

Development Control Committee



Forest Heath
District Council

Title:	Agenda												
Date:	Wednesday 3 February 2016												
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 (13)</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 1 FEBRUARY 2016 AT THE FOLLOWING TIMES:</p> <ol style="list-style-type: none"> <p>1. Planning Application DC/15/2215/FUL - Residential Caravan Park, Elms Road, Red Lodge Resubmission of DC/14/2384/FUL - change of use of land to a residential caravan park for 4 no. related gypsy families, including 4 no. mobile homes, 6 no. caravans and 4 no. day rooms Site visit to be held at 9.30am</p> <p>2. Planning Application DC/15/1863/FUL - Land North of 2 The Highlands, Exning 1 ½ storey detached dwelling Site visit to be held at 10.00am</p> 													
Substitutes:	Named substitutes are not appointed												

Interests – Declaration and Restriction on Participation:	Members are reminded of their responsibility to declare any disclosable pecuniary interest not entered in the Authority's register or local non pecuniary interest which they have in any item of business on the agenda (subject to the exception for sensitive information) and to leave the meeting prior to discussion and voting on an item in which they have a disclosable pecuniary interest.
Quorum:	Five Members
Committee administrator:	Helen Hardinge Committee Administrator & FHDC Scrutiny Support Tel: 01638 719363 Email: helen.hardinge@westsuffolk.gov.uk

Public Information



Forest Heath
District Council

Venue:	District Offices College Heath Road Mildenhall Suffolk, IP28 7EY	Tel: 01638 719000 Email: democratic.services@westsuffolk.gov.uk Web: www.westsuffolk.gov.uk
Access to agenda and reports before the meeting:	Copies of the agenda and reports are open for public inspection at the above address at least five clear days before the meeting. They are also available to view on our website.	
Attendance at meetings:	The District Council actively welcomes members of the public and the press to attend its meetings and holds as many of its meetings as possible in public.	
Public speaking:	<p>If you have sent your comments in writing and the application is going to the Development Control Committee for a decision we will write to tell you the Committee's date and invite you to attend and speak at the meeting if you wish.</p> <p>You will need to tell the Committee Administrator by 12 noon the day before the meeting if you wish to speak. Email: committees@forest-heath.gov.uk Telephone: 01638 719237 or 01638 719363</p> <p>Further guidance on having a say on planning applications can be found on the website at www.westsuffolk.gov.uk</p>	
Disabled access:	The public gallery is on the first floor and is accessible via stairs. There is not a lift but disabled seating is available at the back of the Council Chamber on the ground floor. Please see the Committee Administrator who will be able to help you.	
Induction loop:	An Induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter.	
Recording of meetings:	<p>The Council may record this meeting and permits members of the public and media to record or broadcast it as well (when the media and public are not lawfully excluded).</p> <p>Any member of the public who attends a meeting and objects to being filmed should advise the Committee Administrator who will instruct that they are not included in the filming.</p>	

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 - 8**

To confirm the minutes of the meeting held on 2 December 2015 (copy attached).
- 4. Planning Application DC/15/1863/FUL - Land North of 2 The Highlands, Exning** **9 - 18**

Report No: **DEV/FH/16/001**

1½ storey detached dwelling
- 5. Planning Application DC/15/2215/FUL - Residential Caravan Park, Elms Road, Red Lodge** **19 - 56**

Report No: **DEV/FH/16/002**

Resubmission of DC/14/2384/FUL - change of use of land to a residential caravan park for 4 no. related gypsy families, including 4 no. mobile homes, 6 no. caravans and 4 no. day rooms
- 6. Quarterly Monitoring Report of Development Management Services** **57 - 68**

Report No: **DEV/FH/16/003**

Development Control Committee



Forest Heath
District Council

Minutes of a meeting of the **Development Control Committee** held on
Wednesday 2 December 2015 at **6.00 pm** at the **Council Chamber,**
District Offices, College Heath Road, Mildenhall IP28 7EY

Present: **Councillors**

Chairman Rona Burt

Vice Chairman Chris Barker

David Bowman

Ruth Bowman

Louis Busuttill

Simon Cole

Brian Harvey

James Lay

Carol Lynch

Louise Marston

Peter Ridgwell

Michael Anderson

Bill Sadler

104. **Apologies for Absence**

Apologies for absence were received from Councillors Andrew Appleby, David Bimson and Stephen Edwards.

105. **Substitutes**

Councillor Michael Anderson attended the meeting as substitute for Councillor David Bimson and Councillor Bill Sadler attended as substitute for Councillor Stephen Edwards.

106. **Minutes**

The minutes of the meeting held on 4 November 2015 were unanimously accepted as an accurate record and were signed by the Chairman.

107. **Planning Application F/2013/0257/HYB - Land East of Red Lodge; Land Adjacent Village Centre, Red Lodge; Land Adjacent St. Christopher's Primary School, Red Lodge; and Land at Herringswell (Report No DEV/FH/15/050)**

The Chairman agreed to bring this item forward on the agenda in order to accommodate the members of the public in attendance in connection with this planning application.

Hybrid application:

- (i) Outline application - demolition of Hundred Acre Farm and the construction of up to 268 dwellings, new public open space, drainage ditches, associated access, landscaping, infrastructure and ancillary works on land East of Red Lodge and the construction of up to 225 sq., metres of Class A1 retail floorspace on land forming part of Phase 4a Kings Warren.
- (ii) Full application - (Phase A): construction of 106 dwellings (including the relocation of 3 committed dwellings from Phase 4a), new public open spaces, associated access, landscaping, infrastructure and ancillary works on land East of Red Lodge. Restoration of open Breck grassland on land South East of Herringswell, as amended.

This application had been considered previously by the Development Control Committee on three occasions, culminating in a risk assessment and resolution to grant planning permission at the meeting on 27 August 2014.

The application is returned to the Development Control Committee to enable Members to consider the following material changes in circumstances which had occurred since the decision to grant planning permission was made:

- i. Enactment of CIL Regulation 123 which led to off-site public open space contributions being dropped from the Section 106 Agreement;
- ii. The adoption by the Council of the Joint Development Management Policies document in February 2015; and
- iii. Adoption of new parking guidance by Suffolk County Council in November 2014, replacing the 2002 Suffolk Advisory Parking Standards.

The Committee was reminded that it was a 'hybrid' application with the full details of the first 106 dwellings included for consideration. The later phases of development and the village centre were in outline form with all matters reserved.

Red Lodge Parish Council and a number of neighbouring Parish Councils objected to the proposal on a number of grounds and representations had been received from over 30 residents.

A further Member site visit was held prior to the meeting. Officers were continuing to recommend that the application be approved as set out in Paragraph 26 of Report No DEV/FH/15/050 and subject to the following amendments as verbally advised by the Principal Planning Officer – Major Projects:

1. Recommendation A: first bullet point – the insertion of the words (in **bold**) "... the Head of Planning Growth, **in consultation with the Chairman and Vice-Chairman of the Development Control Committee together with the relevant Ward Members**, agrees that..."
2. Recommendation A: insertion of the following additional contributions:
 - Libraries £80,136
 - Early Years education £225,367
 - Traffic Calming £45,000
3. Recommendation A: insertion of an additional obligation to restrict occupancy to no more than Phase A (full application – 106 dwellings) by 1 September 2018.

The Principal Planning Officer – Major Projects advised the Committee that Herringswell Parish Council had submitted additional comments in respect of the application. Hard copies were tabled to the meeting for the benefit of those Members who had not been able to read the email.

The Officer gave the following response to the key points raised by the Parish Council:

1. Education

Figures were included within the Planning Officer's presentation which illustrated the pupil yields for the next five academic years both with and without the proposed development. The figures showed that even without any new development St Christopher's Primary School (Red Lodge) would be beyond its capacity by the 2016/2017 academic year. Therefore, on balance, Officers felt that to refuse the application would cause more harm; as it would prevent children from being accommodated in the village school, by way of the temporary extension, prior to the second primary school being open.

Suffolk County Council had requested that an additional condition be included to restrict occupancy to no more than Phase A (full application – 106 dwellings) by 1 September 2018 in order to ensure that any children from the new development would be able to be accommodated by the second primary school (as the Officer had previously made reference to under the amendments to the recommendation.) The Committee was advised that the applicant had agreed, in principle, to the inclusion of this condition which could be secured as part of the S106 agreement.

2. Affordable Housing

The Officer explained that a new Viability Assessment was to be undertaken in respect of the affordable housing quota for the development as the last assessment took place in 2014 and was considered out of date.

He assured Members that external advice had been sought by the Council in connection with this matter and discussions were still ongoing between the Planning Authority and developer as part of the normal S106 negotiations.

3. Sewerage

The Officer explained that Anglian Water had been sent Herringswell Parish Council's comments and their response was read out to the meeting.

In summary, they confirmed that the issues raised by the Parish Council were normal management and maintenance issues and not due to insufficient capacity and that the system was not under pressure. They also clarified that there was capacity to accommodate the proposed development.

The Chairman then invited Members to make comment on the application.

Concerns were raised with regard to the designated emergency access for the site as highlighted by the Officer in his presentation. A number of the Committee voiced doubt with regard to the suitability of the access, bearing in mind the large number of vehicles that parked on the highway. The Officer

assured Members that Suffolk County Council had said they would undertake a review of the access if necessary.

In response to queries, the Officer confirmed that Natural England had been fully consulted, and whilst they appreciated that the woodland mitigation site was not a 'like for like' equivalent, they were happy with the proposal in view of the existing (to be felled) woodland being of low ecological quality.

Councillor Simon Cole made reference to Paragraph 15 of Report No DEV/FH/15/050 which explained that the S106 off-site public open space contribution could no longer be secured by planning obligation. He asked if the Planning Authority was able to 'request' this contribution. The Officer explained that the Council could not lawfully ask for this but could accept if the developer offered the contribution on the proviso that the Council had not placed any weight upon it in reaching its decision.

A number of comments were made with regard to the Local Education Authority and concerns were raised at Suffolk County Council's delivery in terms of education in respect of Red Lodge. The Service Manager (Planning – Strategy) assured the Committee that the Council regularly worked with the County Council in respect of future education provision and she would report Members comments to them.

Lastly, Councillor Bill Sadler voiced displeasure at the amount of time it took from a planning application being granted to the development being commenced onsite. The Principal Planning Officer – Major Projections outlined some of the activities that had to be produced following an approval; including the S106, preparation of work to clear 'pre-commencement' conditions, site preparation and construction of the dwellings. The Service Manager (Planning – Development) added that work was ongoing jointly across the county to see how the post-approval process could be sped up.

It was moved by Councillor Carol Lynch that the application be granted, as per the Officer recommendation and inclusive of the amendments as outlined to the meeting, this was duly seconded by Councillor David Bowman and with 11 voting for the motion and with 2 against, it was resolved that:

Full and outline planning permission be **APPROVED** subject to:

- A. The completion of a Section 106 agreement to secure:
- Affordable housing: 30% provision unless the Head of Planning and Growth, in consultation with the Chairman and Vice-Chairman of the Development Control Committee together with the relevant Ward Members, agrees that adverse development viability has been adequately demonstrated (in which case the precise level of affordable housing secured will be determined by an agreed viability assessment with minimum 14% provision).
 - Education contribution: £1,508,416 (towards land and build costs for a new primary school)
 - Libraries contribution: £80,136
 - Early years education contribution: £225,367
 - Traffic calming contribution: £45,000

- Healthcare contribution: £130,000
- Open space maintenance commuted sum: £385,243
- Phasing (including delivery and management of the circular footpath and delivery village centre extension and land required temporarily for St Christopher's Primary School).
- Travel plan implementation and monitoring.
- Delivery and management of the Herringswell Mitigation site and the 2 (no.) replacement tree planting sites.
- Provision of land adjacent to St Christophers Primary School for a temporary period for education use (precise term to be agreed with the applicant and Local Education Authority).
- Review and re-appraisal of the scheme proposals for viability but only if levels less than 30% (policy compliant) provision are subsequently agreed and secured (Phase A to be re-appraised if not implemented within a reasonable period, later phases (currently at outline stage) to be appraised at reserved matters submission stage (and re-appraised should a policy compliant scheme not be secured from later phases and the later phase/s are not implemented within a reasonable period)
- Restrict occupancy to no more than Phase A (full application – 106 dwellings) by 1 September 2018

And

B. Subject to conditions, including:

- Outline time limit (later phases)
- 3-year commencement (Phase A)
- Reserved Matters to be agreed (appearance, scale, layout [including internal site layout of roads and ways] and landscaping)
- Compliance with approved plans
- As recommended by the Local Highway Authority (not including S106 contributions)
- Archaeology – investigation and post investigation assessment
- Contamination – further investigative work
- Drainage details, including foul water and SUDS (and including maintenance responsibilities of the new SUDS systems)
- Construction Management Plan
- Details of boundary treatments
- Use of materials as proposed (Phase A).
- Details of Materials with subsequent Reserved Matters submissions (later phases)
- Detailed scheme of hard and soft landscaping, including the open spaces
- Details of informal play equipment
- Tree protection
- Landscaping management plan
- Recommendations of Ecological Assessment to be implemented

- Provision of fire hydrants
- Waste minimisation and recycling strategy (including for demolition of Hundred Acre Way)
- Quality assurance plan for each development phase, with particular focus on water efficiency
- Bin and cycle storage strategy
- Noise mitigation (later phases – dwellings adjacent to sports pitches)
- Ecological and Landscape Management Plan
- Any additional conditions considered necessary by the Head of Planning and Growth.

