for a Local Plan document, as opposed to an immediate 'actual' need which presents itself in the form of family requiring a gypsy/traveller site should be noted as should the support for the proposals and recognition of a need by West Suffolk Strategic Housing.

The principle of the development

This application presents two key issues for consideration in relation to the principle of development.

1. Whether the application meets the requirements set out in the national Planning Policy for Traveller sites.
2. Whether the application meets the requirements set out in local Policy, in particular policies CS8 of the Core Strategy and policy DM13 in the Joint Development Management Policies document.

These issues are considered below in turn;

1. National Guidance

- One of the main intentions of the national guidance Planning policy for Traveller Sites – is to;

'(3) ensure fair and equal treatment for travellers, in a way that facilitates the traditional and nomadic way of life of travellers while respecting the interests of the settled community.'

Within the guidance, 'gypsies and travellers' means 'persons of nomadic habit of life, whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling show people or circus people travelling together as such.'

- In relation to plan making, the guidance is clear in Policy B that;

'(10) Criteria should be set to guide land supply allocations where there is identified need. Where there is no identified need, criteria-based policies should be included to provide a basis for decisions in case applications nevertheless come forward.'

Policy CS8 of the adopted Core Strategy is the criteria based policy to be used in the assessment of this application.

- In relation to sites in rural areas and the countryside, the guidance states in Policy C that;

(12) When assessing the suitability of sites in rural or semi-rural settings, local planning authorities should ensure that the scale of such sites does not dominate the nearest settled community.

Policy C is considered within Policy CS8 of the adopted Core Strategy (criteria c).

- Policy H* sets out information on determining planning applications for traveller sites and sets out the issues, amongst other relevant matters, to be considered;

*'a) the existing level of local provision and need for sites
b) the availability (or lack) of alternative accommodation for the applicants
c) other personal circumstances of the applicant*

- d) that the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites*
e) that they should determine applications for sites from any travellers and not just those with local connections'

These issues are considered in turn below;

- a) **'need'** – As stated above, the Gypsy and Traveller Accommodation Needs Assessment (GTNA) update April 2012 shows an unmet need for 9 additional pitches in Forest Heath for the period 2011 – 2016.
- b) **'availability'** – Planning policy is not aware of any alternative available sites. No sites have been submitted via the Site Specific Allocations Local Plan preparation process.
- c) **'personal circumstances of the applicant'** – both applicants state the need for a settled site to provide access to healthcare and education services.
- d) **'locally specific criteria'** – Policy CS8 of the adopted Core Strategy sets out the locally specific criteria against which any applications for a gypsy and traveller site should be determined. This is considered in further detail below.
- e) **'determine application for any travellers – not just those with local connections'** – This guidance is being followed in the determination of this application.

2. Local Planning Policy

Core Strategy

Policy CS3 of the Core Strategy requires developments to protect and seek to enhance local landscapes character. These issues are considered later in this response in relation to Policy DM13 of the Joint Development Management Policies Document.

Policy CS10 sets out the circumstances where residential development will be permitted in villages and small settlements not identified for growth in the Core Strategy. Criteria (d) allows for proposals for gypsy and travellers which complies with Policy CS8.

Policy CS10 and CS8 do not preclude development in the countryside provided the proposal meets the stated criteria and would not result in unacceptable harm.

Policy CS8 of the Core Strategy addresses the accommodation needs of gypsies and travellers and sets out criteria for the assessment of suitable sites.

Each point is considered in turn below;

a) Accessibility to local services, communities and facilities by a variety of means, to meet current long term needs.

The site is approx. 350m to the North West of Red Lodge, a Key Service centre which has a range of facilities and services. These are accessible by foot and bicycle via a footbridge over the A11 via Bridge end Rd and Heath Farm Road or car via Ems Rd, B1085 and Newmarket Road.

b) Adequate access, parking and manoeuvring for vehicles.

The comments of Suffolk County Council as Highways Authority should be noted.

c) Appropriate in scale to the nearest settled community.

