

Development Control Committee



Forest Heath
District Council

Title:	Agenda												
Date:	Wednesday 1 July 2015												
Time:	6.00 pm												
Venue:	Council Chamber District Offices College Heath Road Mildenhall												
Full Members:	<p style="text-align: center;">Chairman Rona Burt Vice Chairman Chris Barker</p> <p><u>Conservative Members (11)</u></p> <table style="width: 100%; border: none;"> <tr> <td style="width: 33%;">David Bimson</td> <td style="width: 33%;">Brian Harvey</td> </tr> <tr> <td>David Bowman</td> <td>James Lay</td> </tr> <tr> <td>Ruth Bowman</td> <td>Carol Lynch</td> </tr> <tr> <td>Louis Busuttil</td> <td>Louise Marston</td> </tr> <tr> <td>Stephen Edwards</td> <td></td> </tr> </table> <p><u>West Suffolk Independent Members (2)</u></p> <table style="width: 100%; border: none;"> <tr> <td style="width: 33%;">Andrew Appleby</td> <td style="width: 33%;">Simon Cole</td> </tr> </table> <p><u>UKIP Member (1)</u> Peter Ridgwell</p>	David Bimson	Brian Harvey	David Bowman	James Lay	Ruth Bowman	Carol Lynch	Louis Busuttil	Louise Marston	Stephen Edwards		Andrew Appleby	Simon Cole
David Bimson	Brian Harvey												
David Bowman	James Lay												
Ruth Bowman	Carol Lynch												
Louis Busuttil	Louise Marston												
Stephen Edwards													
Andrew Appleby	Simon Cole												
<p>SITE VISITS WILL BE HELD ON MONDAY 29 JUNE 2015 AT THE FOLLOWING TIMES:</p> <ol style="list-style-type: none"> <p>1. Outline Planning Application DC/14/1745/OUT (All Matters Reserved) - Land at Beck Lodge Farm, St Johns Street, Beck Row Erection of up to 24 dwellings (including 12 affordable units) with relocated access drive, area of open space and associated storage and parking facilities Site visit to be held at 9.30am</p> <p>2. Planning Application DC/15/0803/HH - Southview Cottage, 28 Bury Road, Newmarket Two storey rear extension, first floor side extension, single bay cartlodge and boundary wall Site visit to be held at 10.15am</p> 													
Substitutes:	Named substitutes are not appointed												
Interests – Declaration and Restriction on	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												

Participation:	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/altered, 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/altered, 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/altered, 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. Apologies for Absence**
- 2. Substitutes**
- 3. Minutes** **1 - 6**

To confirm the minutes of the meeting held on 3 June 2015 (copy attached).
- 4. Outline Planning Application DC/14/1745/OUT (All Matters Reserved) - Land at Beck Lodge Farm, St Johns Street, Beck Row** **7 - 36**

Report No: **DEV/FH/15/021**

Erection of up to 24 dwellings (including 12 affordable units) with relocated access drive, area of open space and associated storage and parking facilities
- 5. Planning Application DC/14/2219/FUL - Land at Fengate Drove, Brandon** **37 - 80**

Report No: **DEV/FH/15/022**

Construction of 64 no. dwellings with associated external works including new vehicular access (as amended)
- 6. Planning Application DC/15/0803/HH - Southview Cottage, 28 Bury Road, Newmarket** **81 - 92**

Report No: **DEV/FH/15/023**

Two storey rear extension, first floor side extension, single bay cartlodge and boundary wall
- 7. Planning Application DC/14/2162/FUL - Caravan Mobile Site, Elms Road, Red Lodge** **93 - 140**

Report No: **DEV/FH/15/024**

Change of use of land to residential use for three gypsy families including 3 no. mobile homes and 6 no. amenity buildings
- 8. Planning Application DC/15/0749/TPO (Tree Preservation Order) - Aspal Close Local Nature Reserve, St Johns Street, Beck Row** **141 - 150**

Report No: **DEV/FH/15/025**

Tree Preservation Order TPO/1963/048 - works to 27 Oak (Quercus robur) trees

9. Update Report on DC/14/0585/OUT - Meddler Stud, Bury Road, Kentford 151 - 160

Report No: **DEV/FH/15/026**

Update Report on the Planning Application as refused by the Development Control Committee on 5 November 2014

Development Control Committee



Forest Heath
District Council

Minutes of a meeting of the **Development Control Committee** held on
Wednesday 3 June 2015 at **6.00 pm** at the **Council Chamber, District
Offices**, College Heath Road, Mildenhall IP28 7EY

Present: **Councillors**

Andrew Appleby
Chris Barker
David Bimson
David Bowman
Ruth Bowman
Rona Burt
Louis Busuttil

Simon Cole
Carol Lynch
Brian Harvey
James Lay
Louise Marston
Peter Ridgwell
Bill Sadler

47. **Election of Chairman for 2015/2016**

This being the first meeting of the Development Control Committee since the Council's AGM on 27 May 2015 the Lawyer opened the meeting and asked for nominations for Chairman of the Committee for 2015/2016.

Accordingly, Councillor Chris Barker nominated Councillor Rona Burt as Chairman and this was seconded by Councillor Carol Lynch, and with the vote being unanimous, it was

RESOLVED:

That Councillor Rona Burt be elected Chairman for 2015/2016.

Councillor Burt then took the Chair for the remainder of the meeting and requested nominations for the election of the Vice-Chairman.

48. **Election of Vice-Chairman for 2015/2016**

Councillor Rona Burt nominated Councillor Chris Barker as Vice-Chairman and this was seconded by Councillor David Bowman, and with the vote being unanimous, it was

RESOLVED:

That Councillor Chris Barker be appointed Vice-Chairman for 2015/2016.

49. Announcements

For the benefit of those Members of the Committee who had been newly elected to the District Council on 7 May 2015, the Chairman outlined the order of business on the agenda and explained the procedure followed when considering each item.

She also informed all members of the public in attendance that they were present in order to listen to the discussion and did not have the right to address the meeting. They were not to cause a disturbance or interrupt and, if necessary, anyone making a disturbance could be asked to leave.

With the permission of the Chairman, the Service Manager (Planning - Strategy) also addressed the meeting and advised those present of the current position with regard to the Hatchfield Farm (Fordham Road, Newmarket) planning application DC/13/0408/OUT.

For the benefit of those Members new to the Committee the Officer explained that the Secretary of State had called-in the application in question which prevented the Council from issuing the permission granted on 2 July 2014.

Accordingly an inquiry had taken place during April 2015 and the Council had received a letter earlier that week from the Inspector to advise that she was now preparing her report and recommendation for submission to the Secretary of State for his consideration. She also advised that the Secretary of State would issue his decision on or before 12 October 2015.

50. Apologies for Absence

Apologies for absence were received from Councillor Stephen Edwards.

51. Substitutes

Councillor Bill Sadler attended the meeting as substitute for Councillor Stephen Edwards.

52. Minutes

The minutes of the meeting held on 29 April 2015 were accepted by the Committee as an accurate record, with 10 voting for the motion and with 4 abstentions, and were signed by the Chairman.

53. Member Request

Councillor Bill Sadler made a request that agenda item 7 (planning application DC/14/2384/FUL) be brought forward on the agenda and considered prior to agenda item 6 (planning application DC/14/2162/FUL) as they both concerned the same site but item 7 was recommended for refusal by Officers, whereas item 6 was recommended for approval.

The Service Manager (Planning - Development) explained that Members were at liberty to consider items in whichever order they wished, however, she reiterated that every planning application was to be considered on its own merits irrespective of decisions made concerning the same site.

The Chairman agreed to put the request to the vote and with 11 voting for the motion and with 3 abstentions, the Chairman agreed to bring agenda item 7 (planning application DC/14/2384/FUL) forward on the agenda.

54. **Planning Application DC/14/2384/FUL - Caravan Mobile Site, Elms Road, Red Lodge (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.

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

A Member site visit had been held prior to the meeting. Officers were recommending that the application be refused for the reasons set out in Paragraph 100 of Report No DEV/FH/15/019.

The Planning Officer advised that since publication of the agenda West Suffolk Strategic Housing, Suffolk County Council Rights of Way and the Environment Agency had confirmed that they had no further comments to make beyond those which were summarised within the report.

Officers had also been made aware of the letter of objection that had been sent to all Members from an agent on behalf of a public objector.

Councillor Carol Lynch proposed that the application be refused as per the Officer's recommendation, this was seconded by Councillor Brian Harvey and with the vote being unanimous, it was resolved 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.

55. **Planning Application DC/14/2162/FUL - Caravan Mobile Site, Elms Road, Red Lodge (Report No DEV/FH/15/018)**

Change of use of land to residential use for three gypsy families including 3 no. mobile home and 6 no. amenity buildings.

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

A Member site visit had been held prior to the meeting. Officers were recommending that the application be approved as set out in Paragraph 93 of Report No DEV/FH/15/018.

The Planning Officer advised that since publication of the agenda West Suffolk Strategic Housing, and Suffolk County Council Rights of Way had confirmed that they had no further comments to make beyond those which were summarised within the report.

Officers had also been made aware of the letter of objection that had been sent to all Members from an agent on behalf of a public objector. A further five letters of objection had also been received by the Council which all covered issues previously raised by objectors, including lack of local primary school places, land contamination concerns and the impact on the highway/traffic.

The following clarifications were also pointed out to the Committee:

- A minor amendment to the layout of the site's access (as detailed on the plans shown as part of the presentation);
- The measurement concerning the gates on the site as set out in Condition 9 in Paragraph 93 should be amended to read 5 metres (as opposed to 10m); and
- Contrary to that which was written in Paragraph 88 of the report, the application before Members was NOT an alternative permission to the 2011 consent (F/2010/0012/FUL) and **was** an additional use.

Lastly, the Officer advised that an additional condition was to be added to the list set out in Paragraph 93 with regard to the levelling required to the site prior to development.

Councillor Bill Sadler asked if it would be possible to include another additional condition to prevent the amenity buildings being used for residential occupation and the Officer agreed to include this. Following which Councillor Sadler proposed that the application be approved as per the Officer recommendation and including the two additional conditions, this was seconded by Councillor Louise Marston and with 4 voting for the motion and with 10 against the Chairman declared the motion lost.

Upon the debate opening up again a number of Members raised concerns primarily relating to the lack of local primary school places and land contamination on the site. Officers explained that the District Council was working closely with Suffolk County Council and a new primary school was timetabled to open in Red Lodge in September 2017. The Planning Officer

explained that both the Environment Agency and the West Suffolk Environmental Health Team considered the contamination report to be satisfactory and had stated that it could be managed with conditions (as included in Paragraph 93).

Councillor David Bowman proposed that the application be deferred in order to allow additional information on the contamination risk to be provided prior to a decision being made on the application and this was seconded by Councillor David Bimson.

The Service Manager (Planning - Development) explained that Members could defer the application for this reason and she would request that representatives from the Environment Agency and the West Suffolk Environmental Health Team attended the next meeting in order to answer Members' questions. However, she asked the Committee to be mindful that these expert consultees had already stated that they did not consider the application to pose a significant risk in terms of contamination and the Council was, therefore, at risk of an appeal for non-determination.

The Chairman then put the motion for deferral to the vote and with 13 voting for the motion and 1 abstention, it was resolved that:

The planning application be **DEFERRED** for consideration at the next meeting of the Development Control Committee on 1 July 2015 in order to allow additional information on the contamination risk to be provided prior to a decision being made.

56. **Planning Application DC/15/0401/ADV -Vehicle Dismantlers, Bridge End Road, Red Lodge (Report No DEV/FH/15/020)**

Application for Advertisement Consent – retention of advertisement on suspended car.

This application was referred to the Development Control Committee following consideration by the Delegation Panel. Red Lodge Parish Council objected to the application which was contrary to the Officer's recommendation for approval as set out in Paragraph 25 of Report No DEV/FH/15/020.

The Senior Planning Officer explained that the application before Members was for the retention of the signage painted on the car suspended from the crane which read "Cash paid. Vehicle Dismantlers". Consent was only required for the advertisement, meaning should the suspended car be re-painted so as not to contain an advertisement no consent would be required by the Local Authority.

Councillor David Bowman proposed that the application be approved as per the Officer recommendation and this was seconded by Councillor Bill Sadler. Upon being put to the vote and with 12 voting for the motion and with 2 against it was resolved that:

Advertisement consent be **GRANTED** subject to the following conditions:

1. Standard advertisement conditions

Speakers: Mr Richard Sykes-Popham (agent for the applicant) spoke in support of the application

The Meeting concluded at 7.19 pm

Signed by:

Chairman

Forest Heath District Council

**DEVELOPMENT
CONTROL
COMMITTEE**

1 JULY 2015

DEV/FH/15/021

Report of the Head of Planning and Growth

OUTLINE PLANNING APPLICATION DC/14/1745/OUT (ALL MATTERS RESERVED) – LAND AT BECK LODGE FARM, ST JOHNS STREET, BECK ROW

Synopsis:

Application under the Town and Country Planning Act 1990 and the Planning (Listed Buildings and Conservation Areas) Act 1990 and associated matters.

Recommendation:

It is recommended that the Committee determine the attached application and associated matters.

CONTACT OFFICER

Case Officer: Philippa Kelly
Tel. No: 01284 757382

Committee Report

App. No:	DC/14/1745/OUT	Committee Date:	01 July 2015
Date Registered:	15 September 2014	Expiry Date:	19 February 2015
Case Officer:	Philippa Kelly	Recommendation:	APPROVAL
Parish:	Beck Row	Ward:	Eriswell and the Rows
Proposal:	Outline Planning Application (All Matters Reserved) – erection of up to 24 dwellings (including 12 affordable units) with relocated access drive, area of open space and associated storage and parking facilities		
Site:	Land at Beck Lodge Farm, St Johns Street, Beck Row		
Applicant:	AJV Designs Ltd.		

BACKGROUND:

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

The application is recommended for conditional APPROVAL following completion of a Section 106 agreement.

APPLICATION DETAILS:

1. The application is in outline form, and seeks planning permission for the principle of residential development (up to 24 dwellings). All other matters, including access, layout, scale and landscaping are reserved for future detailed planning applications.
2. Whilst planning permission is sought only for the principle of the residential development, the application supporting material includes a proposed site layout plan. The site layout plan is for illustrative purposes only, although does give an indication of how this level of development could be accommodated on the site.
3. The density of the proposed development will be approximately 40 dwellings per hectare, based on a maximum of 24 dwellings and a total site area of just under 0.6 hectares.

AMENDMENTS:

4. During the course of the application, an updated Block Plan, Proposed Site Plan and revised Planning Statement were submitted. The purpose of the amendments was to overcome concerns raised by officers during the consultation process. Updated documents were received on 18 May 2015.

SITE DETAILS:

5. The application site is located on the eastern side of Beck Row, on the southern side of St John's Lane. It lies to the east of the defined settlement boundary for Beck Row. Beck Row is designated as a Primary Village in the Core Strategy Policy CS1. At 2009 it had an existing population of approximately 3750.
6. The site occupies a rectangular parcel of land which measures approximately 0.6 hectares in size. It comprises a large open field which varies only slightly in topography. There is an existing access to the site from St John's Street, at its northern side. Whilst the site is designated as agricultural land, officers understand that it has not been farmed in recent years. As a consequence, the site has developed the characteristics of a self-naturalised grassland, and shows signs of developing towards scrub woodland.
7. To the west of the site is No. 34 St John's Street, a detached dwelling which is set back from and fronts St John's Street. To the east is The Granary, Beck Lodge Farm and associated buildings. Adjoining land immediately to the south of the site is within the ownership of the applicant, and comprises agricultural land and buildings associated with Beck Lodge Farm.
8. To the north of the site, and on the opposite side of St John's Road lies Aspal Close Local Nature Reserve (LNR).
9. The northern boundary of the site runs parallel to St John's Street and comprises established mixed boundary vegetation. The eastern boundary of the site is a mix of brick wall and timber fencing. The western boundary comprises an evergreen hedge. The southern boundary is open.
10. The Environment Agency flood risk maps indicate that the site is situated within Flood Zone 1 ('little or no risk of flooding').
11. The application site is identified as BR27 in the Joint Council's Draft Strategic Housing Land Availability Assessment (SHLAA). This document identifies the site as being developable in terms of suitability, availability and achievability. The consultation period for the draft SHLAA ended on 21 May 2015. Responses are currently being evaluated and will inform the Sites Allocation Local Plan process.

APPLICATION SUPPORTING MATERIAL:

12. The application is accompanied by the following documents:
 - i. Application forms and drawings – including location plan and proposed site layout plan.
 - ii. Design, Sustainability and Access Statement

- iii. Planning Statement
- iv. Preliminary Ecology Appraisal
- v. Tree Survey, Arboricultural Impact Assessment, Tree Protection Plan and Arboricultural Method Statement
- vi. Phase 1 Environmental Risk Assessment
- vii. Flood Risk Assessment

PLANNING HISTORY:

13. There is no planning history relevant to the application site.

CONSULTATIONS:

14. Members of the public and statutory consultees were consulted in respect of the scheme as submitted. The following is a summary of statutory comments received:
15. **West Suffolk Strategic Housing – No objection. Comments.** The Strategic Housing Team supports the application. We are happy to support our CS9 position of 30% affordable housing on this scheme. As this is an outline planning application we would prefer to discuss the required affordable housing mix at the reserved matters stage to ensure we capture the right housing mix to meet the current needs of Beck Row.
16. **West Suffolk Planning Policy – Comments.** The proposal has been evaluated against the objectives of the NPPF and the presumption in favour of sustainable development. It is considered that:
 - The location of the development is not inherently unsustainable, being on the periphery of an existing settlement, and within reasonable walking distance of the majority of amenities found therein.
 - The scale of the proposal is not of such significance that it is likely to prove prejudicial to the housing strategy as being considered within the context of the emerging Site Allocation and SIR Local Plan documents.
 - When considered alongside other recent permissions, the scale of this development is unlikely to constitute the straw that breaks the camels back in terms of breaching environmental capacity 'limits' beyond the point of acceptability.
 - The proposal will go some way towards meeting demonstrable 'market' and affordable housing needs.
 - The development will offer further economic, environmental and societal benefits within both the construction and post construction phases.

In summary, you may well find this proposal acceptable when considered against the objectives of the NPPF and in particular the presumption in favour of sustainable development.

Should you find that the proposal passes such a 'test' of relative 'sustainability' then you will also (in all probability), find that the principle of this proposals

passes the test of Policy DM5 of the Development Management Policies LP document insofar as the countryside ought to be protected from unsustainable patterns of development (irrespective of the weight that you choose to afford this particularly policy in this instance).

17. **West Suffolk Environmental Health - No objection.** Recommends planning condition relating to contaminated land, should planning approval be forthcoming.
18. **West Suffolk Parks Infrastructure Manager – No objection.** Comments relating to open space provision and soft landscaping/tree planting.
19. **West Suffolk Ecology, Tree and Landscape Officer – No objection.** Comments. Recommends conditions relating to the detail of the scheme and ecological mitigation.
20. **SCC Highways – No objection.** Recommends conditions/informatives.
21. **Suffolk County Council Planning Obligations – No objection. Comments.** Detailed advice received on a range of planning matters, including S106 developer contributions.
22. **Suffolk County Council Archaeological Services – No objection.** Recommends planning conditions relating to the implementation of an agreed programme of archaeological investigation.
23. **Suffolk County Council, Flood and Water Manager – No objection.** Comments.
24. **Anglian Water- No objection.** Comments. Recommends planning condition relating to foul water drainage strategy.
25. **Environment Agency – No objection.** Recommends planning conditions relating to contamination.
26. **Natural England – No objection.**
27. **Suffolk Wildlife Trust – No response received.**

REPRESENTATIONS:

28. **Beck Row Parish Council –Objection.** This is too large a development for this area of Beck Row; it is outside the Settlement Boundary; it will be out of character with the street scene; it will add additional traffic to an already busy St John's Street and it is an inappropriate development so close to our nature reserve.
29. Email received 16 June 2015: At the last Parish Council meeting it was resolved that the Parish Council still objects to this application as per their previous comments. The Parish Council would also like to state that, despite what has been written in the updated Planning Statement - 3.5 Community Involvement- here has been no consultation with the Parish Council and AJV Designs of any kind.

30. No third party representations have been received.

POLICIES:

DEVELOPMENT PLAN

31. The Development Plan for Forest Heath comprises the following:

- The Forest Heath Local Plan (1995) as 'saved by the Secretary of State in September 2007 and as subsequently amended by the adoption of the Forest Heath Core Strategy in May 2010, and the Joint Development Management Policies in February 2015.
- The Forest Heath Core Strategy adopted in May 2010, as amended following the High Court Order which quashed the majority of Policy CS7 and made consequential amendments to Policies CS1 and CS13.
- The adopted policies of the Joint Development Management Policies Document (JDMP) Local Plan Document (February 2015).

32. The following Development Plan policies are applicable to the application proposal:

Forest Heath Local Plan (1995) Saved Policies

Inset Map No.6 - Beck Row Development Boundary.

Forest Heath Core Strategy 2010

Visions:

- **Vision 1** – Forest Heath
- **Vision 7** – Beck Row, Exning, Kentford, West Row

Spatial Objectives:

- **H1** – Housing provision
- **H2** – Housing mix and design standard
- **H3** – Suitable housing and facilities
- **C1** – Retention and enhancement of key community facilities
- **C2** – Provision and maintenance of open space, play and sports facilities and access to the countryside
- **C4** – Historic built environment
- **ENV1** – Habitats and landscapes and improving biodiversity
- **ENV2** – Climate change and reduction of carbon emissions
- **ENV3** – Promotion of renewable energy and energy efficiency
- **ENV4** – Design and architectural quality respecting local distinctiveness
- **ENV5** – Designing out crime and anti-social behaviour
- **ENV6** – Reduction of waste to landfill
- **ENV7** – Achievement of sustainable communities by ensuring services and infrastructure are commensurate with new development

- **T1** – Location of new development where there are opportunities for sustainable travel
- **T3** – Supporting strategic transport improvements

Policies

- **CS1:** Spatial Strategy
- **CS2:** Natural Environment
- **CS3:** Landscape Character and the Historic Environment
- **CS4:** Reduce Emissions, Mitigate and Adapt to Future Climate Change.
- **CS5:** Design Quality and Local Distinctiveness
- **CS6:** Sustainable Economic Development and Tourism
- **CS7:** Overall Housing Provision (sub-paragraph 1 only. Sub paragraphs 2,3, 4 and 5 were quashed by the Court Order)
- **CS9:** Affordable Housing Provision
- **CS10:** Sustainable Rural Communities
- **CS13:** Infrastructure and Developer Contributions

Joint Development Management Policies Document 2015

- **DM2** – Creating Places – Development Principles and Local Distinctiveness.
- **DM3** – Masterplans.
- **DM4** – Development Briefs.
- **DM5** – Development in the Countryside.
- **DM6** – Flooding and Sustainable Drainage.
- **DM7** – Sustainable Design and Construction.
- **DM10** – Impact of Development on Sites of Biodiversity and Geodiversity Interest.
- **DM11** – Protected Species.
- **DM12** – Mitigation, Enhancement, Management and Monitoring of Biodiversity.
- **DM13** – Landscape Features.
- **DM14** – Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards.
- **DM17** – Conservation Areas.
- **DM20** – Archaeology.
- **DM22** – Residential Design.
- **DM41** – Community Facilities and Services.
- **DM42** – Open Space, Sport and Recreation Facilities.
- **DM44** – Rights of Way.
- **DM45** – Transport Assessments and Travel Plans.
- **DM46** – Parking Standards.

Other Planning Policy

Supplementary Planning Documents

33. The following Supplementary Planning Documents are relevant to this planning application:

- Joint Affordable Housing Supplementary Planning Document (October 2013)

- Open Space, Sport and Recreation Supplementary Planning Document (October 2011)

Emerging Development Plan Policy

34. **Single Issues Review:** The Core Strategy Single Issue Review (SIR) Local Plan Document reached the Issues and Options stage in July 2012. An 8 week consultation was undertaken. The proposed submission draft document was approved for consultation in early 2014. The consultation was subsequently postponed to enable further SA and SEA work.
35. At a meeting of the Council's Local Plan Working Group held on 16 October 2014, Members resolved to undertake a further Issues and Options/Regulations 18 consultation. This would allow the assessment of reasonable alternatives to be explored in a robust manner.
36. Members have resolved to prepare the Core Strategy SIR in tandem with the Site Specifics Allocations Document. It is anticipated that this document will be published in July/August 2015 for public consultation, with adoption anticipated by May 2017.
37. **Site Allocations Development Plan Document:** It is anticipated that the draft Sites Allocation Local Plan Document will be consulted upon in summer 2015.
38. The Single Issue Review and the Site Specific Allocations Document carry limited weight in the decision making process, although the published evidence underlying the SIR still has weight.

National Planning Policy and Guidance

39. Planning law requires that applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) is a material consideration for planning decisions and is relevant to the consideration of this application.
40. Paragraph 14 of the NPPF identifies the principle objective of the Framework:

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

- *Approving development proposals that accord with the development plan without delay; and*
- *Where the development plan is absent, silent or relevant policies 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*'.

41. This presumption in favour of sustainable development is further reinforced by advice within the Framework relating to decision-taking. Paragraph 186 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'*.
42. The relevant parts of the NPPF are discussed below in the officer comment section of this report.
43. The Government published its National Planning Practice Guidance in March 2014 following a comprehensive exercise to view 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. Relevant parts of the NPPF are discussed below in the officer comment section of this report.
44. Paragraph 215 of the NPPF states that due weight should be given to relevant policies in existing plans according to their degree of consistency with the framework (the closer the policies in the plan to the policies in the Framework, the greater weight that may be given).
45. Paragraph 14 of the NPPF states that where the Development Plan is absent, silent or relevant policies are out of date, development proposals should be determined in accordance with the relevant test - that is whether *'any adverse impacts...would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole'*.

OFFICER COMMENT

46. The subsequent section of the report discusses whether the development proposed by this application can be considered acceptable in principle, in the light of extant national and local planning policies. It then goes on to analyse other relevant material planning considerations, (including site specific considerations) before concluding by balancing the benefit of the development proposals against the dis-benefits.

Principle of Development

National Policy Context

47. Paragraph 47 of the Frameworks states that to boost significantly the supply of housing, local planning authorities should use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area (as far as is consistent with policy), including identifying key sites which are critical to the delivery of the housing strategy over the plan period.

48. In addition, the Framework requires authorities to identify and update annually a supply of specific deliverable sites, sufficient to provide five-years worth of housing against their housing requirements, with an additional buffer of 5% (or a 20% buffer if there is evidence of a persistent under delivery of new housing) to ensure choice and competition in the market for land.
49. The latest assessment of the District's five year supply of housing land was published in February 2015. This confirms that the Council is able to demonstrate a five-year supply of housing.
50. In terms of housing provision in the District, the saved settlement boundary plans are out of date, pre-dating the NPPF by some time. All of the sites allocated within the 1995 Local Plan have either been built out or are considered undeliverable. On this basis, and in accordance with the advice offered in the NPPF, the saved settlement boundary plans are considered to carry limited weight.
51. In such circumstances, planning applications for new housing development fall to be considered against the provisions of the NPPF and any Development Plan policies which do not relate to the supply of housing. The Framework places a strong presumption in favour of sustainable development, and where Development Plans are out of date, advises in Paragraph 14 that planning permission should be granted unless *'any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole...'*
52. The NPPF does not equate to a blanket approval for residential development in locations that would otherwise conflict with Local Plan policies. If the adverse impacts of the proposals significantly and demonstrably outweigh the benefits, then planning permission should still be refused. The fundamental planning principle is that each case must be considered on its own merits.