In the event of the Head of Planning and Growth recommending alternative (reduced) S106 Heads of Terms from those set out at above, the planning application be returned to Committee for further consideration.

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

- i. Unsustainable form of development not mitigating its impact upon (inter alia), education provision, open space, sport and recreation (contrary to the Framework and relevant Development Plan policies);
- ii. Non-compliance with affordable housing policy (contrary to Core Strategy policy CS9 and supporting SPD document);
- iii. Contrary to the provisions of the Habitats Regulations (failure to secure appropriate mitigation to off-set identified/likely impacts upon the features of interest of the Special Protection Area).

108. Planning Application DC/15/2022/HH - 8 West Drive, Mildenhall (Report No DEV/FH/15/049)

Householder planning application – (i) alteration and extension to roof allowing for provision of solar tiles; (ii) installation of chimney for wood burning fire.

This application was referred to the Development Control Committee as the applicant was a member of staff.

The Planning Officer confirmed that no objections had been received in respect of the application and Mildenhall Parish Council supported the scheme.

Officers were recommending that the application be approved as set out in Paragraph 16 of Report No DEV/FH/15/049.

It was proposed by Councillor Bill Sadler that the application be approved and this was duly seconded by Councillor Simon Cole, and with the vote being unanimous, it was resolved that:

The application be **APPROVED** subject to the following conditions:

1. Time limit
2. Materials to match
3. Compliance with plans

109. **Planning Application DC/15/1450/RM - Land North of Mildenhall Road, West Row (Report No DEV/FH/15/051)**

Reserved Matters application – submission of details under outline planning permission DC/14/0632/OUT – appearance, layout and scale for 24 No. two-storey dwellings and 2 No. bungalows.

This application was considered by the Development Control Committee on 7 October 2015 at which the decision was taken to defer the application in order to allow time for Officers to raise the concerns of the Committee with the application regarding the impact of plots 17, 18, 19 and 20 of the development on adjacent residents.

As a result of the deferral the applicant had submitted revised plans which rearranged the layout of the properties along the Eastern edge of the site. In addition, the layout at the Western edge had also been amended to re-orientate the dwelling on plot 1 in order to position it further from the boundary.

The Senior Planning Officer confirmed that neighbouring residents at South View and Cranford had confirmed that they were pleased with the amendments.

The Committee were advised that Mildenhall Parish Council continued to voice dissatisfaction with the level of parking provided as part of the scheme.

Officers were continuing to recommend that the application be approved as set out in Paragraph 21 of Report No DEV/FH/15/051.

Some Members continued to voice concern at the incomplete pathway that would serve the scheme which would terminate prior to a junction. Officers agreed to highlight these concerns with Suffolk County Council Highways. Officers also re-iterated that the access details, including the footpath works, were agreed at the outline stage and the reserved matters application did not include access details.

Councillor David Bowman, as Ward Member for the application, spoke on the scheme and voiced approval at the amendments which had been made by the developer. He asked if it would be possible to condition the external boundary treatments to ensure that these were in place prior to the construction being commenced.

The Officer confirmed that this could be conditioned, following which Councillor Bowman proposed that the application be approved, together with

the additional condition, and this was duly seconded by Councillor Simon Cole and with the vote being unanimous, it was resolved that:

The application be **APPROVED** subject to the following conditions:

1. Time limit
2. Retention of hedge
3. Hours of work
4. Fire hydrants to be installed within the site
5. Development to be carried out in accordance with plans
6. External boundary treatments to be in place prior to the construction being commenced

110. **Chairman's Announcement**

The Chairman thanked the Principal Planning Officer for the mince pies which had been provided for the Committee meeting and wished all present a very Merry Christmas and a Happy New Year.

As this was the last Development Control Committee of 2015 she also thanked all Members for their support during the year.

The meeting concluded at 7.29 pm

Signed by:

Chairman

Forest Heath District Council

**DEVELOPMENT
CONTROL
COMMITTEE**

3 FEBRUARY 2016

DEV/FH/16/001

Report of the Head of Planning and Growth

**PLANNING APPLICATION DC/15/1863/FUL - LAND NORTH OF 2 THE
HIGHLANDS, EXNING**

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
Telephone: 01638 719431

Committee Report

Date: 20th October **Expiry Date:** 15th December 2015
Registered: 2015

Case Officer: Ed Fosker **Recommendation:** Refuse

Parish: Exning **Ward:** Exning

Proposal: Planning Application DC/15/1863/FUL - 1½ storey detached dwelling

Site: Land North of 2 The Highlands, Exning

Applicant: Mr & Mrs Gower

Background:

This application was referred to Delegation Panel at the request of Councillor Simon Cole. In addition, Exning Parish Council raised no objection to the application which was contrary to the Officer's recommendation. It was resolved by the Delegation Panel to bring the application before the Development Control Committee.

The application is recommended for REFUSAL.

Proposal:

1. Planning permission is sought for the erection of a 1½ storey 'chalet bungalow' style property to be located to the north of no. 2, a single storey detached dwelling which is to be retained. The existing access serving no. 2 is to be widened to allow access to the new dwelling. The proposed dwelling would measure approximately 16.5 metres in length with a width of approximately 6.5 metres.

Application Supporting Material:

2. Information submitted with the application as follows:
 - Completed application forms
 - Plans
 - Planning Statement
 - Photographs of application site

Site Details:

3. The site comprises the northern part of the garden which current serves No. 2 The Highlands. It is located on the corner of Windmill Hill and the Highlands within a residential area of varied character and age. The site is

reasonably well screened around the boundaries by mature hedging and trees. Access to the property is off the eastern side of The Highlands.

Planning History:

4. None

Consultations:

5. Exning Parish Council – No objection.
6. Highways Authority – Notice is hereby given that the County Council as Highways Authority recommends that permission be refused for the following reasons:

Unsafe access onto the highway

The application proposes a new access onto The Highlands near to the junction with Windmill Hill. Due to the proximity of this access to the junction, in the interests of highway safety vehicles will be required to enter and exit the highway in a forward gear. For this to be possible there must be an area shown within the curtilage of the proposed new development for this purpose. From the submitted drawings there is no area shown.

Paragraph 32 of the National Planning Policy Framework requires decisions to take account of "safe and suitable access to the site can be achieved by all". This proposal would very likely generate additional vehicle movements near to a junction with the highway. In order to achieve intervisibility with other highway users and in the interests of highway safety, especially those entering the Highlands from Windmill Hill in a southerly direction, vehicles must be able to enter and exit the highway in a forward gear.

A new access so close to the junction with the Highlands/Windmill Hill will result in an increase to both vehicles leaving the access and those on The Highlands. Failure to achieve a satisfactory standard of visibility would be prejudicial to highway safety.

In order for SC Highway to reconsider this application the following must be supplied:

Area for vehicle to manoeuvre in order to enter the highway in a forward gear.

Visibility splays that can be achieved from the site of the proposed new access taken a point 2.4 metres from the edge of the carriageway at the centre of the proposed access and to the nearside edge of the carriage, and within the ownership or control of the applicant.

A revised scheme of access has been received from the applicant and has been considered by the Highway Authority. The recommendation remains one of refusal for the following reason;

After further consideration of the revised plan SCC Highways maintain the recommendation for refusal. The visibility of approximately 19 metres from the proposed new access to the junction with Windmill Hill is well below the visibility splay of 43 metres required as per Manual for Streets recommendation. In addition vehicles exiting the current access for No 2 the Highlands would potentially have their view obscured by vehicle(s)

exiting the new access, thereby reducing inter-visibility with other road users.

7. Archaeological Service – This application lies in an area of high archaeological importance recorded in the County Historic Environment Record. An early Anglo-Saxon cemetery and inhumation burials have been recorded to the south-east of the proposed development site (HER no. EXG 005 and EXG 028), which is also located in the immediate vicinity of a substantial Iron Age enclosure (EXG 082). As a result there is high potential for encountering archaeological remains at this location. Any ground-works associated with the proposed development has the potential to cause significant damage or destruction to any underlying heritage assets. There are no grounds to consider refusal of permission in order to achieve preservation in situ of any important heritage assets. However, in accordance with the National Planning Policy Framework (Paragraph 141), any permission granted should be the subject of a planning condition to record and advance understanding of the significance of any heritage asset before it is damaged or destroyed.
8. Public Health and Housing – No objection, however; the development is located close to the A14 and sufficient mitigation should be put in place to ensure future occupiers are not adversely affected by noise.
9. Environmental Services – No objections subject to informative.
10. Tree, Landscape and Ecology Officer - comments to be reported verbally at the meeting.

Representations:

11. Four letters of representation have been received from the occupiers of Highfield Lodge, 6 The Highlands, 7 The Highlands and 2A The Highlands. The concerns raised are summarised below:
 - Additional traffic during construction,
 - Additional rubbish during construction,
 - Site is too small for a dwelling,
 - Would encourage on street parking very close to the corner of Highlands,
 - Cramped form of development,
 - Extreme overdevelopment of a very small site,

Policy:

12. The following policies have been taken into account in the consideration of this application.
13. Forest Heath and St Edmundsbury Local Plan Joint Development Management Policies Document February (2015)
 - Policy DM22 - Residential Design
 - Policy DM2 – Creating Places – Development Principles and Local Distinctiveness
14. Forest Heath Core Strategy (2010):

- Policy CS1: Spatial Strategy
- Policy CS5: Design Quality and Local Distinctiveness

15. National Planning Policy Framework: Core Planning Principles

- Section 6: Delivering a Wide Choice of High Quality Homes
- Section 7: Requiring Good Design
- Section 8: Promoting Healthy Communities

Officer Comment:

16. The site is located within the Housing Settlement Boundary for Exning and is in a position where shops and facilities are in close proximity. As such, the principle of new small scale windfall residential development in this location is considered sustainable and generally acceptable. However, consideration would also need to be given to other adopted policies and the provisions of the National Planning Policy Framework.

17. The application site is comparatively modest in size; the provision of a dwelling in this location represents a cramped and contrived scheme, which is a poor urban design solution. The NPPF makes it clear in Paragraph 56 that 'good design' is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings'. In this case, it has not been demonstrated that the proposal would comply with this criteria. Policy DM22 states that development should create and support continuity of the built form and enclosure of spaces, also respecting the existing pattern of development. The form and scale of the proposal appears contrived and conflicts with the established grain of development in the locality which comprises sizable properties within relatively large plots.

18. The positioning of the dwelling within the long, thin plot provides a minimal separation distance between the proposal and No. 2 itself, however; the '1.5' storey nature of the dwelling ensures that any overlooking is provided by ground floor windows and high level first floor roof lights, with those serving habitable rooms largely placed on the front and rear elevations, which in itself does not raise undue concern.

19. The northern boundary of the site is landscaped with existing trees and foliage and the impact of the proposal on the established landscaping will be reported at the meeting.

20. Paragraph 32 of the National Planning Policy Framework requires decisions to take account of "safe and suitable access to the site" which "can be achieved by all". The Highways Authority has recommended that permission be refused due to the unsafe access onto The Highlands near to the junction with Windmill Hill. This is due to the close proximity of this access to the junction and the comments are reproduced in full above at Paragraph 6. This proposal would very likely generate additional vehicle movements near to a junction with the highway. In order to achieve intervisibility with other highway users and in the interests of highway safety, especially those entering the Highlands from Windmill Hill in a

southerly direction, vehicles must be able to enter and exit the highway in a forward gear.

21. The National Planning Policy Framework states that development should be of high quality design and reflect the identity of local surroundings as well as providing a good standard of amenity for all existing and future occupants of land and buildings, contributing positively to making places better for people. It is considered that this proposal fails to accord with these provisions and as such represents an intrusive form of development which is at odds with the locality, to the detriment of its appearance.
22. It is considered that the benefit brought by the addition of a single dwelling to the housing market, is not sufficient to overcome the concerns raised. Consequently, it conflicts with the provisions of adopted policy and is recommended for refusal.

