

Development Control Committee



Forest Heath
District Council

Title:	Agenda														
Date:	Wednesday 1 March 2017														
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 (9)</u></p> <table style="width: 100%; border: none;"> <tr> <td style="width: 33%;">David Bowman</td> <td style="width: 33%;">Brian Harvey</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 (3)</u></p> <table style="width: 100%; border: none;"> <tr> <td style="width: 33%;">Andrew Appleby</td> <td style="width: 33%;">David Palmer</td> </tr> <tr> <td>Simon Cole</td> <td></td> </tr> </table> <p><u>UKIP Members (2)</u></p> <table style="width: 100%; border: none;"> <tr> <td style="width: 33%;">Roger Dicker</td> <td style="width: 33%;">Peter Ridgwell</td> </tr> </table>	David Bowman	Brian Harvey	Ruth Bowman	Carol Lynch	Louis Busuttil	Louise Marston	Stephen Edwards		Andrew Appleby	David Palmer	Simon Cole		Roger Dicker	Peter Ridgwell
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Louis Busuttil	Louise Marston														
Stephen Edwards															
Andrew Appleby	David Palmer														
Simon Cole															
Roger Dicker	Peter Ridgwell														
** THERE ARE NO SITE VISITS REQUIRED FOR THIS AGENDA **															
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 Democratic Services Advisor Tel: 01638 719363 Email: helen.hardinge@westsuffolk.gov.uk														

**DEVELOPMENT CONTROL COMMITTEE:
 AGENDA 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
Joint Development Management Policies 2015	Joint Development Management Policies 2015
	Vision 2031 (2014)
Emerging Policy documents	
Core Strategy – Single Issue review	
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 must be determined in accordance with the Development Plan (see table above) unless material planning considerations indicate otherwise.
5. A key role of the planning system is to enable the provision of homes, buildings and jobs in a way that is consistent with the principles of sustainable development. It needs to be positive in promoting competition while being protective towards the environment and amenity. The policies that underpin the planning system both nationally and locally seek to balance these aims.

Documentation Received after the Distribution of Committee Papers

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

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

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

Public Speaking

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

DEVELOPMENT CONTROL COMMITTEE DECISION MAKING PROTOCOL

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

Decision Making Protocol

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

- Where an application is to be deferred, to facilitate further information or negotiation or at an applicant's request.
- Where a recommendation is to be altered as the result of consultation or negotiation:
 - The presenting Officer will clearly state the condition and its reason or the refusal reason to be added/deleted/changed, together with the material planning basis for that change.
 - In making any proposal to accept the Officer recommendation, a Member will clearly state whether the amended recommendation is proposed as stated, or whether the original recommendation in the agenda papers is proposed.
- Where a Member wishes to alter a recommendation:
 - In making a proposal, the Member will clearly state the condition and its reason or the refusal reason to be added/deleted/changed, together with the material planning basis for that change.
 - In the interest of clarity and accuracy and for the minutes, the presenting officer will restate the amendment before the final vote is taken.
 - Members can choose to
 - delegate the detailed wording and reason to the Head of Planning and Regulatory Services;

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

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

Notes

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

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

Agenda

Procedural Matters

Part 1 - Public

1. Apologies for Absence

2. Substitutes

3. Minutes

1 - 10

To confirm the minutes of the meeting held on 1 February 2017 (copy attached).

4. Planning Application DC/16/1758/FUL - Land North of Lodge Farm, Skeltons Drove, Beck Row

11 - 52

Report No: **DEV/FH/17/009**

Planning Application - Change of use of land to provide 10 pitches for traveller families (each pitch to include 1 mobile home, 1 travelling van and 1 day room)

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Development Control Committee



Forest Heath
District Council

Minutes of a meeting of the **Development Control Committee** held on **Wednesday 1 February 2017** 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

Andrew Appleby

David Bowman

Ruth Bowman

Simon Cole

Stephen Edwards

Brian Harvey

Carol Lynch

Louise Marston

David Palmer

Peter Ridgwell

201. **Apologies for Absence**

Apologies for absence were received from Councillors Louis Busuttil and Roger Dicker.

202. **Substitutes**

There were no substitutes present at the meeting.

203. **Minutes**

The minutes of the meeting held on 4 January 2017 were unanimously received as an accurate record and were signed by the Chairman.

204. **Planning Application DC/16/1758/FUL - Land North of Lodge Farm, Skeltons Drove, Beck Row (Report No: DEV/FH/17/004)**

Planning Application DC/16/1758/FUL - Change of use of land to provide 10 pitches for traveller families (each pitch to include 1 mobile home, 1 travelling van and 1 day room).

This application was referred to the Development Control Committee as it was a major application which the Parish Council support, contrary to the Officer recommendation of refusal, as set out in Paragraph 61 of Report No: DEV/FH/17/004. A Member site visit was held prior to the meeting.

The Principal Planning Officer advised the Committee that since publication of the agenda a further representation had been received from a neighbouring resident. This resident had already made previous comments in respect of the application and the second representation reiterated much of their earlier response; primarily with regard to the un-adopted road that lead to the development site.

The Officer also drew attention to Recommendation 5, in Paragraph 5, and explained that the reference therein to an 'unmade track' should read "*un-adopted road*". The Committee were reminded that the ownership of access to the site was not a material planning consideration.

Lastly, Members were informed that the applicant had submitted further documentation to the Planning Authority in support of their application. However, Officers were still of the opinion that insufficient information had been given to demonstrate the need for the development and they continued to recommend refusal.

Councillor David Bowman, as Ward Member for the application, spoke in favour of the development; citing the Parish Council's support and the close proximity to other traveller sites, and moved that the application be approved, contrary to the Officer recommendation of refusal. This was duly seconded by Councillor Simon Cole who echoed support for the application.

The Service Manager (Planning - Development) explained that Officers had not come to their recommendation of refusal lightly, as such, if the Committee were wishing to determine the application favourably then the resolution would be 'minded to refuse' and subject to a risk assessment for consideration at the Committee's next meeting in March.

Councillors Bowman and Cole queried the need for the 'minded to' aspect of the resolution but were advised by the Service Manager (Shared Legal) that, in line with the Council's Constitution, Officers were responsible for determining if a risk assessment was required when the Committee was wishing to overturn an Officer recommendation. Accordingly, Councillors Bowman and Cole agreed to amend their motion to incorporate the 'minded to' element.

Accordingly, with the motion being put to the vote, it was unanimously resolved that

Members were **MINDED TO APPROVE THE APPLICATION CONTRARY TO THE OFFICER RECOMMENDATION OF REFUSAL** for the reasons of; the close proximity of the site to other traveller sites and the support from the Parish Council.

Speaker: Mr Graham Seaton (Agent) spoke in support of the application.

205. **Planning Application DC/16/1145/FUL - 50 The Street, Gazeley (Report No: DEV/FH/17/005)**

Planning Application DC/16/1145/FUL:

- (i) 4 dwellings and ancillary outbuildings (following demolition of existing dwelling and outbuildings);
- (ii) Improvements to existing vehicular access

This application was referred to the Development Control Committee following consideration by the Delegation Panel. A Member site visit was held prior to the meeting.

Officers were recommending that the application be approved, as set out in Paragraph 34 of Report No DEV/FH/17/005.

The Chairman advised the Committee that she was the Ward Member for the application, but she had deliberately refrained from making any prior comment on the application so was therefore able to take part in the Committee meeting.

The Principal Planning Officer advised Members that since publication of the agenda two further representations had been received from residents. One primarily cited queries with regard to the drainage, the other was from a resident who bordered the development site who raised concerns with Plot 3 being situated so close to their boundary. They explained that as they had an outbuilding in their garden against that boundary they were unable to plant any form of screening in that area. In response, the Officer explained that the layout of Plot 3 was deemed acceptable as the layout of the property prevented overlooking.

The Committee were also advised that whilst the Parish Council did not object to the development they would have preferred for the existing building to have been retained, if this was not possible they had requested that the properties constructed in its place had brick and flint elevations (on the street frontage) to echo the existing.

The Officer explained that the building that was to be demolished was not listed/protected in anyway. He also advised the meeting that since the agenda had been published, the applicants had agreed to change the street frontage elevations of the garage block to brick and flint.

Councillor Carol Lynch spoke in relation to the neighbour's screening concerns adjacent to Plot 3. She asked if it would be possible to ask the applicants to give specific consideration to this boundary as part of their landscaping scheme condition. The Officer confirmed that he could liaise with the applicant in relation to this matter.