The applications are for 3 and 4 gypsy families respectively on a total site area of some 3.5 ha. Red Lodge by contrast covers some 210 ha and a population of approx. 3800 in the 2011 census. Bridge End Road contains some 6 – 8 dwellings set in large plots and a vehicle dismantlers. The scale of the proposals is not considered to be excessive.

d) Impact on the landscape, environment and biodiversity.

The Ecology, Tree and Landscape Officer will provide a full response on the potential impact on landscape, environment and biodiversity. Impact on the landscape is considered below.

e) Impact on and from neighbouring residential, employment, commercial and utilities development.

The nearest residential and commercial properties are to the south of the site along Bridge End Road. The proposed plots are separated from the nearest housing to the south by a landscaped belt. The impact should be considered by the case officer.

f) Consistent with other policies in the development plan.

Relevant policies are listed above and considered in this report.

Proposals should also be considered to these additional criteria:

1. Proposal meets identified needs, including the mixture of types of accommodation and tenures.

The Gypsy and Traveller Accommodation Needs Assessment (GTNA) update April 2012 shows an unmet need for 9 additional pitches in Forest Heath for the period 2011 – 2016.

2. Pitch sizes that facilitate good quality living accommodation without overcrowding or unnecessary sprawl.

The proposed pitches appear adequate and to not lead to overcrowding or unnecessary sprawl.

3. Good design and layout including, the adequacy of facilities, services and amenities, the utility of outside space for leisure, recreation and for any essential employment related activities.

The layout of the proposed plots is acceptable in terms of the quality of life of any residents.

4. Mitigation of the impact of visual amenity

DC/14/2162/FUL: The site is on relatively flat land separated from Elms Road by the raised capped area of the former landfill site. Landscaping is proposed to the south of the plot separating the proposal from the nearest residential properties and in addition further landscaping is proposed around the other sides of the proposal to the countryside. It is not considered that the proposal would cause an unacceptable impact on visual amenity.

DC/14/2384/FUL: The proposed development is elevated above the surrounding landscape as elements are sited on the edge of the capped area of former landfill site, and although landscaping is proposed, the development would be very prominent, especially in views to the site across the open countryside to the West and North.

Joint Development Management Policies document

Policy DM13 – Landscape Features is particularly relevant to these applications.

The policy requires all development proposals to demonstrate that; *'their location, scale, design and materials will protect, and where possible enhance the character of the landscape, including the setting of settlements, the significance of gaps between them and the nocturnal character of the landscape...Where this is not possible development will not be permitted.'*

DC/14/2162/FUL: The proposed layout of the site respects the form of the current development in the area by occupying a long plot fronting Bridge End Road in the SE and extending towards the track to the NW. As stated in relation to CS8 (4) above it is considered the proposal can be accommodated in this position without causing unacceptable harm to the character of the surrounding landscape.

DC/14/2384/FUL: The proposal would create a linear form of development in a raised position running parallel to the track to the NW of Bridge End Road which will be visually intrusive in the landscape.

Conclusions

When considering the application against national and local development policy the starting point must be whether there is a need for sites. The Gypsy and Traveller Accommodation Needs Assessment (GTNA) update April 2012 shows an unmet need for 9 additional pitches in Forest Heath for the period 2011 – 2016. Any proposal must also be acceptable in terms of local planning policy.