Development Plan Policy Context

53. Beck Row is designated as a Primary Village within the Forest Heath Core Strategy (Policy CS1). Under this policy, limited housing growth to meet housing needs is generally supported in principle.
54. The application site is an unallocated greenfield site which is situated outside of the settlement boundary for Beck Row. The site does not benefit from any adopted site allocation policy. The saved settlement boundary plans contained in the 1995 Local Plan are based on housing provision as contained in the 1991 Suffolk Structure Plan, which has since been abolished. On the basis of advice offered in the NPPF, officers consider that the saved settlement boundary plan for Beck Row carries limited weight.
55. Joint Development Management Policy DM5, which was adopted in February 2015, states that areas designated as countryside will be protected from unsustainable development. Given the saved settlement boundary plans to which Policy DM5 relates are out of date, officers consider that this policy can be attributed little or no weight in the evaluation of these development proposals. This is consistent with the approach taken by the Council during the Hatchfield Farm public inquiry which was held in May 2015.

56. The Council's Planning Policy Officer, in consultation correspondence, confirms that the 'original' growth strategy in respect of the District's settlement hierarchy was found to be sound. This would suggest that Beck Row has the environmental capacity to deliver the 24 dwellings proposed by this planning application.
57. In terms of the potential environmental capacity of infrastructure in Beck Row, it has been held at planning appeal that the 2009 Infrastructure and Environmental Capacity Assessment ('IECA report') represents the best available evidence.
58. The IECA report considers the environmental capacity of settlements in the District, and recognises the need for a mechanism to provide social, physical and environmental infrastructure to support growth. The report also considers settlement infrastructure tipping points which are utilised to evaluate potential impacts on infrastructure.
59. The IECA report identifies a range of capacity in Beck Row of some 240-420 new dwellings in the plan period to 2031 (although this would be subject to significant infrastructure improvements in line with growth). This would suggest that there is environmental capacity to facilitate not only the quantum of development that is proposed by this planning application, but also other major residential developments in Beck Row that the planning authority has already permitted, including up to 117 dwellings on land at Aspal Lane (planning reference DC/13/0123/OUT).
60. Officers acknowledge that the IECA report has been held at planning appeal to contain the most up-to-date information relating to infrastructure and capacity in the District. However, given that the IECA report was written approximately 5 years ago, officers are of the opinion that it can no longer be considered an accurate reflection of infrastructure provision within settlements. In the context of the subject planning application, officers have evaluated the IECA evidence against the advice contained in consultation responses received.

Prematurity

61. This planning application has been submitted in advance of the Core Strategy Policy CS7 Single Issue Review and the Site Specific Allocations Document, which will determine future housing numbers and distribution within the District. Officers do not consider that approval of this development would be premature, and would not prejudice the proper consideration of site options for development Beck Row.
62. Guidance on prematurity is not addressed directly by the Framework. However, more recent advice about the approach the decision maker should take is set out in the National Planning Practice Guide (NPPG) which was published in March 2014. This states that refusal of planning permission on grounds of prematurity will seldom be justified where a draft Local Plan has yet to be submitted for examination, or in the case of a Neighbourhood Plan, before the end of the local planning authority publicity period. Where planning permission is refused on grounds of prematurity, the local planning authority will need to

indicate clearly how the grant of permission for the development concerned would prejudice the outcome of the plan-making process.

63. In the circumstances of this planning application, the development proposal of 24 dwellings is considered to be relatively small when compared with other planning approvals which have been issued by Forest Heath District Council ahead of the plan making process.
64. Officers acknowledge that each settlement has its own unique characteristic (for example, infrastructure 'tipping points') that govern its ability to accommodate growth and at what stage. Moreover, this development proposal needs to be considered cumulatively with other committed development in the village. In this respect, officers do not consider the cumulative scale of residential development proposed in Beck Row to be substantial in comparison to the overall quantum of development to be provided over the District, over the Plan period.
65. Given the context of the current guidance in respect of prematurity, officers consider that it would be difficult to justify any decision that approval of up to 24 units as proposed by this application, would be premature.
66. On the basis of national guidance on the issue of prematurity, and relevant national policies providing for the delivery of sustainable development without delay, Officers do not consider it would be reasonable to object to the planning application on the grounds of it being premature to the Development Plan.

Summary

67. Notwithstanding that the Council now has a five year land supply in place, officers consider that Paragraph 215 of the NPPF (which states that the weight that can be given to a plan is dependent on the degree of consistency with the Framework) and Paragraph 14 of the NPPF are of relevance, in that:
 - The provision of housing as set out in the saved local plan maps contained within the 1995 Forest Heath Local Plan are based on housing provision contained in the since abolished Suffolk Structure Plan. This pre dates the NPPF and is out of date. Little or no weight can therefore be attributed.
 - The Core Strategy is up to date in terms of its settlement strategy which focuses development in the market towns. The quashing of the majority of Policy CS7 and consequential amendments to Policies CS1 and CS13 means that it is silent on housing distribution within the District.
 - The new Local Plan will address these issues, but has not been published at its Issues and Options Stage. It is currently within its Issues and Options Regulations 18 stage. It is therefore absent.
68. Given that the Development Plan is '*absent; silent or relevant policies are out of date*' the Council's approach, based on Paragraph 14 of the NPPF, is therefore to determine whether the development proposal is sustainable development by reference to the relevant test in Paragraph 14 – that is, whether '*any adverse*

impacts.....would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole'.

69. A key determining factor will be whether the proposed development can be deemed 'sustainable' in the context of the policies contained in the Framework (as a whole). Even if it is concluded that the proposals would not be 'unsustainable' following analysis, further consideration must be given to whether the benefits of development outweigh its dis-benefits, as required by the Framework.
70. A balancing exercise is carried out towards the end of this section of the report as part of concluding comments. An officer evaluation to assist with Members consideration of whether the development proposed by this planning application is 'sustainable development' is set out below on an issue by issue basis.

Sustainable Transport/Impact upon the Highway Network

71. National planning policy in relation to the transport planning of developments is set out in the Framework. Section 4, paragraphs 29 to 41 deal specifically with transport planning and the promotion of sustainable transport.
72. The Framework confirms that the transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. Paragraph 32 of the Framework requires all developments that generate significant amounts of movements to be supported by a Transport Statement or Transport Assessment. It goes on to advise that development should not be prevented or refused on transport grounds, unless the residual cumulative impacts of development are severe.
73. Paragraph 34 of the Framework states that planning decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable modes of transport can be maximised. However the Framework recognises that different policies and measures will be required in different communities, and opportunities to maximise sustainable transport solutions will vary from urban to rural areas.
74. Core Strategy Spatial Policy T1 aims to ensure that new development is located where there are the best opportunities for sustainable travel and the least dependency on car travel. This is reflected in Policies CS12 and CS13 which confirms the District Council will work with the partners (including developers) to secure necessary transport infrastructure and sustainable transport measures, and ensure that access and safety concerns are resolved in all developments.
75. In the specific context of Beck Row, the IECA report recognizes that the local transport network as a potential constraining factor to development.
76. The application site is situated on St John's Street, which is a minor unclassified two lane carriageway, with a single footway along the southern side of the road. Members are reminded that this is an outline planning application, with all matters reserved for subsequent planning applications. Whilst the indicative site layout plan shows access to the development site will be taken from St John's Street, this will be a matter for subsequent applications.

77. Suffolk County Council, as Highway Authority, were consulted on this application, and confirmed in correspondence dated 04 June 2015 the acceptability of the principle of the outline proposals.

Summary

78. The Framework directs that applications should only be refused on transport grounds if the residential cumulative impacts of the development are severe. Officers are satisfied that the proposed development can be accommodated in highways terms, and will bring about local transport improvements which can be secured through the Section 106 process. In reaching this decision, it is material that that the County Highways Engineer has raised no objection to the proposals.

Flood Risk, Drainage and Pollution

79. Policies for flood risk set out in the Framework aim to steer new development to areas with the lowest probability of flooding. The Framework policies also seek to ensure that new development does not increase the risk of flooding elsewhere.
80. The Framework also offers advice in respect of pollution and land instability, and states that planning decisions should ensure that new development is appropriate for its location. It also confirms that, where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.
81. Core Strategy Policy CS4 states the Council will support development proposals that avoid areas of current and future flood risk and which do not increase the risk of flooding elsewhere. The policy confirms sites for new development will be allocated in locations with the lowest risk of flooding (Environment Agency Zone 1 flood category) and will seek the implementation of Sustainable Urban Drainage Schemes (SUDS) into all new development proposals, where technically feasible.

Flood Risk/Sustainable Drainage Systems (SuDS)

82. The application site lies within Flood Zone 1 on the Environment Agency Flood Risk maps, representing an area at low risk of flooding and suitable for all forms of development.
83. The application submission included a Flood Risk Assessment (FRA). The FRA states that the proposals would not have an adverse impact on flood risk or drainage related issues. The proposed development is less than one hectare. Therefore, in line with current government guidance on Standing Advice it is necessary to consider land drainage issues.
84. Suffolk County Council, in consultation correspondence, has advised that there needs to be a suitable scheme implemented for the disposal of water, and requested that such details are submitted prior to the determination of the application. The application is in outline form, with all matters reserved for future applications. It would not be reasonable to require such a level of detail

when the final layout is not known. It is considered appropriate to require additional details relating to surface water discharge by way of planning conditions, should approval be forthcoming.

Foul Drainage

85. The application site is located in an area which is served by the public foul sewer. Foul drainage from the development is in the catchment of Mildenhall Water Recycling Centre. Anglian Water, in consultation correspondence, has confirmed that there is available capacity to treat the flows from the proposed site.
86. No objection to the development proposals has been raised by Anglian Water, subject to the recommendation of a planning condition regarding the details of the foul drainage strategy for the site.

Ground Contamination

87. The site has the potential for contamination from agricultural sources. In accordance with advice offered by the Council's Environmental Health Officer, relevant conditions can be secured should planning approval be forthcoming.

Summary

88. The Environment Agency, Anglian Water Services, Suffolk County Council and the Council's Environmental Health team have not objected to or raised concerns about the application proposals in respect of flood risk, drainage and pollution. All have recommended the imposition of reasonable conditions upon any potential planning permission to secure appropriate mitigation. On this basis, the proposals are considered acceptable with regard to flood risk, surface water/foul drainage, potable water supply, SuDS and ground contamination.

Impact upon Landscape

89. The Framework confirms the planning system should *inter alia* protect and enhance 'valued landscapes' and promotes development of previously used land, other than continuing the protection of formal Greenbelt designations (of which there are none in the District) and recognising the hierarchy of graded agricultural land. National policy stops short of seeking to protect the 'countryside' from new development in a general sense.
90. Core Strategy Policies CS2 and CS3 seek to protect, conserve and (where possible) enhance the quality, character and local distinctiveness of the landscape, and refer to the Forest Heath Landscape Character Assessment to inform detailed assessment of individual proposals.
91. The application site is undeveloped land on the edge of the village of Beck Row. The site is screened from public viewpoints, with an established tree and hedgerow frontage along the northern boundary with St John's Street. It is considered that the site has no distinctive landscape character or features of interest.

92. The residential development of this parcel of land would not be out of context, given existing residential development to the immediate west and east. It is acknowledged that the landscape character will change irreversibly in the long term as a result of the development proposals. The extent of the visual impact of the proposed development on the landscape is considered acceptable, given that the site is generally well screened. This limits visual impacts to glimpsed views.
93. The comments on behalf of Beck Row Parish Council are noted regarding the development being out of character with the street-scene. The principle of development along St John's Street is already established, and it would not be reasonable to refuse the application on these grounds alone. It is an expectation that the impact of the development on the street-scene will be evaluated as part of subsequent applications.

Summary

94. Officers have considered the submitted documentation, and visited the application site and surrounding area. Whilst the proposals would irreversibly change the character of the immediate locality, the wider impact of the development proposals upon landscape quality and character are considered to be acceptable.

Impact upon the Natural Environment

95. The Framework confirms the planning system should contribute to and enhance the natural environment by *inter alia* minimising impacts on biodiversity and providing net gains where possible. The Framework states that protection of designated sites should be commensurate with the status of the site, recognising the hierarchy of international, national and local designations. The presumption in favour of sustainable development set out at Paragraph 14 of the Framework does not apply where development requires appropriate assessment under the Birds or Habitats Directives.
96. Spatial Objective ENV1 of the Core Strategy aims to conserve and enhance the habitats and landscapes of international, national and local importance and improve the rich biodiversity of the District. This objective forms the basis of Core Strategy Policy CS2 which sets out in greater detail how this objective will be implemented. Saved Local Plan Policy 4.15 sets out criteria against which proposals for new housing development are considered. One of the criteria requires that such proposals are not detrimental to significant nature conservation interests.
97. There are no designated sites within the application site, however Aspal Close Nature Reserve is situated on the opposite side of Aspal Lane and is a County Wildlife Site.

Habitats Regulations Assessment

98. The local planning authority, as the competent authority, is responsible for the Habitats Regulation Assessment (HRA) as required by The Conservation of habitats and Species Regulations 2010 (as amended). Natural England, in

consultation correspondence, has advised that an Appropriate Assessment is not required.

Ecology

99. The site is situated on the edge of the Breckland District and is adjacent to areas of know high ecological interest. A Preliminary Ecological Appraisal accompanies the planning application. This maps the existing habitats on site and notes the value of trees and scrub for both birds and bats.
100. The final detailed layout of the site will need to include details of the trees and scrub to be removed, and demonstrate that this will not impact on bat roosts, foraging and commuting. It will also need to ensure that replacement habitat/nesting/roosting sites are provided.
101. Specialist surveys have been undertaken in respect of reptiles. This identifies that there is a low risk of the proposed construction adversely affecting reptiles, and makes appropriate recommendations for mitigation. In terms of the suitability of the site for invertebrate populations, a consultant entomologist has visited the site to appraise the habitats. This concluded that the invertebrate interest of the site is very low.
102. The Ecological Appraisal and Reptile Survey proposes recommendations which can be secured by way of planning condition. In accordance with consultation advice received, conditions have also been recommended to ensure protected species are safeguarded.

Trees

103. The application site contains three mature trees within the south-western corner. Along the northern boundary are a number of trees which form an attractive frontage along St John's Street. These provide a significant natural screen for the development and contribute towards the character of the site and its surroundings. The retention of these trees as part of the development is highly desirable for both amenity and biodiversity reasons.
104. A Tree Survey report and Arboricultural Impact Assessment was submitted as part of the application documentation. This identifies the removal of a number of trees, shrubs and self seeded saplings, and pruning of a number of trees. This would need to be confirmed as part of subsequent detailed applications, to ensure consistency with the final layout.
105. Officers are in general agreement with the submitted documentation, which demonstrate that there are no arboricultural constraints that would preclude the development of the site.

Summary

106. On the basis of the above evaluation, officers are of the opinion that the development proposals would not have an unacceptable impact on the nature conservation value of the application site, or impact on Aspal Close Nature Reserve. Subject to the implementation in full of recommended mitigation and enhancement measures (which can be secured through relevant planning

conditions), the proposed development is considered to satisfactorily address ecological issues.

Impact upon the Historic Environment

107. The Framework recognises that heritage assets are an irreplaceable resource which should be conserved in a manner appropriate to their significance. When considering the impact of proposed development upon the significance of a designated heritage asset, great weight should be given to the asset's conservation. The term 'heritage asset' used in the Framework includes designated assets such as Listed Buildings, Scheduled Ancient Monuments, Registered Parks and Gardens and Conservation Areas, and also various undesignated assets including archaeological sites and unlisted buildings which are of local interest.
108. The Framework advises that local planning authority's should require an applicant to describe the significance of any heritage assets affected, the level of detail being proportionate to the importance of the asset and sufficient to understand the potential impact upon their significance. Core Strategy Spatial Objective aims to protect and enhance the Historic Environment. This objective is implemented through Policy CS3.

Archaeology

109. The proposed development lies within the historic settlement core of Beck Row, opposite a post medieval church. There is therefore high potential for encountering evidence of early occupation at this location.
110. The County Archaeological Officer, in consultation correspondence, has advised that there is high potential for the discovery of important hitherto unknown heritage assets of archaeological interest within the application site.
111. In accordance with the advice offered, a condition can be secured to ensure a scheme of archaeological investigation. This would accord with Core Strategy Policy CS3 and the advice offered in the Framework with regard to the conservation of heritage assets of archaeological interest.

Summary

112. Officers have considered the application proposals in the context of the impact on the historic environment. Subject to the recommendation of appropriate archaeological conditions as described above, the proposal would not cause significant harm to the historic environment.

Design of the Built Environment

113. The Framework states the Government attaches great importance to the design of the built environment and confirms good design is a key aspect of sustainable development and is indivisible from good planning. The Framework goes on to reinforce these statements by confirming that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

114. Core Strategy Spatial Objective H2 aims to provide a sufficient and appropriate mix of housing that is designed to a high standard. Design aspirations are also included in Spatial Objectives ENV4 (high standard of design) and ENV5 (community safety and crime reduction through design). The Objectives are supported by Policies CS5 and CS13 which require high quality designs which reinforce local distinctiveness and take account of the need for stronger and safer communities. Policy CS5 confirms design that does not demonstrate it has had regard to local context and fails to enhance character will not be acceptable.
115. The application site is situated on the edge of the village of Beck Row, within a single field which is open in character and contains no distinctive character or features of interest. Officers consider that the residentially development of this parcel of land would not be out of context, given that it is adjoined by residential development to the east and west.
116. Whilst matters of appearance, landscaping, layout and scale are to be reserved for future detailed applications, the accompanying documentation includes an indicative site layout drawing. The scheme is in outline form only, and the submitted layout is indicative only. Such matters of detail can be addressed at the detailed planning stage.

Summary

117. Subject to planning conditions as described above, the proposals are considered to comply with relevant Development Plan policies in respect of design and layout.

Impact upon Local Infrastructure (Utilities)

118. The 'economic' dimension of the definition of sustainable development set out in the Framework confirms the planning system should inter alia identify and co-ordinate development requirements, including infrastructure. Furthermore, one of the core planning principles set out in the document states that planning should 'proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs'.
119. Core Strategy Policy CS13 sets out infrastructure requirements and developer contributions. The policy opens with the following statement:
- 'The release of land for development will be dependent on there being sufficient capacity in the existing local infrastructure to meet the additional requirements arising from new development'.*
120. Policy CS13 lists the main areas as health and social care facilities, educational requirements, strategic transport improvements, waste water treatment capacity, energy supply (electricity), access and safety, open space, sport and recreation. The policy confirms arrangements for the provision or improvement of infrastructure will be secured by planning obligation or (where appropriate) conditions attached to planning permission to ensure infrastructure is provided at the appropriate time). It concludes that all development will be accompanied

by appropriate infrastructure to meet site specific requirements and create sustainable communities.

121. Matters relating to highways, education, health and open space infrastructure are addressed later in this report when potential planning obligations are discussed. This particular section assesses the impact of the proposals upon utilities infrastructure.

Waste Water Treatment

122. The Flood Risk Assessment (FRA) which accompanies the planning application advises that foul flows from the development will be connected to the Anglian Water public sewer network. Anglian Water has confirmed that there is capacity within Mildenall Water Recycling Centre to cater for flows from the development.

Summary

123. On the basis of the available evidence, the development proposal is considered acceptable with regard to impact on infrastructure (utilities).

Impact upon Residential Amenity

124. The protection of residential amenity is a key component of good design. The Framework states (as part of its design policies) that good planning should contribute positively to making places better for people. The Framework also states that planning decisions should aim inter alia to avoid noise from giving rise to significant adverse effects on health and quality of life as a result of new development.

125. Existing residential properties are situated immediately to the west and east of the application site. It is an expectation that a full assessment of the potential impacts of the scheme on residential amenity will be carried out at the detailed planning stage, when parameters such as building scale and layout are formalised. Officers consider that sufficient safeguards existing within the Development Plan and the NPPF to protect the interest of occupiers of existing residential properties.

Summary

126. On the basis of the above evaluation, officers are satisfied that the residential amenity of the occupants of existing dwellings will not be compromised by what is proposed.

Sustainable Construction and Operation

127. Section 19 (1A) of the Planning and Compulsory Purchase Act 2004 requires local planning authorities to include in their Local Plans 'policies designed to secure that the development and use of land in the local planning authority's area contribute to the mitigation of, and adaptation to, climate change'.

128. The NPPF confirms planning has a key role in helping shape inter alia secure radical reductions in greenhouse gas emissions and supporting the delivery of renewable and low carbon energy. The Government places this central to the

economic, social and environmental dimensions of sustainable development. The document expands on this role with the following advice:

129. In determining planning applications, local planning authorities should expect new development to:
- Comply with adopted Local Plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and
 - Take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.
130. The importance the Government placed on addressing climate change is reflected in the Core Strategy Visions (Vision 1) and Spatial Objectives (ENV2 and ENV3). Core Strategy Policies CS4 and CS5 set out the requirement for sustainable construction methods, and a range of expectations of new sites.
131. Waste arising from the construction process will be managed in accordance with a Site Waste Management Plan. This can be secured by way of planning condition.
132. On the basis of the above evaluation, officers are satisfied that the proposal is generally acceptable in terms of sustainable construction and operation.
133. Waste – A waste minimisation and recycling strategy should be secured by planning condition.
134. Sustainable Drainage Systems (SUDs) – SuDS should be incorporated into the development, in the interests of reducing flood risk, improving water quality and biodiversity/amenity benefits.

Section 106 Planning Obligation Issues

135. Planning obligations secured must be in accordance with the Community Infrastructure Levy Regulations 2010, which came into force on 06 April 2010. In particular, Regulation 122 states that a planning obligation may only constitute a reason for approval if it is:
- (a) Necessary to make the development acceptable in planning terms;
 - (b) Directly related to the development; and
 - (c) Fairly and reasonably related in scale and kind to the development.
136. These are the three principal tests set out in Paragraph 204 of the Framework and are of relevance in guiding the negotiation of planning obligations sought prior to the coming into force of the CIL Regulations. In assessing potential S106 contributions, officers have also been mindful of Core Strategy Policy CS13 and the Suffolk County Council guidance in respect of Section 106 matters, 'A Developers Guide to Infrastructure Contributions in Suffolk'.

Affordable Housing

137. The application proposes 12 of the dwellings as 'affordable', which represents 50% of the total number of units to be provided on the site. Whilst this is in excess of the 30% target set out in Policy CS9 of the Core Strategy, the overprovision can be secured under the Section 106 agreement. Members are asked to note that whilst the 50% provision has been offered, only 30% is required in accordance with the provisions of Policy CS9.
138. The Council's Housing Officer, in consultation advice, as confirmed support for the scheme and the provision of 30% of affordable housing on the site. In terms of housing tenure, the adopted SPD seeks a tenure split of 70% rented and 30% intermediate in Forest Heath, based on current housing needs evidence. The precise detail of the affordable housing scheme, including tenure mix and their transfer to a registered provider can be secured through the S106 planning obligation.

Education

139. Education provision in Suffolk is currently in the process of a major restructuring: middle schools are being phased out and their functions are transferring to primary and secondary schools. The local catchment schools are Beck Row Primary School and Mildenhall College Academy. There are currently forecast to be surplus places available at the catchment secondary school serving the proposed development, and no secondary school contributions are sought.
140. Beck Row Primary School will not have any surplus places available, and Suffolk County Council is seeking full capital contributions for the additional 4 primary school children forecast to arise to spend on enhancing local provision.
141. In terms of pre school provisions, it is understood that there are two early education providers in Beck Row (Beck Row Pre School and Busy Bees Montessori), offering 270 places. With the level of housing growth coming forward in Beck Row, a developer contribution is sought to mitigate local impacts. Contributions sought will be invested at a local level to enhance service provision.

Libraries

142. Beck Row is not currently served by a library. Suffolk County Council has identified a need to enhance service provision at the local library, and has requested a capital contribution. This can be secured as a S106 planning obligation.

Healthcare

143. Members are asked to note that a consultation response has not been received on behalf of the CCG in respect of this planning application. Officers understand that this is because the scale of residential growth proposed by the planning application is below the CCG's threshold of 50 dwellings units.
144. In the absence of formal consultation advice on behalf of the healthcare provider, it would not be reasonable to seek developer contributions in respect of health care provision through the Section 106 process.

Transport

145. A contribution of £3000 to create new bus stops with Equality Act compliant kerbs has been sought by Suffolk County Council as Highway Authority.

Public Open Space Provision

146. The proposed development incorporates areas of informal open space and formal open space suitable for children's play. The Council's Parks Manager has verbally confirmed the acceptability in principle of the quantum of on-site open space proposed. In accordance with the Council's Supplementary Planning Document in respect of open space, off site provision can also be secured by way of S106 agreement.

Summary

147. The provisions as described above ensure that the effects of the development proposal on local infrastructure within Beck Row, in terms of affordable housing, education, libraries and public open space, would be acceptable.
148. The proposal would comply with Core Strategy Policy CS13 by which the provision or payment is sought for services, facilities and other improvements directly related to development. Officers are satisfied that the proposed planning obligations meet the three tests of planning obligations set out in the Framework, and are therefore entirely justified.
149. The requests for developer contributions as described above will ensure improvements to existing infrastructure within Beck Row and the local area, to accommodate the growth of the village and meet the needs of the community, in accordance with Core Strategy Policy CS13. Officers are satisfied that they meet the three tests of planning obligations set out in Paragraph 204 of the Framework, and are therefore entirely justified. The planning agent has confirmed the 'in principle' acceptability of entering into a S106 planning obligation to secure these benefits. This is currently in draft form.

CONCLUSIONS AND PLANNING BALANCE:

150. The development proposal has been considered against the objectives of the Framework and the government's agenda for growth. Against this background, national planning policy advice states that planning permission should be granted, unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole. There are no specific policies in the Framework which indicate that this development should be restricted. National policy should therefore be accorded great weight in the consideration of this planning application, especially the presumption in favour of sustainable development, which this proposal is considered to represent.
151. Beck Row has been identified as a Primary Village that can accommodate some growth within the Council's Core Strategy. The proposed development has a number of positive attributes which lend support to the scheme.

152. In terms of the economic role of sustainable development, the development would generate direct and indirect economic benefits. New housing provides a range of economic benefits, and has significant and positive effects on economic output – for example in terms of capital investment, construction work and occupational expenditure.
153. With regard to the social role of sustainability, the development would provide a level of much needed market and affordable housing to meeting the needs of present and future generations.
154. In the context of the environmental role of sustainable development, the landscape would be irreversibly changed as a result of the development proposals – although this would have only limited impact on the immediate environment. Good design and the retention of existing trees would assist in the mitigation of this impact. Furthermore, the site does not benefit from any specific ecological, landscape or heritage designation. On this basis, the effect on the character of the settlement is considered acceptable.
155. The progress of the Local Plan has been slow to date, owing largely to the successful challenge of the Core Strategy (CS7) in the High Court. Its future progress is uncertain, given that the Single Issue Review and Site Allocation documents have reached only the early stages in the process. In any event, there is no evidence that the proposal would be premature to or prejudice the development plan process.
156. There are not considered to be any planning matters that would significantly and demonstrably outweigh the benefits of the scheme. Officers consider that the benefits of this development would outweigh the dis-benefits of the scheme, and point towards the grant of planning permission.
157. Having regard to the Framework and all other material planning considerations, with the S106 package as set out below (which is necessary for the development to be acceptable in planning terms), the proposal is considered to comply with the NPPF and Development Plan policy. The recommendation is one of approval.

RECOMMENDATION:

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

(1) The completion of a S106 agreement to secure the following (subject to meeting the CIL reg 122 tests):

- Affordable housing – 12 units.
- Primary school contribution -£2,030/dwelling
- Pre school contribution - £12 181
- Libraries contribution - £5 184
- Open space contribution – to be confirmed.

- Transport contribution - £3 000.

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

(2) And the following conditions:

1. Time.
2. Compliance with approved plans.
3. Archaeology – investigation and post investigation assessment.
4. Contamination – further investigative work if found.
5. Foul water disposal details.
6. Surface water drainage details: SuDs management plan.
7. Construction management plan.
8. Details of boundary treatment.
9. Samples of materials.
10. Detailed scheme of hard and soft landscaping.
11. Tree protection.
12. Details of tree works for retained trees.
13. Detailed Arboricultural Method Statement and Tree Protection Plan.
14. Recommendations of Ecological Appraisal and Reptile Survey to be implemented.
15. Provision of fire hydrants.
16. Waste minimisation and recycling strategy.