Following which, Councillor Lynch moved that the application be approved as per the Officer recommendation, inclusive of the specific consideration to landscaping the boundary in question. This was duly seconded by Councillor Stephen Edwards.

Considerable discussion then took place with regard to the street frontage elevations of the development, with many Members wishing for the street frontage elevations of the dwellings to also be amended to brick and flint, to

match the garage block and echo the frontage of the (to be) demolished building.

The Service Manager (Planning – Development) suggested that, if the Committee were in agreement, the condition concerning materials could be delegated to Officers in consultation with the Chairman and Vice Chairman, in order to address Members’ desire to have all street frontage elevations in brick and flint.

Councillors Lynch and Edwards confirmed that they were happy to include this matter within their motion. Accordingly, on being put to the vote, it was unanimously resolved that

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

1. 3 year time limit
2. In accordance with approved plans (inc. Bat Survey and Arboricultural survey)
3. Materials; those used in respect of the street frontage elevations be delegated to Officers, in consultation with the Chairman and Vice Chairman of the Committee, in view of Members’ wish for brick and flint to be used
4. Permitted Development rights removed – extensions / new openings (plots 3 and 4)
5. Restrict construction hours
6. Archaeological investigation & Post Investigation Assessment
7. Details of footway across the frontage of the site to be submitted and agreed (pre-commencement)
8. Vehicular access in accordance with approved plans
9. Access surface material to be agreed
10. Details of bin storage to be provided
11. Surface water drainage to be agreed
12. Parking, turning details and secure cycle storage areas to be submitted and approved
13. Visibility splays in accordance with agreed details
14. Landscaping in accordance with submitted plans
15. Details of boundary treatment to be submitted and agreed; Officers to liaise with the applicant with regard to the neighbouring boundary with Plot 3 and explore potential boundary treatment to alleviate the concerns raised
16. Implementation of recommendations of arboricultural report
17. Implementation of recommendations of bat survey

Speaker: Mrs Hilary Appleton (resident) spoke against the application.

206. Planning Application DC/15/2577/FUL - Kentford Lodge, Herringswell Road, Kentford (Report No: DEV/FH/17/006)

Planning Application DC/15/2577/FUL - (i) Proposed Development of 22 no. dwellings (including 9 no. affordable dwellings) and garages (ii) Creation of a new access onto Herringswell Road and the upgrading of an existing access onto Herringswell Road (iii) Provision of amenity space and associated

infrastructure, following the demolition of an office, residential annex and stables.

This application was referred to the Development Control Committee because it was a major application and the Parish Council raised objections.

A Member site visit was held prior to the meeting, Officers were recommending that the application be approved as set out in Paragraph 126 of Report No: DEV/FH/17/006.

The Principal Planning Officer advised the Committee that since publication of the agenda two further emails had been received; the first was from the agent, on behalf of the applicant, outlining the meetings they had held with the Parish Council and the measures they had agreed to include as part of the application to 'enhance the village'; such as a planting scheme and the erection of a village information board. The email also advised that the agents had similarly met with the residents of the Red House and had come to a mutual agreement on the boundary treatment/landscaping.

The second email was from Kentford Parish Council and had been forwarded to the Council from the agent. In the email the Parish Council expressed pleasure at the extent to which the applicant had worked with the Parish Council and had enabled the village to secure a number of positive elements from the development. And, as such, they were now content to support the scheme.

The Chairman advised the Committee that the Ward Member for the application was Councillor Roger Dicker who had been unable to attend the meeting. However, he had asked the Chairman to inform his fellow Members that he had no objection to the application.

It was moved by Councillor Carol Lynch, seconded by Councillor Simon Cole and with the vote being unanimous, it was resolved that

Planning permission be **GRANTED** subject to:

1. The completion of a S106 agreement to secure:
 - (a) Policy compliant affordable housing (30%).
 - (b) Pre-school contribution (£12,182).
 - (c) Primary school contribution (£60,905)

And

2. Subject to conditions, including:
 1. Time limit (3 years for commencement)
 2. Materials to be submitted and agreed
 3. Acoustic barrier to northern boundary
 4. Sound attenuation
 5. Restrict demolition and construction times
 6. Construction and site management programme to be submitted and agreed
 7. Fire Hydrant provision

8. Archaeological Investigation
9. Archaeological post investigation assessment
10. Standard contaminated land condition
11. Details of access to be submitted and agreed (AL2)
12. Details of bin storage and collection areas (B2)
13. Details of estate roads and footpaths (ER1)
14. No occupation until roads and footpaths constructed to at least binder course level (ER2)
15. Parking to be provided and retained (P1)
16. Details of secure cycle storage to be submitted and agreed (P2)
17. Provision of visibility splays (V2)
18. Details of boundary treatment
19. Hard and Soft landscaping to be agreed
20. Landscape management plan to be submitted and agreed
21. Tree protection measures implemented, tree surgery undertaken as detailed in the Schedule of Trees and a detailed Arboricultural Method Statement & Tree Protection Plan to be submitted (as recommended in the arb report)
22. Recommendations of the biodiversity report to be implemented, including details of integrated swift brick and bat boxes to be submitted and agreed prior to commencement.
23. Water efficiency (DM7)
24. Detailed surface water drainage scheme to be submitted and agreed
25. Compliance with approved plans

Speakers: Councillor Malcolm Baker (Chairman of Kentford Parish Council) spoke in support of the application; and Mr Simon Butler-Finbow (agent) spoke in support of the application.

207. Planning Application DC/14/2042/FUL - Land North of Broom Road, Covey Way and Maids Cross Hill, Lakenheath (Report No: DEV/FH/17/007)

Councillors David Bowman and Ruth Bowman both declared non-pecuniary interests in this item as they were an acquaintance of one of the applicants. They were advised by the Service Manager (Shared Legal) that they could remain in the meeting but were not to take part.

Planning Application DC/14/2042/FUL - Residential development of up to 110 dwellings, as amended.

This application was referred to the Development Control Committee as it was a proposal for 'major' development and it raised complex planning issues of national and international importance. The planning application had been advertised as a departure from the Development Plan.

A Member site visit was held prior to the meeting. Officers were recommending that planning permission be refused for the reasons set out in Paragraph 283 of Report No: DEV/FH/17/007.

Firstly, the Principal Planning Officer – Major Projects explained that the application site had been amended slightly as a result of one of the land owners no longer wishing to be part of the development. The Committee were shown the parcel of land that ceased to be a part of the scheme.

The Officer then tabled three documents to the meeting which had been received since publication of the agenda and provided explanation on each:

- A letter from the Defence Infrastructure Organisation (MoD): objecting to the application before Members with detailed reasoning as to why;
- An email from Natural England: explaining that unless a warden was provided for Madsdross Hill SSSI *in perpetuity* then they would not be in a position to remove their objection to the application; and
- A letter from the agents acting on behalf of Elveden Farms Ltd (the applicants for two other major applications pending for Lakenheath) drawing attention to perceived 'flaws' in the supporting data in respect of the application before Members.

Lastly, the Officer drew attention to two changes to the Officer assessment in respect of the cumulative highways impact and the prematurity to the emerging Site Allocations Development Plan. Accordingly, the recommendation within Paragraph 283 was now amended to reflect these changes, in that:

1. The reference to "*highway safety (cumulative impacts)*" within Paragraph 283 (ii.) be removed; and
2. Paragraph 283 (iv.) (which referred to the Site Allocation Development Plan) be removed in its entirety.

Councillor Simon Cole moved that the application be refused, as per the Officer recommendation and inclusive of the amendments as outlined above and this was duly seconded by Councillor Louise Marston.

With 10 voting for the motion and with 2 abstentions, it was resolved that:

Planning permission be **REFUSED** for the following reasons (summarised):

- (i) The proposed development is unacceptable in principal and is contrary to the settlement policies set out in both adopted and emerging Development Plan documents;
- (ii) The proposals are also contrary to a number of other important Development Plan policies, including those relating to design, ecology (the SSSI), SW drainage, tree retention, education and the impact of aircraft noise.
- (iii) There are no material considerations which indicate the development should be determined other than in accordance with the Development Plan; the proposals represent an unsustainable form of development as defined by the NPPF.
- (iv) The absence of a completed Agreement or Unilateral Undertaking under S106 of the Town and County Planning Act to secure the following:
 - Affordable housing
 - Primary Education
 - Pre-school education

- Health
- Public Open Space
- Libraries
- Wardening of the SSSI.

Speakers: Councillor Hermione Brown (Lakenheath Parish Council) spoke against the application; and
Mr Andrew Ellis (agent) spoke in favour of the application.