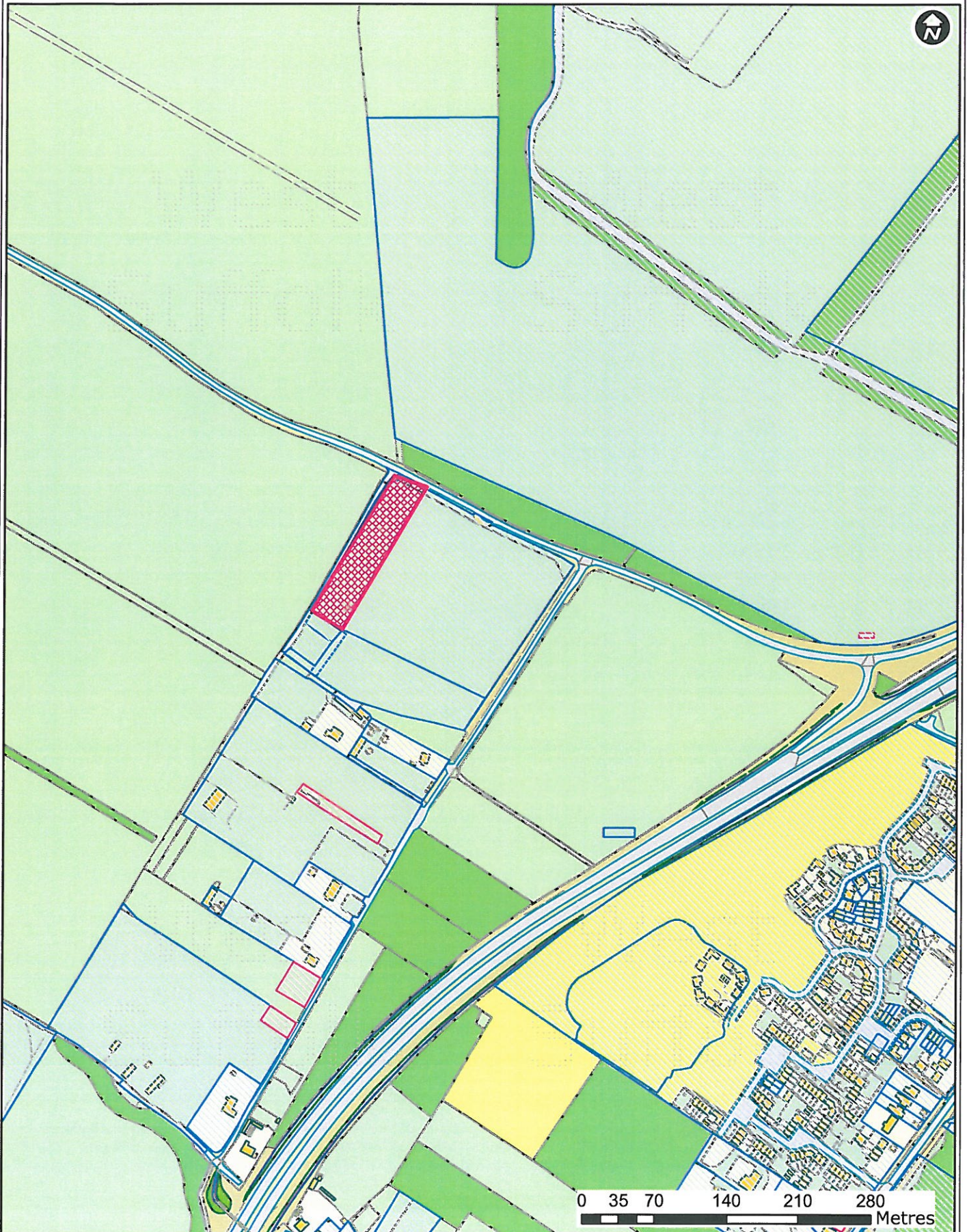
DC/14/2162/FUL: The proposal is considered acceptable in relation to national planning policy and locally specified criteria – No policy objection.

DC/14/2384/FUL: It is considered that the location of the site would cause unacceptable harm in terms of landscape character and is therefore contrary to policies CS3, CS8 and CS10 of the Core Strategy and DM1, DM2 and DM13 of the Joint Development Management Local Plan Document. The wider need for gypsy and traveller sites in the district is outweighed by the harm that the introduction of 4 mobile homes, 6 caravans and 4 day rooms will cause to the character and appearance of the countryside in this location. It is suggested that permission is refused.

This page is intentionally left blank

DC.14.2384.FUL

Residential Caravan Park, Elms Road, Red Lodge



This page is intentionally left blank

EXISTING TRACK

2M high fence

Provide a concrete hard standing for each caravan or mobile home pitch sized to accommodate not only the unit but also access steps. Provide also two car parking spaces per unit in gravel on a hardcore sub base.