Documents:

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

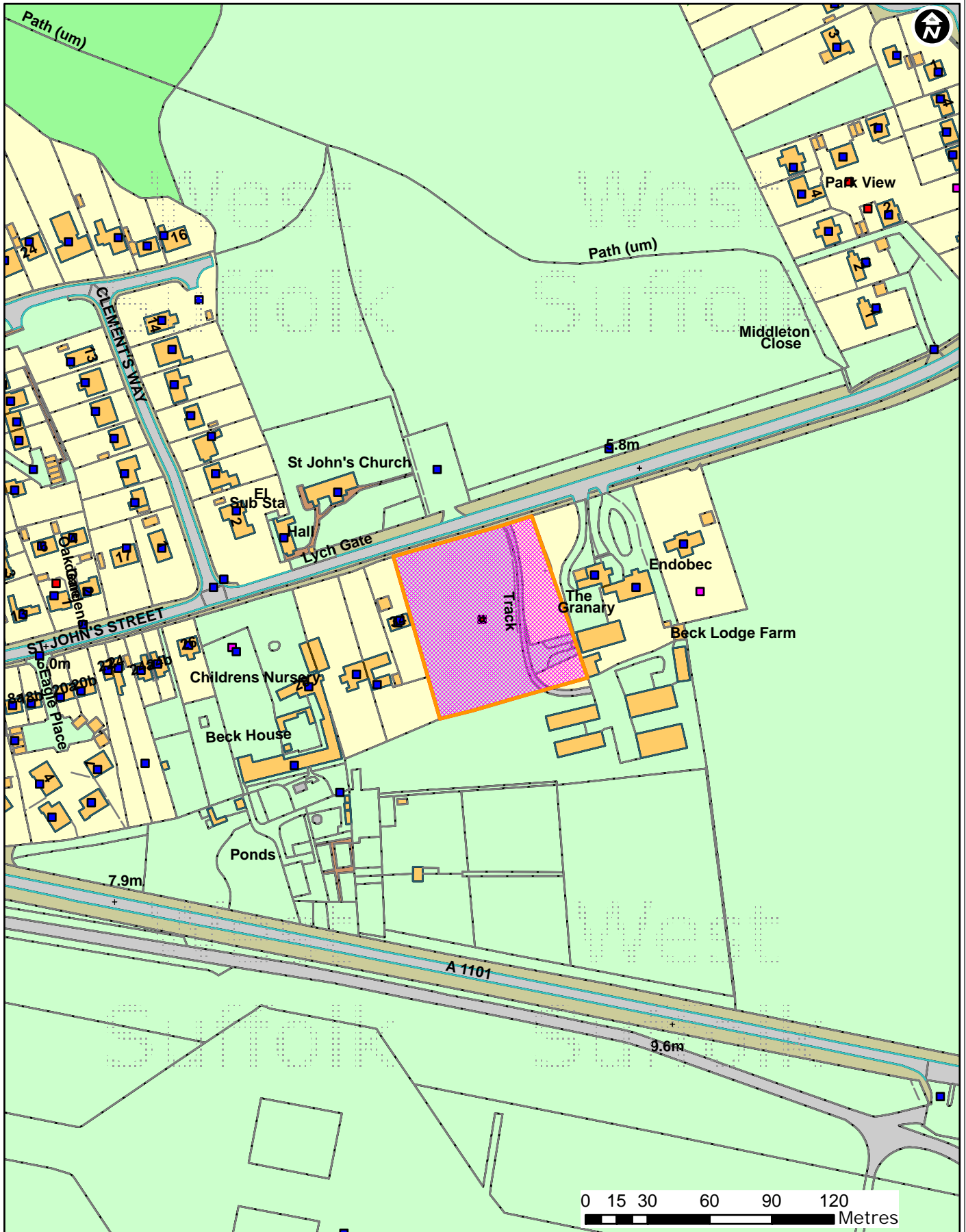
<https://planning.westsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=NBV2H2PDLQH00>

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

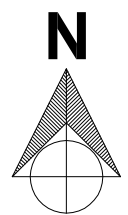
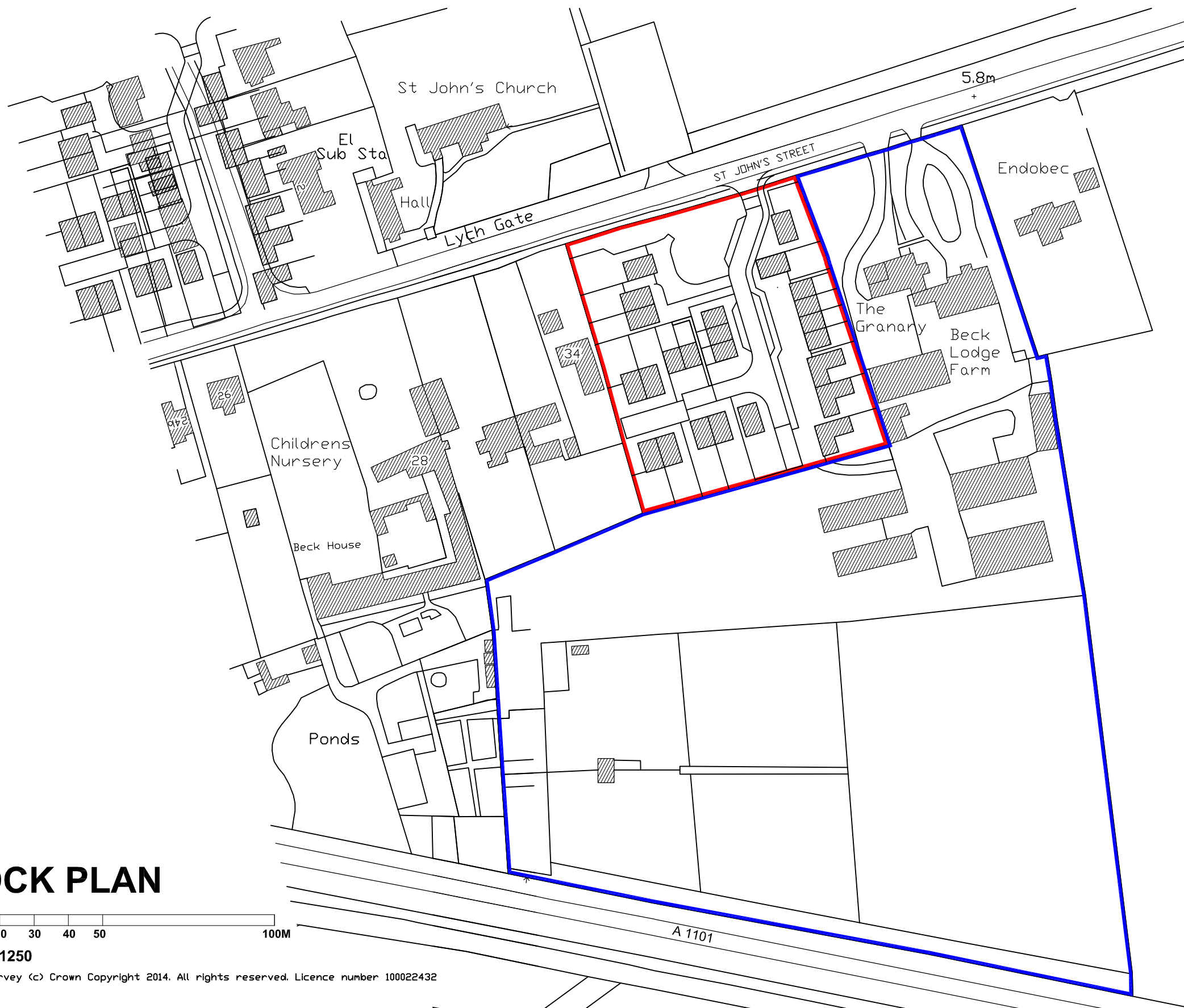
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DC/14/1745/OUT

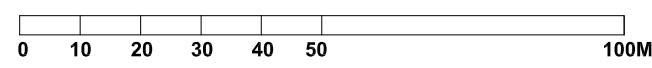
Land at Beck Lodge Farm, St Johns Street, Beck Row



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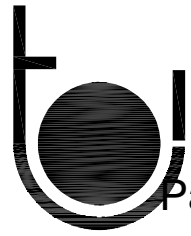
BLOCK PLAN



SCALE 1:1250

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Revision	Date
B: Footpath added. Extra car spaces added.	07.05.2015

Client	AJV DESIGNS LTD
Project	Land Adj Beck Lodge Farm, St John's Street, Mildenhall, Suffolk. IP28 8AA
Drawing Title	Block Plan

Scale	1:1250	Drawn	
Date	22.08.14	Checked	
Project Number	140205		
Drawing No	P02	Revision	A B

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Forest Heath District Council

**DEVELOPMENT
CONTROL COMMITTEE**

1 JULY 2015

DEV/FH/15/022

Report of the Head of Planning and Growth

**PLANNING APPLICATION DC/14/2219/FUL – LAND AT FENGATE DROVE,
BRANDON**

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: Gareth Durrant
Telephone: 01284 757345

Committee Report

Date	28 November	Expiry Date:	30 July 2015 (with agreed extension)
Registered:	2014		
Case Officer:	Gareth Durrant	Recommendation:	Grant Planning Permission, subject to S106 Agreement
Parish:	Brandon	Ward:	Brandon East
Proposal:	Planning Application DC/14/2219/FUL - Construction of 64 no. dwellings with associated external works including new vehicular access (as amended)		
Site:	Land at Fengate Drove, Brandon, Suffolk (and Weeting, Norfolk)		
Applicant:	Emblem Homes Ltd		

Background:

This application is referred to Planning Committee because it is for 'major development' and objections have been received from Brandon Town Council.

Proposal:

1. Planning permission is sought for the erection of 64 dwellings comprised of a mixture of detached, semi-detached and terraced houses and blocks of flats.
2. The application has been amended on two occasions since submission to improve the design and layout qualities of the proposals and to address the potential impacts of the development upon the features of interest within the nearby European designated Special Protection Area.
3. The proposals would be served by a single vehicular access to Fengate Drove close to the north-west corner of the site. There is a further pedestrian and cycle access from Brandon road to the south east.
4. Details of the numbers, mix and heights of the dwellings are set out in the table below (noting that a proportion of the dwellings are situated in Forest Heath, a proportion in Breckland and a proportion straddle the District and County boundary).

House type	No. in FHDC	No. in BDC	No. on boundary	Type	No. of beds	Approx. height
A1	4	0	0	Bungalow	1	5.5m
B1	0	3	0	Flat	1	11.6
B2	2	0	0	Flat	2	9.6m
B3	0	4	0	Flat	1	9.1m
B4	0	2	0	Flat	2	9m
B5	0	2	2	Flat	1	8.6m
C1	11	4	1	House	2	8.25m
C2	3	2	8	House	2	8.6m
C3	5	0	0	House	2	8m
C4	2	0	0	House	2	8m
C5	2	0	0	House	2	8.1m
D1	1	1	1	House	3	8.2m
D2	1	0	2	House	3	8.4m
E1	0	1	0	House	3	9m
Total	31	19	14			

5. A limited palette of external building materials has been selected. These are as follows;

- Walls - Red/Brown multi facing brickwork, buff multi facing brickwork, timber cladding.
- Roofs - Dark Grey Concrete pantiles.
- Detailing – Grey uPVC windows and doors. Composite front entrance doors.

Application Supporting Material:

6. The following documents comprise the planning application (including amendments/additional information received after the application was registered):

- Forms and drawings including layouts and dwelling details (including 3D visuals).
- Design and Access Statement
- Archaeological Report
- Ecology Report
- Transport Statement
- Geoenvironmental Report
- Affordable Housing Statement
- Energy Efficiency Statement
- Archaeological Report
- Flood Risk Assessment
- Noise and Vibration Assessment
- Supporting Evidence for Appropriate Assessment

Site Details:

7. The site straddles the Norfolk and Suffolk border and, consequently, is partly within the administrative boundaries of Forest Heath District Council and partly within Breckland District Council. The planning application has been submitted to both planning authorities and both will need to determine it separately.
8. Fengate Drove provides vehicular access to a number of dwellings to the north (opposite) of the site and other commercial/industrial uses to the west.
9. The site, approximately 1.5 hectares in size, is bounded to the north by the Fengate Drove carriageway and to the east by the Brandon Road carriageway. Former industrial land abuts the site to the west and the Norwich/Cambridge railway line aligns the south boundary.
10. The application site was formerly in use as a timber yard and sawmill but has been cleared of all commercial buildings and above ground infrastructure. A sewage treatment plant has been provided towards the south east corner of the site. The plant was provided as part of an earlier planning permission for a residential development the site.
11. The Breckland Special Protection Area is in close proximity of the site. The site is not within the European designation but is situated within its 1.5km buffer where special regard needs to be given the potential direct and indirect impacts arising from development.
12. The site is outside the Brandon Conservation Area boundaries which terminate at the level crossing to the south east.
13. The site is annotated as 'Employment Land' on the Inset Map for Brandon attached to the 1995 Local Plan.

Planning History:

14. The following applications for development at this site were submitted in identical format to Forest Heath District Council and Breckland District Council. The decisions of both Authorities were the same in each case.
15. In 2002 planning permission was refused for 'residential development and associated uses' (reference F/2001/415). A appeal was made against the decision and, following a public inquiry the appeal was allowed (and planning permission granted) in 2003 (appeal reference APP/H3510/A/02/1090716).
16. In 2005 Reserved Matters were approved for the erection of 63 dwellings granted outline planning permission under F/2001/415 (reference F/2004/0800/RMA).
17. In 2007 planning permission was granted for the variation of condition 9

of planning permission F/2001/415 to reduce the extent of the visibility splays to be provided to the vehicular access from the development onto Fengate Drove (reference F/2007/0797/VAR).

18. In 2011 the Council granted a Certificate of Lawfulness confirming that the development of 63 dwellings granted planning permission under application numbers F/2001/415 and F/2004/0800/RMA (reference F/2011/0269/CLP) had been lawfully commenced.

Consultations:

i) Scheme submitted with the planning application (November 2014).

19. Natural England: **objects** to the application given the absence of appropriate information to assist the Local Planning Authorities (Forest Heath and Breckland) to consider the potential impact of the development upon the nearby Breckland Special Protection Area.
20. Environment Agency: **no objections** subject to x3 conditions requiring i) details of surface water drainage to be submitted for approval, ii) submission of a remediation strategy for the decontamination of the site, and iii) strategy for addressing any presently unknown contamination subsequently found at the site (e.g. during construction).
21. Network Rail: **no objections** but requests further information/clarification about how the development (cycle path in particular) will engage with the adjacent highway level crossing of the railway line and sets out its requirements and restrictions regarding development adjacent to a railway line and recommends the developer contacts its Asset Protection Team.
22. Suffolk County Council - Highway Authority: **no objections** and recommends conditions to secure details of estate roads and footpaths, bin storage and means to prevent the discharge of surface water from the development onto the highway. Further conditions are recommended to ensure the parking and manoeuvring areas are provided and retained and the roads and footpaths are provided contemporaneously with the dwellings. The Authority noted the vehicular access to the site is outside its boundaries and suggested the views of Norfolk County Council Highway Authority should be sought.
23. Suffolk County Council (Suffolk Fire and Rescue Service): submits **no objections** and requests adequate provision of fire hydrants (to be secured by condition) and provides advisory comments for the benefit of the applicant/developer (access for fire engines, water supply and use of sprinkler systems in new development).
24. Suffolk County Council (Planning Obligations): The Suffolk County Council has agreed with the Norfolk County Council that all S106 contributions that relate to County Council matters shall be collected

and used by Suffolk County Council. The Authority raised **no objections** to the planning application and provided the following comments (precised)

- Forest Heath is currently undertaking a Single Issue Review looking at housing numbers and distribution across the district. In this connection we will greatly welcome the early conclusion of this review to enable a proper plan-led approach to development with the necessary supporting infrastructure provision.
- **Education (Primary).** The local catchment schools are Brandon The Glade CP School, Brandon Forest Heath Primary School, IES Breckland Free School and Mildenhall College Academy. In terms of primary school provision we are seeking full contributions to provide additional facilities for the 16 pupils arising from this development at a total cost of £194,896 (2014/15 costs).
- **Education (Pre-school provision).** It is the responsibility of SCC to ensure that there is sufficient local provision under the Childcare Act 2006. Section 7 of the Childcare Act sets out a duty to secure free early years provision for pre-school children of a prescribed age. From these development proposals up to 6 pre-school pupils are anticipated at a cost of £6,091 per place. A capital contribution of £36,546 is requested. The Council confirms the contributions will be invested in the local area to improve & enhance local early years provision.
- **Play space provision.** Consideration will need to be given to adequate play space provision.
- **Libraries.** A capital contribution of £13,824 to be used towards libraries is requested. The contribution would be available to spend in Lakenheath.
- **Waste.** A waste minimisation and recycling strategy needs to be agreed and implemented by planning conditions.
- **Supported Housing.** We would also encourage all homes to be built to 'Lifetime Homes' standards.
- **Sustainable Drainage Systems.** Developers are urged to utilise sustainable drainage systems (SuDS) wherever possible, with the aim of reducing flood risk to surrounding areas, improving water quality entering rivers and also providing biodiversity and amenity benefits.
- **Fire Service.** Any fire hydrant issues will need to be covered by appropriate planning conditions. We would strongly recommend the installation of automatic fire sprinklers.
- **High-speed broadband.** SCC would recommend that all development is equipped with high speed broadband (fibre optic).

25. Suffolk County Council – Highways (Travel Planning): **no objections**, and comments that a full Travel Plan is not required for a development of this size. He goes on to confirm that he would still require some upfront travel plan measures to reduce some of the traffic impact this site may generate. This will be in the form of a specific measures to be secured by planning condition.
26. Suffolk County Council – Archaeology: **no objections** and comments as follows;
- The proposed development site lies within an area of archaeological potential, straddling as it does a substantial ditch which formed the boundary between the counties of Norfolk and Suffolk. This ditch is recorded in the Suffolk Historic Environment Record. As such, there is high potential for encountering further archaeological deposits at this location, which may be damaged by any groundworks associated with the present application.
 - The site has already been subjected to a programme of archaeological evaluation and excavation undertaken by the Suffolk County Council Archaeological Service in 2005 and 2006. Trenches revealed that the boundary ditch survives as a below-ground feature across the site, although no dating evidence was obtained for the ditch.
27. The Authority concludes by confirming there are no grounds to refuse planning permission in order to achieve preservation in situ of any important heritage assets. Conditions are recommended to record and advance understanding of the significance of any heritage asset (below ground archaeology) before it is damaged or destroyed.
28. Norfolk County Council - Highways: **no objections** to the proposals, subject to the Local Planning Authority securing technical amendments to the specification of the vehicular access and, subsequent to that, the imposition of conditions to secure the provision and appropriate specification of the access (including its visibility splays), the estate roads and footpaths (including drainage) and the proposed off-site paths and cycleways. The Authority also requests (by condition) that no works are commenced until a Road Traffic Order is confirmed to extend the 30mph limit in Fengate Drove and Brandon Road.
29. FHDC – Strategic Housing: **supports** the application.
30. FHDC – Environmental Health: **no objections**, subject to a condition being imposed to secure remediation of contaminated soils known to be present at the site.
31. FHDC – Public Health and Housing: **no objections**, but recommends conditions are imposed upon any planning permission granted to i) control construction hours, ii) to insulate the dwellings from noise disturbance, and iii) to provide acoustic fencing to gardens alongside the

railway line.

32. FHDC – Leisure, Culture and Communities: **objects** to the planning application and suggests improvements to the public open spaces proposed in the application.

ii) Amended drawings/details received February 2015

33. Natural England: having considered the new ecological information submitted **objects** to the planning application and comments that further proposals to mitigate potential impacts upon the Special Protection Area will be required in order to address their concerns.
34. Environment Agency: **no objections** and refers to its earlier comments (paragraph 20 above).
35. Defence Infrastructure Organisation Safeguarding (Ministry of Defence): **no objections**.
36. Network Rail: **no objections** and refer to its earlier comments (paragraph 21 above).
37. Norfolk Constabulary (Architectural Liaison/Crime Prevention): **Objects** to the application and suggests a number of amendments that would serve to reduce the risk of crime and anti-social behaviour.
38. Suffolk County Council (Highways): **no objections** and refers to its earlier comments (paragraph 22 above).
39. Suffolk County Council (Planning Obligations): **no objections**, and refers to its earlier comments (paragraph 24 above).
40. Suffolk County Council (Fire and Rescue Service): **no objections** and refers to its earlier comments (paragraph 23 above).
41. FHDC – Ecology, Tree & Landscape Officer: **objects** to the application. The officer re-inforces the objections of the Leisure officer regarding public open space and Natural England’s objections in the absence of sufficient mitigation proposals to avoid/offset potential impacts upon the nearby Special Protection Area. Comments are also provided in relation to the absence of strategic landscaping and adverse impacts arising from the car dominated layout of the development and other design features.
42. FHDC – Strategic Housing: **supports** the principle of development but notes the high number of car parking spaces at the site which is close to the town centre and rail station and which would affect the appearance of the development.

iii) Amended drawings/details received May 2015

43. Natural England: **no objections** (previous holding objection

withdrawn). The following comments were submitted with respect to the Special Protection Area (in full):

44. In our response of 22 December 2014 we noted that the application was under 1km away from Breckland Farmland Site of Special Scientific Interest, a component SSSI of Breckland Special Protection Area, and therefore advised that your authority would need to carry out an appropriate assessment to consider effects to stone curlew.
45. Following review of further information, in our response of 18 March 2015 (our ref 146091) we advised that the habitat within the SPA within 1500m of the proposed development appeared to be unsuitable for nesting stone curlew and we were satisfied that the recorded level of nesting outside the SPA showed no birds nesting within 5 years. However we had concerns regarding recreational effects to Breckland Special Protection Area (SPA), specifically relating to dog walking activities, and therefore requested that mitigation was included to address this issue.
46. Following our advice, we were pleased to have the opportunity to discuss the green infrastructure and access proposals in detail with the development team in March and were able to agree a landscape plan that, in our view, would help take pressure off the designated sites, whilst recognising that further offsite mitigation may be necessary given the relatively limited green infrastructure a site of this size could accommodate. We welcomed the meeting on 8 April with your authority which resulted in agreement that strategic green infrastructure and access would be included in the proposals.
47. The changes to the landscaping plan appear as discussed and agreed with Natural England earlier this year, and we welcome the proposed contributions to off-site green infrastructure and access. Sharon Bland at Norfolk County Council has also been in touch about the Breaking New Ground Project, which we consider will be highly beneficial to the area, and is likely to lessen recreational pressure to the designated sites.
48. Therefore following review of the amended application, Natural England is now able to remove its objection and furthermore advises that in our view an appropriate assessment is not necessary following the amendments.
49. Environment Agency: **no objections** and does not wish to comment on the amended drawings.
50. Suffolk Constabulary: **comment** and support comments made in January 2015 by colleagues at Norfolk Constabulary (paragraph 37 above).
51. Suffolk County Council (Planning Obligations): **no objections**, and refers to its earlier comments (paragraphs 24 and 39 above).

52. Suffolk County Council (Highways): **no objections** and repeats the conditions it requested in earlier correspondence (paragraph 22 above).
53. FHDC – Strategic Housing: **supports** the amended scheme.
54. FHDC – Environmental Health: **no objections** and repeats the conditions it requested in earlier correspondence (paragraph 30 above).
55. FHDC – Public Health and Housing: **No objections**.
56. FHDC – Tree, Ecology and Landscape Officer: **No objections** and withdrawn previous objections to the application. The following comments have been received (precised):
 - The site layout has been amended to amalgamate the open space to provide one central space and one space providing a good connectivity for pedestrians with Brandon Road and Mundford Road.
 - Landscaping to the development is focused on these open areas. The frontage on Fengate Drove has been punctuated with trees which will add to the amenity of the development.
 - The tree species selected are not suitable for confined spaces and gardens in such a development and these trees should be replaced with species more suitable for gardens.
 - The ecological report makes recommendations for ecological enhancements of which some have been incorporated in the plans submitted. However the incorporation of bat and bird boxes as required in the additional recommendations would add value. Integral boxes could be conditioned.
 - The package of SPA mitigation measures will need to be secured to give certainty of no likely significant effects on the SPA.
 - The proposals have been screened under the Habitats Regulations with the following conclusions drawn: *The proposal will not have a likely significant effect on any European site, and can therefore be screened out from any requirement for further assessment.*

Representations:

i) Scheme submitted with the planning application.

57. Brandon Town Council: Support the planning application but request S106 contributions towards traffic lights at the Fengate Drove junction and/or towards a bridge over the railway line.
58. Weeting Parish Council: **support** the proposals in principal, with a caveat that there were some concerns over the vehicular access from

the A1065, briefly via Brandon Road and then into Fengate Drove. This junction can get congested at busy times, or when the level crossing barrier is down. Similarly, approaching from Weeting on Brandon Road, cars parked outside the Roman Catholic church can cause an obstruction, and on Sundays the cars of people attending all of the places of worship in the area pose a parking problem in the Fengate Drove area. The Parish Council wished to have these concerns noted, and passed to the Highways Authorities.

ii) Amended drawings/details received February 2015

59. No representations were received in response to this consultation.

iii) Amended drawings/details received May 2015

60. Brandon Town Council: **Objects** to the amended proposals. They are concerned that the traffic from this development will aggravate already congested roads.

Policy:

61. The following policies of the Joint Development Management Policies Document, the Forest Heath Core Strategy (2010) and the saved Policies of the Forest Heath Local Plan have been taken into account in the consideration of this application:

Joint Development Management Policies Document (2015):

- Policy DM1 – Presumption in Favour of Sustainable Development.
- Policy DM2 – Creating Places – Development Principles and Local Distinctiveness.
- Policy DM6 – Flooding and Sustainable Drainage.
- Policy DM7 – Sustainable Design and Construction.
- Policy DM10 – Impact of Development on Sites of Biodiversity and Geodiversity Importance.
- Policy DM11 – Protected Species.
- Policy DM12 – Mitigation, Enhancement, Mangement and Monitoring of Biodiversity.
- Policy DM13 – Landscape Features.
- Policy DM14 – Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards.
- Policy DM17 – Conservation Areas.
- Policy DM20 – Archaeology.
- Policy DM22 – Residential Design.
- Policy DM30 – Appropriate Employment Uses and Protection of Employment Land and Existing Businesses.
- Policy DM42 – Open Space, Sport and Recreation Facilities.
- Policy DM44 – Rights of Way.
- Policy DM45 – Travel Assessments and Travel Plans.
- Policy DM46 – Parking Standards.

Forest Heath Core Strategy December (2010).

62. The Core Strategy was the subject of a successful legal challenge following adoption. Various parts of the plan were affected by the High Court decision, with Policies CS1, CS7 and CS13 being partially quashed (sections deleted) and section 3.6 deleted in its entirety. Reference is made to the following Core Strategy policies, in their rationalised form.

Visions

- Vision 1 – Forest Heath

Spatial Objectives

- Spatial Objective H1 – Housing provision.
- Spatial Objective H2 – Housing mix and design standard.
- Spatial Objective H3 – Suitable housing and facilities (life time homes).
- Spatial Objective C2 – Provision and maintenance of open space, play & sports facilities and access to the countryside.
- Spatial Objective ENV1 – Habitats and landscapes and improving biodiversity.
- Spatial Objective ENV2 – Climate change and reduction of carbon emissions.
- Spatial Objective ENV3 – Promotion of renewable energy and energy efficiency.
- Spatial Objective ENV4 – Design and architectural quality respecting local distinctiveness.
- Spatial Objective ENV5 - Designing out crime and anti-social behaviour.
- Spatial Objective ENV7 – Achieve sustainable communities by ensuring services and infrastructure are commensurate with new development.
- Spatial Objective T1 – Location of new development where there are opportunities for sustainable travel.

Policies

- Policy CS1 – Spatial Strategy.
- Policy CS2 – Natural Environment.
- Policy CS3 – Landscape Character and the Historic Environment.
- Policy CS4 – Reduce Emissions, Mitigate and Adapt to future Climate Change.
- Policy CS5 – Design Quality and Local Distinctiveness.
- Policy CS6 – Sustainable Economic and Tourism Development.
- Policy CS7 – Overall Housing Provision (Sub-paragraph 1 only. Sub paragraphs 2, 3, 4 and 5 were quashed by the Court Order).