208. Planning Application DC/16/0723/FUL - 35 Kingsway, Mildenhall (Report No: DEV/FH/17/008)

Planning Application DC/16/0723/FUL - Dwelling adjoining No. 35 Kingsway.

This application was referred to the Development Control Committee following consideration by the Delegation Panel and in view of the Parish Council having objected to the scheme.

A Member site visit was held prior to the meeting. Officers were recommending that the application be approved, as set out in Paragraph 32 of Report No DEV/FH/17/008.

A number of Members voiced issues in respect of the application, primarily in relation to the access to/from a main road, overdevelopment, lack of amenity space within the scheme and concern with regard to the protected tree on site.

The Service Manager (Planning – Development) recommended that Members did not give weight to highways concerns as there was no evidence from statutory consultees to support this.

Councillor Carol Lynch moved that the application be refused for the reasons of:

1. Overdevelopment and inadequate amenity space (Policies DM2, DM22 and CS5); and
2. Lack of 'good design' and a contrived layout (as referenced in the NPPF).

This was duly seconded by Councillor Peter Ridgwell.

The Service Manager (Planning – Development) further advised that a risk assessment would not be necessary in respect of this application and the resolution could, therefore, be a straight refusal.

With 10 voting for the motion, 1 against and with 1 abstention it was resolved that:

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

1. Overdevelopment of the site with limited amenity space and a constrained parking and turning area; contrived layout which fails to provide a good standard of amenity for future occupiers and is contrary to the principles of good design (Policies CS5, DM2, DM22 and the NPPF).

Prior to closing the meeting the Chairman advised that she would pass on the Committee's best wishes to Councillor Roger Dicker who was currently unwell.

The meeting concluded at 8.08 pm

Signed by:

Chairman

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Forest Heath District Council

**DEVELOPMENT
CONTROL COMMITTEE**

1 MARCH 2017

DEV/FH/17/009

Report of the Acting Head of Planning

**PLANNING APPLICATION DC/16/1758/FUL – LAND NORTH OF LODGE FARM,
SKELTONS DROVE, BECK ROW**

Synopsis:

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

CONTACT OFFICER

Case Officer: Charles Judson
Email: charles.judson@westsuffolk.gov.uk
Telephone: (01638) 719267

Committee Report

Date: 07/10/2016 **Expiry Date:** 06/01/2017
Registered: **EOT:** 08/03/2017

Case Officer: Charles Judson **Recommendation:** Refuse

Parish: Beck Row **Ward:** Eriswell and The Rows

Proposal: Planning Application DC/16/1758/FUL - Change of use of land to provide 10 pitches for traveller families (each pitch to include 1 mobile home, 1 travelling van and 1 day room)

Site: Land North of Lodge Farm, Skeltons Drove, Beck Row

Applicant: Mr R Oakley

Section A – Background and Summary:

1. The application was deferred from consideration at the Development Control Committee meeting on 1st February 2017. Members resolved that they were 'minded to approve' the planning application contrary to the officer recommendation of refusal.
2. The previous Officer report for the 1st February 2017 meeting of the Development Control Committee is included as Working Paper 1 to this report. Members are directed to this paper in relation to site description, details of development, details of consultation responses received etc.
3. Officers updated members verbally at the Development Control Committee that a further representation had been received from a local resident regarding the un-adopted road that led to the site. Members were also advised that with regard to the Officers recommendation set out in Working Paper 1, reference to an 'unmade track' should be amended to read "un-adopted road".
4. This report sets out the updates from the written papers presented to the meeting of development Control Committee on 1st February and includes a risk assessment of Members minded-to decision to approve.
5. The Officer recommendation, which is set out at the end of this report remains that planning permission should be refused.
6. Since the Committee meeting on 1st February no further information has been submitted by the applicants.

Section B – General Information:

Proposal:

7. Please refer to Working Paper 1, paragraphs 1-2 for a description of the application proposals.

Application Supporting Material:

8. Please refer to Working Paper 1, paragraph 3 for details of the drawings and technical information submitted with the planning application.

Site Details:

9. Please refer to Working Paper 1, paragraph 4 for a description of the application site.

Planning History:

10. Please refer to Working Paper 1, paragraph 5 for details of relevant planning history.

Consultation:

11. Please refer to Working Paper 1, paragraphs 6 - 16 for details of consultation responses received.
12. Since the Development Control Committee on 1st February comments have been received from the Planning Policy Team and these are attached to this report as Working Paper 2. These comments set out the planning policy context and should be read in conjunction with paragraphs 20 – 25 of Working Paper 1.
13. Officers have also been contacted by the Mildenhall Internal Drainage Board who confirmed that they are the owners of Skeltons Drove and have requested that the applicants are made aware of this.
14. Any further consultation responses received will be reported verbally to the meeting.

Representations:

15. Please refer to Working Paper 1, paragraphs 17 – 19 for details of representations received. Members should also refer to the additional representations received after the committee report to the 1st February meeting was prepared. Members will recall that one further letter of representation was received and was reported verbally to the Committee and thus is not included within Working Paper 1. This made the following points:

- Requesting that Skeltons Drove is adopted to ensure it is

appropriately maintained to cater for development and to protect existing users rights of access from Mr and Mrs Dale of 66B The Street (Skeltons Drove), Beck Row.

Policies:

16. Please refer to Working Paper 1, paragraphs 20 – 25 and Working Paper 2 for details of relevant planning policies and considerations.

Officer Comment:

17. Please refer to Working Paper 1, paragraphs 26 – 59 for details of the Officers assessment of the application proposals.

Section C – Risk Assessment:

18. The main purpose of this report is to inform Members of the risks associated with the 'of mind' resolution to approve planning permission for this development proposal, given that an approval of planning permission would be contrary to Officer recommendation.
19. As set out in the Background section of this report, Members deferred their consideration of this planning application from 1st February 2017 meeting of Development Control Committee. Members were 'of mind' to approve the planning application for the reasons of;
20. The close proximity of the site to other traveller sites;
21. The lack of harm associated with the development; and
22. The support from the Parish Council.
23. The remainder of this report discusses the Officers reasons for refusal before discussing the potential implications of an approval of planning permission.

Section D – Discussion of Reasons for Refusal

Reason for Refusal 1 – Need:

24. Paragraph 4(a) of Planning Policy for Traveller Sites (PPfTS) states that local planning authorities should make their own assessment of need for the purpose of planning. This is further emphasised at paragraph 7(c) where it is stated that local planning authorities should use a robust evidence base to establish accommodation needs to make planning decisions. Paragraph 11 states that where there is no identified need, criteria-based policies should be included in development plans to provide a basis for decisions in case applications nevertheless come forward. As the application is for new development in the Countryside where paragraph 25 of PPfTS states that new development should be strictly limited, Officers consider it appropriate to only allow development where

there is an identified need. This is emphasised in Policy CS8 of the Core Strategy 2010 which states that proposals for Gypsy and Traveller Sites will be considered with reference to, inter alia, whether the proposal meets identified needs.

25. To assess current and future need for Gypsy and Traveller accommodation in the District the Gypsy and Traveller Accommodation Assessment (2016) (GTAA) has been produced. This identifies that there is no known need for any additional pitches in the District up to 2036. Consequently no site allocations are proposed in the emerging Site Allocations Local Plan. However, as not all gypsy and traveller households in the District were able to be interviewed the GTAA calculates that there may be an 'unknown' need for 8 additional pitches through new household formation using a growth rate of 1.5%. Core Strategy policy CS8 sets out a criterion based approach to addressing additional proposed needs where applications for gypsy and traveller sites do come forward and where they meet the definition.
26. To understand the applicants need and to establish whether the application belongs to the unknown need identified in the GTAA or whether the need has arisen from elsewhere the applicant was asked to provide details of the current accommodation arrangements of the intended occupants and details of why they now seek alternative accommodation.
27. Information submitted with the application states that four of the intended families currently reside within the District whilst six reside outside of the District. On this basis the need could be in part 'unknown' (in that the intended occupants who reside in the District were not interviewed) and in part be 'new' (arising from outside of the study area).
28. The application advises that the proposed pitches are required for three reasons: i) to provide access to education, ii) to provide access to healthcare and, iii) to accommodate a desire for the families to live together on a private site that they control. Officers consider that in determining whether a need exists, regard should be had to the existing accommodation arrangements of the intended occupants. If it can be adequately demonstrated that the applicants existing accommodation arrangements do not meet their needs then Officers accept that a need exists.
29. It is accepted by Officers that the current accommodation arrangements do not enable the families to live on a private site that they control as the families are dispersed on a number of sites across different authorities. Whilst this would likely have some positive benefits for the families, no information has been provided to evidence why living on one site is necessary. Furthermore, no information has been provided to demonstrate that the proposal would provide better access to education or healthcare than their existing accommodation arrangements. Whilst a number of the intended occupants are stated to be in temporary pitches no detail has been provided of how long these permissions exist for, the reasons for their temporary nature and whether efforts have been

undertaken to make them permanent. It has also not been identified how the proposal would improve access to education or healthcare those families currently residing in permanent pitches. It is therefore considered that insufficient information has been provided to demonstrate that there is a need for 10 new pitches other than due to a desire for the families to live together on a single site that they control.