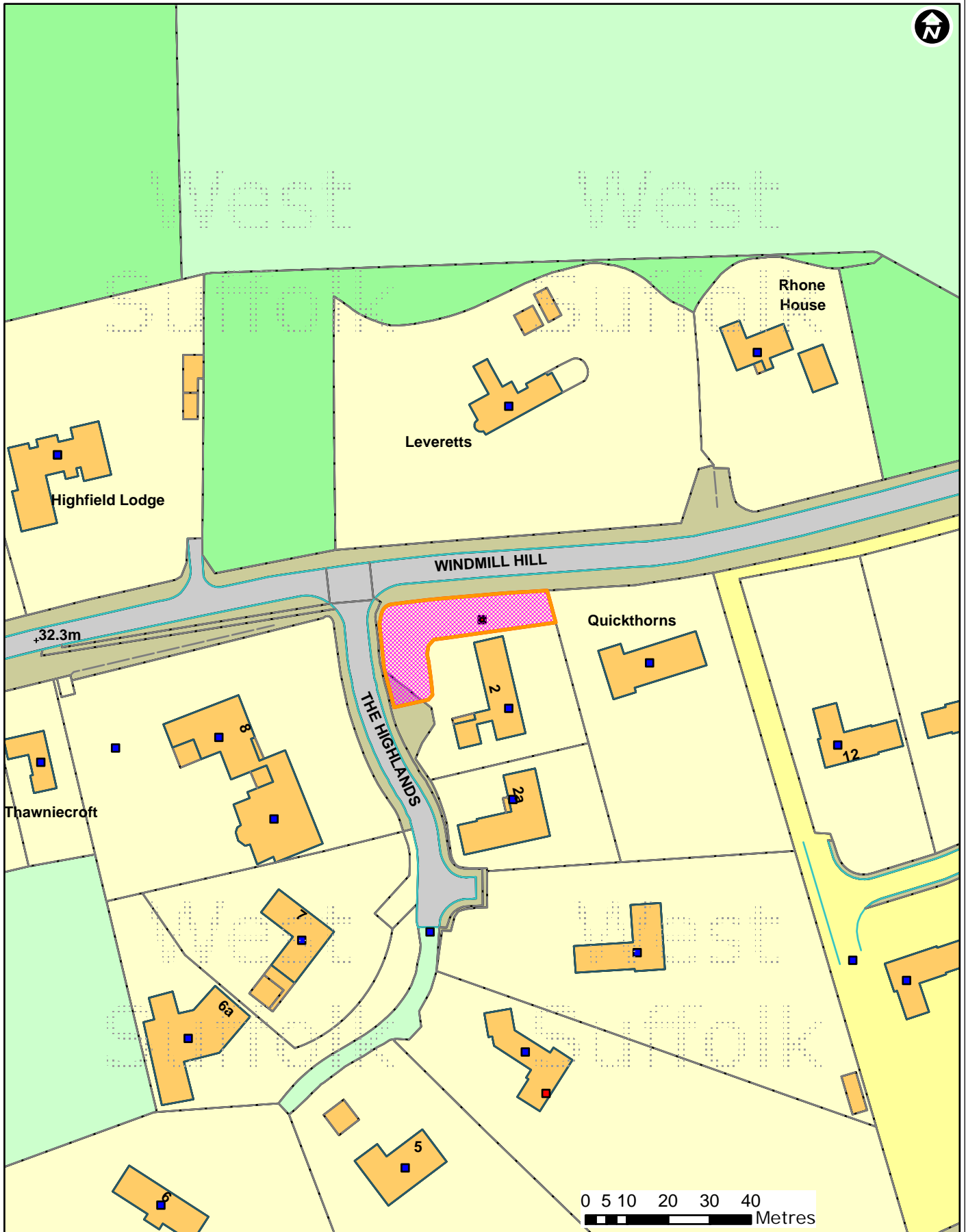
RECOMMENDATION:

23. That planning permission is **REFUSED** for the following reasons:
24. The residential dwelling proposed represents an inappropriate cramped and contrived form of development, which fails to respect the character and appearance of the locality where adjacent dwellings are sited within relatively spacious plots. The resulting dwelling would be out of keeping with the established pattern of development. As such, the erection of a new dwelling in this position conflicts with the provisions of policy CS5 of the Core Strategy, DM22 of the Forest Heath and St Edmundsbury Local Plan Joint Development Management Policies Document February (2015) and the National Planning Policy Framework which seek to create a high quality environment.
25. Paragraph 32 of the National Planning Policy Framework (NPPF) requires decisions to take account of safe and suitable access to the site being achieved for all. The access onto The Highlands near to the junction with Windmill Hill is considered unsafe due to the close proximity of this access to the junction. The visibility of approximately 19 metres of the proposed new access to the junction with Windmill Hill is well below the visibility splay of 43 metres required as per the Manual for Streets recommendation. In addition vehicles exiting the current access for No 2 the Highlands would potentially have their view obscured by vehicle(s) exiting the new access, thereby reducing inter-visibility with other road users. The failure of the proposal to provide a safe and secure access for this proposed dwelling will lead consequentially to increased adverse issues of highway safety, contrary to the requirements of Para. 32 of the NPPF.

Documents:

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

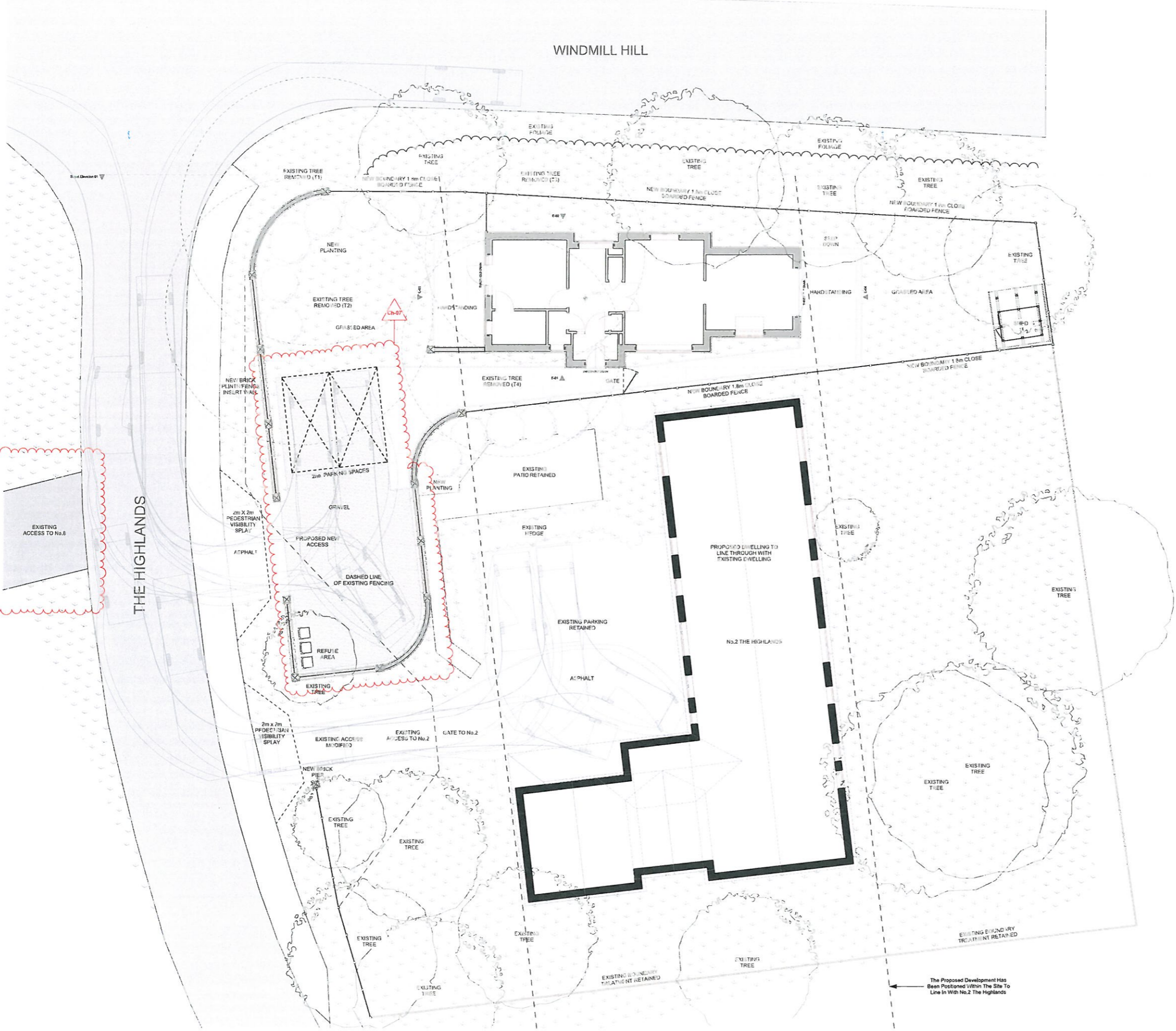
<http://planning.stedmundsbury.gov.uk/online-applications/simpleSearchResults.do;jsessionid=1B03111C645CB2837069D39E7F7676F3?action=firstPage>



This page is intentionally left blank

This document and its design content is copyright Gary Johns Architects ©. It shall be read in conjunction with all other project information including models, specifications, schedules and related consultants documents. Do not scale from documents. All dimensions to be checked on site. Immediately report any discrepancies, errors or omissions on this document to Architect.

Change ID	Change Name	Date Modified	By
Ch-05	Trees Retained Added To Proposed Site Plan. Trees Labeled On Site Plan	10/12/2015	AJ
Ch-06	Access To No.8 Shown. Proposed Grand Drive removed	12/12/2015	AJ



Trees to be removed include T1, T2, T3 & T4 located in the North-West corner of the site. A total of four trees to be removed in total. All other trees to be retained and protected during construction. Details of tree protection method to be provided once planning application has been determined.

Trees T1 and T2 are to be removed to allow proposed boundary wall to be constructed and provide the proposed dwelling suitable front garden space.

Trees T3 and T4 are to be removed as they fall within the footprint of the proposed detached dwelling.

As part of the proposed works new planting is also located in the North-West corner of the site.

Rev	Created	Checked	Approved
A			

44 SILVER STREET, ELY, CAMBRIDGESHIRE, CB7 4JF
 TEL : +44(0)1353 665374
 E-MAIL : info@garyjohnsarchitects.co.uk
 WEB : www.garyjohnsarchitects.co.uk

Gary Johns Architects

CLIENT
 Mr. & Mrs. B. Gower
 2 The Highlands, Exning
 Newmarket
 Suffolk, CB7 7NT

PROJECT
 Proposed new dwelling
 Land at the side of 2 The Highlands
 Exning, Newmarket
 Suffolk, CB7 7NT

DRAWING FILE
 14-223 - The Highlands Exning - Proposed
 Scheme.pln

DRAWING TITLE
 Proposed Site Plan

SCALE	STATUS
1:100	

DRAWN	CHECKED	DATE

DRAWING NUMBER	REVISION
14-223	GA 002
	B



This page is intentionally left blank

Forest Heath District Council

**DEVELOPMENT
CONTROL
COMMITTEE**

3 FEBRUARY 2016

DEV/FH/16/002

Report of the Head of Planning and Growth

**PLANNING APPLICATION DC/15/2215/FUL - RESIDENTIAL CARAVAN PARK,
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
Email: sharon@lsrlegal.co.uk
Telephone: 01206 766333

Committee Report

Date: 6th November **Expiry Date:** 3rd February 2016
Registered: 2015

Case Officer: Sharon Smith **Recommendation:** Refuse Planning Permission
Parish: Red Lodge **Ward:** Red Lodge

Proposal: Planning Application DC/15/2215/FUL - resubmission of DC/14/2384/FUL - change of use of land to a residential caravan park for 4 no. related gypsy families, including 4 no. mobile homes, 6 no. caravans and 4 no. day rooms

Site: Residential Caravan Park, Elms Road, Red Lodge

Applicant: Mr H Stretton

Background:

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

1. Planning permission is sought for the change of use of land to a residential caravan park for 4 no. related gypsy families.
2. The proposal includes the provision of 4 no. mobile homes, 6 no. caravans and 4 no. day rooms.
3. This application is a resubmission, with amended plans, of DC/14/2384/FUL, which was refused planning permission.

Application Supporting Material

4. Information submitted with this application is as follows:
 - Signed application forms (including ownership certification).
 - Drawings (including location plan, plans showing the proposed site layout, elevations of proposed amenity buildings, fencing details, ground levels, section drawings and a tree and landscaping schedule).
 - Justification Statement.
 - Levels/topographical survey.
 - Land Contamination Assessment.
 - Landfill Gas Survey.

- Ground Investigation Factual Report.
5. Additional plans were requested and received on 21st December 2015, which included further amended sections through the site. These plans were the subject of reconsultation.