- Policy CS9 – Affordable Housing Provision.
- Policy CS10 – Sustainable Rural Communities.
- Policy CS12 – Strategic Transport Improvement and Sustainable Transport.
- Policy CS13 – Infrastructure and Developer Contributions.

Forest Heath Local Plan (1995).

63. Details of extant saved policies from the Local Plan are set out at Appendix A of the Core Strategy (2010) and Appendix B of the Joint Development Management Policies Document. The following saved policies are relevant to these proposals:
- Policy 14.1 – Securing Infrastructure and Community Facilities from Major New Developments.
 - Inset Map 1 (Brandon Development Boundary)

Other Planning Policy:

64. The following Supplementary Planning Documents are relevant to this planning application:
- Joint Affordable Housing Supplementary Planning Document (September 2013).
 - Open Space, Sport and Recreation Supplementary Planning Document (August 2011).
65. The National Planning Policy Framework (the Framework) sets out government's planning policies for England and how these are expected to be applied.
66. Paragraph 14 of the Framework identifies the principle objective:
- “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.”

67. 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".
68. The relevant policies of the Framework are discussed below in the Officer Comment section of this report.
69. The Government has (March 2014) published National Planning Practice Guidance (NPPG) 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. The Guidance is (where relevant) discussed in the Officer Comment section of this report.

Officer Comment:

70. This section of the report begins with a summary of the main legal requirements before entering into discussion about whether the development proposed by this planning application can be considered acceptable in principle in the light of its planning history, national planning policy, local plan designations and other local planning policies. It then goes on to analyse other relevant material planning considerations (including site specific considerations) before reaching conclusions on the suitability of the proposals.

Legal Context

The Conservation of Habitats and Species Regulations 2010

71. Given the location of the various designated nature sites in the vicinity (including the Breckland Special Protection Area) consideration has been given to the application of these Regulations. If a plan or project is considered likely to give rise to significant effects upon a European site, Regulation 61 requires the decision maker to make an 'appropriate assessment' of the implications for that site before consenting the plan or project.
72. The application site is in the vicinity of a designated (European) site of nature conservation but is not within the formal designation. The application site sits within a 1.5km 'buffer' to the Special Protection Area such that Core Strategy Policy CS2 requires a project level Habitat Regulations Assessment to accompany the planning application.
73. The applicants have submitted a Habitats Regulations Assessment with the planning application which sets out the following key findings:

- There are no records of nesting Stone Curlews in that part of the SPA designation closest to the application site. The closest nest is recorded at a distance of approximately 1,500 metres.
- The elements of the SPA closest to the application site are not considered suitable for nesting stone curlew.
- The site is screened (partially) from the SPA by large commercial buildings and existing vegetation (which could be reinforced by new planting at the application site (the west boundary)).
- Impact from increased recreational pressure arising from the introduction of 64 new households is capable of mitigation. A package of measures are proposed in that respect, including the following measures:
 - i. construction works between April and September limited to daylight hours only.
 - ii. the construction site should not be lit at night.
 - iii. delivery vehicles, between April and September, should not travel any further along Fengate Drove than the site entrance
 - iv. construction compound facilities to be located in the far east of the site
 - v. tall, native, broadleaf hedge or tree-line to be planted along the western side of the development site to improve the existing partial screening between the development site and the SPA
 - vi. residents of the development to be discouraged from walking along Fengate Drove, particularly with dogs. The approach to achieve this will be: to encourage dog-walking elsewhere; and the creation of a circular walk within the site (included on the plans).
 - vii. new signage will be erected and maintained at the end of the paved part of Fengate Drove to advise dogs to be kept on leads
 - viii. residents of the new houses to be provided with an 'Information Pack' to include information on alternative recreational routes promoted as 'nearest suitable dog-walking routes'. Advice on keeping dogs on leads on Fengate Drove to also be included.
 - ix. a commitment to provide these information packs to all new residents in-perpetuity.
 - x. information point is to be erected in the eastern area of public open space to outline alternative dog-walking routes (other than Fengate Drove) which offer longer routes than those within the site.

- xi. commitment to off-site green infrastructure improvements in and around Brandon. In Norfolk this includes a commitment to improve 380 metres of track surface of the Little Ouse path between Brandon and Santon Downham. In Suffolk the improvements will be targeted on the bridleway heading west from The Ram public house, connecting to an Environment Agency weir on the Little Ouse. This will also involve a new footbridge across the river, although part of this improvement will also be in Norfolk. These improved green infrastructure features will also be referenced at the information point within the site, with the aim of encouraging dog-walking and other recreation here rather than along Fengate Drive.
74. Natural England and the Council's Ecologist have both accepted the findings of the report and the mitigation package proposed. Natural England has advised the Council's (FHDC and BDC) that an 'appropriate assessment' under the provisions of the Habitat regulations will not be required in this case and this has been confirmed subsequently via the Council's Habitat Regulations screening. Accordingly, the Council's are able to determine (approve) their respective planning applications, subject to securing the proposed package of mitigation measures.
- The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (EIA Regulations).*
75. The National Planning Practice Guidance sets out indicative thresholds to assist the Local Planning Authority when considering whether a formal Screening Opinion is required under these Regulations. Unless the site in question is within a 'sensitive area' or could affect a 'sensitive area', the indicative threshold for screening planning proposals for residential development is 150 dwellings or more or a site of more than 5 hectares.
76. In this case the application proposes 64 dwellings on a site of approximately 1.5 hectares and is below the national thresholds.
77. The Breckland Special Protection Area is deemed a 'Sensitive Area' by the Regulations. The application site is not positioned within the Special Protection Area but does fall within its 1,500 protective 'buffer'. The development therefore has potential to affect a 'Sensitive Area'. Information submitted with the planning application (in the form of a Habitat Regulations Assessment) confirms that potential impacts upon the Special Protection Area are capable of mitigation. The findings of the report have been accepted by Natural England whom have confirmed an 'Appropriate Assessment' (under the provisions of the Habitats Regulations – see above) is not required in this case.
78. Given the fact that the development proposed by this planning application is below the thresholds set out in the National Planning Practice Guidance and verified evidence demonstrates there would be no significant effects upon any 'Sensitive Areas' (the nearby Breckland

Special Protection Area in particular), officers have concluded there is no requirement to screen the proposals under the EIA Regulations.

Natural Environment and Rural Communities Act 2006

79. The Act places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity. The potential impact of the application proposals upon biodiversity interests is discussed later in this report.

Planning and Compulsory Purchase Act 2004 (as amended)

80. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise. The Forest Heath Development Plan is comprised of the saved policies of the Local Plan, the adopted Core Strategy (as amended by the judgement handed down by the High Court) and the recently adopted Joint Development Management Policies Document. National planning policies set out in the Framework are a key material consideration.

Planning (Listed Buildings and Conservation Areas) Act 1990

81. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states;

In considering whether to grant planning permission for development which affects a listed building or its setting, the Local Planning Authority (LPA)... shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

82. Section 72(1) of the same Act states;

...with respect to any buildings or other land in a conservation area...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

83. In this case there are no listed buildings at the site or close to the site (such that their settings would be affected). Similarly the development is not situated in a Conservation Area and the built form would not affect views into or out of the nearby Brandon Conservation Area (the boundaries of which are situated to the south-east of the site). There is likely to be an increase in traffic using the main road through the Conservation Area into the town centre of Brandon following occupation of the proposed dwellings, but this is not considered to lead to significant impacts arising on the character or appearance of the Brandon Conservation Area given the low levels of traffic movements (and low percentage increase of overall traffic flows) involved.

Crime and Disorder Act 1998

84. Consideration has been given to the provisions of Section 17 of the Crime and Disorder Act, 1998 (impact of Council functions upon crime and disorder), in the assessment of this application but the proposal does not raise any significant issues. Concerns expressed by the Police Architectural Liaison Officer (Norfolk Constabulary) about the application have been addressed by means of amendment to the design and layout of the development.

Principle of the Development

85. Vision 1 of the Core Strategy confirms development will be focussed in the towns and key service centres. Vision 4 confirms Brandon will become increasingly self-sufficient, meeting the needs of the local community with residential and employment growth.
86. Core Strategy Spatial Objective H1 seeks to provide sufficient homes in the most sustainable locations to meet the needs of communities. Policy CS10 confirms the Towns and Key Service Centres will be the focus of new development (providing service to surrounding rural areas).
87. The surviving elements of Core Strategy policy CS7 provides for 11,100 dwellings and associated infrastructure in the plan period (2001 – 2031) and confirms development will be phased to ensure appropriate infrastructure is provided. Policy CS13 confirms the release of land for development will be dependent on there being sufficient capacity in the existing local infrastructure to meet the additional requirements from development.
88. Policy CS1 confirms Brandon is identified as a market town recognising that housing growth will occur. The policy identifies that the Special Protection Area needs to be protected with projects within the constraint zone requiring a project level Habitats Regulations Assessment.
89. Core Strategy policy CS6 states that land allocated for employment and existing employment sites will only be considered for alternative uses in exceptional circumstances where it is demonstrated they are no longer viable for employment use and specific community and environmental benefits can be achieved.
90. Policy DM1 of the Joint Development Management Policies Document repeats the presumption in favour of Sustainable Development set out in the NPPF. Policy DM30 builds upon the strategic requirements of Core Strategy Policy CS6 to protect employment land in employment use and sets out detailed criteria for how non-employment development proposals of employment sites will be considered.
91. The site was formerly in employment use and is formally allocated as such by the 1995 Local Plan. In these circumstances, Core Strategy Policy CS6 and DM30 of the Joint Development Management Policies Document, which seek to protect and safeguard employment land for employment use, would normally apply.

92. In this case, the planning history of the site is important and, ultimately, determinative with respect to the policy aspiration of protecting employment land. The matter was considered at a public inquiry by an Inspector in 2002 after planning permission had been refused for residential development of the site. The loss of employment land was cited as one of the reasons for refusal. In that case, however, the Inspector disagreed with the Council and considered residential development to be suitable on the site. The appeal was allowed and reserved matters subsequently approved. The planning permission has since been implemented (and a Certificate of Lawful Development issued to formally confirm legal commencement) and the planning permission for 63 dwellings has therefore been saved and can be lawfully completed. The site is therefore now afforded a 'residential' use and its previous employment status has been lost.
93. The site is situated within the settlement boundary and its development for a residential development of 64 dwellings, as an alternative to the scheme originally granted at appeal, is acceptable in principle.
94. In assessing the acceptability of this revised scheme, the key material considerations arise from the detail of proposal in the light of any material changes in circumstances since the scheme was granted planning permission. The development which has been implemented acts as a key material consideration (or benchmark) in this respect.
95. The remainder of this section of the report considers the material changes in circumstances and other material considerations in detail and discusses S106 requirements before reaching conclusions and a recommendation.

Planning Policy

96. The Council has adopted two new Development Plan documents since planning permission was granted on appeal for the residential development of the application site. The Core Strategy was adopted in 2010 and the Joint Development Management Policies Document in 2015. In the light of all of the information submitted with the planning application (including subsequent amendments), these Plans do not contain policies that would prevent the grant of planning permission, in principle, for the current scheme.

Natural Heritage

97. The Framework confirms the planning system should contribute to and enhance the natural environment by (inter alia) minimising impacts on biodiversity and providing net gains where possible. The Framework states that protection of designated sites should be commensurate with the status of the site, recognising the hierarchy of international, national and local designations. The presumption in favour of sustainable development set out at paragraph 14 of the Framework does not apply where development requires appropriate assessment under the Birds or Habitats Directives.

98. Spatial Objective ENV1 of the Core Strategy aims to conserve and enhance the habitats and landscapes of international, national and local importance and improve the rich biodiversity of the District. This objective forms the basis of Core Strategy policy CS2 which sets out in greater detail how this objective will be implemented. The policy states that proposals for development within 1500m of the Breckland SPA will require a project level Habitats Regulation Assessment and development that is likely to lead to an adverse effect on the integrity of the SPA will not be allowed.
99. Policy DM2 of the Joint Development Management Policies Document sets out the Councils requirements and aspirations for achieving design quality. One of these requirements is that development should not adversely affect sites, habitats, species and features of ecological interest. Policy DM10 sets out more detailed requirements relating to potential impacts upon sites of biodiversity and geodiversity interests. Policy DM11 specifically relates to protected species. Policy DM12 seeks to secure (inter alia) biodiversity enhancements from new developments where possible.
100. The Breckland Special Protection Area was designated as such by the European Union on 1st April 2005. This is a significant change in circumstances since planning permission was granted at appeal for residential development of the application site in 2003. The designation was followed by the introduction of 1.5km buffers around the SPA boundaries, where development proposals need to include full assessment of potential impacts upon the features of interest of the Special Protection Area. The Special Protection Area designation (and the evidence which supports the introduction of the 1.5km buffers) means the provision of the Habitats Regulations apply to the scheme. This is discussed in more detail in the 'Legal Context' section of this report above.
101. The principal consequence of this material change of circumstances is the requirement to provide additional mitigation to avoid and offset potential adverse impacts of the proposed development upon the Special Protection Area. The package of measures can be secured by means of condition and/or S106 Agreement such that the designation of the Special Protection Area and the application of the Habitats Regulations do not prevent the grant of planning permission for the latest scheme to develop the application site with a residential scheme.
102. The applicant's ecological assessment confirms the application site has been surveyed for a range of rare species. The report concludes the site is suboptimal for protected species because it is being maintained ready for development. The following measures are recommended to protect/enhance the ecological qualities of the site;
- All clearance works at the site (including tree felling and ground clearance) outside the bird nesting season (outside the period 1st March to 1st August) unless prior surveys are carried out.

- Any ground excavations should be covered overnight to prevent accidental entrapment of reptiles or, alternatively, egress boards left in any trenches which cannot be covered.
 - In the unlikely event that protected species are encountered during site clearance works, work in the vicinity of the animals should cease and a qualified ecologist contacted to advise further.
 - Materials should be stored on pallets and waste stored in skips in order to avoid providing shelter which might attract protected species.
 - Existing site management should be continued until commencement of development (including the application of weedkillers).
 - Rabbit warrens should be removed using hand tools so as to allow any animals using them to escape (abandoned rabbit warrens can be used by other small mammals, amphibians and invertebrates).
103. No concerns or objections have been raised in response to the proposals, including their potential impact upon the hierarchy of designated nature conservation sites. The potential to secure biodiversity enhancements in the event that planning permission is granted is acknowledged and could be secured by means of appropriately worded conditions.

Transport and Highway Safety

104. The Framework confirms that the transport system needs to be balanced in favour of sustainable transport modes giving people a real choice about how they travel. There is, however, recognition that opportunities to maximise sustainable transport solutions will vary from urban to rural areas.
105. It is Government policy that planning decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable modes of transport can be maximised. However, the Framework confirms this policy needs to take account of other policies in the document, particularly in rural areas.
106. The Framework confirms that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. It goes on to state that planning decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised recognising that this needs to take account of policies set out elsewhere in the Framework, particularly in rural areas.

107. Core Strategy Spatial Policy T1 aims to ensure that new development is located where there are the best opportunities for sustainable travel and the least dependency on car travel. This is reflected in Policies CS12 and CS13 which confirms the District Council will work with partners (including developers) to secure necessary transport infrastructure and sustainable transport measures and ensure that access and safety concerns are resolved in all developments.
108. Policy DM2 of the Joint Development Management Policies Document requires that new development should produce designs that accord with standards and maintain or enhance the safety of the highway network. Policy DM45 sets out criteria for the submission of Transport Assessments and Travel Plans to accompany planning applications whilst Policy DM46 addresses parking standards.
109. The applicants have submitted a Transport Statement with the planning application. The following key conclusions are drawn by the document;
- The proposed development site is located within an existing residential area that is both accessible and sustainable in accordance with national and local planning policy and guidance.
 - The assessment undertaken demonstrates that the vehicular demands arising from the proposed development would have a minimal impact upon the surrounding transport network, both in terms of safety or capacity.
 - It can therefore be concluded that there should be no highways or transport reasons why the development proposals should not be approved.
110. The transportation conditions at and around the site have not changed significantly since the extant planning permission was granted on appeal in 2003. A stretch of the A11 from Barton Mills to Thetford has been dualled since 2003 and this is predicted to reduce the amount of vehicular traffic passing through Brandon. At the present time, however, it is too soon to quantify the full extent of any benefits that may arise in that respect.
111. The Highway Authority at Norfolk County Council requested some design amendments to the proposed access (which sits in Norfolk) these have been addressed via recent amendments.
112. Access to the proposed development is considered safe and suitable and the development would not lead to significant highway safety issues or hazards on approaches to the site, around Brandon and Weeting or further afield. Furthermore, satisfactory evidence has been submitted to demonstrate the proposed development would not lead to congestion of the local highway network, including during am and pm peak hours.

Built Heritage

113. The Framework recognises that heritage assets are an irreplaceable resource which should be conserved in a manner appropriate to their significance. When considering the impact of proposed development upon the significance of a designated heritage asset, great weight should be given to the asset's conservation. The term 'heritage asset' used in the Framework includes designated assets such as Listed buildings, Scheduled Ancient Monuments, Registered Parks and Gardens and Conservation Areas and also various undesignated assets including archaeological sites and unlisted buildings which are of local historic interest.
114. The Framework advises that LPA's should require an applicant to describe the significance of any heritage assets affected, the level of detail being proportionate to the importance of the asset and sufficient to understand the potential impact upon their significance.
115. Core Strategy Spatial Objective C4 aims to protect and enhance the Historic Environment. This objective is implemented via Policy CS3. Policy DM17 of the Joint Development Management Policies Document sets out detailed criteria for considering proposals within, adjacent to or visible from a Conservation Area. Policy DM2 sets out design aspirations and requirements for new developments. The policy confirms new development should (inter alia) preserve or enhance the setting of Conservation Areas. Policy DM20 sets out requirements for proposals that may affect (inter alia) a site of archaeological importance.
116. The development proposals would not impact upon any listed buildings, (including their settings) and as discussed above would have only a negligible impact upon the character and appearance of the Brandon Conservation Area from increased traffic movement on the main road through the heritage designation.
117. An Archaeological Excavation Report has been prepared on behalf of the applicants to establish whether the site might support any important archaeological remains (undesignated heritage assets). This has been submitted with the planning application. The report explains the work carried out to investigate the archaeological potential of the site and confirms that some artefacts of archaeological interest were encountered.
118. The Archaeological Service at Suffolk County Council has been consulted of the planning application and recommends that further archaeological work will need to be undertaken prior to the commencement of any development at the site. The Service are content that the further work does not need to be undertaken prior to the determination of this planning application and there are no grounds to consider refusal of planning permission on archaeological grounds. A condition could be imposed upon any planning permission granted requiring that further archaeological works are carried out and recorded.

119. Officers are satisfied that, subject to the archaeological conditions, the development proposals would have no significant impacts upon heritage assets.

Design Considerations

120. The Framework states the Government attaches great importance to the design of the built environment and confirms good design is a key aspect of sustainable development and is indivisible from good planning. The Framework goes on to reinforce these statements by confirming that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
121. Core Strategy Spatial Objective H2 aims to provide a sufficient and appropriate mix of housing that is ... designed to a high standard. Design aspirations are also included in Spatial Objectives ENV4 (high standard of design) and ENV5 (community safety and crime reduction through design). The Objectives are supported by policies CS5 and CS13 which require high quality designs which reinforce local distinctiveness and take account of the need for stronger and safer communities. Policy CS5 confirms design that does not demonstrate it has had regard to local context and fails to enhance character will not be acceptable.
122. Policy DM2 of the Joint Development Management Policies Document sets out the design aspirations and requirements the Council expects should be provided by developments. Policy DM13 requires (inter alia) the submission of landscaping schemes with development proposals, where appropriate. Policy DM22 sets out detailed design criteria for considering new residential proposals.
123. The planning application is a full application with all details included for consideration this this stage.

Relationship to context

124. The application site is on the north extreme of Brandon and effectively separated from the town by the Norwich to Cambridge railway line. There is a mix of uses, including residential and commercial uses in the vicinity of the site. The village of Weeting (Norfolk) is positioned a short distance to the north. Whilst the railway line acts as a physical barrier, the site is located close to the level crossing and is within walking distance of the railway station and town centre and the facilities it provides. The site has no visual relationship to the high density town centre buildings along High Street. The proposal's organic, informal layout, mixture of standard house types, and materials reflects the character of the existing housing in the local area, albeit with contemporary detailing.

Connectivity

125. Owing to the location of the site adjacent to the railway line there are limited opportunities for connections to be made back into the town, albeit the site is very close to a level crossing which facilitates vehicular and pedestrian traffic south into the town centre. Pedestrian access from the development to the level crossing is provided by a footpath link (straddled by informal public open space). The development maximises its opportunities to connect back into the Brandon and benefits from good existing connections to Weeting village.

Existing trees and hedgerows and new planting

126. There are a small number of trees on site boundaries. These are likely to be removed to make way for redevelopment. There are no hedgerows. The development of the site will include a full landscaping scheme that will, in time, serve to soften the visual impact of the hard built form of the dwellings and provide biodiversity benefits.
127. The Council's Tree, Landscape and Ecology Officer has expressed concerns about the details of the landscaping proposals submitted with the planning application and has suggested further information and/or alternative planting strategies should be sought. Details of an amended/refreshed planting scheme, including its implementation and subsequent maintenance could be secured by condition.

Parking provision

128. The proposals include 113 car parking spaces at an average of 1.76 spaces per dwelling. Car parking is allocated and predominantly on or close to the plot to which it relates. There are some communal parking areas provided for the proposed flats. The scheme contains no covered garage spaces.
129. It is important to ensure car parking provision is well designed and adequate such that it would not lead to on-street parking on the new estate and existing roads. The majority of the dwellings have parking contained within or close to the curtilage. The communal parking courts proposed for the flatted units are not located to the rear of buildings and are not detached from the buildings they intend to serve. Rear or remote communal car parking areas are not popular and can lead to demand for on-street parking in preference to a less-conveniently located parking court. Although parking courts are an undesirable design feature because of the quantity of space they consume, their presence alone cannot merit a refusal of planning permission. The visual impact of the courts must be taken in to the overall balance.
130. There are unlikely to be general parking problems arising from the proposed design and layout of the scheme.

Efficiency of layout

131. The site is clearly pressured, in terms of the quantity and mix of housing it is expected to accommodate, and in consequence it needs to be laid out efficiently in order to achieve an acceptable result. There is no evidence the applicants have tested the efficiency of the layout proposed to demonstrate that the potential of the site had been optimised in the way sought by the third bullet point of paragraph 58 of the NPPF;

Planning decisions should aim to ensure that developments ... optimise the potential of the site to accommodate development, create and sustain and appropriate mix of uses and support local facilities and transport networks.

132. Some inefficiencies of layout are an inevitable result of the aspiration to locate vehicular access away from the principal highways to the east. Others flow from the demands of the local authorities, such as the requirement to provide secondary access for emergency vehicles and for the provision of public open space and the need to provide it with natural surveillance and enclosure. Other inefficiencies are introduced by the inclusion of a small number of bungalows in the scheme (which tend to require larger plot sizes than 2-storey housing). Consequences flow, in terms of place-making, from the efficiency with which the site is used. These are considered in the following paragraphs.

Placemaking

133. It is perfectly reasonable to use standard house types in new development but essential to configure them to contribute to quality of place. The urban design of the scheme could be improved by designing the configuration of standard house types to contribute to the quality of space.
134. It is possible to discern, from the proposed site layout, that there would be instances of the creation of a sense of place; for example the open spaces and the greater height of some of the flats creating a focal point. Elsewhere, however, there are some areas which would be less successful in place-making terms including the provision of a number of parking courts and the small individual plot sizes which leads to parking spaces being pushed forward and being located more prominently in the public realm. Many of the spaces created in the new street would have little sense of enclosure or of design and appear to be little more than pragmatic arrangements of houses, roads and car parking spaces to fit the site and its shape.
135. Criticism of any proposal on design matters is a matter of judgement and balance; 'missed Opportunities' and matters which could be improved upon rather than matters which actually cause harm. The future residents of the scheme would experience a high quality living environment with well designed modern homes, off-street parking, a

centrally located and accessible area of public open space and private garden spaces.

External materials

136. The proposed materials (ref paragraph 5 above) would be appropriate to the location and are typical of what you would expect to find on a new residential development. The materials palette is considered acceptable.

Cycle and bin storage provision

137. The conventional dwellings would be able to utilise their own private external spaces to provide for bin and cycle storage. All have access to private rear amenity spaces such that bins and cycles could be stored away from the public realm. Less opportunity would exist for the occupiers of the flats whilst these do have private dedicated amenity spaces, they are communal. The solution is to provide covered bin storage areas close to the car parks, away from the amenity spaces. Communal bin storage is illustrated on the plans but a clear strategy for bin and secure cycle storage for the occupiers of the flats will be required. This could be secured by condition.

Conclusions on design matters

138. The relatively hard, urban character of the housing area would be balanced by the open space, landscaped internal spaces and the new boundary planting.
139. Some elements which would contribute to the character of the development are as yet not fully specified or would require to be secured by conditions. These include potential renewable energy provision and public lighting. However, there is no indication that any of these matters would not result in a satisfactory outcome if left to be resolved through conditions.
140. The proposal would be as connected to adjoining development as it could be. The layout takes a varied approach to the question of frontages which is not inherently wrong but in places leads to missed opportunities for place making. Some efforts at place making are evident but there are some instances of a less than desirable outcome.
141. After considering the elements which would contribute to the character of the development itself, it is concluded that the scheme is capable of improvement in a number of elements but which would certainly not, by themselves, amount to a reason for refusal. The proposals have been improved significantly from their inception and the design and layout of the amended scheme is, on balance, considered acceptable by officers.

Impact upon Local Infrastructure (utilities and services)

142. The 'economic' dimension of the definition of sustainable development set out in the Framework confirms the planning system should (inter

alia) identify and co-ordinate development requirements, including infrastructure. Furthermore, one of the core planning principles set out in the document states that planning should “proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs.”

143. Core Strategy Policy CS13 sets out infrastructure requirements and developer contributions. The policy opens with the following statement:

“The release of land for development will be dependent on there being sufficient capacity in the existing local infrastructure to meet the additional requirements arising from new development”.

144. The policy lists the main areas as health and social care facilities, educational requirements, strategic transport improvements, waste water treatment capacity, energy supply (electricity), access and safety, open space, sport and recreation. The policy confirms arrangements for the provision or improvement of infrastructure will be secured by planning obligation or (where appropriate) conditions attached to planning permission to ensure infrastructure is provided at the appropriate time.

145. The policy concludes that all development will be accompanied by appropriate infrastructure to meet site specific requirements and create sustainable communities.

146. Matters pertaining to highways and open space infrastructure are addressed elsewhere in this report. This particular section assesses the impact of the proposals upon education, health and utilities infrastructure (waste water treatment, water supply and energy supply).

Infrastructure and Environmental Capacity Appraisal

147. The provision of services and facilities within the District’s settlements has been the subject of investigation and assessment through the 2009 Infrastructure and Environmental Capacity Appraisal (IECA), which has informed preparation of the Development Plan. The IECA report considers the environmental capacity of settlements anticipated to receive growth in the District, and recognises the need for a mechanism to provide social, physical and environmental infrastructure to support growth. The report also considers settlement infrastructure tipping points, which are utilised to evaluate potential impacts on infrastructure.

148. The IECA report is the most up to date evidence base of the infrastructure capacity in the District and was a key document of the 2013 appeal for new housing development at Kentford (reference F/2012/0766/OUT and APP/H3510/A/13/2197077).

Education and School Places

149. IECA indicates that, at the time of the study in 2009 there was adequate capacity in primary, middle and secondary schools to cater for significant growth in the town. However these findings have been superseded by the Local Education Authority's Schools Organisational Review programme which has resulted in the closure of middle schools with displaced pupil places being allocated into primary and secondary schools. The Education Authorities (Suffolk and Norfolk County Council's) have confirmed there is no capacity at local primary schools to accommodate the pupils emerging from this development and has requested contributions from the development. The contributions would be used towards delivering additional primary school places in the vicinity (Norfolk CC has agreed the contributions should be received in full by Suffolk CC). The applicants have agreed, in principle, to provide the contribution.
150. The Authority has confirmed there is capacity available at existing secondary schools such that no contributions are required from the development.