Reason for Refusal 2 – Compliance with definition:

30. To establish whether it is appropriate to apply planning policies which relate to Gypsies and Travellers it is necessary to establish that the intended occupants of the site comply with the definition of Gypsy and Traveller in PPfTS. This definition is provided in paragraph 30 of Working Paper 1. This definition was amended in 2015 when PPfTS was revised. Annex 1 paragraph 2 of PPfTS identifies that in determining whether persons are Gypsies and Travellers consideration should be given to the following issues amongst other relevant matters:
- Whether they previously led a nomadic habit of life
 - The reasons for ceasing their nomadic habit of life
 - The intention of living a nomadic habit of life in the future.
31. Whilst it is accepted that the application is not for a personal permission, to evidence that there is a need for the development it is considered that the applicant must demonstrate that those who require the site meet the relevant definition of Gypsy and Traveller.
32. The intended occupants are understood to come from a 'travelling' background however this does not mean that they therefore comply with the relevant definition which was revised in 2015. Officers expect the applicant to demonstrate through their application how the intended occupants have previously led a nomadic habit of life, when and why they stopped travelling and whether they intend to travel again in the future and in what circumstances. This would demonstrate compliance with the definition.
33. Information submitted with the application is considered vague and generalised and does not provide Officers with sufficient comfort that all intended occupants would comply with this definition. To evidence how they have previously led a nomadic habit of life, the applicant highlights that some of the older members of the family are unable to read and write due to moving around following work and not attending school. To identify the circumstances when the families will return to a nomadic habit of life the applicant confirms this will be "as and when possible". It is not considered that such statements provide sufficient precision to enable comfort that the intended occupants would comply with the relevant definition.

Reason for Refusal 3 – Noise:

34. Policy DM2 of the Joint Development Management Policies Document 2015 requires development to, inter alia, not adversely affect residential

amenity. Advice from Public Health and Housing identifies that the site would be subject to noise from adjacent airfields being located within the 72dB noise contour. Mobile homes offer limited noise attenuation and residents of the site would suffer from an adverse impact on amenity.

35. Members are advised to determine whether they consider the proposal would have an adverse impact on the amenity of future residents of the site. If it is considered that the development would have an adverse impact Members must consider whether there are material considerations to justify this adverse impact.

Reason for Refusal 4 – Character and Appearance:

36. The site is located within the open countryside and is in agricultural use. The application would result in the change of use of the application site to residential and allow for the construction of permanent day rooms, hardstanding, the stationing of vehicles and mobile homes, the introduction of domestic paraphernalia and associated hard landscaping which Officers consider would have a detrimental impact on the impact of the immediate area contrary to development plan objectives and the NPPF. Officers accept that the development would be read in conjunction with the Bomb Dump to the north of the site and that appropriate landscaping could help to mitigate some harm, however given the open flat landscape to the south, west and east it is considered that the proposal would introduce development incongruous to the predominantly agricultural landscape detrimental to the character and appearance of the area..

37. Members are advised to determine whether they consider the proposal would have an adverse impact on the character and appearance of the area. If it is considered that the development would have an adverse impact Members must consider whether there are material considerations to justify this adverse impact.

Reason for Refusal 5 – Distance from Services:

38. The site is a distance of 1.42km from access on to The Street nearby to which are a range of services and facilities including a post office (2.1km), primary school (2.5km) and bus services. The NPPF and the development plan encourage development to be in locations which allow access to services and facilities without residents relying on the private car to encourage the use of more sustainable transport modes. Officers consider that the distance to these services should be considered in the context of the nature of Skeltons Drove which is an unadopted road without street lighting or dedicated pedestrian facilities for its entire length. Given the nature and length of this road Officers consider it likely that residents would be dependant on the private car to access day to day facilities.

39. Members are advised to determine whether they consider the proposal would be in a sustainable location. If it is considered that the development would not be in a sustainable location Members must consider whether there are material considerations to justify the impact of

this.

Section F – Implications of granting planning permission:

40. Planning law requires that decisions on planning applications must be taken in accordance with the development plan unless there are material considerations that indicate otherwise. Officers are of the view that the application does not comply with the development plan and there are not material considerations to justify a departure.

41. Members identified that they were minded to approve the application on the grounds of:

- The close proximity of the site to other traveller sites;
- The lack of harm associated with the development; and
- The support from the Parish Council.

Officers do not consider that these represent sufficient reasons for approving the application.

42. Turning first to the proximity of the site to other gypsy and traveller sites, the application site is approximately 400 metres from two existing gypsy and traveller sites which contain a total of 47 pitches. However, Members are advised that there is no planning policy which requires new gypsy and traveller pitches to be located nearby to existing gypsy and traveller provision. Furthermore, the applicants have not identified that the site has been selected due to its proximity to other gypsy and travellers sites in terms of justifying a need so it is not considered that the sites location relative to existing gypsy and traveller sites is a material consideration which carries weight. On this basis Officers do not consider that the proximity of the site to existing gypsy and traveller sites represents an appropriate reason for approval being not grounded in planning policy and not carrying weight as a material consideration.

43. The second reason for approval, concerning the lack of harm associated with the development is to some extent a subjective issue. However, Officers consider that there is harm associated with the proposal in landscape, residential amenity and transport sustainability terms for the reasons set out in Working Paper 1 and discussed in this report. The extent of the harm on these grounds are a matter of judgement taking account of the relevant facts and the weight which can be given to the impact should form part of the planning balance. Officer consider that in light of the lack of identified need, the harm in terms of landscape, residential amenity and transport sustainability can be given significant weight in the planning balance.

44. The third reason for approval is the support of the Parish Council who has commented that the applicants have made improvements to the area and if this continues it will be an enormous benefit to the village. Officer understand that this part of Skeltons Drove has been subject to fly-tipping

in the past and a residential presence on the application site may deter such activities in the future. Whilst the support of the Parish Council is noted, Officers do not consider that the Parish Councils representation identifies wider benefits to the village which are sufficient to overcome the reasons for refusal identified and accordingly for this reason Officers do not consider that the support of the Parish Council represents a material consideration of sufficient weight to approve the application, bearing in mind the lack of need and harm identified by the Officers.

45. In coming to their decision Members must clearly identify whether they consider the proposal complies with the development plan and their reasons for reaching their decision. If it is decided that the proposal does not comply with the policies of the development plan and they wish to approve the application, the material considerations which justify the departure must be identified. Failure to adequately identify the reasons for a decision would adversely impact on the reputation of the Council.
46. Whilst every application must be considered on its own merit, it is also important for the Council to be consistent in its application of policy when determining applications of a similar nature. Failure to provide clear reasons for the decision could expose the Council to the risk and cost of Judicial Review in the High Court and would impact on the ability for the Council to be consistent for other applications of a similar nature. This would also adversely impact upon the reputation of the Council.
47. If applications are not treated equally, in the event that a similar application is refused the applicant would have the right to seek to recover their appeal costs (in full or part depending on the circumstances) from the Council should the Inspector conclude that the Council has acted unreasonably. This would result in financial and reputational implications for the Council.