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 runs from the roadside edge at the northern end and continues south-westerly to a point approximately 150 metres in length. The site is 40 metres in depth.
9. At the southern end of the site is a parcel of land that was granted planning permission in 2011 for the "*change of use of land to use as a residential caravan site for two gypsy families with a total of 5 caravans including the erection of 2 amenity buildings and the erection of a 2 metre high boundary fence*". This is an extant planning permission.
10. Planning permission was granted in July 2015, on land to the south east of the application site, for the "*change of use of land to residential use for three gypsy families including 3 no. mobile homes and 6 no. amenity buildings*" at Caravan Mobile Site, Elms Road, Red Lodge, Suffolk.
11. Access to the application site would be achieved from an existing track that is located to the west of the land, and which runs directly from Elms Road. The roadside boundary with Elms Road is formed by a mature hedgerow, which terminates at the access point. A gate currently exists across the access point, which is set back some distance from Elms Road.
12. A bridleway runs along the northern and eastern boundaries of the land leading down Bridge End Road and crossing the A11 some distance to the south. A public footpath runs to the south of the properties on Bridge End Road, crossing the A11 at the footbridge and leading into Red Lodge along Heath Farm Road.

Planning History

13. In January 2011, planning permission was granted on an adjacent piece of land for the change of use of land to a use as a residential caravan site for two gypsy families with a total of 5 caravans, including the erection of 2 amenity buildings and the erection of a 2 metre high boundary fence under Council reference F/2010/0012/FUL. This permission relates to the parcel of land immediately to the south west of the application site.

14. In September 2011, the Council approved an application to vary condition 3 of the above permission to allow the removal of an earth bund and its replacement with screen fencing and a landscaping strip. This bund was subsequently removed. This permission is considered to be extant, but where occupation of the site has not yet occurred.
15. In June 2015, the Council refused planning permission for the 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 under reference DC/14/2384/FUL. The current application comprises a resubmission of the previously refused scheme and relates to the same site area.
16. Prior to this, the site was used historically for landfill, and there is a history of permissions for this use dating back to the late 1980s.

Consultations

17. 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 and manoeuvring of vehicles and cycle storage to be provided; and the provision of visibility splays.
18. Environment Agency – recommends conditions 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; and a scheme of foul drainage to be submitted and approved. A copy of the proposed conditions, in full, is appended to this report.
19. West Suffolk – Environmental Health – the Phase 1 Contaminated Land Desk Study identified that there is potentially a high risk that may affect site workers, future residents, and controlled waters due to the historical use of the site. The Ground Investigation Factual Report does not contain results of any analysis of soil samples, or updated conceptual site model and risk assessment. Therefore recommend the following conditions:

"Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until parts 1 to 4 of this condition have been complied with.

- 1) *Site Characterisation - An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local*

Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) A survey of the extent, scale and nature of contamination;*
 - (ii) An assessment of the potential risks to: - human health, - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, - adjoining land, - groundwaters and surface waters, - ecological systems, - archaeological sites and ancient monuments;*
 - (iii) An appraisal of remedial options, and proposal of the preferred option(s) where required. This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.*
- 2) Submission of Remediation Scheme - A detailed remediation scheme (where required) to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.*
- 3) Implementation of Approved Remediation Scheme - The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.*
- 4) Reporting of Unexpected Contamination - In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of part 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of part 2, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is*

subject to the approval in writing of the Local Planning Authority in accordance with part 3.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with the National Planning Policy Framework, Policy NE6 of the Replacement Local Plan, Policy CS2 (Sustainable Development) of the Core Strategy and Policy DM15 of the Joint Development Management Policy."

20. West Suffolk – Public Health and Housing – no objections, recommends conditions relating to the working hours for site demolition, preparation and construction works; the removal of waste material arising from the site preparation and construction works (no burning); and details of the erection of security lights and or floodlights to be submitted and approved.

In respect of the additional information submitted on 18th November 2015, a response was provided advising that a site licence would be required should permission be granted.

21. 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. They further identify that the family have been established in the area for a number of years and "...have a local connection".
22. Suffolk County Council - Rights Of Way – no objection, but makes comment that their previous comments apply regarding the applicant's responsibilities in terms of the Bridleway 5, which lies adjacent to the site.
23. Suffolk County Council – Minerals and Waste – no comments received.
24. Suffolk County Council – Development Contributions Manager – no comments received.
25. Planning Policy – recognises that there is an 'actual need' for the site and finds in favour of the reuse of derelict land, however, there are concerns relating to the adequacy of the soft landscaping along the western boundary; excessive use of close boarded fencing; the potential harm to the living environment of uncapping the landfill site; levels of proposed parking and the surface of the lane for access. The application is recommended for refusal.

Representations

26. Red Lodge Parish Council – objects to the application.

27. Freckenham Parish Council – objects to the application, making reference to previous comments.
- The planning authority being satisfied that there are no contamination risks (Members have been informed that animals grazing on the site have died unexpectedly).
 - That any development should be strictly in accordance with the application plans and should this be approved, then the development should be strictly monitored and enforced.
 - That there should be a strict limit on the number and size of any commercial vehicles on site (2 per plot and no more than 7.5 tonnes).
 - That there should be no commercial activity on any of the plots.
 - Members noted that the track from Elms Road is not wide enough for two vehicles to pass (as stated in the application) and that the visibility splay is obscured by hedges.
 - That if there is to be an approval then it should be personal to the applicants.
28. Ramblers – raises no objections, subject to the adjacent boundary fencing being kept in a good state of repair. Refer to original comments, noting that the Bridleway is not shown on the plans, and that the overgrown state of the Bridleway has been reported to SCC.
29. 8 letters have been received from local residents, including at the following addresses, raising **objections** to the proposed development:
- Hermitage Farm, Haddenham, Ely
 - Elephanta, Bridge End Road, Red Lodge
 - The Roost, Bridge End Road, Red Lodge
 - Longview, Bridge End Road, Red Lodge
 - Moulton Manor Farm
 - Hydes Barn, Elms Road, Freckenham
 - Drift Cottage, Elms Road, Freckenham
 - The Dell, Elms Road, Freckenham
30. The issues and objections raised are summarised as follows:
- Does not meet the requirements of Policy CS8 of Forest Heath District Council's Core Strategy.
 - 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.
 - 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 proposed development does not fall within any of the 'special circumstances' set out at paragraph 55 of the NPPF.
 - Risk of precedent for further applications.
 - Contrary to Development Plan.
 - Policy requires that gypsy sites should not dominate communities. Previous applications approved have, for Red Lodge and Freckenham, fulfilled the required quota.
 - The proposed development will have an adverse impact on this area, designated as an Area of Local Landscape Value.

- Significant adverse impact on landscape character.
- Proposal would result in material change in character of the land.
- If the application is granted, certain conditions should be imposed relating to the minimisation of impact from the development, including maintaining landscaping, adequate sewerage provision and highway access.
- Location inappropriate due to flat nature of surrounding landscape with lack of intervening vegetation, making proposal highly visible from surrounding landscapes.
- Application fails to make assessment of proposals impact on landscape character and quality of the field and location.
- Proposed planting would be an alien feature on this landscape character, which is not characterised by abundant vegetation.
- The revised application, lowering the levels, would have a detrimental impact on the character and appearance of the countryside.
- Proposed number of buildings would be intrusive in rural environment.
- The development is in an unsustainable and isolated location, as all future occupants would need to access local services by car.
- Site is physically and functionally separated from Red Lodge by the A11, isolating it from local services and the community. Potential for isolation regarding upbringing of children. Local facilities are not easily accessible therefore contrary to National Traveller Policy and Policy CS9.
- The potential contamination fails to provide safe accommodation.
- Unwise to have people living close to or even on top of the infilled pit.
- The site lies within/adjacent to a former landfill site giving rise to a clear risk of contamination and associated health implications.
- The contamination report submitted as part of this application is not up to date and the information provided is inadequate.
- Query about the stability of the land.
- Increased traffic on otherwise quiet small country roads.
- Access to the highway is inadequate with poor visibility onto Elms Road.
- Access track is not wide enough for two vehicles to pass each other giving rise to safety concerns. Further landscaping will obscure views giving rise to pedestrian/vehicular conflict.
- Bridleway terminates south east of access track giving rise to potential vehicular and pedestrian/equestrian conflict.
- Unclear as to whether suitable visibility splays can be provided either side of access.
- Elms Road is a narrow road with no footpaths and street lights, making possible walking dangerous.
- Concern regarding creation of additional accesses to the detriment of highway safety.
- The site has no water or sewerage connections.
- Provision of cess tank proposed where it has not been demonstrated that it will be sufficient for scale of development.
- No plans for how rain water will be disposed of. Risk of water running from site onto Elm Road and surface water entering contaminants already in landfill and then into underground waterways.
- No plans to stop rain water running off the large slope (site) onto access track and then onto Elms Lane. Drainage ditches have been filled in.
- Insufficient information is provided with the application as to the applicants' local connections.
- Lack of local school places.

- Plans show access over neighbouring boundary where no agreement is in place for this to occur.
- There is no right of access over boundary with objector's land.
- If Council minded to approve, consider conditions necessary to minimise impact of the development (nature and extent), landscape maintenance, Grampian condition regarding site safety (contamination), adequate sewerage provision and pre commencement condition relating to highway access.

Planning Policy

31. 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 Local Plan Documents (February 2015)

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

Core Strategy

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

Joint Development Management Policies Document

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

National Policy

33. The following Central Government planning guidance are material considerations in the making of planning decisions:
- The National Planning Policy Framework (2012)
 - National Planning Practice Guidance (2014)
 - Planning Policy for Traveller Sites (2015)
34. The National Planning Policy Framework (the Framework) sets out the government's planning policies for England and how these are expected to be applied.

35. 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."*

36. 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"*. Furthermore, 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"*. It is considered that the Local Planning Authority has acted positively, in the public interest, when considering this application.

37. The Government has also 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.

38. A revised Planning Policy for Traveller Sites (PPTS) was introduced in August 2015.

Officer Comment

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

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

Need for Additional Gypsy and Traveller Accommodation in the District

40. The most up to date evidence, in terms of future requirements, is the Gypsy and Traveller Accommodation Needs Assessment (GTNA) which was published in October 2011 and subsequently updated in April 2012. This assessment shows a need for 9 additional pitches in Forest Heath for the period 2011 – 2016. Since the publication of this assessment the LPA has granted consent for 3 pitches in Red Lodge (ref. DC/14/2162/FUL), which reduces the need to 6 pitches within the District from 2011 – 2016.
41. A review of the Traveller Needs Assessment has been commenced by Cambridgeshire County Council, the results of which, when published in spring 2016, will form an updated evidence base for the Council.
42. 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 a family requiring a gypsy/traveller site should be noted. This application is addressing an 'actual need' as evidenced by the support for the proposals and recognition of need by the West Suffolk Strategic Housing consultation response.
43. This application would provide a total of 4 new pitches which would contribute significantly towards meeting the Districts unmet need and therefore needs to be assessed in relation to current planning policy, to determine whether the principle of development is acceptable.

Principle of Development

44. 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).
45. 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.
46. The provision of gypsy and traveller sites in rural areas is not, in principle, unacceptable. Provision is made within the Planning Policy for Traveller Sites publication (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.

47. This application presents two key issues for consideration in relation to the principle of development.
- i) whether the application meets the requirements set out in the NPPF and Planning Policy for Traveller sites.
 - ii) whether the application meets the requirements set out in local policy, in particular Policies CS8 of the Core Strategy and Policy DM13 of the Joint Development Management Policies Document.
48. These issues are considered below in turn.

Planning Policy Considerations

49. A cornerstone of the National Planning Policy Framework for all development proposals is the presumption in favour of sustainable development and as such, development proposals that accord with the development plan should be approved without delay. The extent that the proposal accords with the development plan and specifically policy CS8 of the Core Strategy is considered below.

- One of the main intentions of the Planning Policy for Traveller Sites national guidance 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 new 2015 guidance the definition of 'gypsies and travellers' has been altered, removing those who have stopped travelling permanently to read *'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**, 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 and is considered within this report.
- In relation to sites in rural areas and the countryside, the guidance states in Policy C that;

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

- Policy C is considered within Policy CS8 of the adopted Core Strategy (criteria c).
- Policy H sets out information on determining planning applications for traveller sites and sets out the issues, amongst other relevant matters, to be considered;
 - a) *the existing level of local provision and need for sites*
 - b) *the availability (or lack) of alternative accommodation for the applicants*
 - c) *other personal circumstances of the applicant*
 - d) *that the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites*
 - e) *that they should determine applications for sites from any travellers and not just those with local connections'*
- These issues are considered in turn below:
 - a) **'need'** – As stated above the current unmet need from the Gypsy and Traveller Accommodation Needs Assessment (GTNA) update April 2012 is for 6 pitches. The families have an 'actual' need as evidenced by the consultation response from Strategic Housing. However, no evidence has been provided to demonstrate that there are no other suitable sites.
 - b) **'availability'** – Planning policy is not aware of any alternative available sites. No sites have been submitted via the recent Site Specific Allocations Local Plan call for sites. Although the Council are aware that there are other sites that appear to have vacancies.
 - c) **'personal circumstances of the applicant'** – The applicants are an extended family of 3 generations, including children and senior citizens. They state they are pursuing a more settled lifestyle in the interests of their children's educational needs and for family health and safety reasons. Although members of the family still intend to travel in the summer months and if necessary for work. The family are also known to have connections to the local area.
 - 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.
- Paragraph 25 advises that LPAs should very strictly limit new traveller site development in open countryside away from existing settlements or outside areas allocated in the development plan.