Health

151. The IECA study comments that Department of Health suggests standards of 1 GP per (approx.) 1,700 population. At the time of the IECA study, Brandon had 1 GP per 4,720 population confirming the Town was poorly served by GP's at the time. The study confirmed the tipping points for GP services had been reached and 3 or 4 more GP's were required to support the existing population before new housing growth was factored in.
152. It is not clear from IECA whether the shortage of GP's was owing to a shortage of surgery space (i.e. an infrastructure problem) or whether it was owing to a shortage of GP's generally (i.e. a recruitment problem). If it was the former, then a developer contribution to be used towards 'bricks and mortar' provision to mitigate the increased demands of its occupants could be justified under planning law. However, if there is already ample surgery space but a shortage of trained/qualified GP's to populate it, a developer contribution could not be sought to boost the number of GP's practising in the town.
153. The NHS has been consulted at every stage of this planning application (x3 occasions), but is yet to respond. The recommendation at the end of this report allows for their comments to be taken into account after the Committee meeting and (if appropriate) a contribution secured from the scheme to be used towards capital investment in the local health infrastructure.

Waste water treatment infrastructure

154. Details submitted with the planning application confirms the proposed development would connect to existing mains sewer systems in the town. A new pumping station has already been provided on site ready to assist with new development approved at the site.
155. The development would be served by the Brandon Water Recycling Centre. IECA comments that the Strategic Flood Risk Assessment and Water Cycle Study identifies that the location of the Recycling Centre makes western sites (for development) preferable otherwise upgrades to the network may be required. The Recycling Centre itself has reasonable headroom with the tipping point stated at 1,354 new homes. The application proposals are well within this headroom and there are no other small/medium scale projects which, cumulatively, would exceed the identified tipping point.

Water and energy supplies

156. IECA confirms that water supply should not be a constraint on development at Brandon and confirms that 2,500 new homes could be accommodated within the headroom of the Brandon substation.

Flood Risk, Drainage and Pollution

157. Policies for flood risk set out in the Framework aim to steer new development to areas with the lowest probability of flooding. The Framework policies also seek to ensure that new development does not increase the risk of flooding elsewhere.
158. The Framework states that to prevent unacceptable risks from pollution and land instability, planning decisions should ensure that new development is appropriate for its location. It also confirms that where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.
159. Core Strategy Policy CS4 states the Council will support development proposals that avoid areas of current and future flood risk and which do not increase the risk of flooding elsewhere. The policy confirms sites for new development will be allocated in locations with the lowest risk of flooding (Environment Agency Zone 1 flood category) and will seek the implementation of Sustainable Urban Drainage Systems (SUDS) into all new development proposals, where technically feasible.
160. Policy DM6 of the Joint Development Management Policies Document sets out surface water information requirements for planning applications. Policy DM14 addresses proposals for sites which are or are suspected to be (inter alia) contaminated.

161. The application site is not in an area at a risk of flooding (i.e. Environment Agency flood risk Zones 2 or 3) and it is therefore unlikely that the proposed dwellings would be at risk of flooding from existing watercourses.
162. The flood risk assessment submitted with the planning application confirms that surface water will be managed via sustainable drainage systems, predominantly soakaways (including the use of permeable paving where possible, and highway drainage to soakaways). Resolution of the management of the soakaways could be secured by means of a suitably worded planning condition.
163. The planning application is accompanied by a Geoenvironmental report. The report confirms that potential contaminants have previously been encountered at the site and are documented in third party reports and whilst some remediation works have apparently been undertaken it is unknown whether the remediation was completed to an acceptable standard. Hydrocarbon contamination associated with the former use of the site as a saw mill and timber yard (creosote treatment areas) were identified in two areas, with further contamination identified in association with underground storage tanks. No impact was identified within the chalk aquifer. Following removal of soil and ground water from the site, without improvement in groundwater quality, it was concluded that contaminants were leeching into the site from adjacent land (to the west). No further remediation was proposed and the concentrations of contaminants identified were not deemed to pose a significant risk to human health.
164. The southwest corner of the site is subject to contamination, suspected to be leeching from the adjacent site to the west (also formerly part of the timber treatment/sawmill use). This part of the site falls outside the county boundary (within Breckland District Council's area). The applicants solution is to provide the flats with hard surfaced (paved) amenity spaces with raised planters. This is an acceptable solution in principle and would serve to protect the future occupiers, subject to the paving being retained.
165. The Environment Agency (risk of flooding, contamination and pollution control and drainage), Anglian Water Services (drainage and pollution control) and the Council's Environmental Health Team (contamination and pollution control) have not objected to or raised concerns about the application proposals. All have recommended the imposition of reasonable conditions upon any potential planning permission to secure appropriate further investigation of contamination and subsequent mitigation.
166. The proposals are considered acceptable with regard to flood risk, surface water drainage and pollution (contaminated land and potential contamination of water supply) considerations.

Residential amenity

167. The protection of residential amenity is a key component of 'good design'. The Framework states (as part of its design policies) good planning should contribute positively to making places better for people. The Framework also states that planning decisions should aim to (inter alia) avoid noise from giving rise to significant adverse effects on health and quality of life as a result of new development.
168. Vision 1 of the Core Strategy seeks to provide 'a higher quality of life' for residents. Policy DM2 of the Joint Development Management Policies Document seeks to safeguard (inter alia) residential amenity from potentially adverse effects of new development.

Impact upon residents of the proposed development

169. The application site is situated adjacent to the Norwich to Cambridge railway line such that there is potential for the occupants of the proposed development to be adversely affected by intermittent noise from trains passing by their properties. None of the proposed houses and flats have been positioned closer than 10 metres to the railway line (which reflects the separation of the previously approved and implemented scheme). The Council's Environmental Health Officers have not raised concerns with respect to noise disturbance and have requested conditions are imposed upon any planning permission granted to provide acoustic protection in the construction of the dwellings and to secure acoustic fencing along any garden boundaries adjacent to the railway line. These measures are considered reasonable and would serve to safeguard the potential residents of the scheme from significantly adverse noise impacts.

Impact upon existing residents

170. The occupants of some existing dwellings may be affected by the proposed development. In particular there are some existing dwellings which front the application site on the opposite side of Fengate Drove and will front towards some of the dwellings proposed by this planning application. The degree of separation between the frontages of existing and proposed dwellings is such that there are no concerns arising about potential overlooking, dominance or loss of light to the existing dwellings.
171. There is likely to be an increase locally in the noise environment whilst the proposed development is constructed. Such impacts are common to developments of this type where large sites are developed adjacent to existing settlements. The impacts, although potentially adverse would not be significant such that the occupiers enjoyment of their property would be compromised. Accordingly the proposals are considered acceptable with respect to their potential impact upon existing residents.

Sustainable construction and operation

172. Section 19 (1A) of the Planning and Compulsory Purchase Act 2004 requires local planning authorities to include in their Local Plans “policies designed to secure that the development and use of land in the local planning authority’s area contribute to the mitigation of, and adaptation to, climate change”.
173. The Framework confirms planning has a key role in helping shape places, to (inter alia) secure radical reductions in greenhouse gas emissions and supporting the delivery of renewable and low carbon energy. The Government places this central to the economic, social and environmental dimensions of sustainable development.
174. The document expands on this role with the following policy:
- In determining planning applications, local planning authorities should expect new development to:*
- *comply with adopted Local Plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and*
 - *take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.*
175. Core Strategy policy CS2 seeks to secure high quality, sustainable development by (inter alia) incorporating principles of sustainable design and construction in accordance with recognised appropriate national standards and codes of practice covering various themes.
176. Policy DM7 of the Joint Development Management Policies Document sets out requirements for achieving sustainable design and construction. The policy expects information to accompany planning applications setting out how Building Control standards will be met with respect to energy standards and sets out particular requirements to achieve efficiency of water use. The policy is also supported by the provisions of Policy DM2 of the same plan.
177. The planning application was submitted three months in advance of the adoption of the Joint Development Management Policies Document and is therefore not accompanied by a statement confirming how Building Control requirements for energy efficiency will be achieved. The Design and Access Statement does, however, confirm the dwellings will be provided with either roof mounted solar panels or air source heat pumps. The elevational drawings accompanying the amended planning application illustrate solar panels on roof spaces. This level of detail is considered sufficient in this case and the requirements of the Building Regulations will secure appropriate measures such that there is no need to impose conditions in this respect.

178. The planning application does not address water efficiency measures and does not presently propose a strategy for minimising water use. The proposals are therefore contrary to policy DM7 of the Joint Development Management Policies Document in this respect. Given that the planning application was submitted in advance of the plan (and policy DM7) being adopted it is, on this occasion, considered reasonable to impose a condition requiring these details to be submitted at a later date.

Planning Obligations

179. The Framework repeats the tests of lawfulness for planning obligations which are derived from Regulation 122 of The Community Infrastructure Levy Regulations 2010. The tests are that planning obligations should:
- be necessary to make the development acceptable in planning terms.
 - be directly related to the development, and
 - be fairly and reasonably related in scale and kind to the development.
180. Core Strategy Spatial Objective ENV7 seeks to achieve more sustainable communities by ensuring facilities, services and infrastructure are commensurate with development. Core Strategy Policy CS13 sets out requirements for securing infrastructure and developer contributions from new developments.
181. The following Heads of Terms are triggered by the development proposals (by policy requirement, evidenced requests or development impacts)
- Affordable Housing
182. The Framework states that local planning authorities should use their evidence base to ensure that their Local Plan meets the full objectively assessed needs for market and affordable housing. It also states that policies should be set for meeting the identified need for affordable housing, although such policies should be sufficiently flexible to take account of changing market conditions.
183. Core Strategy Spatial Objective H2 seeks to provide a sufficient and appropriate mix of housing that is affordable, accessible and designed to a high standard. Core Strategy policy CS9 requires 30% of the proposed dwellings to be 'affordable'. The policy is supported by Supplementary Planning Guidance which sets out the procedures for considering and securing affordable housing provision (including mix, tenure, viability and S106).

184. Core Strategy Policy CS9 requires 19.2 of the 64 dwellings to be secured as 'affordable' (70% (13 no.) for affordable rent and 30% (6no) for shared ownership).
185. In this case the developer is an affordable housing provider and they have offered all of the stock for affordable housing. Whilst this level of affordable housing would exceed the levels required by adopted planning policies, the Local Planning Authority is able to accept the offer of enhanced provision on the proviso the S106 Agreement acknowledges the obligation does not accord with the tests set out a Regulation 122 of the CIL Regulations (paragraph 179 above) and that the Council (in this case Members of the Development Control Committee) do not have regard to the uplift in affordable housing in reaching their decision on the planning permission.

Education

186. The Framework states the Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. It advises that Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education.
187. Core Strategy Policy CS13 (b) considers educational requirements as a key infrastructure requirement.
188. As discussed above, Suffolk County Council has confirmed there is no capacity in Local Primary Schools to accommodate the pupil yield forecast to emerge from this development. The Authority has forecast that the development proposals would generate 16 primary school pupils (one primary school pupil per four proposed dwellings) and has requested that a proportionate contribution (based on extension build costs) is secured from this development to be used towards provision of places for these pupils.
189. Suffolk County Council has also confirmed a need for the development to provide a contribution to be used towards pre-school provision in the area to cater for the educational needs of pre-school children (aged 2-5) that are forecast to reside at the development. The Authority has confirmed there is no requirement for a contribution to be secured for secondary school provision.

Public Open Space

190. The Framework confirms that access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities.
191. Core Strategy Spatial Objective CS2 seeks to promote an improvement in the health of people in the District by maintaining and providing quality open spaces, play and sports facilities and better access to the

countryside. Policy CS13 (g) considers provision of open space, sport and recreation as a key infrastructure requirement.

192. Policy DM42 of the Joint Development Management Policies Document requires new development proposals to make appropriate provision for new public open space infrastructure.
193. These Development Plan policies are supported via the adopted Supplementary Planning Document for public open space, sport and recreation. This document sets out the requirements for on-site and off-site provision and maintenance. In this case, a policy compliant position would see the delivery of 3,330sqm (0.33ha) of 'open space' on the site. The application proposes 1,680sqm (0.168ha) of 'open space' which falls short of the SPD requirement.
194. The shortfall in public open space is a dis-benefit of the proposals but this is not in its self a sufficient reason to justify a refusal of planning permission, but needs to be considered in the overall balance when considering whether the dis-benefits of the development (as a whole) significantly and demonstrably outweigh the benefits. In considering this 'planning balance', the following matters should also be considered with respect to the public open space;
 - The existing consented and implemented scheme for the site provided a similar level of public open space provision and that scheme could be built out.
 - The SPD has been applied to the whole development, but part of the site (and a proportion of the dwellings) is situated in the administrative area of Breckland District Council where different policies apply.
 - The Parks team has not objected to the application despite the shortfall in public open space provision.
 - Benefits derived from the developer contributions to be used towards mitigating the impact of the development upon the Special Protection Area, including enhancement of public rights of way in the vicinity of the site. This would lead to enhancements of existing local green infrastructure as a direct consequence of the development.

Libraries

195. The Suffolk County Council has identified a need to provide library facilities for the occupiers of this development and has requested a capital contribution of £13,824. The County Council is yet to confirm how and where the contribution they have requested would be used, in order to meet the tests set out in at Regulation 122 of the CIL Regulations (paragraph 179 above). The recommendation at the end of the report makes provision to secure this contribution from the development should it subsequently be justified to do so.

Health

196. As discussed at paragraphs 151 to 153 above, there may be a requirement to secure a health contribution from this development to be used to provide additional local health infrastructure in order to off-set the impacts of these development proposals. The recommendation at the end of this report makes provision for such a contribution to be secured from the developer via a S106 Agreement, should a justified request be received subsequently from the NHS.

Other obligations

197. Other obligations to be secured as part of a S106 Agreement (on the assumption that Members resolve to grant planning permission) will include the following;
- Package of mitigation measures to off-set the potential direct and indirect impact of development upon the Special Protection Area as discussed in this report, where it is not appropriate to secure these by condition.

Summary

198. With these provisions in place, the effects of the proposal on local infrastructure, including affordable housing, open space, recreational facilities, education, health, libraries and the Special Protection Area would be acceptable. The proposal would comply with Core Strategy Policy CS13 by which the provision or payment is sought for services, facilities and other improvements directly related to development. The proposed planning obligations are considered to meet the CIL Regulation 122 tests set out at paragraph 202 above, subject to further clarification being received in relation to the libraries contribution.

Conclusions:

199. The proposal is an acceptable alternative development to the scheme granted planning permission at appeal in 2003 and which was subsequently implemented (and saved). The development proposals would have no significant impacts upon interests of acknowledged importance, including the features of interest of nearby European designated sites of nature conservation. Whilst there are opportunities to improve the detailed design and layout of the scheme, the solution included in the proposals is considered acceptable and does not, in itself, justify a refusal of planning permission; there is no evidence to suggest the proposed development would be visually harmful in this respect or adversely affect residential amenity. Furthermore, the development includes a package of mitigation measures to off-set potentially adverse impacts upon its surroundings and local communities. The S106 package is a marked improvement over and above the consented scheme on the site, particularly with regard to mitigating potential harm to the nearby Special Protection Area.

Recommendation:

200. It is recommended that the planning application be **APPROVED** subject to:

The completion of a S106 agreement to secure:

- Policy compliant level and tenure split of affordable housing
- Education contribution (Primary School - £194,896)
- Pre-school contribution (£36,546)
- Libraries Contribution – if subsequently deemed compliant with CIL Regulation 122 (36,546)
- Provision of on-site Public Open Space together with (if appropriate) a commuted sum for future maintenance if transferred to the District Council (or the Town Council if appropriate) to manage and maintain.
- Health contribution, if requested and justified.
- SPA Enhancement measures deemed not appropriate as planning conditions (including the footpath enhancement contribution - £82,200).
- Any additional obligations considered necessary by the Head of Planning and Regulatory Services.

And subject to conditions (to be agreed with Breckland District Council), including:

- Time limit (3 years for commencement)
- Materials
- Strategy for enhancing water use efficiency, post occupation.
- Bin and cycle storage strategy
- Landscaping scheme (hard and soft)
- Ecology i) enhancements at the site
- Ecology ii) Implementation of the recommendations of the ecology report (on-site non-SPA measures)
- Ecology iii) Implementation of the recommended mitigation package of SPA measures from the applicants Habitats Regulations Assessment (note only those matters not secured by the S106 Agreement).
- Construction management plan
- As recommended by LHA's (Norfolk and Suffolk)
- Travel Plan measures.
- Contamination & remediation (further investigations and any remediation necessary and new contamination encountered during development)
- Noise mitigation measures to relevant dwellings and garden spaces.
- Fire Hydrants
- Waste minimisation and re-cycling strategy
- Details of the surface water drainage scheme.
- Any additional conditions considered necessary by the Head of Planning and Regulatory Services.
- Details of informal play equipment to be provided.
- Archaeological investigations and recording.

That, in the event of the Head of Planning and Regulatory Planning Services recommending alternative (reduced, with the exception of the health and libraries contributions) Heads of Terms from those set out above, the planning application be returned to Committee for further consideration.

That in the event the applicant declines to enter into a planning obligation to secure the Heads of Terms set out above for reasons considered unreasonable by the Head of Planning and Regulatory Services, planning permission be refused for the following reasons (as may be appropriate):

i) Unsustainable form of development not mitigating its impact upon, education provision (primary and pre-school), open space, sport and recreation, transport, health and libraries (contrary to the Framework and Core Strategy policy CS13)

ii) Non-compliance with affordable housing policy (contrary to Core Strategy policy CS9 and supporting SPD document).

iii) Adverse impact upon the Special Protection Area, contrary to the Habitats Regulations, to Core Strategy Policy CS2 and to Joint Development Management Policies Document policy DM10, DM11 and DM12.

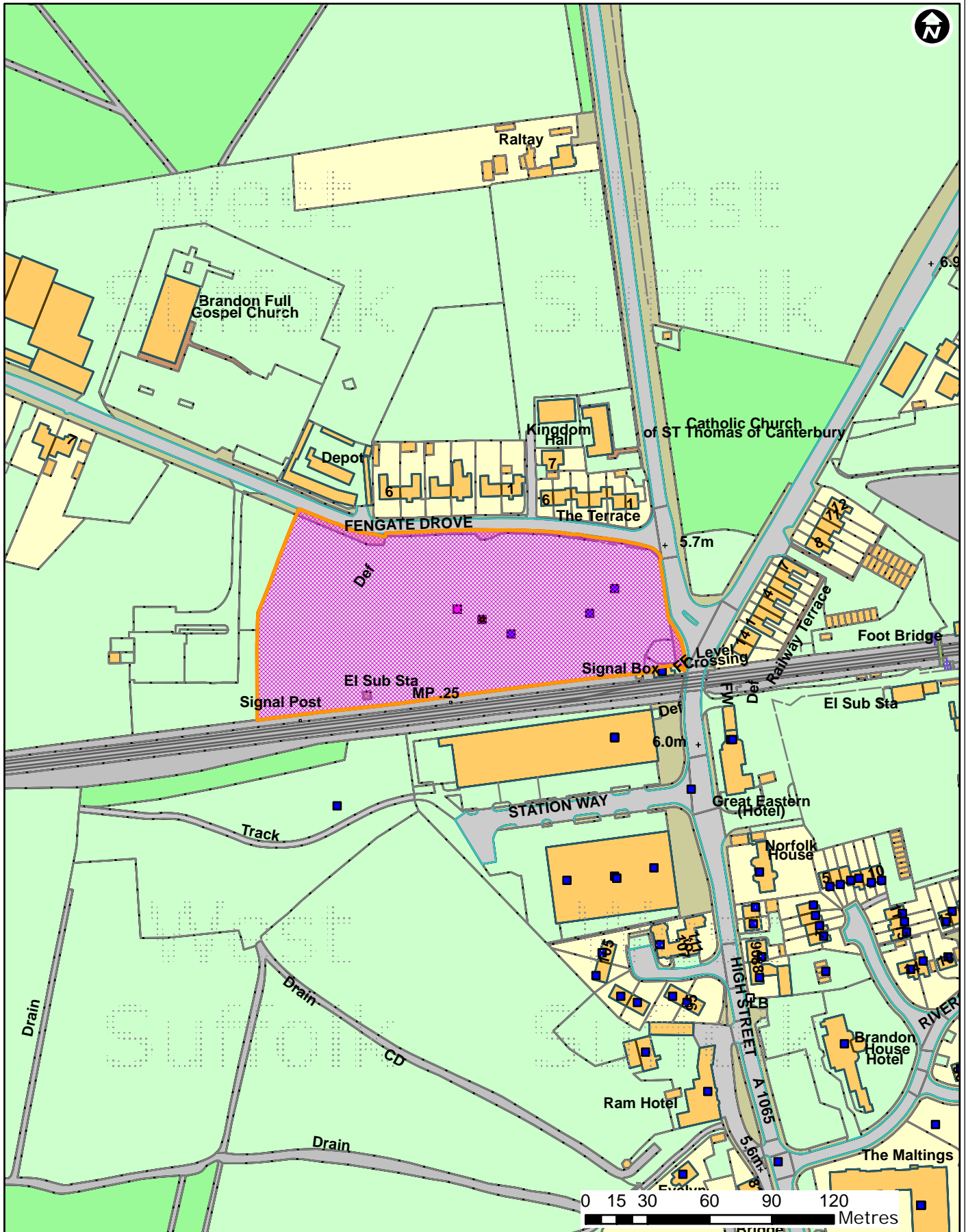
Documents:

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

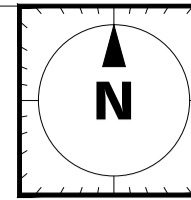
<http://www.westsuffolk.gov.uk/planning/vieworcommentonplanningapplicationsa n2.cfm?aud=resident>

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

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CAR PARKING (to minimum SCC Highway Standards)

1 Bed Dwellings	1 space
2 Bed Dwellings	1.5 spaces or 2 spaces within curtilage
3 Bed Dwellings	2 spaces
4 Bed Dwellings	3 spaces

0.25 visitor spaces per dwelling = 16 provided

NOTES

Play Space / Public Open Space	1025m ² (6.7%)
Informal Open Space	655m ² (4.3%)
Total Site Area	1.53 ha

Air source heat pumps in the rear garden of each property to be provided where required to meet the energy performance standards of the Building Regulations or 10% of total energy demand for dwellings in Breckland District Council (omitted from drawing for clarity)

Photovoltaic panels to be provided on dwellings where required to meet the energy performance standards of the Building Regulations or 10% of total energy demand for dwellings in Breckland District Council

ACCOMMODATION SCHEDULE

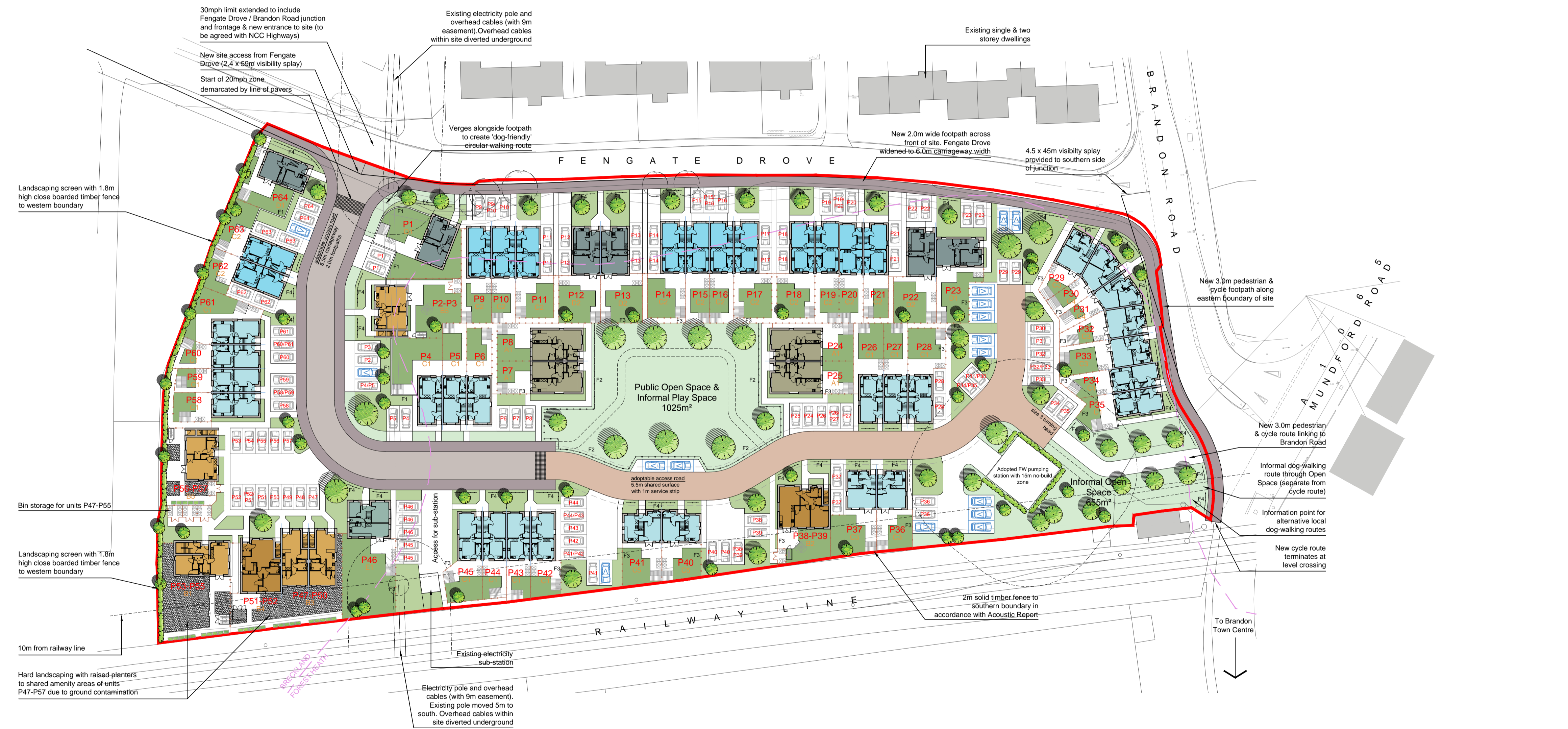
Accommodation	Tenure	Approximate G.I.A (sqm)	Breckland District Council	Forest Heath District Council	TOTAL
1B/2P Bungalow	Rented	55	0	4	4
1B/2P Flat	Rented	47	9	2	11
2B/4P Flat	Rented	69	2	2	4
2B/4P House	Rented	77	4	21	25
2B/4P House	Shared Equity	82	5	8	13
3B/5P House	Rented	90	4	2	6
4B/6P House	Rented	103	1	0	1
Total dwellings					64

DRAWING LEGEND

- indicative soft landscaping (refer to accompanying landscaping strategy for further details)
- existing trees to be removed (as per existing planning permissions F/2001/415 & 3PL/2001/0843/O)
- District border line

KEY TO FENCING

- FENCING GENERALLY (unless noted otherwise)**
1.8m close boarded timber fence
1.8m high close boarded fence with concrete posts, gravel boards & timber arris rails
- F1**
1.8m high brickwork wall
1.8m high 215mm thick brick wall with rowlock course to top of wall (brickwork to match adjacent dwelling)
- F2**
1000mm high bow top railings
1.0m high 50x50mm metal posts with 12mmD bow top metal railings
- F3**
1.2m close boarded timber fence with 0.6m trellis
1.2m high close boarded fence with concrete posts, gravel boards, timber arris rails & 0.6m trellis to top
- F4**
0.6m high knee rail fence
0.6m high 100mm x 100mm timber posts



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Planning

Places for People
CLIENT

**Affordable Housing
Fengate Drive
Brandon**
PROJECT

Proposed Site Plan
DRAWING

4653
PROJECT REF

052 H
DRAWING NO. REVISION

Jan 14 1:500 @ A1
DATE SCALE

WMC NM
DRAWN BY CHECKED BY

P R O P O S E D S I T E P L A N
F E N G A T E D R O V E , B R A N D O N

REV	DATE	DESCRIPTION	DRAWN	CHECKED BY
H	13/05/15	Amendment to scheme following planning consultations	WMC	NM
G	05/03/15	Landscaping screen added to western boundary, amenity areas to flats amended to shared spaces	WMC	NM
F	16/02/15	Amendments following consultee comments.	DG	
E	19/11/14	Minor amendments 1b/2p flats amended	WMC	NM
D	14/05/14	Site 5 TH in NE corner omitted Plots P1, P52-P57 repositioned due to overhead electricity lines & easement	WMC	NM
C	12/05/14	Entrance position of access road amended to suit existing electricity pole Energy performance notes added	WMC	NM
B	06/05/14	General revision following Highways comments	WMC	NM
A	04/02/14	Amendments following Highways comments - visibility splays, parking nos, footpath width General amendments	WMC	NM

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Forest Heath District Council

**DEVELOPMENT
CONTROL COMMITTEE**

1 JULY 2015

DEV/FH/15/023

Report of the Head of Planning and Growth

PLANNING APPLICATION DC/15/0803/HH – SOUTHVIEW COTTAGE, 28 BURY ROAD, NEWMARKET

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: Ed Fosker
Tel. No: 01638 719431

Committee Report

Date 20 April 2015 **Expiry Date:** 15 June 2015

Registered:

Case Ed Fosker **Recommendation:** Approve

Officer:

Parish: Newmarket **Ward:** Severals

Proposal: Householder Planning Application DC/15/0803/HH –two storey rear extension, first floor side extension, single bay cartlodge and boundary wall.