Perimeter fencing to be vertical shiplap boarding nailed to three horizontal tanilized triangular timber rails slotted into concrete posts with a concrete gravel board at ground level. Overall height of the fence not to exceed 2m.

Low picket fence

2M high close boarded fence

Location of caravans shown thus

6.00

40.00

Day room

6.00

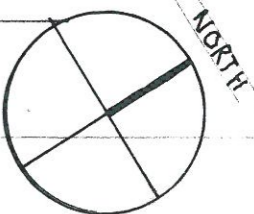
6.00

Day room

2M high close boarded fence with gate to match

2M high close boarded fence

53.00

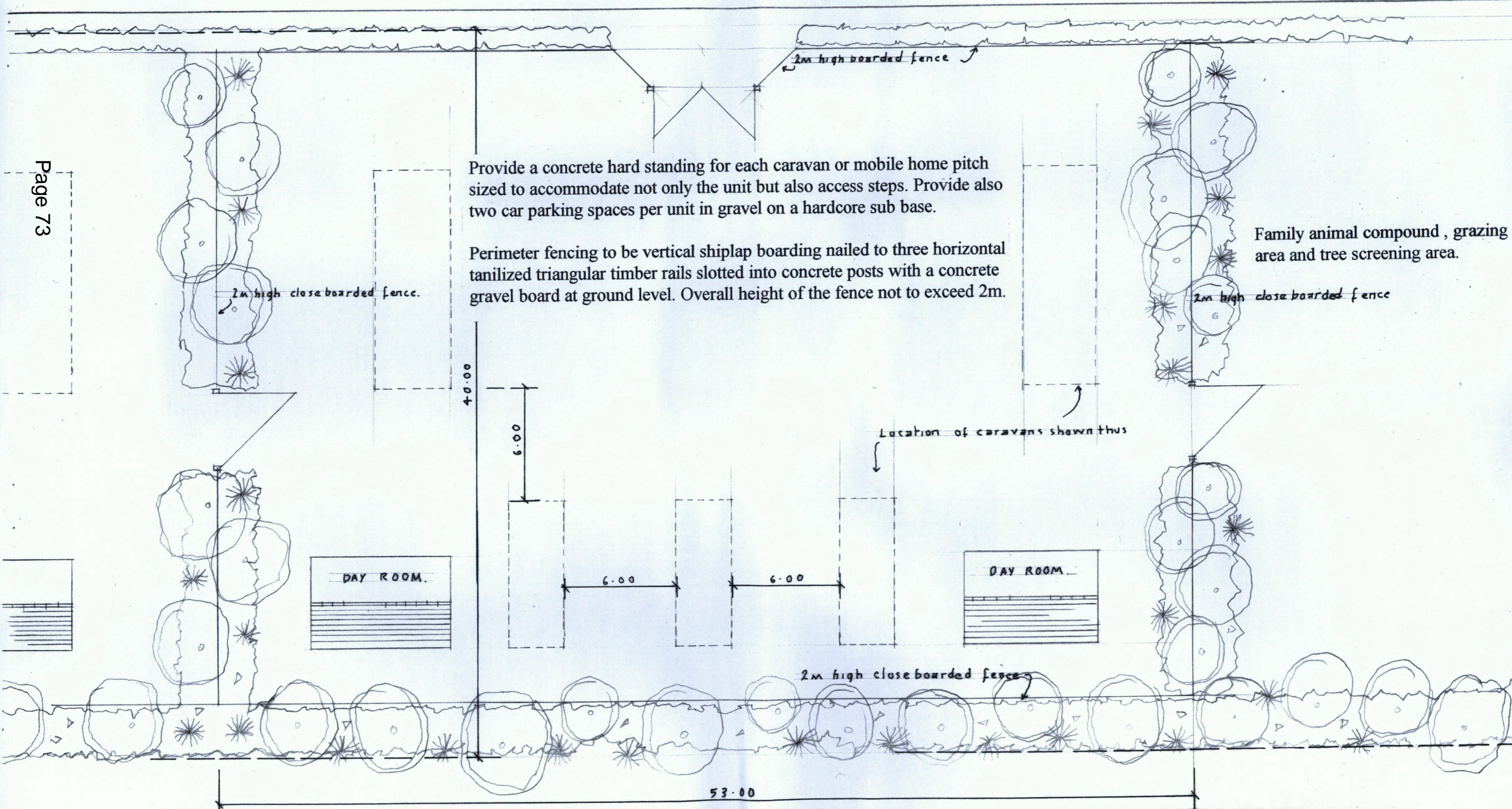


Bill and Joseph's section consisting of two mobile homes, three caravans and two day rooms.

SITE DEVELOPMENT SCHEME
1:200.

This page is intentionally left blank

EXISTING TRACK



Provide a concrete hard standing for each caravan or mobile home pitch sized to accommodate not only the unit but also access steps. Provide also two car parking spaces per unit in gravel on a hardcore sub base.

Perimeter fencing to be vertical shiplap boarding nailed to three horizontal tanilized triangular timber rails slotted into concrete posts with a concrete gravel board at ground level. Overall height of the fence not to exceed 2m.

Family animal compound, grazing area and tree screening area.

4.00

6.00

6.00

6.00

2m high close boarded fence

53.00

Location of caravans shown thus

DAY ROOM

DAY ROOM

Bill and Joseph's parents and daughter, and Heath's section consisting of two mobile homes, three caravans and two day rooms.

SITE DEVELOPMENT SCHEME
1:200.

This page is intentionally left blank

Forest Heath District Council

**DEVELOPMENT
CONTROL COMMITTEE**

3 JUNE 2015

DEV/FH/15/020

Report of the Head of Planning and Growth

**PLANNING APPLICATION DC/15/0401/ADV – VEHICLE DISMANTLERS,
BRIDGE END ROAD, RED LODGE**