Section G - Conclusions:

48. Members should have regard to the attached Working Papers 1 and 2 in reaching their decision. Officers consider that the application raises fundamental issues in the interpretation of policy and Officers are concerned that the earlier Development Control Committee resolution that Members are 'of mind' to approve the application could lead to adverse reputational and financial implications for the Council.
49. In the event that Members grant planning permission, it is recommended that the reasons for the decision are clearly stated and that the following matters should be controlled by conditions:
 - Time limit
 - Plans and documents
 - Occupancy restriction to gypsy and traveller as defined in Annex 1 of PPfTS
 - Limit to 20 caravans of which no more than 10 can be static as defined in the Caravan Sites and Control of Development Act 1960

and the Caravan Sites Act 1968

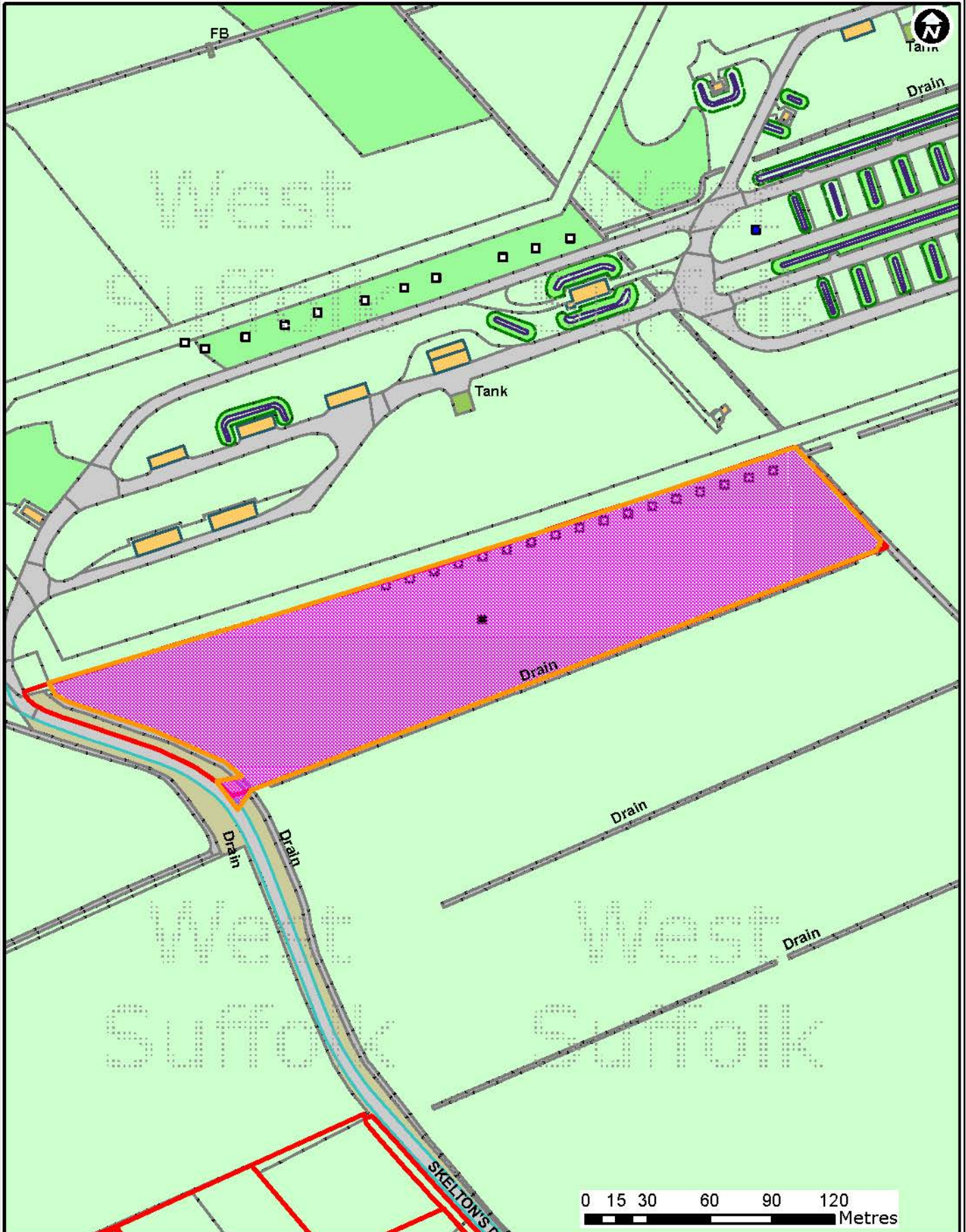
- Soft landscaping and maintenance plan and details of boundary treatment to be submitted
- Surface water drainage scheme to be submitted
- Materials for day rooms to be submitted
- No vehicles over 3.5 tonnes to be stationed on site
- Unexpected contamination
- Day rooms to be ancillary to use of caravans

Documents:

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

DC/16/1758/FUL

Land North Of Lodge Farm, Skeltons Drove, Beck Row



Forest Heath • St Edmundsbury

West Suffolk
working together

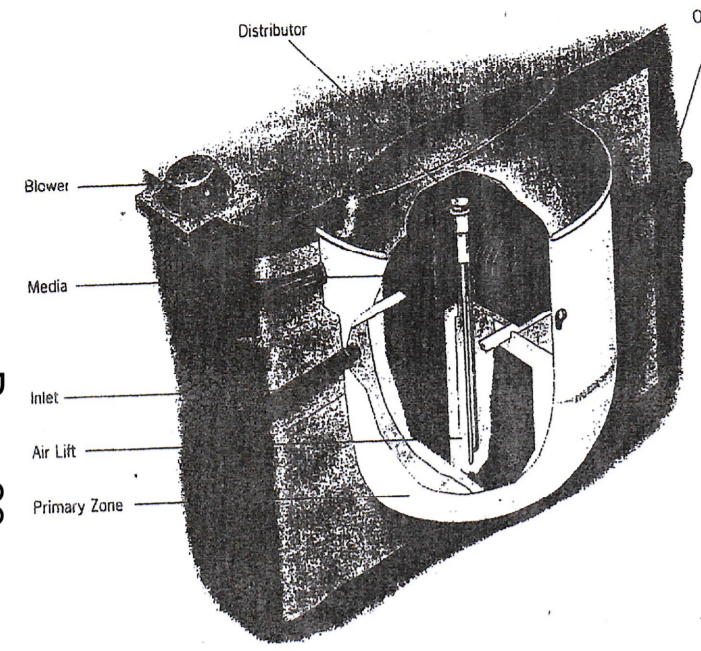
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Scale: 1:2,500
Date: 17/01/2017

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BIOTEC BELOW GROUND
Sewage treatment plant Minitec, P6, P12, P18 & P25

Page 23



Biotec Specification

Max no of full-time residents	6
Model No	P6
Day Bed	12
Bed Load	100
Water Capacity	200
Water Depth	1.05
Water Volume	210
Water Weight	2100
Water Mass	2100
Water Density	1000
Water Pressure	110

RENWATER TO APPROVED SOAKWAYS
ON EACH PITCH

FOUL SEWAGE FROM MOBILES & DAYROOMS TAKEN TO SEWAGE TREATMENT PLANT THEN CLEAN WATER INTO EXISTING DRAIN WITH CONSENT FROM LOCAL I.D.B.



ALDER BUCKTHORN
Fraxinus alnus

Alder Buckthorn is sometimes confused with Buckthorn (p. 206) but rarely grows larger than 4 or 5m and forms only a bushy small tree

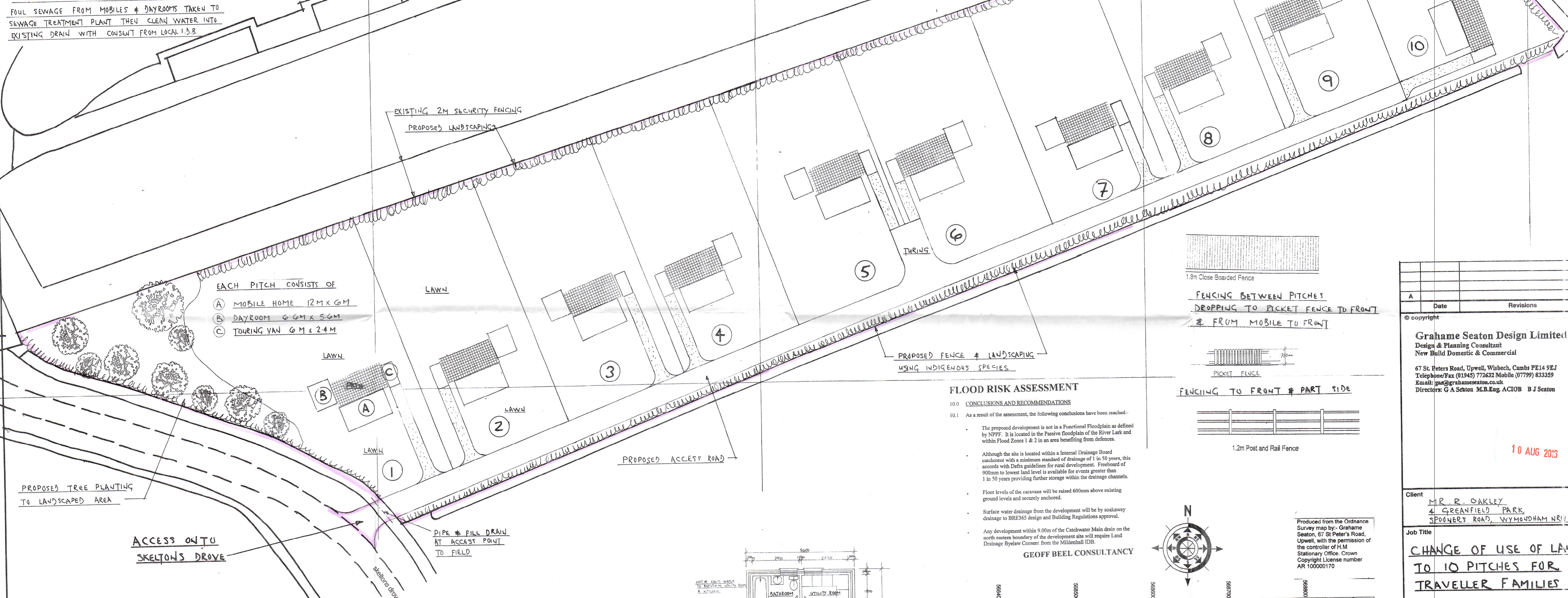
BLACKTHORN
Prunus spinosa

Blackthorn rarely forms a tree and is typically seen as an occasional plant in a hawthorn hedge, or as a densely tangled thicket