Site: Southview Cottage ,28 Bury Road, Newmarket, Suffolk

Applicant: Mr & Mrs Gooch

Background:

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

Newmarket Town Council object to the application, raising concerns with regard to the proposal being out of scale with the original size of the building.

Proposal:

1. Planning permission is sought for the erection of a two storey rear extension, first floor side extension, single storey front extension, single bay cartlodge and boundary wall.
 - The first floor side extension is 2.72m in depth, 3.08m in width with a maximum height (from ground level) of 5.1m at the ridge sloping to 3.5m at the eaves incorporating small pitched roof dormers at the front and rear roof face.
 - The single storey front element is 3.5m in depth, 5m in width with a height of 3.35m sloping to 2.2m at the eaves.
 - The single bay cartlodge is positioned towards the southern boundary of the frontage, 3.6m in depth, 5m in width and 3.3m in height at the ridge of the pitched roof sloping to 2m at the eaves.
 - The two storey rear extension is 2.8m in depth, 3m in width with a height of 6.2m at the ridge sloping to 4.7m at the eaves.

Application Supporting Material:

2. Information submitted with the application as follows:
 - Completed application forms
 - Design & Access statement
 - Plans

Site Details:

3. The application site comprises a modest sized two storey detached dwelling situated on the south eastern side of Bury Road, there is currently a strong mature boundary hedge along the frontage. The property comprises a pitched roofed gable fronted two storey building set well back from the road with an existing original two storey rear projection and single storey side element; it is situated within Newmarket Conservation Area and the housing settlement boundary.

Planning History:

4. DC/14/2389/HH: Householder Planning Application - (i) single storey front extension, (ii) first floor side extension and (iii) two storey rear extension and associated alterations. Withdrawn: 05.03.2015.

Consultations:

5. Conservation Officer: This application is a revised scheme for extensions and alterations to the property following the withdrawal of an earlier scheme. The property is not listed but is within the Newmarket Conservation Area. It is considered to be a non-designated heritage asset in terms of the NPPF. It is a building of modest scale, especially when compared to the substantial Victorian and Edwardian properties surrounding it. 26 Bury Road, adjoining Southview Cottage to the east, is identified as a Building of Local Interest in the Newmarket Conservation Area Appraisal.

Bury Road is characterised by large properties in spacious plots. Trees and planting further contribute to the special character of the area. The particular enclave containing Southview Cottage is a little less spacious in its immediate environment but nevertheless contains the grand properties and landscaping typical of this part of the conservation area.

The detailing has been simplified and the proposed extensions have been reduced from the previously withdrawn scheme. The proposed scheme is therefore now considered to be much more appropriate to the modest scale of the property. The weatherboarding has been omitted and more traditional materials prevalent in the conservation area are now proposed. The existing hedge at the front of the property should be retained. Hedging and close boarded fencing is typical of the boundaries of the immediate surroundings. There are some brick walls opposite, associated with the larger properties, but these are softened by the planting lining

the horse walk, giving a very verdant appearance to this area. A 2m high brick wall in contrast would appear a harsh and discordant feature which should be omitted from the scheme.

The proposed alterations and extensions to the cottage are now acceptable. The wall should be omitted and the hedge retained.

6. Highways: Any permission granted should include conditions (laid out at the end of the report).

Representations:

7. Newmarket Town Council: The Committee objects on the grounds that the proposals are out of scale with the original size of the building.
8. Neighbours: Occupiers of Wynard Lodge (24 Bury Road), White Lodge (7 Heasman Close), 30 Bury Road, Warren Hill Cottage (27 Bury Road), Southview House (26 Bury Road), Reydon Lodge (38 Bury Road), Milburn House, 32 Bury Road, 8 St Albans, 1 Beatrice Court (Cambridge) raise concerns with regard to:

- Southview Cottage should remain a quaint cottage and modernization is all that is required;
- Overdevelopment of the plot;
- Brick wall to the front would be out of place;
- Loss of light to neighbouring properties;
- Overlooking;
- Disruption to neighbouring properties during construction;
- Loss of views;
- Not inkeeping with neighbouring properties;
- Construction would be in close proximity to the horse walk;
- Existing accesses are already hazardous and no more traffic should be encouraged;
- Not inkeeping with the Conservation Area.

Policy: The following policies have been taken into account in the consideration of this application:

9. The following policies of the Joint Development Management Policies February 2015 and the Forest Heath Core Strategy 2010 have been taken into account in the consideration of this application:
10. Forest Heath LDF: Core Strategy Development Plan Document 2001-2026
 - Policy CS3 Landscape character and historic environment
 - Policy CS5 Design quality and local distinctiveness
11. Forest Heath & St Edmundsbury Joint Development Management Policies Document 2015
 - Policy DM23 - Residential Design

- Policy DM24 (Alterations and Extensions to Dwellings, including self contained Annexes and Development within the Curtilage).
- Policy DM17 – Conservation Areas

Other Planning Policy:

9. National Planning Policy Framework (2012) core principles, paragraphs 56 – 68 (Requiring good design).

Officer Comment:

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

Principle of Development
Impact on Conservation Area
Impact on Residential Amenity

Concerns were raised with regard to the removal of the existing hedging; the agent has since agreed to retain the hedging along the front boundary of the site.

Principle of development

11. Policy DM24 of the Joint Development Management Policies Document 2015 – (Alterations and Extensions to Dwellings, including self contained Annexes and Development within the Curtilage) requires development to recognise and address the key features and local distinctiveness of the area and incorporate designs compatible with the locality. The proposed two storey rear extension, first floor side extension, single storey front extension and single bay cartlodge are considered appropriate in character and appearance and would sit comfortably within the site and with the existing property.

Impact on the Conservation Area

12. Policy DM17 states that proposals for new development within a Conservation Area must have regard to the special architectural or historic character or appearance of their setting. There would be extremely limited views of any of the two storey rear extension from the existing street scene due to its position; the first floor side element is set down at a lower level than the main roof to appear subservient to the main dwelling and taking into account the existing front boundary treatment (strong mature hedging) and the set back position of the dwelling minimal views would be afforded of the cartlodge and single storey front element in the wider street scene. Therefore it is considered that the proposal would not adversely impact on the character of the Conservation Area.

Impact on residential amenity

13. The two storey rear extension has no windows to the southern elevation which faces No. 24, one small landing window to the northern elevation (which was already in existence and has only been moved back 1m) which faces No. 30. The first floor side element introduces a small pitched roof

dormer to the front roof face and a small pitched roof dormer to the rear roof face. The property to the to the rear, No. 26, is located some 30m away, the property to the southern side, No. 24, is located some 6.5m away and separated by a driveway. The surrounding dwellings to the sides and rear are much larger than No. 28 itself and it is considered that there would not be any adverse impact on the residential amenity currently enjoyed by the occupiers of the neighbouring dwellings by reason of overbearing impact or loss of light and overshadowing.

Other Issues

14. The Principal Conservation Officer has raised no concerns over the impact of the proposal on the character of the Conservation Area subject to a condition being attached to require suitable bricks and slates to be submitted and approved prior to commencement.
15. The points made by neighbours concerning loss of views and noise during construction are not material planning considerations which can be afforded any particular weight in the determination of the application.

Conclusion:

16. In conclusion, Policy DM24 provides that development should incorporate designs and materials compatible with the locality. Policy DM17 states that proposals for new development within a Conservation Area must have regard to the special architectural or historic character or appearance of their setting. The development proposed is considered to be in accordance with policies DM17 and DM24.

Recommendation:

17. **It is recommended that planning permission be APPROVED subject to the following conditions:**
 1. **Standard time limit**
 2. **Accord with plans**
 3. **Samples of bricks and slates (22A1).**

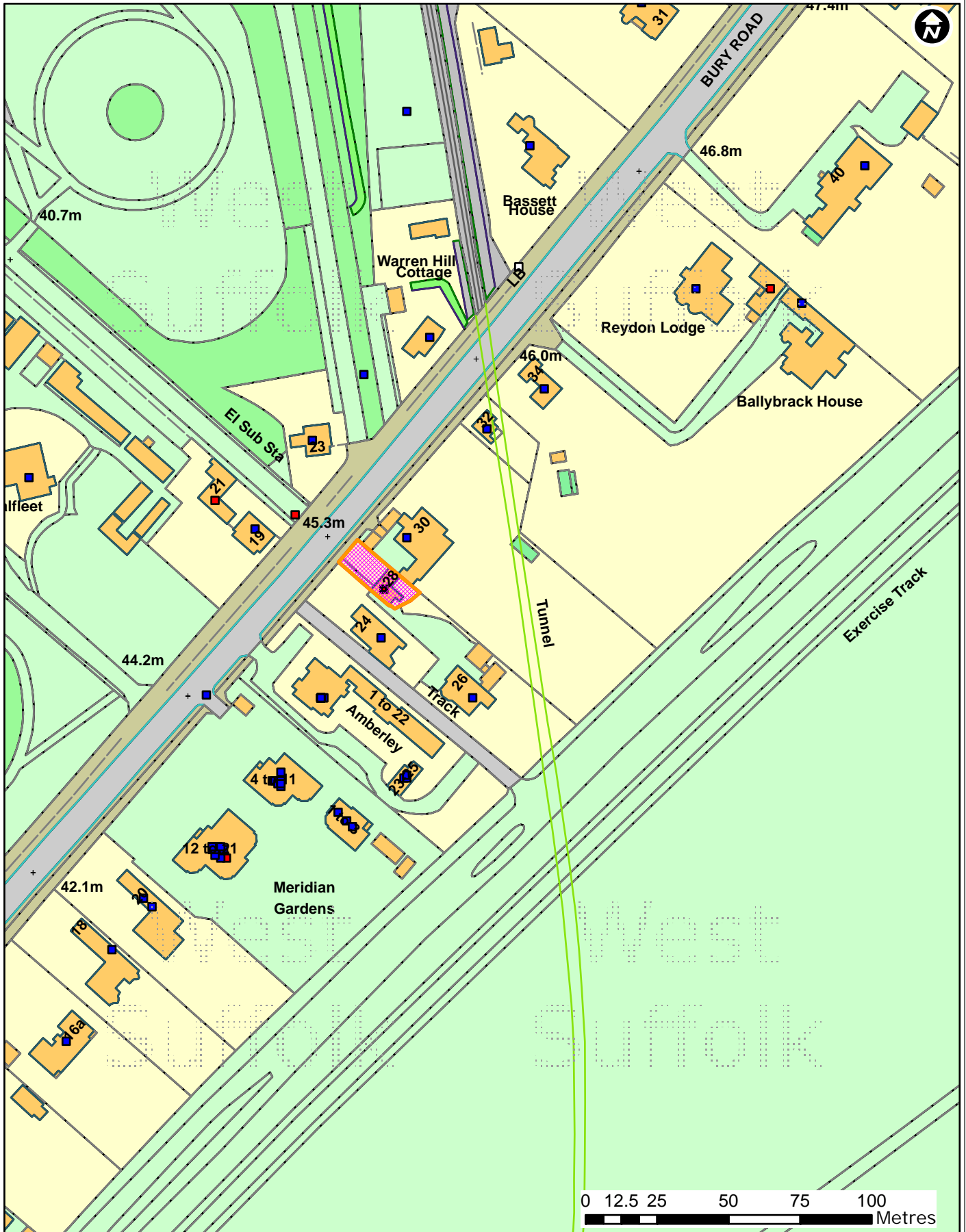
Documents:

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

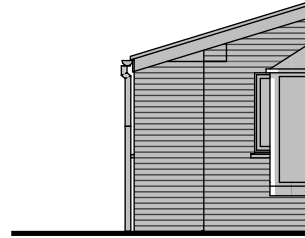
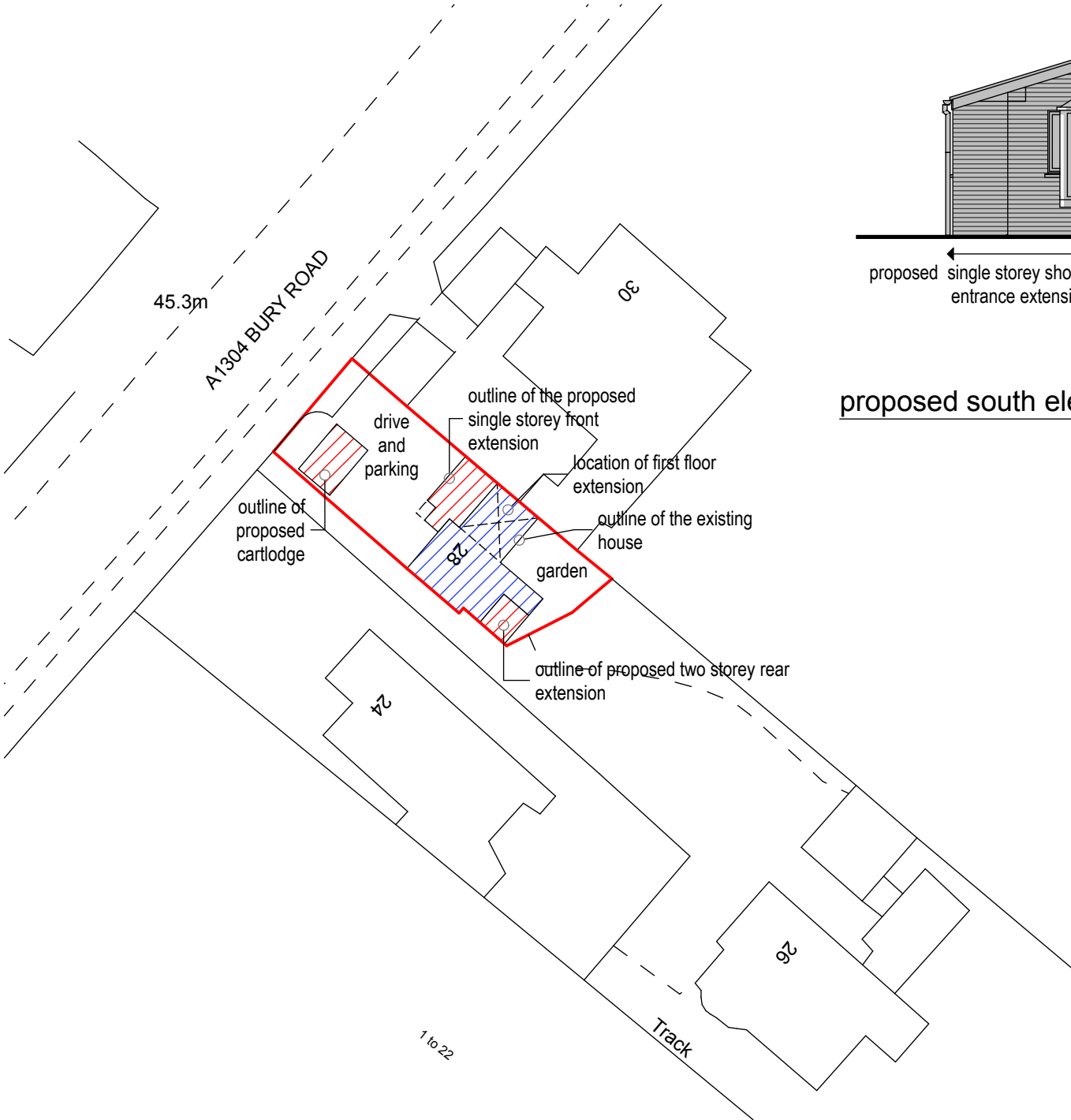
<https://planning.westsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=NBYP2H2PDLQH00>

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← proposed single storey show entrance extension

proposed south elev

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Forest Heath District Council

**DEVELOPMENT
CONTROL
COMMITTEE**

3 JUNE 2015

DEV/FH/15/024

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: 01206 766333
sharon@lsrlegal.co.uk

Committee Report

App. No: DC/14/2162/FUL **Committee Date:** 1 July 2015

Date Registered: 10 December 2013 **Expiry Date:** 1 July 2015

Case Officer: Sharon Smith **Recommendation:** Approval

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

Proposal: Planning Application - 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 was considered by the Development Control Committee on 3 June 2015. The decision was taken to defer the application for one month in order to allow additional information on the contamination risk to be provided prior to a decision being made.

A further written report will be circulated to Members prior to the meeting and a full verbal presentation will be given at the meeting to provide clarification on the issues raised at the last meeting.

The application is recommended for conditional APPROVAL.

APPLICATION DETAILS:

1. See original report attached as Working Paper 1.

SITE DETAILS:

2. See original report attached as Working Paper 1.

APPLICATION SUPPORTING MATERIAL:

3. See original report attached as Working Paper 1.
4. The quotation provided by the applicants' agent is appended to this report, this provides additional information in respect of the contamination considerations at the site. The applicants have indicated that given the costs of the works they would prefer to have a conditional approval before instructing these works to be carried out.

AMENDED PLANS:

5. See original report attached as Working Paper 1.
6. An amended plan is anticipated detailing the minor levels change on the site and also with considerations to the possible relocation of the septic tank on the plot closest to the access track. Members will be further updated at the meeting.

PLANNING HISTORY:

7. See original report attached as Working Paper 1.

CONSULTATIONS:

8. See original report attached as Working Paper 1.
9. These comments were reported verbally at the last meeting, but for completeness are now included in this report and are as detailed below:
10. Highways Authority – previous comments apply;
11. Environment Agency – no further comments;
12. Public Rights of Way – no further comments;
13. Strategic Housing Team – no further comments;
14. Environmental Health – previous comments apply;
15. Ramblers – not able to view plans, but no change if animal compound retained.

REPRESENTATIONS:

16. See original report attached as Working Paper 1.
17. These comments were reported verbally at the last meeting, but for completeness are now included in this report and are as detailed below:
18. 8 further letters of objections have been received:

- Outside envelope- issues of precedent;
- Increased traffic with possible illegal accesses;
- Isolation problem – upbringing of children;
- Lack of school provision locally;
- Contamination concerns;
- Concern that additional amenity buildings are for future families;
- Query ownership of plot;
- Not in keeping of new look of Red Lodge to detriment of village;
- Will be seen from both of the two roads;
- With existing families in village, additional pitches would dominate;
- Difficult to limit numbers and illegal encampment could dominate if approved.

POLICIES:

19. See original report attached as Working Paper 1.

OFFICER COMMENT:

20. For main comments, which still apply, see original report attached as Working Paper 1.
21. The applicants have staked the plots out on site and it is acknowledged that there is a small area of raised ground where the road and one of the septic tanks are proposed.

The levels changed is relatively minor, however, to prevent the need to excavate nearest the access track (where there is the greatest area of level change) will, it is now proposed, have the septic tank located in an alternative position between the two proposed amenity buildings. This is considered acceptable and does not need to be the subject of reconsultation because it comprises works that were part of the original consideration of the application. The septic tank will be underground and therefore does not, it is considered, have a detrimental impact on amenity.

In respect of the access road, a levels condition was previously proposed to prevent any levels change on site. This condition is still proposed as part of the consideration of the application. The access road will not be prominent within the site given the small variations in levels and will in most views be mitigated by the existing built up topography of the land. It is anticipated that the applicants will provide a levels plan to support their application demonstrating the above point. However, at the time of preparing this report this had not been received.

22. On this basis the recommendation remains one of approval.

CONCLUSION:

23. Recommend approval subject to additional conditions regarding levels and the use of the buildings.

RECOMMENDATION:

24. That planning permission is **GRANTED** subject to conditions as detailed within attached Working Paper 1 and subject to additional conditions regarding:
- Site levels and
 - Use of the buildings

Working Paper 1 – Development Control Committee 3 June 2015 Committee Report (inc. Appendix)

Working Paper 2 - Contaminated Land Ground Investigation

DOCUMENTS:

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

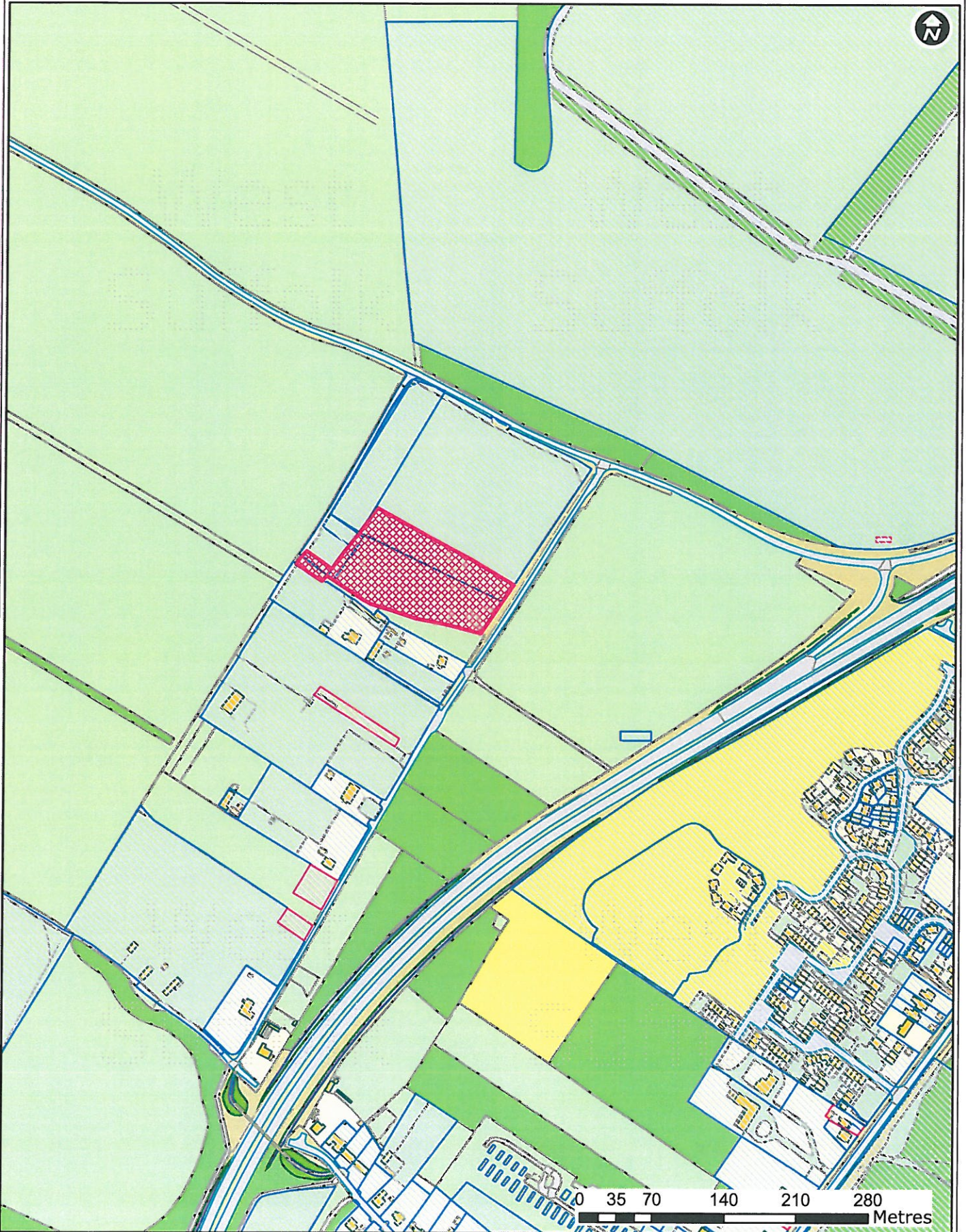
<https://planning.westsuffolk.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

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Caravan Mobile Site, Elms Road, Red Lodge