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

Case Officer: Charlotte Waugh
Tel. No: 01284 757349

Committee Report

Date 24/09/2015 **Expiry Date:** 04/05/2015

Registered:

Case Charlotte **Recommendation:** Grant

Officer: Waugh

Parish: Red Lodge **Ward:** Red Lodge

Proposal: Application for Advertisement Consent DC/15/0401/ADV – retention of advertisement on suspended car

Site: Vehicle Dismantlers, Bridge End Road, Red Lodge

Applicant: Mr Robert McGivern

Background:

This application is referred to the Development Control Committee following consideration by the Delegation Panel.

The Parish Council has objected to the application which is contrary to the Officer's recommendation of APPROVAL.

Proposal:

1. Advertisement consent is sought for the retention of the signage painted on the car suspended from a crane at Vehicle Dismantlers Ltd. The advertisement reads 'Cash paid. Vehicle Dismantlers'.

Application Supporting Material:

2. Information submitted with the application as follows:
 - Location Plan
 - Planning Statement
 - Site Plan
 - Photos

Site Details:

3. The site is situated approximately 600m west of the centre of Red Lodge, on Bridge End Road on the western side of the A11. The site is currently used to break up vehicles for parts and scrap, as well as tyre fitting and vehicle repair. The site is 2.6 hectares in size and comprises of a number of buildings which are enclosed by fences and hedges. There are single storey dwellings to the west and east of the site, which are bounded by

large trees, shrubs and hedges. Located on the site is also the car advertisement suspended from a crane which has been located on the site since 2009.