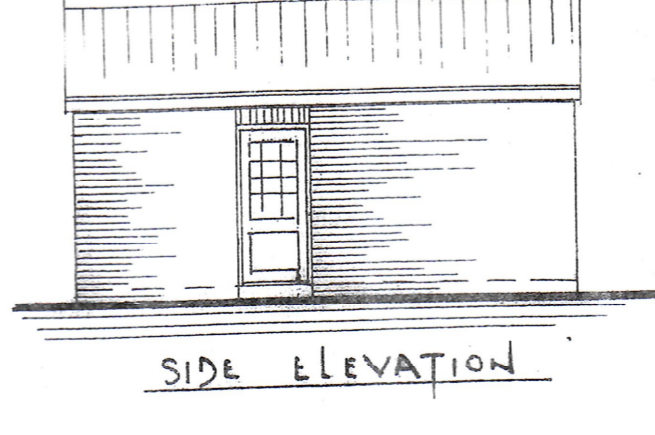
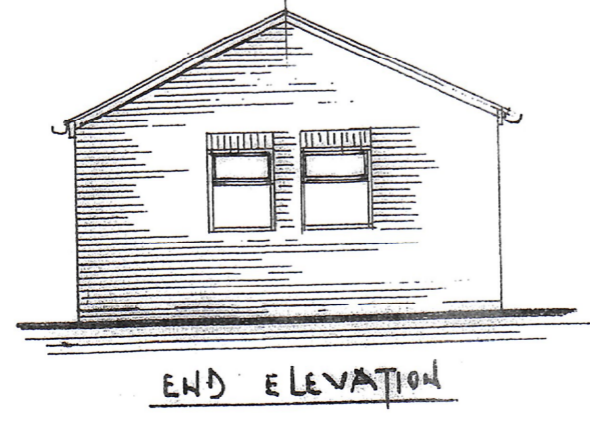
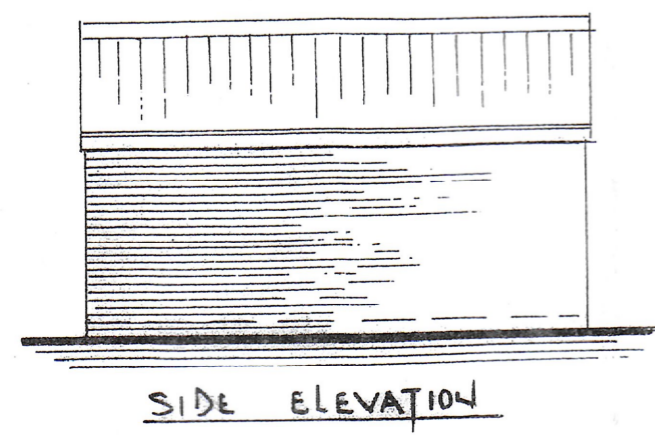
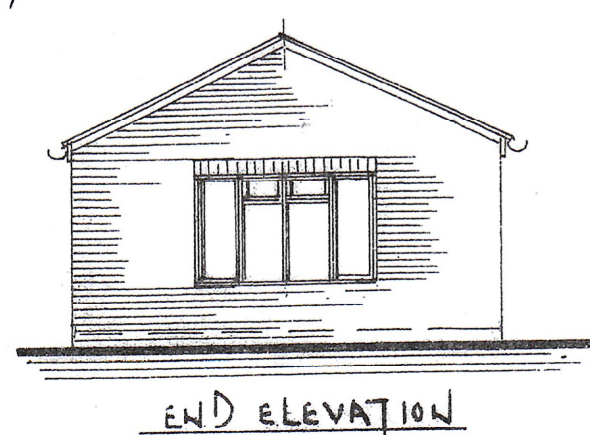
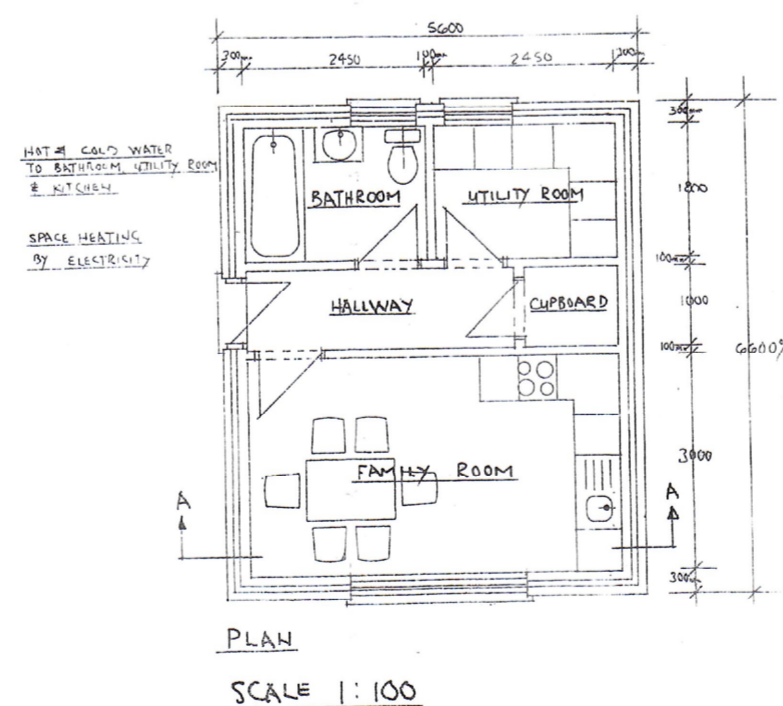
HAWTHORN
Crataegus monogyna

One of the most familiar sights of lowland Europe, Hawthorn is typically seen as a dense thorny shrub

NOTES:
All dimensions must be checked on site and not scaled from this drawing.