- The proposal has an edge of settlement location outside the existing Red Lodge settlement boundary and not in an area allocated for development.
- Paragraph 26 states when considering applications, LPAs should attach weight to the following matters:
 - a) *effective use of previously developed (brownfield), untidy or derelict land.*
 - b) *sites being well planned or soft landscaped in such a way as to positively enhance the environment and increase its openness.*
 - c) *promoting opportunities for healthy lifestyles, such as ensuring adequate landscaping and play areas for children.*
 - d) *not enclosing a site with so much hard landscaping, high walls or fences, that the impression may be given that the site and its occupants are deliberately isolated from the rest of the community.*
- These are considered in turn below:
 - a) the site is a former landfill site.
 - b) some soft landscaping is shown especially along the eastern boundary and between pitches; however the site seems to rely on 2m high close boarded fencing as boundary treatment around and within the site. This does not positively enhance the environment or increase its openness. It provides a suburbanising appearance and could appear isolated from the rest of the community.
 - c) a tree belt / landscaped area is shown at the north of the application site which could provide a play area. Landscaping to the western boundary of the site is considered inadequate.
 - d) 2m high close boarded fencing is used for boundary treatments all around and throughout the site, thereby enclosing the site.
- Paragraph 27 advises that if a LPA cannot demonstrate an up to date 5 year supply of deliverable sites, this should be a significant material consideration in any subsequent planning decision when considering applications for temporary permission.

50. The Council does not have a 5 year supply of deliverable sites, however it should be noted this is an application for permanent permission, not a temporary permission and where other material planning considerations must be balanced with this.

51. 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.

52. 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.

53. 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

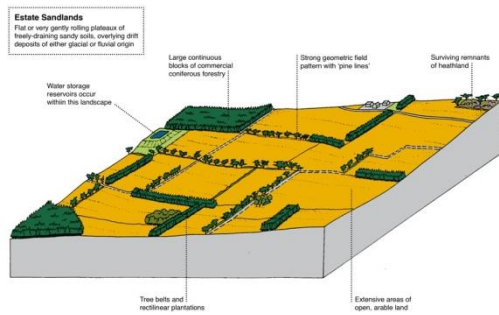
and travellers. These criteria will be considered within the relevant sections of this report, as follows:

Need and Supply

54. 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.
55. There is an unmet need for 6 additional pitches in Forest Heath for the period 2011-2016. However, any proposal must also be acceptable in terms of local plan policy.
56. The Council is aware that there are currently a number of pitches, potentially as many as 11, available at the Sandy Park site in Beck Row. This site is approximately 7 miles from the appeal site, and is a well established gypsy and traveller site. No evidence has been provided as to why the applicant could not utilise this established site and why this site cannot meet their need.

Ecology and Landscape (Natural Heritage)

57. The Council's landscape officer has commented that the latest plans submitted with the application do not change the opinion in respect of the impact of the proposal on the landscape and the previous comments still apply to this application. These previous comments are detailed in the following paragraphs.
58. 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.
59. The proposal is to utilise these mounds where the mobile homes, caravans and day rooms will be, in part, sited on this raised ground; some degree of levels change is proposed as part of the application.
60. As discussed, the proposal provides for the siting of the buildings and caravans in an open position due to the topography of the land where mounds (including further proposed re-profiling and lowering of levels) form part of the re-profiled landscape following the historic landfill. The proposal would result in an incongruous, visually prominent form of development extending in a linear form within the countryside setting when viewed from Elms Road and within the wider countryside.
61. The Council's Landscape Officer comments that the site is located within the 'Estate Sandlands' which defines 'the Brecks'. The landscape in the vicinity of the site is typical of the character type as illustrated by the composite character feature sketch below with wide open geometric areas and bold rectilinear tree screens and hedges.



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

Biodiversity

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

Environmental Conditions (Flood Risk, Drainage and Contamination)

66. The site forms part of a former landfill site.
67. The application has been supported by a Phase 1 Desktop Land Contamination Report, dated 19th March 2015, and a Ground Investigation Factual Report dated 30th September 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.
 - The later report assesses the factual information regarding the shallow ground conditions underlying the site.
68. The reports were the subject of a full consultation, which included the Environment Agency and the Council's Environmental Health service. The Environment Agency recommend approval, 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.
69. This position is also reflected by the Council's Environmental Health service, who also recommended conditions in respect of the investigation and remediation of contaminants prior to the development proceeding.
70. In light of the advice from the Environment Agency and the Council's Environmental Health service, the issue of possible contamination resulting from the development can, it is suggested, be controlled by conditions. For clarity, this would require the details to be provided and approved prior to any other part of the development being carried out (i.e. the development could not proceed until the investigations, and any necessary remediation, has been completed).
71. Therefore, in the event that planning permission was to be granted, in this case, it would be necessary to include these conditions on the decision.
72. 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

73. The application is for 4 gypsy families on a total site area of 0.7ha. Red Lodge covers some 210ha with a population of approximately 3,800 (2011 census). Bridge End Road contains vehicle dismantlers and approximately 6-8 dwellings set in large plots. The scale of the proposal is not therefore considered to be excessive in relationship to the nearest settled community.

74. The proposal would result in a linear form of development following the alignment of the existing track that would serve the plots. Due to the topography of the land, and notwithstanding some reduction in the made up levels, the development would be prominent along the track line and would, as discussed, be prominent in the landscape.
75. An area to the north end, adjacent to Elms Road, would be retained as an animal compound, grazing area and tree screening area. There would then be two equal sized plots created between this area and that which was granted planning permission in 2011. This plot, furthest from Elms Road granted in 2011, is located on more level ground. The previously approved plot and the proposed plot would be set out in an identical layout, with a mobile home to either side of each plot, a day room associated with each mobile home to the rear of the plots, and the 6 caravans spread equally (3 per plot) set between the day rooms at the rear of the plot.
76. A total of 10 parking spaces and 8 light goods vehicles spaces are proposed to be provided. This represents a high number of vehicles per family and where the resultant necessary hardstanding increases the extent of the surfaced area within the site. This creates a further suburbanisation of the site.
77. 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.
78. The application proposes a 2 metre high boarded fence along the entire length of the existing access track, with the exception of the additional access points. The same fencing is proposed on each access splay and to each plot boundary and the rear boundary. This excessive use of fencing in this rural location will appear as an alien feature to the detriment of this countryside location. No additional landscaping is proposed along the length of the access track, and where in views from the countryside this will be prominent along with the proposed mobile homes and caravans. This creates a suburbanisation appearance to the detriment of the countryside.
79. Landscaping is proposed to each of the boundaries of the plots. This is identified as being a mixture of native planting that mirrors that which were proposed in respect of the existing site, granted planning permission in 2011. The planting is therefore proposed to provide visual continuity, and thereby have a relationship with the existing planting on the land. However, new planting is not proposed along the track boundary, which will be visually prominent in countryside views.
80. The proposed plots would be separated from the residential properties that lie to the south by the existing site that was granted planning permission in 2011 and a previous scheme approved in 2015 on an adjacent site. There would be no common boundary between these application plots and the residences to the south. However, as discussed this proposal would run alongside the track and would result, if approved, in an unacceptable extension of a linear form of development within the countryside.

81. In light of this, it is considered that the proposed development would not be such that would give rise to an unacceptable loss of amenity to those existing properties. There are no other properties in the immediate vicinity that could be affected by the proposals.
82. The provision of the amenity area to the north end of the site provides an area of open space for the grazing of animals, whilst also providing a break between Elms Road and the built up plots. The extent to which the landscape character is affected has already been considered in the Ecology and Landscape section of this report. Notwithstanding this, the manner in which the plots have been laid out is considered to be acceptable, in terms of the quality of life of the proposed occupiers.

Mitigation of the Impact of Visual Amenity

83. The application is accompanied by drawings illustrating sections through the site. These sections do not fully inform the consideration of the mitigation of the previously refused scheme, nor do they properly detail the extent of the proposed re-profiling. The sections illustrate views from looking within the site and from Elms Road, not looking from Elms Road towards the site along the length of the track.
84. Additional information was sought from the agent during the life of the application, but where it is considered that there remains insufficient information to demonstrate that the previous reasons for refusal have been overcome, this has been addressed in the report.

Highway Issues

85. Policy CS8 seeks to ensure that adequate access, parking and manoeuvring for all vehicles and all essential uses is available.
86. 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.
87. 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.
88. 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

89. 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.

90. 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.
91. 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.
92. 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.
93. 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.
94. However, the issue of sustainability requires consideration of more than just the physical relationship of the site to its surroundings, and the access to services and facilities that the location offers. The justification statement identifies a desire to provide a settled base for the families, where there is a history of occupancy of transit sites and occupation of temporary sites, where the occupants are regularly moved on. There would, therefore, be particular social benefits for the families arising from consolidation on a single site. The quality of life available to the families would be improved, and a more settled existence would be likely to give rise to improved health and wellbeing.
95. Furthermore, there is a desire to have a settled base for the purposes of employment. Whilst the application does not provide information on the types of employment sought/engaged in, and it does recognize the likelihood of travelling to find employment, it is not unreasonable to surmise that a settled base would enhance the prospects of more regular employment being sourced.
96. However, none of these points appear to be specific to the application site. No case is made that any of the families are employed locally, nor has it been demonstrated that access to health care or education can be secured at this site in preference to any other. Indeed, as considered later in this report, access to education would not be possible in the locality. Therefore, whilst the potential benefits that may arise from a settled base are acknowledged and understood, these are not site specific and will therefore be given due consideration in the making of the decision on this proposal. Furthermore, no justification has been given as to why the other sites, such as Sandy Park, cannot provide the accommodation.

Other Matters

Access to Education

97. The applicant identifies that there are five children who would reside on the land, aged between 1 and 9. The educational needs of the children is set out as forming an important consideration for the families, and the case made suggests that a settled base is needed to provide for the educational needs of the five children. The accompanying statement indicates that 3 of the children currently lack schooling, but where they have private tutoring when funds allow. It would therefore appear that they are not currently attending the local school.
98. A number of concerns have been raised in respect of the lack of capacity at the local primary school, and consultation was therefore carried out with Suffolk County Council to seek advice on this point. They have responded to advise that there is significant pressure on St Christopher's CEVC Primary School, and the agreed strategy is for the County Council to establish a new primary school to serve the growing community.
99. As such, the settlement of the families on this site is very unlikely to lead to access to education locally. The primary school does not have the capacity to be able to accommodate a further five children at this time, and therefore it is considered that little weight can be given to the selection of this site as a base to provide access to education for these children. Indeed, the use of this site is thereby likely to result in significant additional travel needs away from the locality to access primary school place provision in the foreseeable future.

Planning Permission F/2010/0012/FUL

100. 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.
101. The site does not appear to have been occupied by residential caravans since the permission was 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 that permission, the fact remains that that this part of the site remains capable of being used for occupation by two gypsy families. This application proposes an additional area, extending the area of occupation. This is what has been considered and balanced within this report.

Conclusion

102. The applicant identifies a desire to provide a settled base for the families, giving improved access to education, employment and health care.
103. Whilst the benefits of a settled base for the site occupiers are appreciated, the justification made is not specific to this site and, in actuality, would be very

unlikely to provide access to education for the five children to occupy this site, due to the lack of capacity at the nearest primary school.

104. Furthermore, the site lies in a position where access to facilities and services is likely to be accessed predominantly by car, thereby providing a reliance on motorised transport to service the day-to-day needs of the site occupiers. Whilst there is an extant permission for occupation of part of the other site by two gypsy families, the intensification of such a use and extension of the site in the manner proposed needs to be considered in the context of the planning policy provisions, and in light of any other material considerations.
105. Part of the site lies in a prominent position in an elevated position, due to the re-profiled landscape following historic landfill. The proposed development would still be visually prominent, notwithstanding the proposed re-profiling of the existing made levels and would appear visually incongruous. The proposal would present a linear form, extending the form of built development in the countryside in an incongruous manner to the detriment of the character and appearance of the area. This detrimental impact is considered to be such that would give rise to significant harm to the landscape, and the material factors weighing in favour of the proposal would not outweigh the extent of the harm caused.
106. The wider need for gypsy and traveller sites in the District is outweighed by the significant harm that the introduction of 4 mobile homes, 6 caravans and 4 day rooms will cause to the character and appearance of the countryside in this location.
107. Therefore, on balance, the proposal is considered to be unacceptable by the resultant unacceptable detriment to the character of the landscape, contrary to the provisions of policies CS3, CS8 and CS10 of the Forest Heath Core Strategy and DM1, DM2 and DM13 of the Joint Development Management Local Plan Document.