Planning History:

4. F/93/126/CL - Vehicle dismantling – Granted
5. F/94/137 - Provision of vehicular access and car park to serve existing vehicle dismantling yard. – Approved with conditions
6. F/94/339 - Retrospective application- use of land for storage of vehicles prior to being dismantled in adjoining dismantlers yard – Approved with conditions
7. F/2004/0397/FUL - Erection of a single storey building for the decontamination of vehicles (Major Development) – Approved with conditions
8. F/2006/0551/COU - Change of use of land to customer and staff car parking and repositioning of office cabin (Departure from the Development Plan) - Withdrawn
9. F/2006/0757/COU - Resubmission of F/2006/0551/COU - change of use of land to customer and staff car parking, repositioning of office cabin and extension of earth bunding. – Approved with Conditions

Consultations:

10. Highway Authority: No objection. The site and advertisement is visible from the A11 trunk road but is sufficiently set back so as not to be a distraction to drivers on the road.

Representations:

11. Parish Council: Object stating that the advertisement would –
 - Be an eyesore to the local community
 - Be a major safety hazard to vehicle drivers on nearby roads and motorway
12. Two letters of objection have been received from The Roost, and Longview, both located on Bridge End Road. They stated that the advertisement –
 - Is visible from their homes and creates an eyesore
 - Worried about the safety aspect of the hanging car.

Policy: The following policies of the Joint Development Management Policies Document and the Forest Heath Core Strategy December 2010 have been taken into account in the consideration of this application:

13. Joint Development Management Policies Document:
 - Policy DM1: Presumption in favour of sustainable development
 - Policy DM2: Creating Places
 - Policy DM38: Shop fronts and Advertisements
14. Forest Heath Core Strategy December 2010

- Policy CS3: Landscape character and Historic Environment

Other Planning Policy:

15. National Planning Policy Framework (2012) core principles and paragraphs 56 – 68

Officer Comment:

16. The issues to be considered in the determination of the application are:

- Impact on amenity
- Impact on highway safety

17. Policy DM38 states that advertisements must preserve or enhance the character and appearance of the building or location of which it forms a part, and the street scene in which the proposal is located, and must not adversely affect amenity and/or public safety.

18. In addition, the NPPF states that control over outdoor advertisements should be efficient, effective and simple in concept and operation. Only those advertisements which will clearly have an appreciable impact on a building or their surrounding should be subject to detailed assessment. Those to be considered should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts (para. 67).

19. In this case, the advertisement, comprising a painted sign on the suspended car, has been in situ since 2009. The applicant claims that the suspended car arrangement acts as a navigational tool as well as an advertisement and this is key to the success of the company. The planning statement contends that removal of the arrangement would likely have a negative impact on the business by reducing awareness of it and therefore, reducing customer numbers and consequently its viability and employment levels.

20. Objections have been raised to the appearance of the suspended car and the impact this has on views from a neighbouring dwelling. Due to the location of the arrangement and its separation distance to adjacent dwellings, it is not considered to result in a loss of amenity in terms of overshadowing or overbearingness.

21. In terms of public safety, the advertisement is visible from the A11, but is not illuminated, moving or subject to changes in appearance. As confirmed by the Highways Authority it is located a sufficient distance from the road (approximately 100 metres), which ensures it is not a distraction to drivers. Due to this distance, whilst it is visible it is not considered intrusive or dominant in views.

22. Therefore, whilst the arrangement does not enhance views it is located within an established vehicle dismantler's yard and is not considered to cause harm to the landscape character.

23. When determining this application, consideration must be given to the applicants fall back position. Planning permission is not required for the suspended car arrangement as it is not considered to fall within the definition of development. Consent is required only for the advertisement painted on its side. On this basis, should the suspended car be re-painted so as not to contain an advertisement, no consent would be required by the Local Authority.

Conclusion:

24. In conclusion, the principle and detail of the development is considered to be acceptable and in compliance with relevant development plan policies and the National Planning Policy Framework.