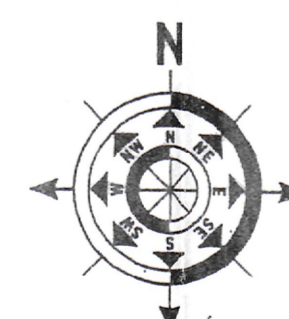
BLOCK PLAN SCALE 1:500



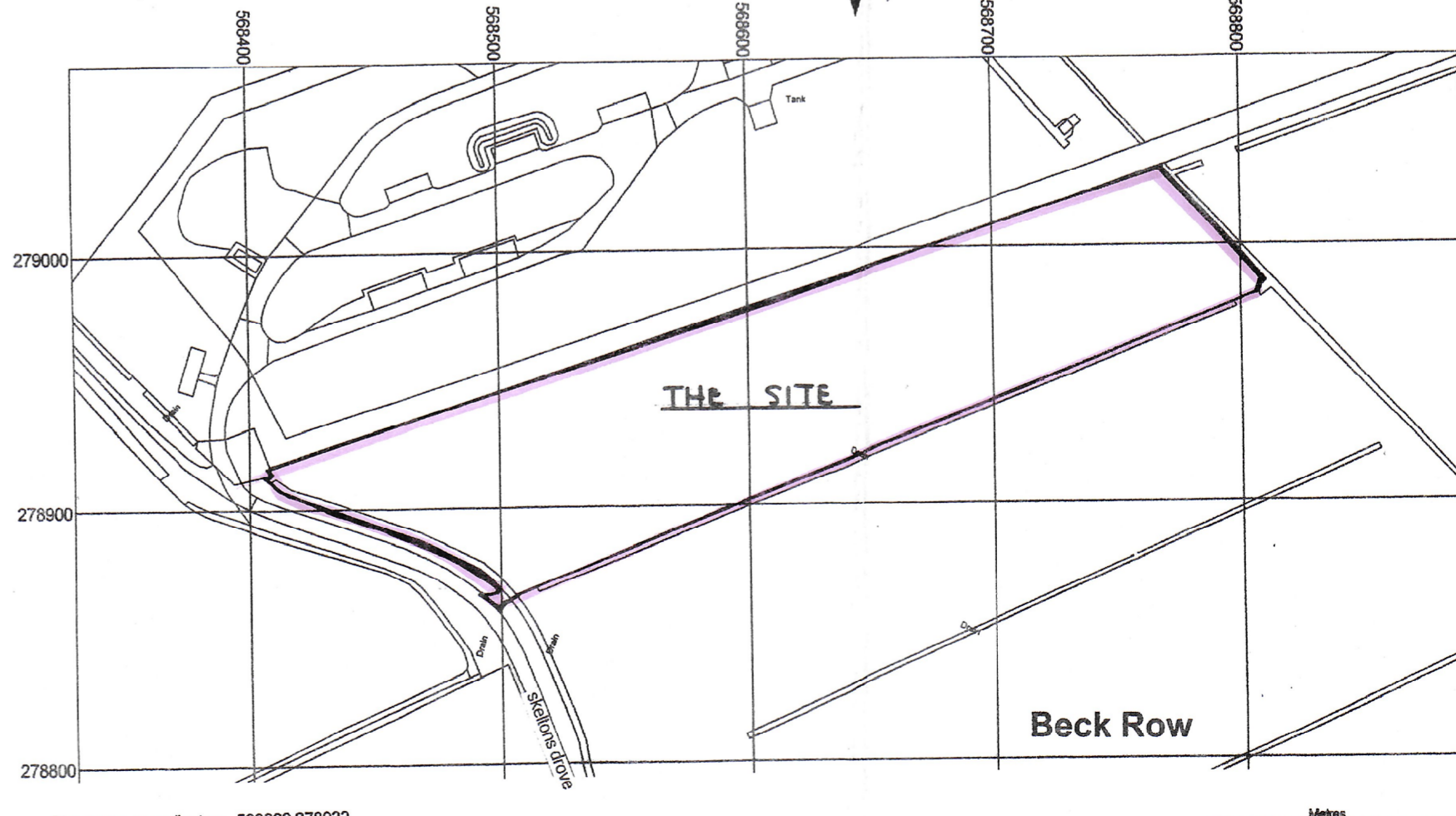
FLOOD RISK ASSESSMENT

- 10.0 CONCLUSIONS AND RECOMMENDATIONS
- 10.1 As a result of the assessment, the following conclusions have been reached:
- The proposed development is not in a Functional Floodplain as defined by NPPF. It is located in the Passive Floodplain of the River Lark and within Flood Zones 1 & 2 in an area benefiting from defences.
 - Although the site is located within an Internal Drainage Board catchment with a minimum standard of drainage of 1 in 50 years this accords with Defra guidelines for rural development. Freeboard of 900mm to lowest land level is available for events greater than 1 in 50 years providing further storage within the drainage channels.
 - Floor levels of the caravans will be raised 600mm above existing ground levels and securely anchored.
 - Surface water drainage from the development will be by soakaway drainage to BRE365 design and Building Regulations approval.
 - Any development within 9.00m of the Catchwater Main drain on the north-eastern boundary of the development site will require Land Drainage Byelaw Consent from the Mildenhall IDB.

GEOFF BEEL CONSULTANCY



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LOCATION PLAN SCALE 1:2500

Date	Revisions

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Design & Planning Consultant
New Build Domestic & Commercial

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10 AUG 2015

Client: MR. R. OAKLEY
4 GREENFIELD PARK
SPIDNERS ROAD, WYMONDHAM NR14 9TG

Job Title: CHANGE OF USE OF LAND TO 10 PITCHES FOR TRAVELLER FAMILIES AT SKELTONS DROVE

Drawing Title: LOCATION & BLOCK PLAN

Scale: 1:2500 1:500

Date: MAY 2016 Drawn by: GSA

Drg No. 16/5/1991 Rev.

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Forest Heath District Council

**DEVELOPMENT
CONTROL COMMITTEE**

1 FEBRUARY 2017

DEV/FH/17/004

Report of the Head of Planning and Growth

**PLANNING APPLICATION DC/16/1758/FUL – LAND NORTH OF LODGE FARM,
SKELTONS DROVE, BECK ROW**

Synopsis:

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

CONTACT OFFICER

Case Officer: Charles Judson
Email: charles.judson@westsuffolk.gov.uk
Telephone: (01638) 719267

Committee Report

Date 07.10.2016 **Expiry Date:** 06.01.217
Registered: 08.02.2017 (extended)

Case Charles Judson **Recommendation:** Refuse
Officer:

Parish: Beck Row **Ward:** Eriswell and The Rows

Proposal: Planning Application DC/16/1758/FUL - Change of use of land to provide 10 pitches for traveller families (each pitch to include 1 mobile home, 1 travelling van and 1 day room)

Site: Land North of Lodge Farm, Skeltons Drove, Beck Row

Applicant: Mr R Oakley

Background:

This application is referred to the Development Control Committee as it is a major application which the Parish Council support, however, the Officer recommendation is for REFUSAL.

Proposal:

1. Planning permission is sought for the change of use of the application site to provide 10 pitches for traveller families. Each pitch would include space for 1 mobile home, 1 travelling van and 1 day room. The day room would be a red brick building with a pantile pitch roof to provide a family room, utility room and bathroom to each pitch.
2. Access would be via the south west of the site on to the unadopted Skeltons Drove and a new driveway would extend the length of the southern boundary. Pitches would be subdivided by 1.8m high close boarded fencing and picket fencing to the front and soft landscaping and fencing to site boundaries.

Application Supporting Material:

3. Information submitted with the application as follows:
 - Location, layout and block plan
 - Flood risk assessment
 - Amended flood risk assessment
 - Design and access statement
 - Personal character references

- Land contamination report
- Biodiversity checklist
- Schedule of intended occupants

Site Details:

4. The site is situated to the north of Beck Row accessed via an unadopted track known as Skeltons Drove. It is located within the open countryside for the purposes of planning policy and is in agricultural use. The site is bounded to the west, south and east sides by drainage ditches and a mature tree belt and security fencing to the north. Land use in the vicinity is primarily agricultural but the land to the north is an unused military site described as a bomb dump and contains a number of unused single storey flat roof buildings.

Planning History:

5. No relevant history

Consultations:

6. Highway Authority: The site is over 1km from the nearest highway access points (on Rookery Drove and The Street) on the unadopted Skelton's Drove. Each pitch has parking space for at least 2 vehicles plus a touring caravan. It is not anticipated that the traffic generated by the site would lead to road safety or congestion issues at the highway access points. Therefore the Highway Authority does not wish to restrict the granting of permission due to negligible impact on the highway.
7. Strategic Housing Team: Unable to support this application as under the new definition for Gypsy and Traveller there is currently no requirement for any additional pitches in Forest Heath. The Gypsy and Traveller Needs Assessment (GTNA) 2016 however has caveated a potential need for up to 8 additional pitches but this is classified as 'unknown' within the definition and will be for the LPA to determine whether this application meets the 'unknown' need.

Further comments following additional information:

In light of the letter to identify where the need for these proposed pitches is arising from and who would be occupying the site, the Strategic Housing Team is now able to support this planning application based on the fact it demonstrates that the family meet the new definition and could fall into the 'unknown' category in the new GTNA.

Further comments following additional information:

Although the Strategic Housing Team support this scheme in principal, we believe the applicant has failed to submit enough information/evidence to prove that they meet the new definition for Gypsy and Travellers (Gypsy and Travellers Needs Assessment 2016) within the 'unknown' category on

the following points highlighted in bold below;

- a) Whether they previously led a nomadic habit of life – I note evidence has been submitted for the Oakley family, however, no evidence has been submitted for the Nunns, Barhams and Macdonalds.
- b) The reasons for ceasing their nomadic habit of life – we accept that they have provided enough information to demonstrate why they have currently ceased their nomadic habit of life.
- c) Whether there is an intention of living a nomadic habit of life in the future, and if so, how soon and in what circumstances – No information has been provided to demonstrate when and in what capacity the families intend to start living a nomadic habit of life in the future.