Recommendation

108. It is recommended that planning permission be **REFUSED** for the following reasons:
 1. The proposed development would result in a detrimental impact to the character and appearance of the countryside, by virtue of the domestic and suburban appearance of the site on the wider landscape. The site lies in a prominent location on Elms Road where views into the site are readily available which, notwithstanding the proposed landscape planting, would remain available through the access and at a number of points where landscaping would not break up such views. Such views would provide detriment to the appreciation of the general character of the locality, which is predominantly undeveloped. Furthermore, the provision of the proposed number of buildings within such close proximity to each other within a rural location would appear alien and intrusive in the rural environment. The proposal is, therefore, considered to be contrary to policies CS2 (Natural Environment), CS3 (Landscape Character) and CS8 (Provision for Gypsies and Travellers) of the Core Strategy, as well as

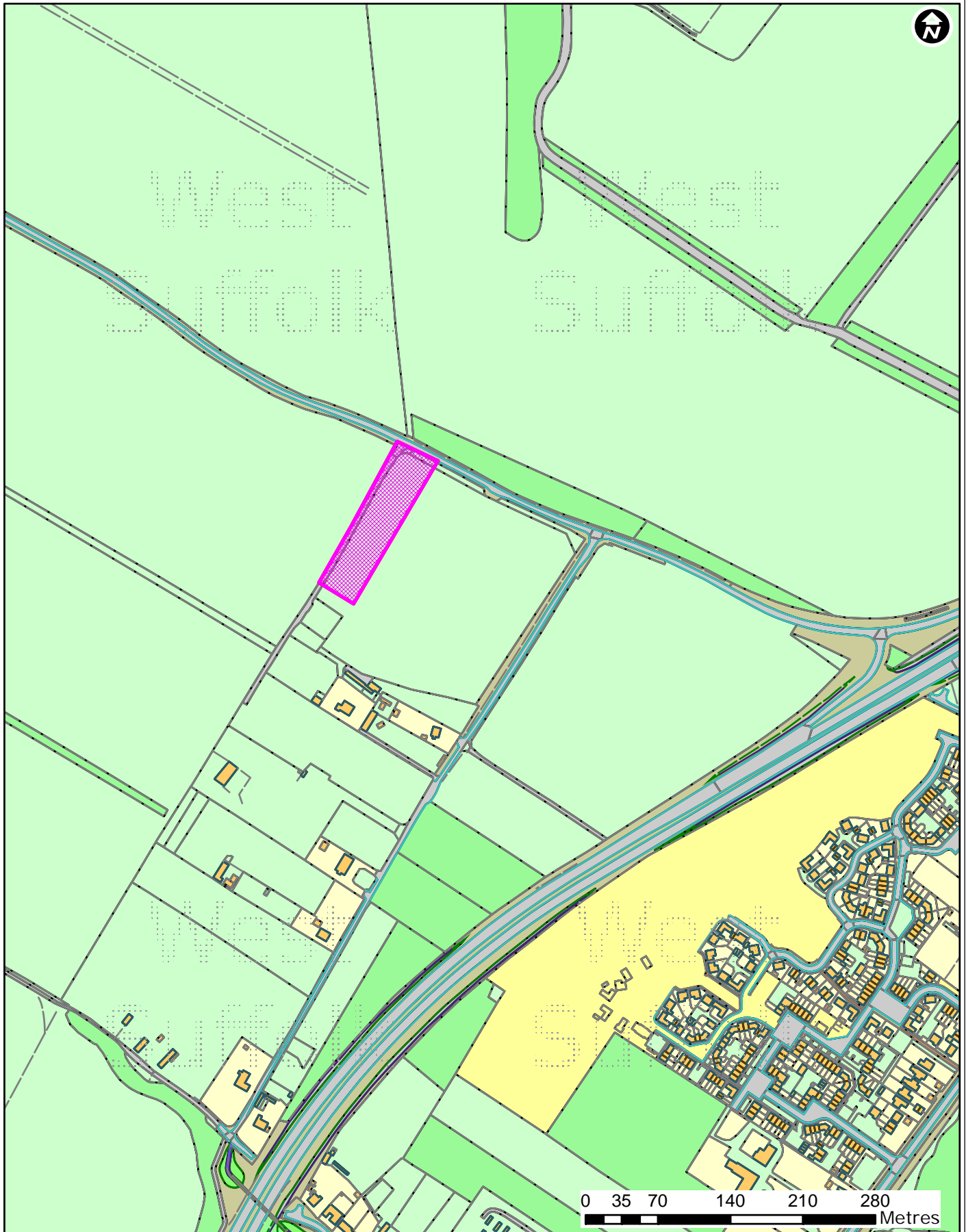
Policy H of the PPTS (2012) and Policies DM1, DM2 and DM13 of the Joint Development Management Policies document. Therefore, for all of these reasons, and in the absence of an identified overriding need for the occupants to reside on this site, the development is contrary to the development plan.

Documents:

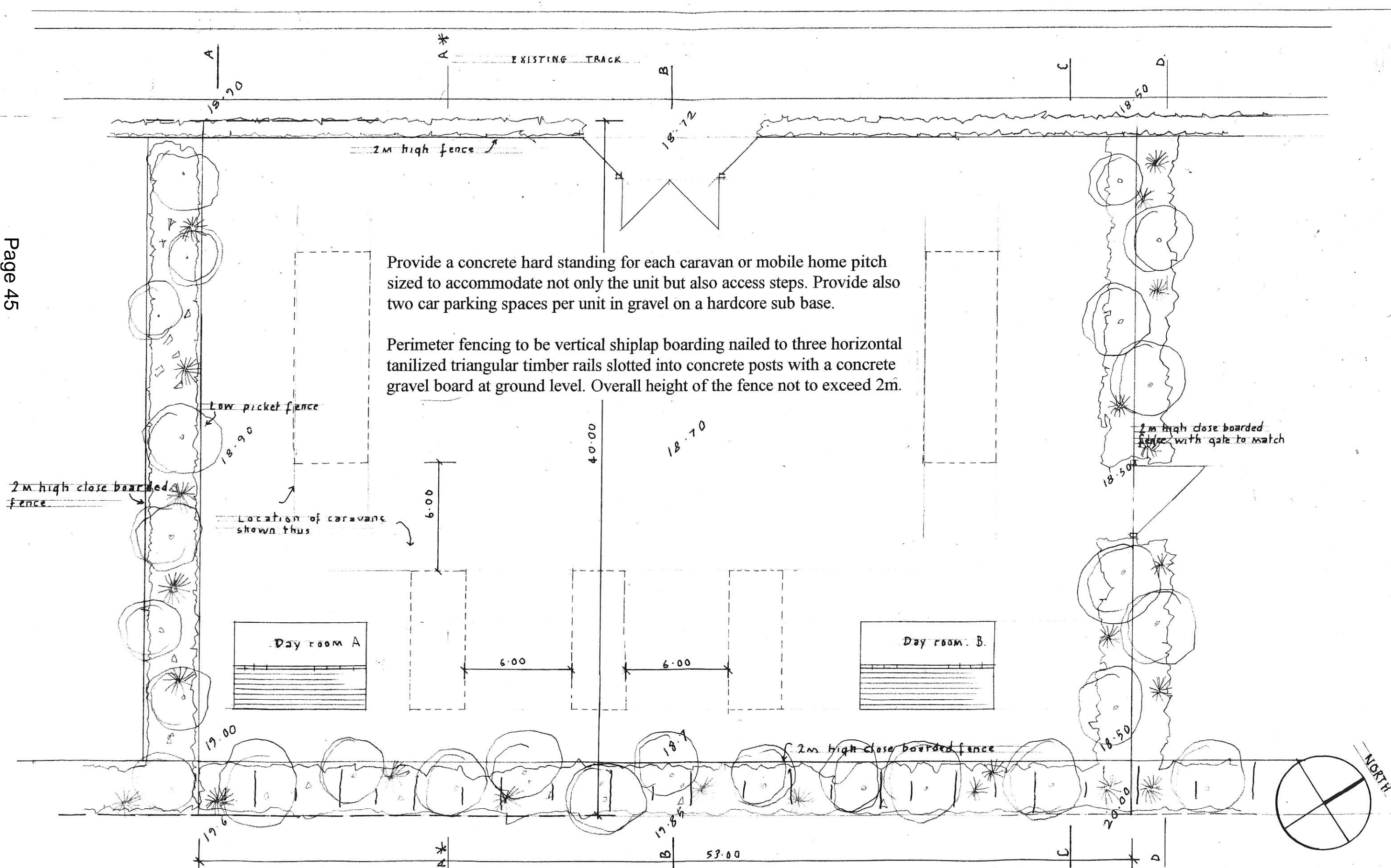
All background documents, including application forms, drawings and other supporting documentation relating to this application can be viewed online:

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

This page is intentionally left blank



This page is intentionally left blank



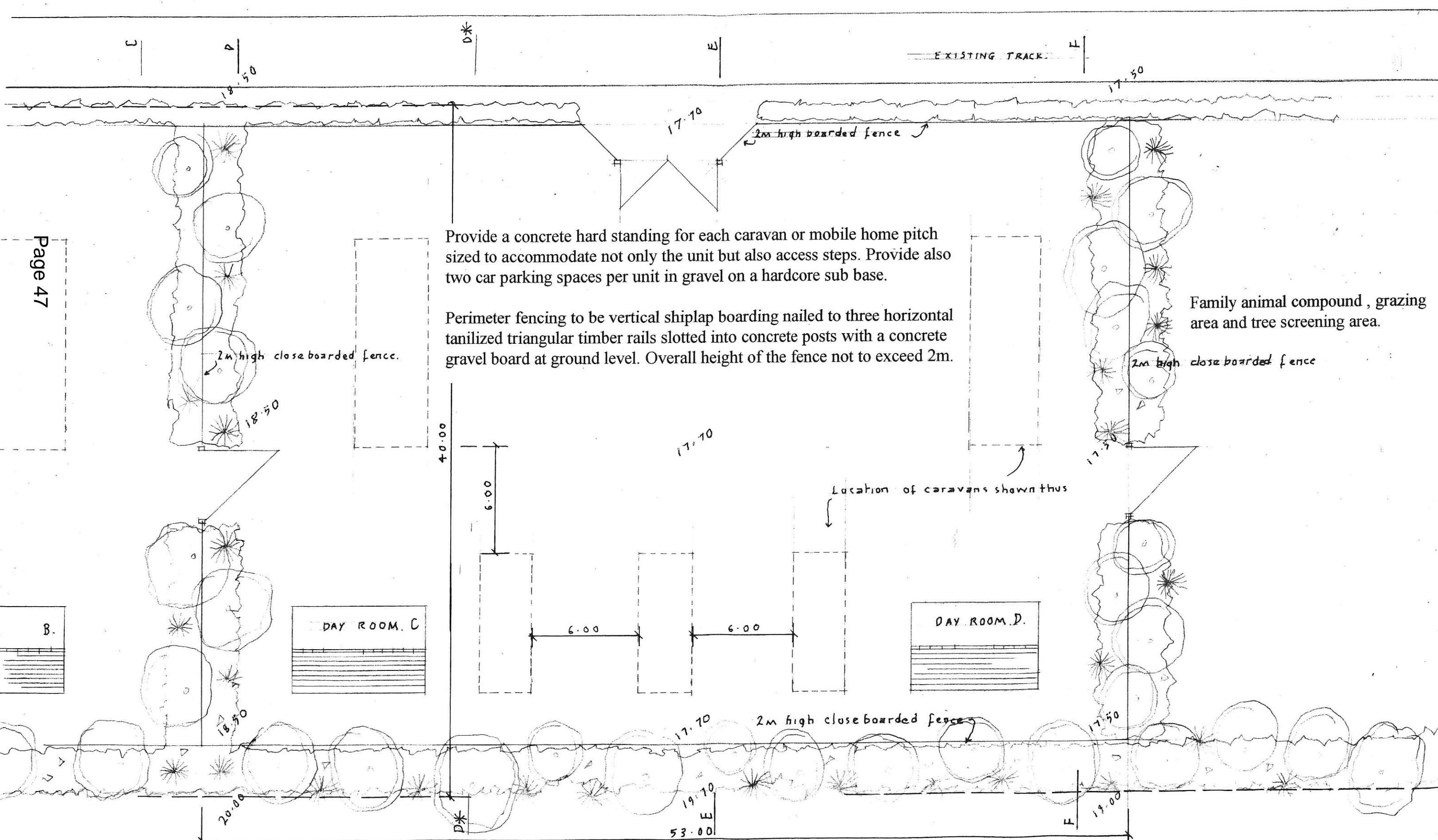
Provide a concrete hard standing for each caravan or mobile home pitch sized to accommodate not only the unit but also access steps. Provide also two car parking spaces per unit in gravel on a hardcore sub base.