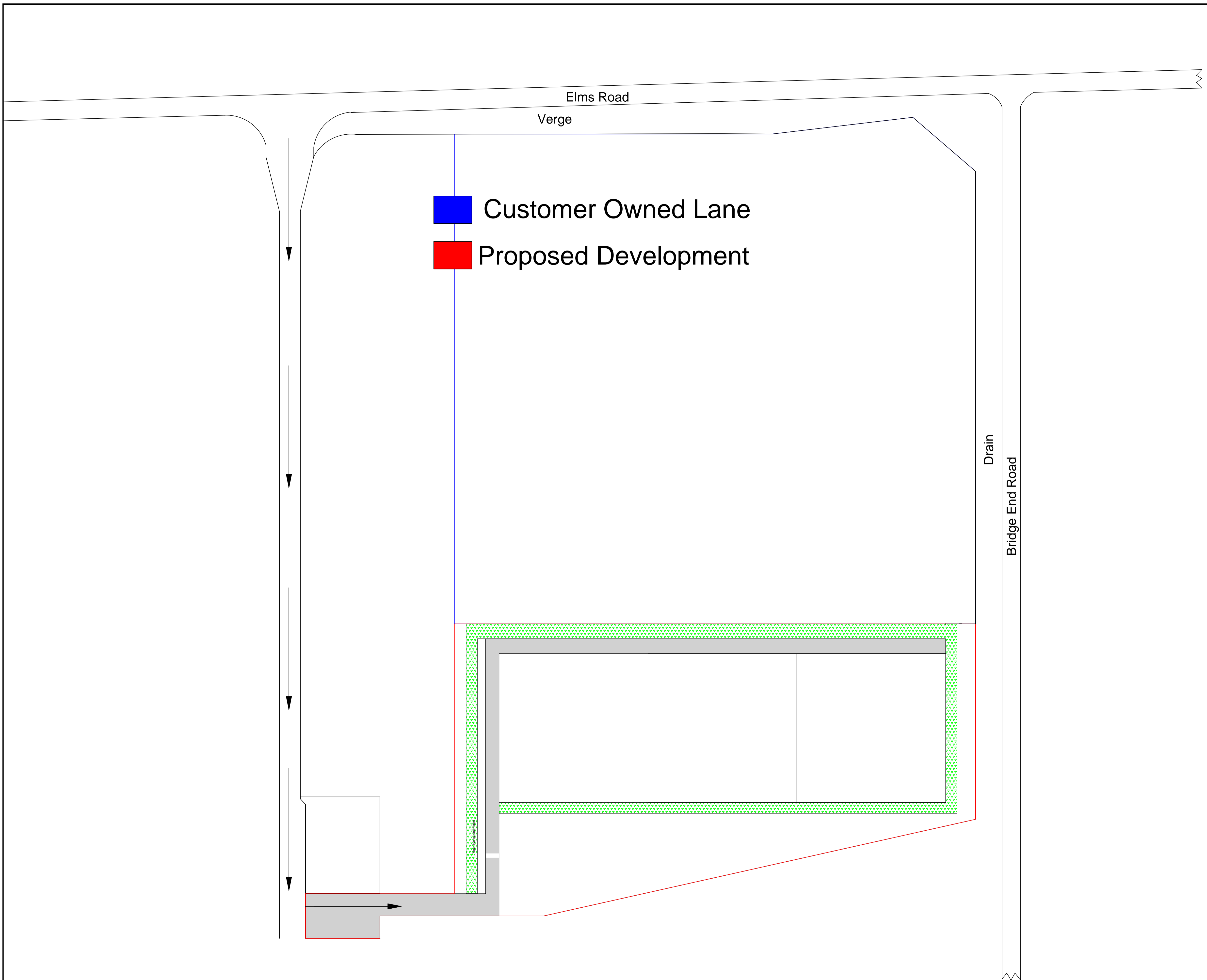
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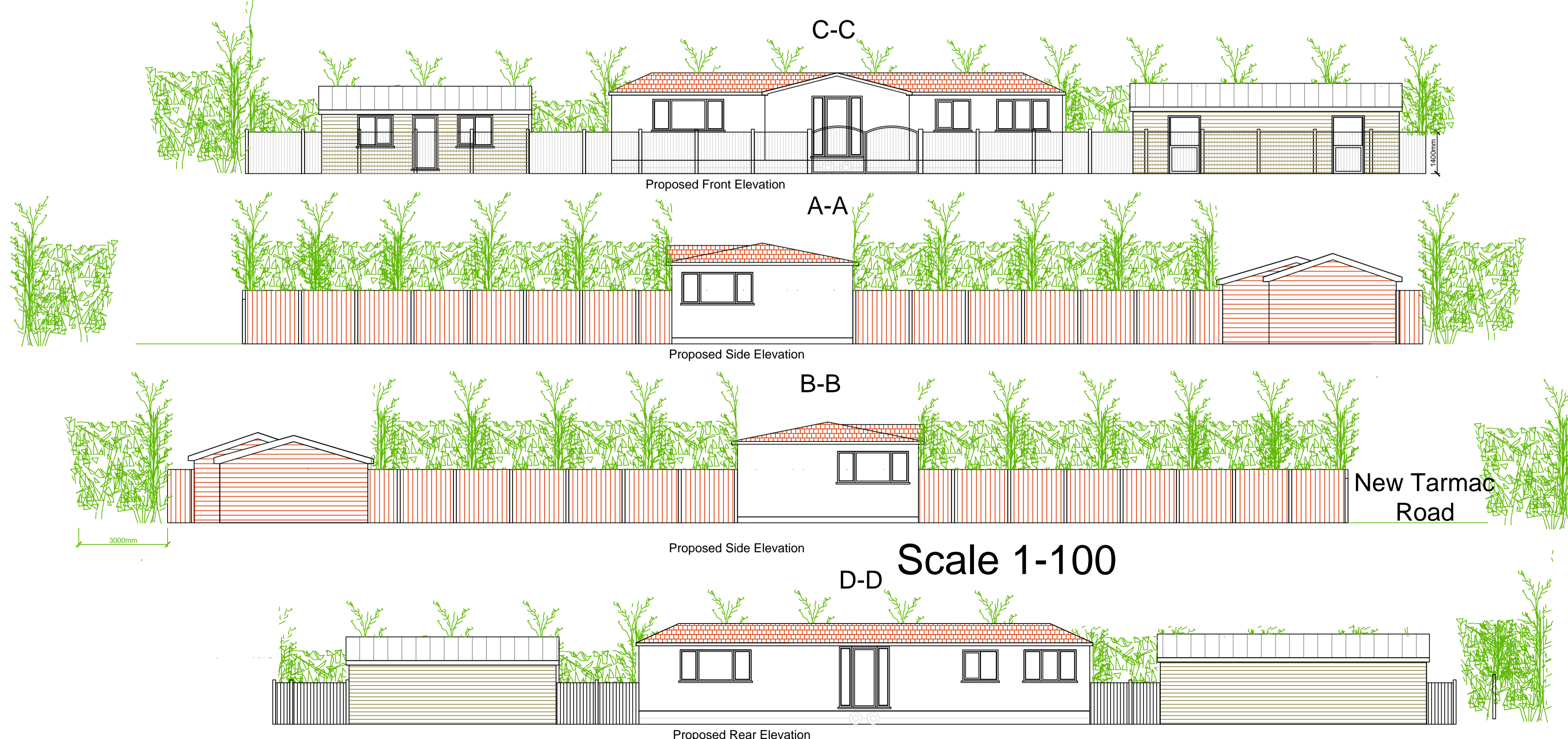
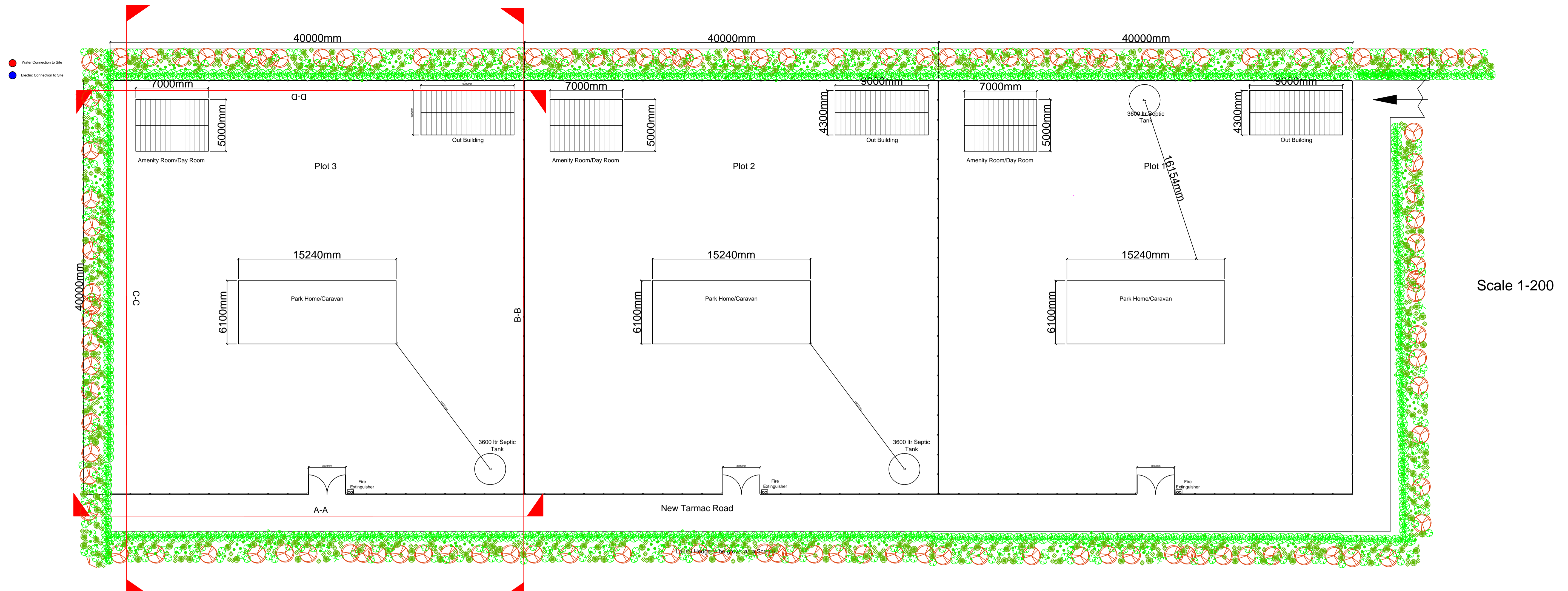
Page 99
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Date: 20/05/2015

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



Area per plot
00.16 HA or
160 m²

2 the drawing board		Do Not Scale this drawing. Dimensions to be checked on site & any discrepancies reported.			
<small>Site: 3, 62 James Carter Road, Mildenhall, Suffolk IP28 7DE Telephone 07971926112</small>					
HILL VIEW, BRIDGE END ROAD, RED LODGE, SUFFOLK IP288LQ					
Proposed PLOT Layout					
No/Revision:	Date:	Date:	19/6/2014		
A	00-00-00	Scale:	1:100-1:200		
B		Drawn By:	WK		
		Drawing No:	001		
		Paper Size:	A1		

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

WORKING PAPER 1

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

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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*

APPENDIX (TO WORKING PAPER 1)

- 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.

APPENDIX (TO WORKING PAPER 1)

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.'*

APPENDIX (TO WORKING PAPER 1)

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.

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Contaminated land surveys
Ecology surveys
Tree surveys



Bill Kane

By Email...

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08 June 2015

Contaminated Land Ground Investigation for Site at Elms Road in Red Lodge, Suffolk

Dear Bill,

Following your email, I have the pleasure of presenting our proposal for a contaminated land ground investigation of the proposed site on Elms Road in Red Lodge, Suffolk. I understand that you require this survey to assist with the progression of this development.

Based on our preliminary research the anticipated ground conditions comprise river terrace deposits over chalk solid geology, part of the site has also been used as a landfill. Groundwater is anticipated at a depth of around 7m.

We understand that the proposed development includes the change of land use at the site to accommodate a mobile homes with associated amenity buildings. With reference to the Phase 1 desk study of the site previously completed by agb Environmental the investigation of the site includes:

- 2no. cable percussive boreholes to a provisional depth of 10mbgl.
- Installation of 2no. monitoring wells with the boreholes.
- A single day of trial pitting across the site.
- Provisionally 6no. return visits to the site to monitor the ground gases and recover groundwater samples from the standpipes.
- Analysis of selected soil and groundwater samples
- Provision of a Phase 2 contaminated land report that will include the fieldwork records, results of analysis, an updated conceptual site model with risk assessment and remediation advice.

Prior to commencing the works, we will require statutory service plans to comply with relevant Health and Safety Legislation. I have included a rate only item should these not currently be available.

I trust our proposal is of interest and we look forward to the opportunity to assist you. To engage agb Environmental for the proposed works, may I ask that you complete and return the Client Order Form either by email or post.

I look forward to hearing from you.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'ARJ', with a long horizontal stroke extending to the right.

Alex Brearley
Managing Director

Quotation Q3337

Ground Investigation



Prepared for: **Bill Kane**

08 June 2015

Site at: Elms Road, Red Lodge, Suffolk

Page 1 of 7

No.	Item	Units	Estimated Quantity	Price (excl. VAT)	Sub Total (excl. VAT)
1.0	Utility Survey				
1.1	Desktop search – collating data form 30+ main utility provider companies.	Fixed Price	Rate Only	£480	Rate Only
2.0	Contaminated Land Ground Investigation				
2.1	Provide engineer to oversee site works, take samples and log ground conditions.	Per Day	2	£450	£900
2.2	Cable percussive boreholes. Re-measurable at rates in following table.	Provisional Sum	1	£1,247	£1,247
2.3	Provision of JCB or similar and operator.	Per Day	1	£350	£350
2.4	Breaker attachment for JCB.	Per Day	Rate only	£150	Rate only
2.5	Install monitoring wells for future groundwater and ground gas monitoring.	Per Installation	2	£200	£400
2.6	Ground gas / groundwater monitoring.	Per Visit	6	£200	£1,200
3.0	Laboratory Analysis				
3.1	Contamination testing of soils and groundwater.	Allow	1	£800	£800
4.0	Reporting				
4.1	Contaminated land site investigation report including: Fieldwork records, analysis results, updated conceptual site with risk assessment and preliminary remediation advice.	Fixed Price	1	£1,200	£1,200
Sub Total excl. VAT (excl. rate only items)					£6,097.00
Total VAT (20%)					£1,219.40
Grand Total (Incl. VAT)					£7,316.40

Prepared for: **Bill Kane**

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Site at: Elms Road, Red Lodge, Suffolk

Page 2 of 7

Project Specific Terms

- agb Environmental Ltd Standard Terms and Conditions apply.
- agb Environmental Ltd Ground and Site Investigation Terms and Conditions apply.
- Payment is required to release the report (credit may be applied for).
- An interim invoice for works complete will be issued upon completion of site works.
- All reports provided will be in a digital format (pdf). Printed reports can be ordered separately, if required, with associated costs.
- Buried service plans will be required prior to undertaking works on site. agb Environmental does not accept any liability for damage to services which are have not been accurately identified in advance of site works.
- Full access to the property will be required. It is assumed that the appropriate approvals from and landowners etc have been gained. It has been assumed that all works can be carried out between 8am and 6pm. Evening, weekend or statutory holiday works will incur additional costs.
- This quotation is valid for a period of 90 days.
- Should you wish to proceed with this quotation, please return the Client Order Form; Acceptance of Quotation (provided at the end of this quotation) either by post or email.
- Hourly rates for further works: *Principal Engineer* - £70/hr. No further work will be carried out without written approval/agreement from the Client.

Quotation Q3337

Ground Investigation



Prepared for: Bill Kane

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Site at: Elms Road, Red Lodge, Suffolk

Page 3 of 7

Cable Percussive Borehole Rates

No.	Item	Unit	Quantity	Rate (£)	Sub-total (£)
1	Mobilisation of rig and 10m of 6" casing to site	Sum	1	395.00	395.00
2	Mobilisation of additional casing (per 15m)	Sum	-	375.00	-
3	Set up rig on location	Per loc.	2	55.00	110.00
4	Progress 0m(GL) to 10m 6" dia.	Per m	20	20.00	400.00
5	Progress 0m(GL) to 10m 8" dia.	Per m	-	24.00	-
6	Progress 10m to 20m 6" dia.	Per m	-	24.00	-
7	Progress 10m to 20m 8" dia.	Per m	-	28.00	-
8	Progress 20m to 30m 6" dia.	Per m	-	34.00	-
9	Progress 20m to 30m 8" dia.	Per m	-	40.00	-
10	Reducing 8" to 6" casing	Per m	-	7.50	-
11	Undertake SPT/U100 sample 0m (GL) to 10m	Per test	-	17.50	-
12	Undertake SPT/U100 sample 10m to 20m	Per test	-	20.00	-
13	Undertake SPT/U100 sample 20m (GL) to 30m	Per test	-	22.50	-
14	Bulk sample	Per sample	10	3.50	35.00
15	Disturbed sample/jar sample	Per sample	20	2.50	50.00
16	Water strike/sample	Per GW strike	2	18.50	37.00
17	Dayworks/chiselling/standing	Per hour	4	55.00	220.00
				Sub Total (ex VAT):	£1,247.00
Subject to agb Environmental Ltd Ground Investigation Terms and Conditions				VAT @ 20%:	£249.40
				Grand Total:	£1,496.40

Quotation Q3337

Ground Investigation



Prepared for: **Bill Kane**

08 June 2015

Site at: Elms Road, Red Lodge, Suffolk

Page 4 of 7

Client Order Form: Acceptance of Quotation			
<ul style="list-style-type: none"> If you or your organisation will be named on the report and liable for the fee, please complete section 2. If you are acting on behalf of another organisation / person, please complete both sections. Please ensure all relevant sections are completed in full. 			
1. Authorising Agent (if applicable)			
Name:			
Organisation:			
Address:			
Telephone Number:			
Email address:			
2. Client (please complete in full)			
Name:			
Organisation:			
Company Number:			
Address:	Registered Address:	Trading Address:	
Telephone Number:			
Email address:			
Purchase Order Number:			
Invoice address:			
<p>By signing below, I confirm that this should be taken as a written instruction to commence the work described under the aforementioned fee proposal and agree to abide by all associated Terms and Conditions. I confirm that I have the authority to place this order on behalf of the Client. If acting on behalf of a Client, I agree that I / my organisation will accept full responsibility should the Client dispute this instruction.</p>			
Signed:		Print:	
		Date:	

Definitions

"Agreement" means the agreement for the provision of Services entered into between

the Company and the Client which shall be subject to these Terms and Conditions

"Client" means the party to whom the Quotation is addressed

"Company" means agb Environmental Limited (Company Registration Number 07088024) whose registered office is Newmarket Business Centre, 341 Exning Road, Newmarket, Suffolk, CB8 0AT or such other address as shall from time to time be notified to Companies House

"Content" means any data, computing and information services and software, and other content and documentation or support materials and updates included in the Report including Third Party Content.

"Intellectual Property Rights" means all forms of intellectual property or protective rights recognised in law.

"Order" means the acceptance of the Quotation by the Client.

"Property Site" means a land site on which the Client requests the Company to provide either a Report or any other Service.

"Quotation" means the preliminary letter issued by the Company setting out the proposed Services and its fees for provision of the same.

"Report" means any information that Company supplies to the Client pursuant to the Quotation or any agreed variation of the same in either written or verbal form of any description and including plans, data or other information and "Report" shall where the context so admits include more than one report

"Services" means the provision of the Report provided by the Company pursuant to these Terms which are more particularly set out in the Order and any subsequent written agreement between the parties.

"Fees" means all charges levied by the Company for the Services provided to the Client.

"Third Party Suppliers" means any organisation which provides data or information in any form to the Company for use on behalf of the Client

"Terms" means these Terms and Conditions.

"Third Party Content" means any data or information supplied by the Third Party Suppliers.

1. Contract Terms

- i. These Terms govern the relationship between the Client and the Company in the provision of the Services.
- ii. By the Client issuing the Order it is deemed that these Terms shall have been accepted by the Client and that the Client has agreed to be bound by the same in all respects notwithstanding the absence of any express agreement to that effect.
- iii. The headings in these Terms are for convenience only and shall not affect the meaning or interpretation of any part of these Terms.
- iv. The Company reserves the right to modify these Terms and/or any part of the Services it has agreed to provide where it considers there is good cause to do so. Any modification must be communicated in writing to the Client in advance of any such change or before the carrying out of the Services which are the subject of the contract between the parties
- v. The Company reserves the right to refuse to supply the Services to the Client without notice or reason and without liability for any loss arising from the same.

2. Reports

Whilst the Company will use reasonable care and skill in providing the Services to the Client the Services are provided on the express basis that the Client acknowledges and agrees to the following:

- i. The information and data supplied in the Report are derived from publicly available records and other third party sources and Company does not warrant the accuracy or completeness of such information or data, and
- ii. The Company does not claim that the information supplied to the Client or on which it bases its Report represents an exhaustive or comprehensive list of all sources that might be consulted, and
- iii. The Company is unable to and does not guarantee that all past or current land uses or features will be identified in the Report; and
- iv. The Company shall not be responsible for any inaccuracies or errors in the Report arising from Third Party Suppliers or through any other source save where such error is as a direct result of its negligence.

3. Intellectual Property

- i. The Client acknowledges that all Intellectual Property Rights in the Report and Services are and shall remain owned by the Company or Third Party suppliers (as the case may be) and nothing in these Terms purports to transfer, assign or grant any rights to the Client in respect of the Intellectual Property Rights.
- ii. The Report is to be used solely for the benefit of the Client. The Company excludes all liability to all other persons unless the Company has expressly agreed in writing to the assignment of the benefit of the Report and has been paid the Company's reasonable fees for so doing.
- iii. The Client shall make clear to any party given access to the Report that it is for information purposes only and no reliance may be placed upon it (unless the Company shall have agreed to the contrary in writing in advance) and further that access is on the basis that they will treat as strictly private and confidential the Report and all information which they obtain from the Report and ensure that all others do likewise.

iv. The Client shall only incorporate the Content into its own documents with the prior written consent of the Company.

v. The Client hereby agrees to fully indemnify Company against any claim losses or other damages suffered by Company as a result any breach of these Terms.

4. Payment Terms

- i. Payment of the Fees shall be on the terms set out in the Quotation. The Company reserve the right to amend the Fees from time to time and the Services will be charged at the rate applicable at the date on which the Service is ordered.
- ii. VAT at the prevailing rate shall be payable in addition to the Fees.
- iii. Interest will be charged for any outstanding Fees at a rate equal to 5% per annum above the prevailing base lending rate of Barclays Bank plc calculated from the date due to the date of settlement to include any period after as well as before any judgment.

5. Termination

- i. The Company may cease to provide the Services or any part of them if at any time:-
- ii. The Client fails to make any payment due in accordance with Clause 5;
- iii. The Client repeatedly breaches or commits or causes to be committed any material breach of these Terms; or
- iv. The Company reasonably believes that the Client has become insolvent or is likely to be unable to pay the remaining Fees as they fall due.
- v. If the Contract is terminated the Company shall be entitled to charge for the full amount due thereunder notwithstanding that some or all of the Services remain to be performed.

6. Exclusion of Liability

- i. Liability in the provision of Services is accepted only insofar as may be expressly set out in this Clause 7 and not otherwise.
- ii. Nothing in these Terms excludes either party's liability for death or personal injury caused by that party's negligence or willful default.
- iii. The Company is reliant on others in the provision of the information contained in the Reports and in the Services it undertakes. The Company has no control over the accuracy or completeness of that information, nor is it within the scope of the Services (unless agreed to the contrary in writing) to check the information on the ground. Therefore no liability can be accepted to the Client or any third party for any loss or damage caused other than directly by the Company's negligence or willful default and neither the Company nor any person providing information contained in any Services shall in any other circumstances be liable for any inaccuracies, faults or omissions in the Services nor shall the Company have any liability if the Services are used otherwise than in accordance with these Terms.
- iv. The Company shall not in any circumstances be liable for any indirect or consequential loss, damage or expenses (including loss of profits, loss of contracts, business or goodwill) howsoever arising out of any error, action or default by the Company in the provision of the Services or any indirect or consequential loss of any nature whatsoever or for any physical damage to or loss of the Client's tangible property, any other direct loss, damage, cost or expense of any kind or any indirect or consequential loss, damage, cost or expense of any kind, whether any of the above arise under contract, tort (including negligence), indemnity or by contribution or otherwise.
- v. The Company shall not be liable in any way for any loss or damage of any description (financial or otherwise) that may be sustained arising directly or indirectly from the presence of asbestos or toxic mould or unexploded ordnance on or in the vicinity of the Property Site whether or not the same may have been apparent or reasonably discoverable by the Company in the course of the Services.
- vi. In any event, and notwithstanding anything contained in these Terms, the Company's liability in contract, tort (including negligence or breach of statutory duty) or otherwise howsoever arising by reason or in connection with the Services (except in relation to death or personal injury) shall be limited to an aggregate amount not exceeding Five Hundred Thousand Pounds (£500,000) except in so far as the Company will not be liable for any defect, failure or omission relating to Services that is not notified to Company within six months of the date of the issue becoming apparent and in any event, within one year of the date of the Report if the complaint is in relation to a Report on residential property and within three years of the date of the Report in respect of any other Report or Service. Where any claim relates to either a part of the Services that is not chargeable or if the Client has been in breach of any part of these Terms the Company's liability shall be limited to One thousand Pounds (£1,000.00) in aggregate.
- vii. The Client shall have a duty to mitigate any such loss as may arise and to bring into account any other supplier or contractor whose negligence or failure has or may have contributed to the loss complained of.
- viii. The Report is not to be relied upon more than 12 months after its original date.
- ix. The Client agrees to inform and keep informed the Company of any known hazardous substance or condition on or adjacent to the Property Site that could be damaging to equipment, health or the environment.
- x. The Client agrees to acquire and provide the Company with the location of all services and underground features of which he has knowledge and which are relevant to the Works and/or Project to be undertaken. The Client shall indemnify the Company against all claims arising out of damage to services not so notified.

- xi. The Client agrees to provide all necessary licences, permits, rights of access, wayleave, data and any other necessary information required of the Client for the satisfactory completion of the Services being undertaken by the Company.
- xii. The Client acknowledges that:-
- a) It shall have no claim or recourse against any Third Party Supplier. The Company does not guarantee nor shall be liable for the professional standards or competence of any Third Party Supplier and neither does it warrant or guarantee in any way that the supply of information from Third Parties is accurate or error free. The Company will use reasonable efforts to correct any inaccuracies within a reasonable period of them becoming known to us;
 - b) The Company's only obligation is to exercise reasonable skill and care in providing the Services;
 - c) Save for a superficial site walkover no physical inspection of the Property Site reported on is carried out as part of any Services offered by the Company (unless it shall be expressly agreed in writing between us) and as such the Company does not warrant that all or any land uses or features whether past or current will be identified in the Services and the Services do not include any information relating to the actual state or condition of any Property Site nor should they be used or taken to indicate or exclude actual fitness or unfitness of a Property Site for any particular purpose nor the suitability or otherwise of the Property Site.
 - d) Where by agreement the Services include a physical inspection of the Property Site this will be undertaken by a Third Party Supplier with whom the Client shall enter into a direct contract. The Company will introduce the Third Party but does not warrant nor is responsible in any way for the work undertaken by that party.
 - e) The Client should carefully inspect the Property Site, and take any other advice that would be reasonably prudent to do prior to making any decision about the Property Site to which any Report or Service relates and not rely on the Report in valuing the Property Site;
 - f) The Services are inevitably general in nature. The Client is solely responsible for assessing the extent and nature of the Services required in relation to the Property Site and the application of the same;
 - g) The Services are not specific to the individual site requirements nor are held out to comply with any legislation or case law whether current or otherwise or any planning condition or obligation or other legal requirement affecting the use or development of the Property Site (even if the Services are commissioned as a result of such matter) unless the Company shall have expressly agreed in writing to take on that obligation in its Quotation.
 - h) The Client shall have a duty of care to the Company Third Party Suppliers and employees or contractors of both to make the Company (or Third Party Supplier as the case may be) aware in advance and keep them informed of any known hazardous substance or condition or other factor on the Property Site that may be damaging to individuals, the environment or equipment.
 - i) The Client will on using the Services make a reasonable inspection of any results to satisfy itself that there are no defects or failures. In the event that there is a material defect the Client must notify the Company in writing of such defect within seven days of its discovery;
 - j) If the Company provides the Client with any additional service obtained from a Third Party Supplier, including but not limited to any professional opinion, interpretation or conclusion, risk assessment or environmental report or search carried out in relation to a Report on the Property Site the Company will not be liable in any way for any information contained therein or any issues arising out of the provision of those additional services to the Client.
 - k) The Company has undertaken the Services for use only by the Client and the Services should not be relied upon by any other third party. The Company can accept no responsibility and will not be liable to any third party for any loss caused as a result of reliance upon the Services. Any third party relying on the Services does so entirely at its own risk. This restriction shall include any third party insurers who as a condition of such insurance require a Report to be undertaken. The Company shall have no liability to such insurers who must rely on their own skill and judgment in providing the insurance cover requested by the Client.
 - l) Time shall not be of the essence with respect to the provision of the Services.
- 7. Delay**
- The Client acknowledges that Company shall not be liable for any delay, interruption or failure in the provision of the Services which are caused or contributed to by any circumstance which is outside its reasonable control including but not limited to, lack of

power, telecommunications failure or overload, computer malfunction, inaccurate processing of data, or delays in receiving, loading or checking data, strikes, theft or any other event which has the effect of delaying or preventing the provision of the Services.

8. Severability

If any provision of these Terms are found by either a court or other competent authority to be void, invalid, illegal or unenforceable, that provision shall be deemed to be deleted from these Terms and never to have formed part of these Terms and the remaining provisions shall continue in full force and effect.

9. Governing Law

This Agreement shall be governed by and construed in accordance with English law and each party agrees irrevocably submit to the exclusive jurisdiction of the English courts as regards any claim or matter arising under this Agreement. If any dispute arises out of or in connection with this agreement ("Dispute") the parties undertake that, prior to the commencement of Court proceedings, they will seek to have the Dispute resolved amicably by use of an alternative dispute resolution procedure acceptable to both parties with the assistance of the Centre for Dispute Resolution (CEOR) if required, by written notice initiating that procedure. If the Dispute has not been resolved to the satisfaction of either party within 60 days of initiation of the procedure or if either party fails or refuses to participate or withdraws from participating in the procedure then either party may refer the Dispute to the Court.

10. Entire Agreement

- a) These Terms, together with the Quotation and the Order comprise the whole of the agreement relating to the supply of Services to the Client by the Company. No prior stipulation, agreement, promotional material or statement whether written or oral should be understood as a variation of these Terms or in any way as a representation about the nature or quality of any Services. Save for fraud or misrepresentation, the Company shall have no liability for any such representation being untrue or misleading.
- b) These Terms shall prevail at all times to the exclusion of all other terms and conditions including any terms and conditions which the Client may purport to apply even if such other provisions are submitted in a later document or purport to exclude or override these Terms and neither the course of conduct between parties nor trade practice shall act to modify these Terms.