Recommendation:

25. It is recommended that advertisement consent be **GRANTED** subject to the following conditions:

1. Standard advertisement conditions

Documents:

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

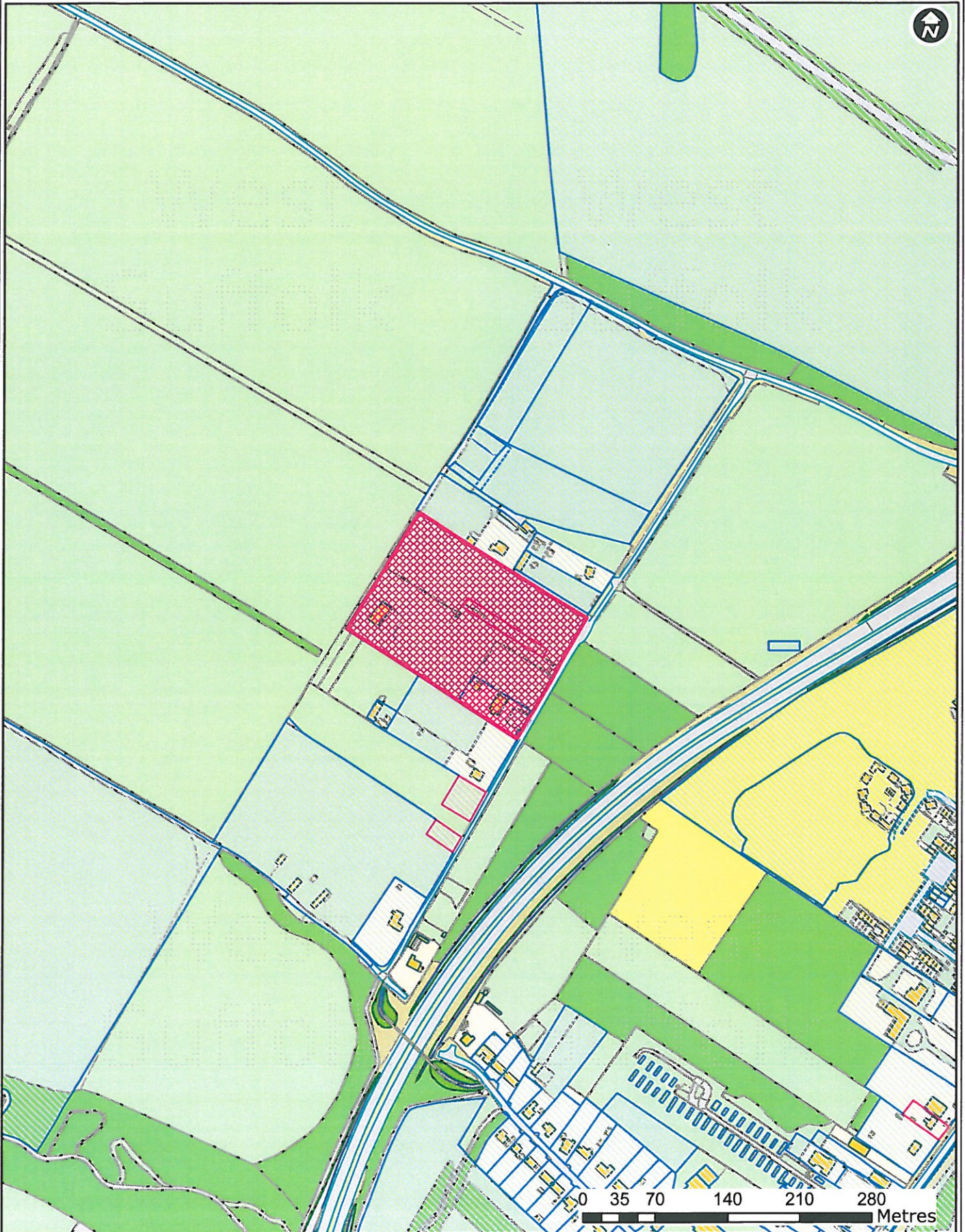
<https://planning.westsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=NK84Z1PDGSE00>

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

This page is intentionally left blank

DC.15.0401.ADV

Vehicle Dismantlers, Bridge End Road, Red Lodge



This page is intentionally left blank

Vehicle Dismantlers, Bridge End Road, Red Lodge, Suffolk, IP28 8LQ

Site Plan



This page is intentionally left blank