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

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

SITE DEVELOPMENT SCHEME
1:200.

This page is intentionally left blank



Page 47

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

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

Family animal compound, grazing area and tree screening area.

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

SITE DEVELOPMENT SCHEME
1:200.

This page is intentionally left blank



Sharon Smith
Forest Heath District Council
College Heath Road
Mildenhall
Bury St. Edmunds
IP28 7EY

Our ref: AC/2015/123703/01-L01
Your ref: DC/15/2215/FUL
Date: 07 December 2015

Dear Ms Smith

PLANNING APPLICATION - RESUBMISSION OF DC/14/2384/FUL - CHANGE OF USE OF LAND TO A RESIDENTIAL CARAVAN PARK FOR 4 NO. RELATED GYPSY FAMILIES, INCLUDING 4 NO. MOBILE HOMES, 6 NO. CARAVANS AND 4 NO. DAY ROOMS. RESIDENTIAL CARAVAN PARK ELMS ROAD RED LODGE SUFFOLK

Thank you for referring the above application which was received on 19 November 2015.

We have reviewed the following documents:

1. Phase 1 Contaminated Land Desk Study, agb Environmental Ltd Ref: P2361.1, dated 19 March 2015. (submitted as part of the previous planning application)
2. 'Landfill Gas Survey' (no reference, undated) containing historic results of gas monitoring
3. Ground Investigation Factual Report, agb Environmental Ltd Ref: P2455.1.0 FINAL, dated 30 September 2015.

Please note that the 'Contamination' comments below are essentially the same as our previous response, dated 9 April 2015 our ref: AC/2014/122272/02 but amended with additional comments on the site investigation undertaken since the previous application

Site Specific Information

The site is underlain by superficial River Terrace Deposits Secondary A Aquifer which in turn overlies the solid geology of the Holywell Nodular Chalk Formation and New Pit Chalk Formation (Undifferentiated) designated as a Principal Aquifer (part of the Cam and Ely Ouse Chalk groundwater body, an EU Water Framework Directive Drinking Water Protected Area). Principal aquifers are geological strata that exhibit high permeability and provide a high level of water storage. They support water supply and river base flow on a strategic scale. Secondary A aquifers are permeable geological

strata capable of supporting water supplies at a local rather than strategic scale, and form an important source of base flow to rivers, wetlands and lakes and private water supplies in rural areas. The regional use of groundwater in this area makes the site highly vulnerable to pollution.

The site overlies the Middleton Aggregates Ltd - Red Lodge Warren historic landfill site. The site is considered to be of high sensitivity and could present potential pollutant/contaminant linkages to controlled waters.

Environment Agency Position

We consider that planning permission could be granted to the proposed development as submitted if the following planning conditions are included as set out below. Without these conditions, the proposed development on this site poses an unacceptable risk to the environment and we would wish to object to the application.

CONDITION (1)

No development approved by this planning permission shall take place until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

1. A Preliminary Risk Assessment (PRA) including a Conceptual Site Model (CSM) of the site indicating potential sources, pathways and receptors, including those off site.
2. The results of a site investigation based on (1) and a detailed risk assessment, including a revised CSM.
3. Based on the risk assessment in (2) an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken. The strategy shall include a plan providing details of how the remediation works shall be judged to be complete and arrangements for contingency actions. The plan shall also detail a long term monitoring and maintenance plan as necessary.
4. No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the remediation strategy in (3). The long term monitoring and maintenance plan in (3) shall be updated and be implemented as approved.

Reason (1)

To protect and prevent the pollution of controlled waters from potential pollutants associated with current and previous land uses in line with National Planning Policy Framework (NPPF), paragraphs 109, 120, 121 and Environment Agency Groundwater Protection: Principles and Practice (GP3).

Advice to LPA (1)

We are satisfied that the risks to controlled waters posed by contamination at this site can be addressed through appropriate measures. However, further details will be required in order to ensure that risks are appropriately addressed prior to the development commencing and being occupied. It is important that remediation works, if required, are verified as completed to agreed standards to ensure that controlled waters are suitably protected.

CONDITION (2)

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted a remediation

strategy detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason (2)

See Reason 1.

Advice to LPA (2)

Contamination can still be missed by an investigation and this condition gives the Local Planning Authority the ability to require a new, or amendments to an existing, remediation strategy to address any previously unexpected contamination.

CONDITION (3)

Development shall not begin until a scheme for surface water disposal has been submitted to and approved in writing by the Local Planning Authority. Infiltration systems shall only be used where it can be demonstrated that they will not pose a risk to groundwater quality. The development shall be carried out in accordance with the approval details.

Infiltration systems shall only be used where it can be demonstrated that they will not pose a risk to groundwater quality.

Reason (3)

See Reason 1.

Advice to LPA / Applicant (3)

The water environment is potentially vulnerable and there is an increased potential for pollution from inappropriately located and/or designed infiltration Sustainable Drainage Systems (SuDS).

CONDITION (4)

Piling or any other foundation designs and investigation boreholes using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason (4)

See Reason 1

Advice to LPA / Applicant (4)

Piling or any other foundation designs using penetrative methods can result in risks to controlled waters. It should be demonstrated that any proposed piling will not result in contamination of groundwater.

We ask to be consulted on the details submitted for approval to your Authority to discharge these conditions and on any subsequent amendments/alterations.

CONDITION (5)

The development hereby permitted shall not be commenced until such time as a scheme to dispose of foul water has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.

Reasons (5)

A non-mains sewerage proposal is unacceptable. The site is between 30 and 150m

from an existing foul sewer, depending on where the connection is made. Our guidance states that if the distance to the foul sewer is less than 30m x times the number of houses (in this case 10) the applicant should connect to the foul sewer.

Advice to Applicant (5)

Please contact Anglian Water Services and negotiate connection to their foul sewer.

Please forward a copy of this letter to the applicant.

We hope that this information is of assistance to you. If you have any further queries please do not hesitate to contact us.

Yours faithfully

Elizabeth Mugova
Sustainable Places Planning Advisor
Cambridgeshire and Bedfordshire Area

Direct dial 020 3025 5999

Direct e-mail planning_liaison.anglian_central@environment-agency.gov.uk



Awarded to Cambridgeshire and Bedfordshire Area

APPENDIX 1 – Groundwater and Contaminated Land Technical Comments

We have previously reviewed and commented on the Desk Study Report and we provided the following comments:

‘A number of potentially active pollutant linkages have been identified within the Desk Study report. An intrusive investigation has been recommended in order to further characterise the potential risk to controlled waters. We would agree with this recommendation. Soil and groundwater samples should be analysed for the potential contaminants identified in the Desk Study report. The location of the proposed infiltration SuDS should also be sampled to ensure that any increased infiltration does not result in the remobilisation of any historical contamination. The detailed proposed surface water drainage plans should be submitted for review and approval.’

The submitted Ground Investigation Factual Report does not meet our requirements as set out above, as it appears to have been undertaken for geotechnical purposes only. Soil samples were not submitted for laboratory analysis for potential contaminants, and, as such, insufficient information has been submitted to evaluate the potential risk to controlled waters further. No assessment of the risk to controlled waters has been undertaken within the report.

The investigation confirmed the presence of a low permeability cap overlying the waste materials, which confirms our concerns regarding the proposed use of a soakaway for surface water disposal and resultant increase in infiltration through historic waste materials.

In addition, please refer to our previous comments regarding foundations and surface water drainage. Further information regarding the above should be provided to enable the risk to controlled waters to be evaluated fully:

1. Foundations and proposed ground works. Development of potentially contaminated land can result in remobilisation of existing contamination and cause pollution of controlled waters. The details of proposed works and preferred foundation technique(s) should be submitted. The selected foundation technique should avoid creating preferential pathways into the waste materials and groundwater.
2. A soakaway is proposed, but no details have been provided including the design or location. We are concerned that increased infiltration of surface water run-off through historic waste materials could result remobilisation of contaminants and/or cause increased generation of landfill gas. Any infiltration structures should be located outside the areas of deposited waste.

Formerly permitted landfill site – potential risks

The Middleton Aggregates Ltd - Red Lodge Warren historic landfill site was permitted to receive inert waste. The environmental permit for the landfill was surrendered on 08 January 2013. There may be a potential for landfill gas to be generated, currently and/or as a result of the proposed development.

Developers may be required to carry out a comprehensive risk assessment due to the risks the former landfill site poses. The local authority's Environmental Health and Building Control departments would wish to ensure that any threats from landfill gas have been adequately addressed in the proposed development. This may include building construction techniques that minimise the possibility of landfill gas entering any enclosed structures on the site to be incorporated into the development. The following

publications provide further advice on the risks from landfill gas and ways of managing these:

- i. Waste Management Paper No 27
- ii. Environment Agency LFTGN03 'Guidance on the Management of Landfill Gas'
- iii. Building Research Establishment guidance – BR 414 'Protective Measures for Housing on Gas-contaminated Land' 2001
- iv. Building Research Establishment guidance – BR 212 'Construction of new buildings on gas-contaminated land' 1991
- v. CIRIA Guidance – C665 'Assessing risks posed by hazardous ground gases to buildings' 2007
- vi. CIEH guidance – 'The Local Authority Guide to Ground Gas' 2008

APPENDIX 2 – Advice to Applicant

1. Preliminary Risk Assessment

The PRA should include historical plans of the site, an understanding of the sites environmental setting (including geology, hydrogeology, location and status of relevant surface water and groundwater receptors, identification of potential contaminants of concern and source areas), an outline conceptual site model (CSM) describing possible pollutant linkages for controlled waters and identification of potentially unacceptable risks. Pictorial representations, preferably scaled plans and cross sections, will support the understanding of the site as represented in the CSM.

2. Site Investigation

Land contamination investigations should be carried out in accordance with BS 5930:1999-2010 'Code of Practice for site investigations' and BS 10175:2011 'Investigation of potentially contaminated sites - Code of Practice' as updated/amended. Site investigation works should be undertaken by a suitably qualified and experienced professional. Soil and water analysis should be fully MCERTS accredited.

Any further site investigation, demolition, remediation or construction works on site must not create new pollutant pathways or pollutant linkages in to the underlying principal aquifer to avoid generating new contaminated land liabilities for the developer. Clean drilling techniques may be required where boreholes, piles etc penetrate through contaminated ground.

3. SuDS

We consider any infiltration Sustainable Drainage System (SuDS) greater than 2.0 m below ground level to be a deep system and are generally not acceptable. All infiltration SuDS require a minimum of 1.2 m clearance between the base of infiltration SuDS and peak seasonal groundwater levels.

Soakaways must not be constructed in contaminated ground where they could re-mobilise any pre-existing contamination and result in pollution of groundwater. Soakaways and other infiltration SuDS need to meet the criteria in our Groundwater Protection: Principles and Practice (GP3) position statements G1 and G9 to G13.

We recommend that developers should:

- 1) Refer to our “Groundwater Protection: Principles and Practice (GP3)” document: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/297347/LIT_7660_9a3742.pdf
- 2) Follow the risk management framework provided in CLR11, “Model Procedures for the Management of Land Contamination”, when dealing with land affected by contamination: <https://www.gov.uk/government/publications/managing-land-contamination>
- 3) Refer to our “Guiding Principles for Land Contamination” for the type of information that we require in order to assess risks to controlled waters from the site. (The Local Authority can advise on risk to other receptors, for example human health): <https://www.gov.uk/government/publications/managing-and-reducing-land-contamination>
- 4) Refer to our “Verification of Remediation of Land Contamination” report: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/297674/scho0210brxf-e-e.pdf
- 5) Refer to the CL:AIRE “Definition of Waste: Development Industry Code of Practice” (version 2) and our related ‘Position Statement on the Definition of Waste: Development Industry Code of Practice’:

http://www.claire.co.uk/index.php?option=com_content&view=article&id=210&Itemid=82 and <https://www.gov.uk/turn-your-waste-into-a-new-non-waste-product-or-material>

- 6) Refer to British Standards BS 5930:1999-2010 and BS10175 and our “Technical Aspects of Site Investigations” Technical Report P5-065/TR
<https://www.gov.uk/government/publications/technical-aspects-of-site-investigation-in-relation-to-land-contamination>
- 7) Refer to our “Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination” National Groundwater & Contaminated Land Centre Project NC/99/73 and “Piling in layered ground: risks to groundwater and archaeology” (the latter is available at <https://www.gov.uk/government/publications/piling-in-layered-ground-risks-to-groundwater-and-archaeology>);
- 8) Refer to our “Good Practice for Decommissioning Boreholes and Wells” (<http://stuartgroup.ltd.uk/downloads/wellservices/groundwater/boreholedecommissioning/EAGuidelines.pdf>);
- 9) Refer to our website <https://www.gov.uk/government/organisations/environment-agency> for more information.