11. General

- a) The Client shall not without the Company's prior written consent assign, or transfer in any way the benefit of these Terms in whole or in part or any of its obligations under these Terms save as agreed in advance by the Company in writing. The Client's right to use the Services is not transferable.
- b) The Company may assign its rights and obligations under these Terms without prior notice or any limitation.
- c) No delay in exercising, any right, power or provision hereunder on the part of the Company shall operate as a waiver thereof, nor shall any single or partial exercise of any right, power or provision hereunder preclude the exercise of that or any other right, power or provision.
- d) References in these Terms to any legislation shall be construed as references to the same as amended or re-enacted from time to time and shall include subordinate legislation or regulations.
- e) Unless otherwise stated in these Terms, all notices from the Client to the Company must be in writing and sent to the Company's last notified registered office.
- f) A person who is not a party to any contract made pursuant to these Terms shall have no right under the Contract (Right of Third Parties) Act 1999 to enforce any terms of such contract and Company shall not be liable to any such third party in respect of any Services supplied.

12. Construction (Design and Management) Regulations 2012

- a) Under the Construction Design and Management (CDM) Regulations 2007 we have a legal responsibility as a contractor to advise our clients of their responsibilities under CDM and to ensure they have been discharged before we start work. Our work is considered to be construction and as such forms part of the notifiable period of any intended project.
- b) If the work we are to undertake is considered to be part of that notifiable period we would request that you provide us with the contact details of the CDM Coordinator the identity of other duty holders as necessary and a copy of the construction phase plan.

Ground and Site Investigation Terms and Conditions

All following terms and conditions apply unless other specified within the fee proposal.

1. General Conditions

All drilling costs are re-measurable.

The Client shall provide contact details of the primary contact (or an appointed representative) prior to works commencing.

The Client will provide site service information or will allow sufficient time and funds for the service information to be obtained prior to works commencing. agb Environmental does not accept any liability for damage to services which are have not been accurately identified in advance of site works.

Any adjustment to rates or fee structure as a result of any item within these Terms and Conditions will be agreed with the Client in advance of the adjustment being implemented. However, where the Client is un-contactable, agb Environmental Ltd reserves the right to implement the new rates or fee structure forthwith pending approval from the Client at the earliest convenience.

Quotation and rates are based on the anticipated ground conditions noted within the text of the fee proposal. Should the ground conditions alter from those identified, agb Environmental Ltd reserves the right to adjust the rates.

The Client will ensure that access to each drilling location is suitable for the drilling equipment or that the Client will provide suitable equipment to allow access or will agree to the additional fees associated with the hire of such equipment. The Client agrees that the cost of de-bogging any equipment will be fully chargeable. The client agrees that any abortive works due to access restrictions will be charged at the prevailing rates.

Mobilisation charges will be based upon the anticipated ground conditions and required equipment either from initial research. Any subsequent or additional mobilisations or hire charges of equipment will be agreed with the Client in advance.

Drilling locations will be available for drilling between 7.30am and 7.30pm each working day.

agb Environmental Ltd will make every effort to undertake investigations at the locations requested by the Client, appointed representative, development team or regulator. Should the locations require adjusting and unless otherwise stated within the fee proposal, agb Environmental Ltd will move the locations in order to achieve the anticipated objectives of the investigations in the opinion of the agb Environmental Site Manager.

agb Environmental Ltd reserves the right to refuse to undertake any works which, in the opinion of the agb Environmental Ltd Site Manager may compromise any health, safety or environmental practice.

All spoil and materials used during the works will remain on site and will be disposed of by the Client.

The fee proposal allows for provision of standardised Risk Assessment and Method Statements in advance of the works. An additional charge will apply should site specific information be required in advance.

2. Reinstatement Standards

Any time spent on reinstatement will be chargeable at the prevailing rates.

Standpipe installations will normally be completed with a flush fitting cover and screw / bolt closure.

Reinstatement standards will be as follows:

- Dynamic sampling and cable percussive locations will be reinstated with either concrete or cold lay asphalt.
- All standpipes will have covers suited to the area in which they are placed. All standpipe covers will be set in concrete.

- Trial pits (including soakaways) will be completed with spoil mounded on top of the pit to allow future settling. However, the trial pit will be reinstated in keeping with the surroundings if in the opinion of the agb Environmental Ltd Site Manager the pit can be successfully reinstated with either cold lay asphalt or concrete.

3. Cable Percussive Drilling

A minimum charge of £700 plus VAT per full working day of a single cable percussive drilling rig applies (the Day Rate). One full working day is eight hours. The Day Rate does not include mobilisation, installation or plant hire charges. Fees for partial days will be charged pro rata of the Day Rate.

Cable percussive drilling requires water to aid drilling in some circumstances. agb Environmental Ltd will aim to anticipate the need for and quantity of water. However, in some circumstances this may not be foreseeable until drilling has commenced. agb Environmental Ltd therefore reserves the right to make additional charges for the provision of water and water carriers (and associated costs) to ensure drilling can progress.

Drilling which progresses less than 1m per hour will be subject to an additional chiselling fee (or will be chargeable at the Day Rate).

Drilling may require different sized casing to assist progress. The use of different casing will be based on the ground conditions encountered.

4. Dynamic Sampling Including Window Sampling

For safety and to avoid excessive damage to the equipment, no drilling will take place past a refusal.

5. Trail Pits & Soakaway / Soakage Tests

Trial pits will be excavated to a maximum depth of 3 metres or less if ground conditions are unsuitable based on the opinion of the agb Environmental Ltd Site Manager and the excavation methods being used.

All soakaway / soakage tests will be based on BRE 365 except that a maximum of one day on site will be implemented. Data may be extrapolated based on the results obtained during the works. Additional costs will apply for additional time on site.

6. Handheld Sampling and Testing Equipment

Access will be required to all monitoring locations during the monitoring period. Monitoring visits will be agreed with the Client in advance. Any locations which cannot be accessed during a monitoring visit will not be monitored however charges will still apply.

agb Environmental Ltd cannot guarantee against damage to standpipes from third parties, should standpipes be damaged the Client will be advised and additional costs may be required for the installation of replacement standpipe(s).

7. Construction (Design and Management) Regulations 2012

Under the Construction Design and Management (CDM) Regulations 2007 we have a legal responsibility as a contractor to advise our clients of their responsibilities under CDM and to ensure they have been discharged before we start work. Our work is considered to be construction and as such forms part of the notifiable period of any intended project.

If the work we are to undertake is considered to be part of that notifiable period we would request that you provide us with the contact details of the CDM Coordinator the identity of other duty holders as necessary and a copy of the construction phase plan.

8. Cancellation Fees

The fee scale for cancellation following order confirmation is as follows:

- More than 48 hours notice prior to mobilisation – 0%
- Less than 48 hours notice prior to mobilisation –100% (this may be reduced at the discretion of agb Environmental Ltd).

Forest Heath District Council

**DEVELOPMENT
CONTROL COMMITTEE**

1 JULY 2015

DEV/FH/15/025

Report of the Head of Planning and Growth

**PLANNING APPLICATION DC/15/0749/TPO (TREE PRESERVATION ORDER) -
ASPAL CLOSE LOCAL NATURE RESERVE, ST JOHNS STREET, BECK ROW**

Synopsis:

Application under the Town and Country Planning Act 1990 and the Planning (Listed Buildings and Conservation Areas) Act 1990 and associated matters.

Recommendation:

It is recommended that the Committee determine the attached application and associated matters.

CONTACT OFFICER

Case Officer: Matthew Gee
Tel. No: 01638 719792

Committee Report

Date

Registered: 23/04/2015

Expiry Date: 18/06/2015

Case

Officer:

Matthew Gee

Recommendation:

Approve with Conditions

Parish:

Beck Row

Ward:

Eriswell and the Rows

Proposal:

TPO/1963/048 - Tree Preservation Order - Works to 27 Oak (Quercus robur) trees

Site:

Planning Application DC/15/0749/TPO – Aspal Close Local Nature Reserve, St Johns Street, Beck Row

Applicant:

Mr Matt Vernon, Forest Heath District Council

Background:

This application is referred to the Development Control Committee because it has been submitted by Forest Heath District Council.

Proposal:

1. Permission is sought for works to 27 Oak (Quercus robur) trees. The works involve crown lifts to 15 trees, Lateral reductions to 6, Limb work to 4, 1 reduction in height leaving as dead wood, and 1 pole.
2. The works form part of a 50 year management plan produced for each ancient tree on the site based on specialised veteran tree management practices. Works are primarily for stabilising the trees at risk of limb failure and promoting positive responses in vitality.

Application Supporting Material:

3. Information submitted with the application as follows:
 - TPO Plan
 - Schedule of Works
 - Ancient Pollard Management Plan Aspal Close LNR 2011

Site Details:

4. Aspal Close Local Nature Reserve is a Site of Special Scientific Interest, located on the western edge of the Breckland area. The site was purchased in 1982 by the District Council as a public open space and is

well used locally. Historical records for the site date back some 800 years. The site covers approximately 19 hectares and is a wood pasture with 183 oak pollards.

Planning History:

5. F/2011/0666/TPO - Tree 289 - reduce upper crown by 2m, Tree 299 - reduce eastern pollard and southern part of crown by 2m and northern part by 1.5m, Tree 301 – reduce extended lateral limb over path by 4m and westerly upright limb by 1.5m. Remove minor trees or shrubs and pollard various young Oaks around dominant specimens in zones 1-6 – Approved by committee with conditions.
6. F/2012/0712/TPO - Veteran Oak Trees: Tree 323 - Reduce upper crown by 1.5m. Tree 234 - Reduce southerly limb by 15%. Reduce crown of Oak tree to NW of tree 241 by 30%. Tree 106 - Reduce limb growing into tree 773 by 3m. Tree 141 - Reduce crown to south and east by 2m. Tree 210 - Reduce upper crown by 2m. Tree 213 - Reduce whole upper crown by 2.5m and same for horizontal limbs. Remove Oak tree to NE of tree 242. Tree 289 - Reduce upper crown by 2m – Approved by committee with conditions.

Consultations:

7. None consulted.

Representations:

8. Parish Council: Support the application
9. 4 Pine Ridge, Beck Row: Letter of Objection –
 - Only one site notification around the site
 - Issues with management plan, believes it isn't doing the younger trees or the rest of the close any good. Also believes that there has been a reduction in wildlife and plants on the site
10. Tree Officer: In the context of the most recent survey and stated management objectives the proposals are not unreasonable and are generally supported.

Policy: The following have been taken into account in the consideration of this application:

11. Forest Heath Core Strategy (2010):
 - Policy CS3 Landscape Character and the Historic Environment

Other Planning Policy:

12. National Planning Policy Framework (2012)

Officer Comment:

13. The site in question has a wide range of magnificent trees, many of which could be more than 500 years old. The majority of the ancient oaks have previously been subject to sensitive pollarding which has allowed the trunk to grow while removing weight from the upper limbs, leading to a long life-span based on a reduced risk of failure in the trunk.
14. Management of veteran trees is a specialist field of arboriculture which has been developed mainly at Hatfield Forest. There are many differences in working with old trees in comparison with younger trees. The site at Aspal Close contains a concentration of veteran oak trees significant in the Suffolk context. The importance of the site is reflected in the need for a 50 year management plan which is aimed at the long term sustainable management of the trees and the site. Early work on old veteran pollards at Hatfield Forest found that re-pollarding ancient trees which had not been pollarded for many years often led to loss after a number of years. In contrast leaving trees without any intervention can lead to catastrophic failure of large parts of the tree. Techniques have been developed therefore that aim at small amounts of work that focus on small and progressive steps or cyclical management that these ancient trees can tolerate without the collapse or demise of the tree.
15. The proposal to undertake the works is supported. The techniques promoted have been developed specifically for veteran oak trees and are aimed at encouraging new growth in the trees without allowing the tree to grow to a point where branches become extended and heavy and at risk of failure. The proposed works to the 27 trees seek to continue with the success management of the site over the past few years, and are in accordance with the recommendations set out in the associated Tree Management Plan. The trees for which the proposed works relate are spread throughout the site and have been identified as being of a suitable health and vitality to cope with small scale reduction without causing a significantly adverse impact on the long-term health of the trees. The proposed works are to further those that were undertaken in accordance with F/2011/0666/TPO & F/2012/0712/TPO, both of which were approved.
16. The works are to be undertaken in accordance with the recommendations in *Ancient Pollard Management Plan Aspal Close LNR (2011)*. This details works phased over the previous and coming years to reduce shock to the trees from sudden fluctuations in conditions.

Conclusion:

17. In conclusion, the principle and detail of the proposed works is considered to be acceptable and in compliance with relevant development plan policies.

Recommendation:

18. It is recommended that the works proposed to the protected trees be **APPROVED** subject to the following conditions:

1. The works which are the subject of this consent shall be carried out within two years
2. The authorised works shall be carried out to the latest arboricultural standards and in line with the Pro Natura 'Ancient Pollard Management Plan' (2011).

Documents:

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

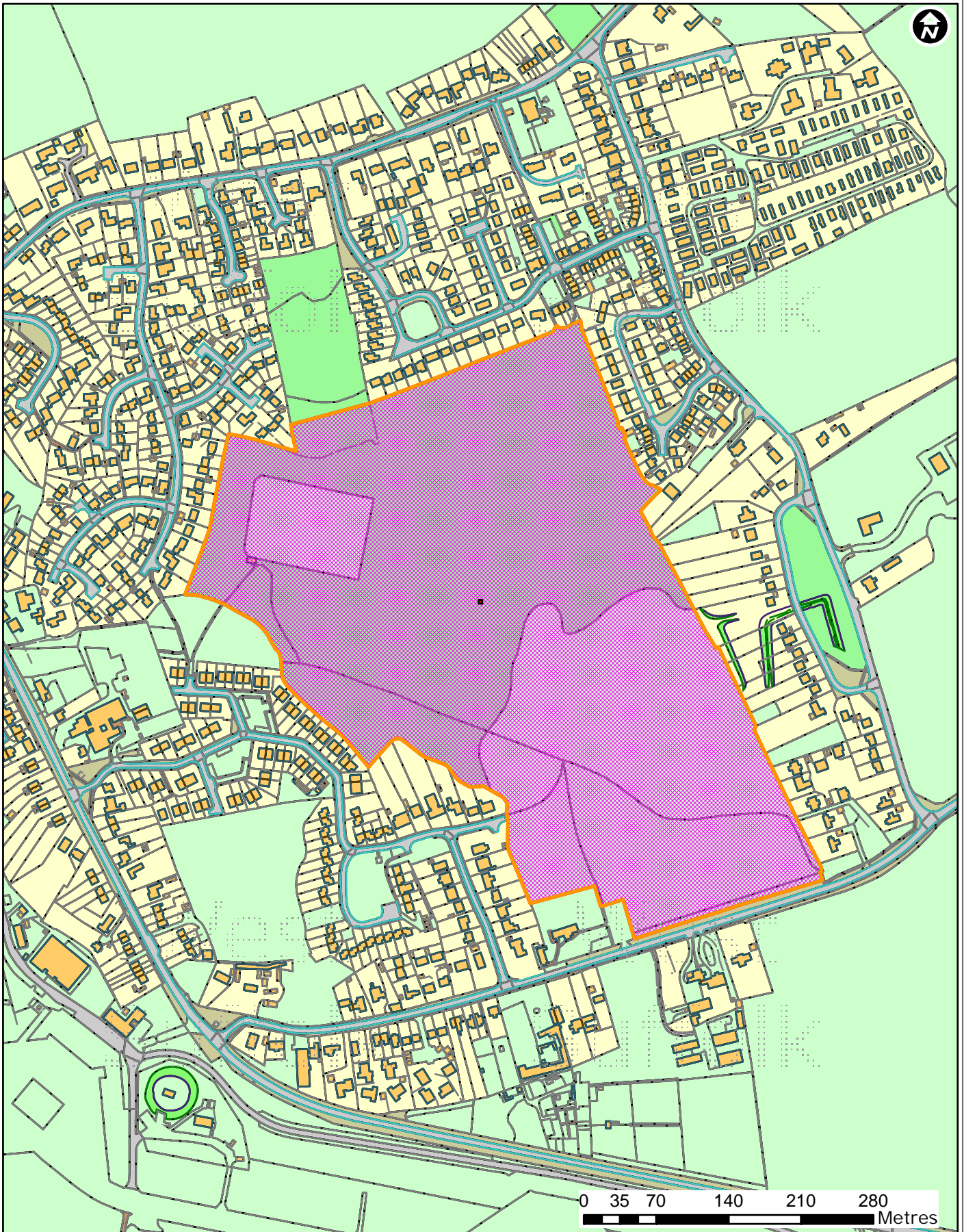
<https://planning.westsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=NB2Y2H2PDLQH00>

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

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DC/15/0749/TPO

Aspal Close Local Nature Reserve, St Johns Street, Beck Row



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Page 47

Scale: 1:5,000
Date: 18/06/2015

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Forest Heath District Council

**DEVELOPMENT
CONTROL COMMITTEE**

1 JULY 2015

DEV/FH/15/026

Report of the Head of Planning and Growth

UPDATE REPORT ON DC/14/0585/OUT - MEDDLER STUD, BURY ROAD, KENTFORD

App. No: DC/14/0585/OUT **Committee Date** 01 July 2015
(Update report):

Case Officer: Philippa Kelly

Parish: Kentford **Ward:** South

Proposal: Creation of a 20-box racehorse training establishment (with associated Trainer's house) and erection of up to 63 dwellings (including 19 affordable units) with associated access arrangements and open space provision. (Major Development and Departure from the Development Plan)

Site: Meddler Stud, Bury Road, Kentford

Applicant: Meddler Properties Ltd

CONTACT OFFICER

Case Officer: Philippa Kelly
Tel. No: 01284 757382

SUMMARY AND REASON FOR RECOMMENDATION (S) :

The purpose of this report is to update Members on the current situation regarding the Meddler Stud planning application in Kentford.

Members resolved to refuse this planning application, contrary to the officer recommendation, at the Development Control Committee on 5 November 2014, for the reasons that the proposal was contrary to the Council's existing Local Plan (Chapter 12; Policy 12.4) and the emerging Joint Development Management Policies Document (DM48 and DM49).

An appeal was lodged on 05 June 2015. The appellant has requested a Public Inquiry. At the time of writing this report, a start date has yet to be provided by the Planning Inspectorate.

The 5 November 2014 committee resolution was contrary to officer recommendation, and as such Council officers are not in a position to represent the Council during the appeal process. It will be necessary to appoint a specialist planning consultant and equine expert to deal with the appeal process and represent the Council at the Public Inquiry.

Following the decision of the Council to refuse the planning application, the landowners have terminated the equine tenancy on the site. The majority of the buildings (including all the stables), have been demolished and the land has been ploughed. A five year Farm Business Tenancy Agreement has been entered into between the landlord (Meddler Properties Ltd) and the tenant (Meddler Farming Ltd). A Farm Management Agreement has also been entered into between the tenant and a farm manager.

The Council has been invited by the appellant to decline to contest the appeal. This is based on the appellant's argument that the site is no longer in equine use, and that Policies DM48 and DM49 no longer being applicable. Officers are in the process of seeking further advice in respect of this matter.

This report addresses these issues and asks Members to note the content of this report.

RECOMMENDATIONS:

Members are recommended to:

1. Note the update with regard to the planning appeal.
2. Note the update with regard to the use of the land.
3. Agree to appointment of specialists to handle the appeal.
4. Note the update with regard to the invitation to decline to contest the appeal.

KEY ISSUES

Procedural Update:

Background

1. The outline planning application for the creation of a 20-box racehorse training establishment (with associated Trainer's house) and erection of up to 63 dwellings (including 19 affordable units) with associated access arrangements and open space provision was considered at Development Control Committee on 05 November 2014.
2. At that meeting, Members resolved to refuse the planning application, contrary to the officer recommendation. The detailed wording and reasons for refusal were delegated to the Head of Planning and Growth, in consultation with the Chairman and Vice Chairman of the Development Control Committee, and with the Portfolio Holder for Planning, Housing and Transport.
3. The planning decision notice was issued on 23 January 2015. The reasons for the Council's decision to refuse permission were:

'1. The applicant has failed to demonstrate to the satisfaction of the Local Planning Authority that the land is not required for an equine related use. In the absence of such information, and given the unique quality of Newmarket and its surrounding area which is dominated by the horse racing industry, the Local Planning Authority is of the opinion that the development of the site in the matter proposed would lead to the permanent loss of land that is capable of being used in conjunction with a race horse training facility, or for purposes related to the horse racing industry. The proposal is therefore contrary to the aims and objectives of Policies 12.2 and Policies 12.4 of the 1995 Forest Heath Local Plan and emerging Joint Development Management Local Plan Policies DM48 and DM49 which seek to safeguard the horse racing industry in the District. The proposals would also conflict with the sustainable development principles set out in Paragraph 14 of the National Planning Policy Framework 2012.

2. The absence of a signed Section 106 agreement leaves the Local Planning Authority unable to secure the infrastructure improvements and enhancements, and the financial contributions necessary to monitor and maintain such that are considered necessary to render this development satisfactory. The result of this would be an unsustainable development contrary to the requirements of Policy CS13 of the Core Strategy and guidance contained in the National Planning Policy Framework 2012'.

The Planning Appeal

4. On 4 June 2015 a planning appeal was lodged. The appellant has requested a public local inquiry, for reasons relating to the 'complexity of the case which requires expert evidence to be presented and tested'. At the time of writing

this report, the Planning Inspectorate had not set an appeal start date.

5. The 5 November 2014 committee resolution was contrary officer recommendation. As such, Council officers are not in a position to represent the Council during the appeal process.
6. It will be necessary to appoint a planning consultant and equine expert to deal with the appeal process and represent the Council at the Public Inquiry.
7. In terms of the procurement of the services required to represent the Council, the West Suffolk Contract Procedure Rules (CPR) in Paragraph 4.5 identifies exemptions where the '*specialised nature of the goods, services to be supplied or the works to be executed means that only one suitable supplier has been identified or is available*'.
8. The circumstances of the appeal situation are unusual and require specialist knowledge of both the equine industry and the Forest Heath Local Plan context. Such specialist knowledge is not widely available, and officers are aware of very few experts who would be able to offer the level of service which is required. Officers consider that there is case for the requirement of specialist services under Paragraph 4.5 of the CPR.

Policy Update

Use of the Appeal Site:

9. Following the decision of the Council to refuse the planning application, the landowners terminated the equine tenancy on the site. The majority of the buildings (including all the stables), have been demolished and the land has been ploughed. A five year Farm Business Tenancy Agreement has been entered into between the landlord (Meddler Properties Ltd) and the tenant (Meddler Farming Ltd). A Farm Management Agreement has also been entered into between the tenant and a farm manager.
10. Copies of the relevant Agreements have been provided to the Council by the appellant. On the basis of the information provided, officers consider that an agricultural use of the land has commenced, although legal advice is being sought on this matter.

Agricultural Land Use:

11. Members are advised that the use of the site for agricultural purposes does not constitute development. A planning application is not required to change the equine use of the land to agriculture, or for the demolition of the buildings on the site.
12. For the purposes of Section 55 of the Town and County Planning Act 1990, officers accept that the lawful use of the site is now agricultural.

Contesting The Appeal:

13. The Council has been invited by the appellant to decline to contest the appeal. This is based on the appellant's argument that the site is no

longer in equine use, and that Policy DM48 and Policy DM49 no longer being applicable. If this invitation is accepted, the appellant would be agreeable to refrain from making a claim for costs against the Council.

14. Officers are in the process of seeking further legal advice in respect of this matter. A further update will be given at the committee meeting.

CONCLUSIONS:

15. Members are requested to note and agree the process and policy situation as detailed in this report:
 1. Note the update with regard to the planning appeal.
 2. Note the update with regard to the use of the land.
 3. Agree to appointment of specialists to handle the appeal.
 4. Note the update with regard to the invitation to decline to contest the appeal.

Documents:

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

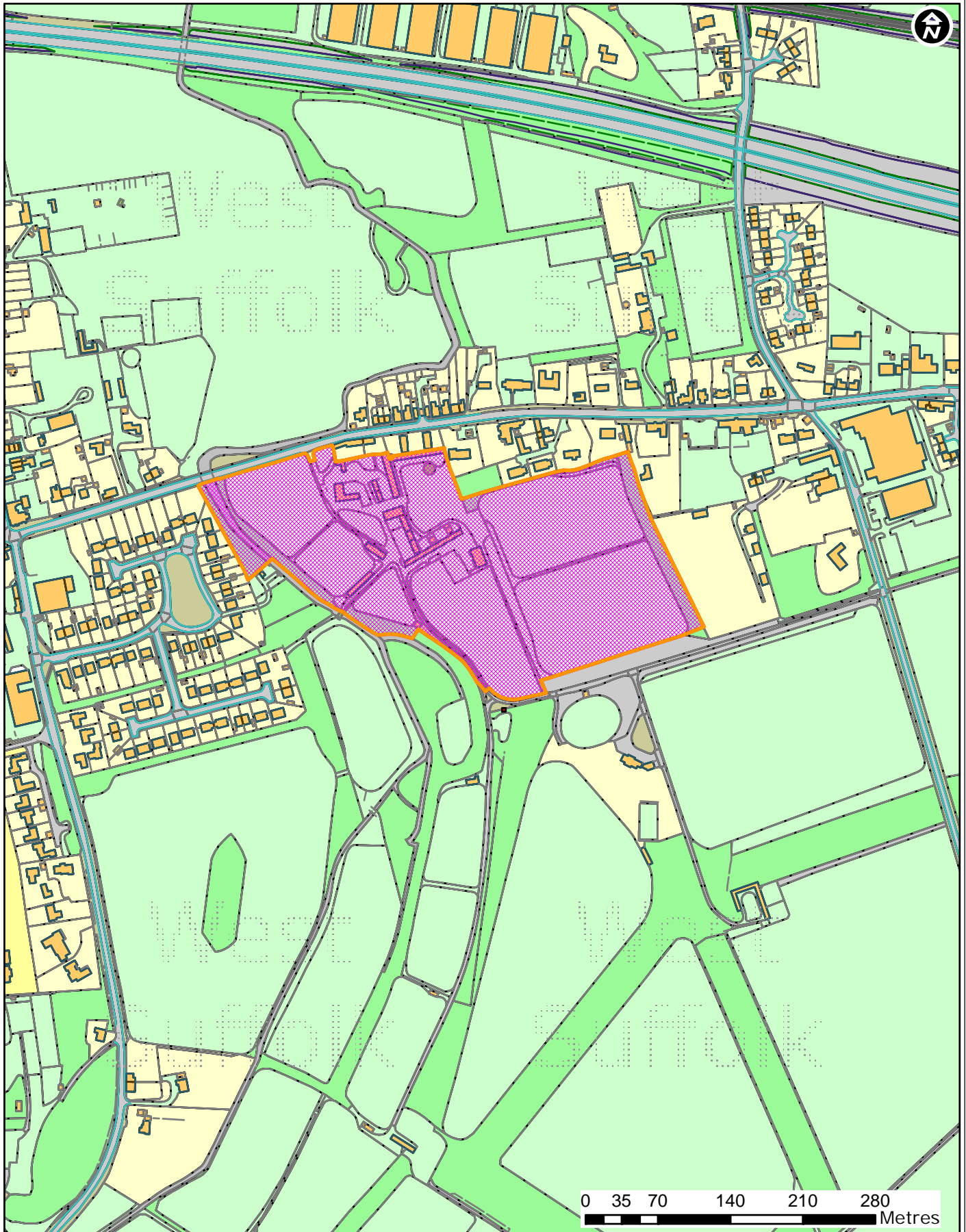
<https://planning.westsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=N3AHSMPDJ1G0>

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DC/14/0585/OUT

Meddler Stud, Bury Road, Kentford



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Page 157

Scale: 1:5,000
Date: 18/06/2015

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