Development Control Committee



Forest Heath
District Council

Title of Report:	Quarterly Monitoring Report of Development Management Services	
Report No:	DEV/FH/16/003	
Report to and date/s:	Development Control Committee - 3 February 2016	
Portfolio holders:	Councillor James Waters Portfolio Holder for Planning and Growth Tel: 07771 621038 Email: james.waters@forest-heath.gov.uk	
Lead officer:	Rachel Almond Service Manager (Planning - Development) Tel: 01638 719455 Email: rachel.almond@westsuffolk.gov.uk	
Purpose of report:	To update Development Control Committee with regard to performance and key trends relating to Development Management, Planning Enforcement and Appeals on a quarterly basis.	
Recommendation:	It is recommended that Members note the update on performance and key trends.	
Key Decision:	<i>Is this a Key Decision and, if so, under which definition?</i> No, it is not a Key Decision - <input checked="" type="checkbox"/>	
Consultation:	• N/A	
Alternative option(s):	• N/A	
Implications:		
<i>Are there any financial implications? If yes, please give details</i>	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
<i>Are there any staffing implications? If yes, please give details</i>	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
<i>Are there any ICT implications? If yes, please give details</i>	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

<i>Are there any legal and/or policy implications? If yes, please give details</i>		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
<i>Are there any equality implications? If yes, please give details</i>		Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Risk/opportunity assessment:		<i>(potential hazards or opportunities affecting corporate, service or project objectives)</i>	
Risk area	Inherent level of risk (before controls)	Controls	Residual risk (after controls)
	Update to note only		Update to note only
Ward(s) affected:		All Wards	
Background papers: <i>(all background papers are to be published on the website and a link included)</i>		None	
Documents attached:		None	

1. Key issues and reasons for recommendation(s)

1.1 Introduction

1.1.1 This report will provide headline information on the performance of Development Management, Planning Enforcement and Appeals. It will also provide service improvement updates and an analysis of key trends in the service. Please note that whilst the report will provide updates on notable cases in Enforcement and Appeals, any site specific questions relating to ongoing cases should be directed to the relevant Case Officer or Manager outside of the consideration of this performance report.

2. Performance Updates:

2.1 Development Management:

Performance: Development Control Committee is an integral part of the development management process, and plays a key role in determining applications. It is therefore important that the Committee is aware of how the service is performing against the Key Performance Indicators agreed by the Council. This performance is also reported to Performance and Audit Committee.

Appendix A shows performance against Key Indicators in Quarters 1 (April to June 2015), 2(July to Sept 2015) and 3(October to December 2015).

The performance targets for planning applications are based on the statutory expiry date for applications being determined as follows:

- Majors – no less than 60% of applications determined in 13 weeks
- Minors – no less than 65% of applications determined in 8 weeks
- Others – no less than 80% of applications determined in 8 weeks

The figures in Appendix A illustrate that there has been a sustained improvement in overall performance for Forest Heath looking at the 3 Quarters of 2015/16. Quarters 2 and 3 have seen all three determination targets exceeded. The total number of applications on hand (live applications still being considered) has risen slightly from Q2 from 95 to 98. There has been a concerted effort from officers to maintain a lower figure for on hand applications and there has been a massive effort from the team to meet and exceed these performance targets – this has only been achieved through officers working significant additional hours and doing overtime. Finally, the percentage of applications which are able to be registered “clean” (ie. all the information required to validate the application was available at the time the application was first submitted, without technicians seeking further information from the applicant/agent) has improved slightly from Q2 at 35%. This is one of the issues which will be tackled in forthcoming service improvements.

In the Autumn the Council received a letter from the Department of Communities and Local Government (DCLG) warning us that we were close to being designated as a poorly performing authority because the two year rolling average performance for Majors was close to the designation rate of 50%. The target had recently been increased from 40% to 50% within the target of a

decision in 13 weeks and it had been applied retrospectively against performance over the previous two years. The DCLG have now confirmed that our performance for the previous 2 years is 53%. The Planning Advisory Service will be working with the DM team shortly to look at how we can improve and sustain improved performance moving forward.

Capacity: There is currently one vacancy within the team – Senior Planning Officer (Maternity Leave). An agency planner has been retained to fill this gap in resources. Two Planning Technicians have recently been appointed as Planning Assistants within the DM team, this follows on from repeated failures to recruit a Planning Officer and the recent promotion of the Planning Trainee to the post of Planning Officer. Recent information received from the Planning Advisory Service shows that Officers’ caseloads are higher than the national average and that both authorities deal with a proportionally higher percentage of major applications compared to other similar authorities nationally.

Projections for applications received at end of 2015/2016 are slightly higher still than 2014/2015. Against the backdrop of capacity the performance improvements detailed above are not insignificant.

Service Improvement:

The Development Management team is working through a Planning Improvement Plan devised following the work undertaken last year through BPR and the PAS Resource Review. There is much to be done including maximising the use of our software systems, improvements to our web pages, transferring the Planning Helpdesk to Customer Services, paperless files and e-consultation, along with the introduction of pre-application charging and a drive to improve the quality of submissions from agents with an Accredited Agents scheme for those that meet the required standards. There will be updates on this work moving forward.

2.2 **Enforcement:**

Quarterly Performance

On the 1st September 2015 there were 87 Forest Heath cases outstanding (West Suffolk total 298.) In the 3 months ending 30th November 2015, 42 new cases were raised for investigation and in the same period 52 cases were closed. Therefore as at 30th November 2015, 77 Forest Heath cases were outstanding, out of a total of 257 for West Suffolk as a whole.

This represents a welcome reduction in the caseload outstanding, despite receiving close to 400 new cases across West Suffolk in 2015.

Updates

Up to 60 historic West Suffolk cases have been targeted and the Enforcement team is working through these to determine whether or not there are still any outstanding matters. The monthly enforcement case list has been useful in this respect, as several cases have been closed on updates and information supplied by members. In addressing the backlog of more complex sites, the first cases have now resulted in the service of summons.

There were 90 responses to the Enforcement Survey which was undertaken to assist in the development of a West Suffolk Local Enforcement Plan. The plan will set a list of priorities, performance standards and procedures to implement proactive working. The first draft of this will be completed early in the New Year and will be distributed at that time.

Work continues in developing the Procurement framework with evaluation criteria agreed and tender documents now checked and approved by Legal Services. The next step will be to get expressions of interest from contractors and this will follow in the next few weeks.

Works continue to provide an electronic version of the Enforcement Register. The majority of this work has now been done with the last few historic cases having to be manually plotted from old paper copies to an electronic format.

Cases and Initiatives

A decision has been received on an Enforcement appeal at Brookside Stud, Badlingham. An Enforcement Notice had been served in relation to the creation of a separate dwelling. The Notice was upheld, but varied to allow a further period in which to comply.

A Listed Building Enforcement Notice has been served in relation to land at Mill House, Stores Hill, Dalham. An appeal has been received against this notice. Similarly a decision is expected in due course in relation to another site in Dalham relating to development at The Woodyard.

A new initiative will be trialled in Newmarket in the New Year which will target unauthorised banners and posters and address some of the clutter in and around the High Street. This will be reviewed after 3 months and if successful can be used to target other areas.

2.3 **Appeals:**

Appendix B gives an update on appeal decision received since the last report in October and appeals where a decision is still outstanding. The table highlights all appeals determined and received since 1 January 2015:

	FHDC
No of Appeals received 01/01/2015 - 31/12/2015	12
Appeals determined 01/01/2015 - 31/12/2015	10
Allowed	3
Dismissed	7
Split Decision	0
Appeal Allowed - Application refused contrary to Officer recommendation	2
Appeal Dismissed - Application refused contrary to Officer recommendation	0
No. of appeal decisions where LPA decision was delegated	8

Delegated appeals allowed	1
Delegated appeals dismissed	7
Split Decision	0
Appeal Type for decisions received	
Written Representation	10
Informal Hearing	0
Public Inquiry	0
No of Enforcement appeals received	3
Enforcement Dismissed	1
Enforcement Varied Decision	0
No of TPO appeals received	2
TPO Allowed - Delegated Refusal	1
TPO Dismissed - Delegated Refusal	1

It is pleasing to note the high percentage of dismissed appeals. Although looking at Appendix B it shows three recent appeals that have been allowed. These relate to one delegated refusal, a recommendation of refusal to committee which Members agreed with and one which was recommended for Approval at Committee but Members resolved to refuse. More detail on these three allowed appeals will be presented verbally at the meeting.

2.4 **Conclusions:**

Whilst the service continues to face significant challenges in terms of capacity and service delivery there has been a sustained improvement in performance as outlined above. Service Improvements are now top of the agenda and the team are making effective in-roads for delivery whilst working hard to maintain performance.

APPENDIX A

**Forest Heath Development Management Performance
2015/16**

	TARGET %	% IN TIME	TOTAL APPS	No. IN TIME	ON TARGET
Quarter 1 2015/16					
MAJORS 13 WEEKS	60	60	5	3	YES
MINORS 8 WEEKS	65	69	32	22	YES
OTHERS 8 WEEKS	80	69	59	41	NO
APPS ON HAND			119		
% CLEAN APPS			40%		
Quarter 2 2015/16					
MAJORS 13 WEEKS	60	89	9	8	YES
MINORS 8 WEEKS	65	77	39	30	YES
OTHERS 8 WEEKS	80	83	64	53	YES
APPS ON HAND			93		DOWN
% CLEAN APPS			29%		DOWN
Quarter 3 2015/16					
MAJORS 13 WEEKS	60	83	12	10	YES
MINORS 8 WEEKS	65	86	28	24	YES
OTHERS 8 WEEKS	80	87	54	47	YES
APPS ON HAND			98		UP
% CLEAN APPS			35%		UP

This page is intentionally left blank

APPENDIX B

Planning reference number	Site address	Officer recommendation	Appeal start date	Appeal type	Appeal decision date	Decision
DC/14/2380/FUL	Land To Rear Of 18 Holmsey Green Gardens Beck Row Suffolk	Delegated refusal	20.7.15	Written Representations	16.10.15	Allowed
DC/14/0263/FU	Land Rear Of 12 Turnpike Lane Red Lodge	Recommended Refusal to Committee	16.06.2015	Written Representations	28.10.15	Allowed
DC/14/2236/FUL	Land At The Lakenheath Hotel 124 High Street Lakenheath	Committee refusal against officer recommendation	14.07.2015	Written Representations	4.11.15	Allowed
EN/14/0148	Brookside Stud Badlingham Freckenham	Delegated	20.03.15	Written Representations	25.11.15	Dismissed
DC/14/2377/FUL	The Willows 36 Mildenhall Road Barton Mills Suffolk	Delegated refusal	15.9.15	Written Representations	23.12.15	Dismissed
DC/13/0408/OUT	Hatchfield Farm, Fordham Rd, Newmarket	Called In by Secretary of State	11/04/2014	Public Inquiry March 2015		Awaited

APPENDIX B

AP/14/0040/ENF	The Woodyard, Stores Hill, Dalham	Enforcement Appeal	14/11/2014	Public Inquiry September 2015		Awaited
DC/14/1335/FUL	Former Sperrinks Nursery The Street Gazeley	Recommended refusal to Committee	15.07.2015	Informal Hearing January 2016		Awaited
DC/14/0585/OUT	Meddler Stud, Bury Road, Kentford	Committee refusal against officer recommendation	13/08/2015	Public Inquiry March 2016		Awaited
DC/15/0831/FUL	Land rear of 37 Eriswell Road, Lakenheath	Delegated Refusal	19/11/2015	Written Representations		Awaited
ENF/14/0046 ?	The Mill House The Mill Stores Hill Dalham	Enforcement Appeal	24.12.2015	Written Representations		Awaited
DC/15/0614/FUL	Proposed Dwelling 9 Rattlers Road Brandon	Delegated Refusal	19.01.2016	Written Representations		Awaited

APPENDIX B

DC/15/0864/FUL	Land at Breach Park Breach Drove Beck Row	Delegated Refusal	15/01/2016	Written Representations		Awaited
DC/15/1902/TPO	16 Jeddah Way Kennett (Parish Of Moulton) Suffolk	Delegated Refusal	14/01/2016	Written Representations		Awaited
DC/14/2218/FUL	Units 9-11 St Leger Drive Newmarket	Committee refusal against officer recommendation	Start date awaited from Planning Inspectorate			
DC/15/2237/HH	2 The Street, Moulton	Delegated refusal	Start date awaited from Planning Inspectorate			

This page is intentionally left blank