As I mentioned before, under the new definition for Gypsy and Travellers (Gypsy and Travellers Needs Assessment (GTNA) 2016) there is currently no requirement for any additional pitches in Forest Heath. The GTNA 2016 however, has caveated a potential need for up to 8 additional pitches classified as 'unknown' within the definition and will be for the Local Planning Authority to determine whether this application meets the 'unknown' need.

8. Design Out Crime Officer: Identifies the requirements of Policy DM2 to produce designs and layouts which are safe and take account of crime prevention, community safety and public health and DM22 which seeks to create a safe and welcoming environment.
9. Environmental Health (contaminated land): The application is supported by a Desk Study and Risk Assessment which includes a summary of the current and previous uses of the site and surrounding area, identifying the adjacent military land use. The risk assessment considered there to generally be a low risk and the report concludes that the site is suitable for the intended end use. Intrusive investigations are considered not necessary. The service agrees with the findings of the report and does not require any further information. An advice note is suggested.
10. Natural England: No comment.
11. Mildenhall Internal Drainage Board: The application site is within the Mildenhall Internal Drainage District and is adjacent to the Board's Catchwater Main Drain. No works can take place, structure built or planting undertaken within 9 metres of the Board's Main Drain without prior consent of the Board. The application states that surface water will be disposed of via soakaways. Provided that the soakaways form an effective means of surface water disposal in this area, the Board will not object to this application. If soakaways are found not to be an effective means of surface water disposal the Board must be re-consulted in this matter. The Board's system has no residual capacity. If soakaways are not proven to work, then water will have to be balanced on site before discharging into the Main River. The Board will only accept a Greenfield run-off rate of 1.11/s/ha. Any discharge would require the consent of the

board. The piping of the ditch to form an access will also require the consent of this Board. The track to the site is owned by the Board, so the owner of the site will need the Board's agreement to use the track.

12. Suffolk Fire and Rescue: Access to buildings must meet with the building Regulations. The nearest fire hydrant to the site is over 420m from the proposed build and we therefore recommend that consideration be given to providing additional water for firefighting.
13. Suffolk County Council (Schools Infrastructure): Due to the scale and nature of the proposed development Suffolk County Council will not be seeking infrastructure contributions.
14. Environment Agency: We object to this application because the proposed development falls into a flood risk vulnerability category that is inappropriate to the Flood Zone in which the application site is located. We recommend that the application should be refused planning permission on this basis. The application site is within Flood Zone 3 defined by the NPPF as having a high probability of flooding. The proposed development type is classified as highly vulnerable in accordance with the NPPF Guidance which makes it clear that this type of development is not compatible with Flood Zone 3 and should not therefore be permitted. The amended Flood Risk Assessment submitted by the applicant has referenced outlines from the Environment Agency's Eastern Rivers model and has interpreted that these supersede the existing flood zones in the Flood Map for Planning. The Flood Maps for Planning shows the extent of flooding if there were no flood defences in place and do not consider the presence of flood defences as they do not entirely remove the possibility of flooding as there is always a chance of breaches occurring or defences being overtopped in extreme circumstances.

Comments on Amended Flood Risk Assessment:

Maintain their objection based on the vulnerability of the development and the Flood Zone in which it would be located.

Further comments:

The Flood Map for Planning does not consider the presence of flood defences as they do not entirely remove the possibility of flooding as there is always a chance of breaches occurring or defences being overtopped in extreme circumstances. However, we deem the main risk to the site to be from the network of IDB drains and given that the IDB have no objection to the application I would suggest that we are able to remove our objection provided that your authority are satisfied that the hazards associated with the development can be managed for its lifetime. It is recommended that the mitigation measures proposed in the FRA are adhered to.

15. Suffolk County Council Flood and Water Engineer: Because the proposed development is located on a greenfield site and is greater than or equal to 0.5ha or 10 dwellings, there needs to be a suitable scheme implemented

for the disposal of surface water. This is to prevent increased risk of flooding, both on and off the site due to the increase in impermeable areas post development. No drainage strategy or hydraulic calculations have been submitted and this is not satisfactory and there is a holding objection until such time a detailed drainage strategy is submitted along with a ground investigation report outlining soakage rates at the site.

16. Public Health and Housing: Public Health and Housing do not object to this application however in accordance with the latest noise contours provided by the MOD the proposed dwellings will be affected by noise from aircraft using the nearby airfields. The average noise levels 72dB(A) are over a 16hr period which means that there are times when the noise is very high due to the aircraft using afterburners to take off. This means that as a mobile home will offer little to no attenuation of noise, the residents will suffer loss of amenity. At take off the aircraft produce a very intensive, although short lived, level of noise. Currently in line with information provided by the MOD this is six times a day (07:00- 23:00hrs) with no flights between 23:00 and 07:00hrs, therefore the loss of amenity will be during the day and evening times. Guidance from BS8233:2014 recommends internal noise levels to be no higher than 40dB LAeq 16hr however this only relates to buildings and not mobile homes. Some of the legislation that we are consulted on namely the Housing Act does not apply to caravan sites, however, the site would require a Caravan site Licence under Caravan Sites and Control of Development Act 1960.

Representations:

17. Parish Council: The Parish Council unanimously support this application. It was noted that the applicant has already made improvements to this area and if this continues it will be an enormous benefit to the village.

18. Ward Member (Councillor David Bowman; Cllr James Waters): No comments received.

19. Neighbours comments:

66B Skeltons Drove: No objections to the proposal however we do object to the so called access Skeltons Drove. This is not Skeltons Drove but a private road named by locals as Bomb Dump Road, a private road. Back in the 80s 66A/66B/68/70 Skeltons Drove paid for the rights of entry. This entry road is still privately owned, with past expansion along this road we have increased wear and tear plus legal rights. At least when owned by the M.O.D. we had their policing to fall back on. We ask if this area is to be developed, then SCC or FHDC should adopt this section of road, make good, therefore can be policed legally by our police force. We for see with Persimmons development more problems on this stretch of private road in the future. For our legal protection please adopt this road, we have mentioned this to Beck Row Parish council and your councillor David Bowman.

Address unspecified: Write to advise that one of the applicants has or did

have a site at Spooner Row, Wymondham where they also built and occupied a house before purchasing land at Hallowing Crescent and selling it after 4-6 months of occupation. It is also understood that he is in the process of purchasing a plot of land in Hockwold to build another property. He and his family made himself homeless from a site in Spooner Row when it had permanent permission on that site which has permission for 8 pitches. The Environment Agency recommend refusal. Neighbour occupants object due to the state of the access road which is unadopted and additional traffic will cause wear. Beck Row has a large traveller community and increasing it will result in further disquiet. Please consider all the implications that would affect the village community if your Council supports this development.

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

20. Joint Development Management Policies Document:

- Policy DM1 – Presumption in favour of sustainable development
- Policy DM2 – Creating Places
- Policy DM5 – Development in the Countryside
- Policy DM6 – Flooding and sustainable drainage
- Policy DM13 – Landscape features
- Policy DM22 – Residential design
- Policy DM27 – Housing in the countryside
- Policy DM46 – Parking standards

21. Forest Heath Core Strategy 2010

- Policy CS2 – Natural Environment
- Policy CS3 – Landscape Character and the Historic Environment
- Policy CS8 – Provision for Gypsy and Travellers
- Policy CS10: Sustainable Rural Communities

Other Planning Policy/Material considerations:

22. National Planning Policy Framework (2012)

23. Planning policy for Traveller Sites (2015)

24. Planning Practice Guidance; Reference ID: 7-001-20140306 – Flood Risk and Climate Change

25. Gypsy and Traveller Needs Assessment (2016)

Officer Comment:

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

- Policy Context
- The need for such accommodation
- Definition of gypsy and traveller
- Flood risk
- Noise
- Landscape Impact
- Highway issues
- Sustainability

Policy Context

27. At the heart of the National Planning Policy Framework (NPPF) is a presumption in favour of sustainable development. The NPPF identifies that there are three dimensions to sustainable development:
- Economic (contributing to building a strong, responsive and competitive economy)
 - Social (supporting strong, vibrant and healthy communities); and
 - Environmental (contributing to protecting and enhancing our natural, built and historic environment).
28. 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.
29. The site is outside the development boundary and is within the open countryside. The extent to which planning policy provides for the proposed development, and the manner in which this application should be considered, is set out within the later sections of this part of the report.
30. National guidance in the form of PPTS emphasises that it is the Government's overarching aim to ensure fair and equal treatment for travellers, in a way that facilitates the traditional and nomadic way of life whilst respecting the interests of the settled community. Annex 1 of the guidance defines "gypsies and travellers" as:
- 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".*
31. Policy H of the PPTS sets out the criteria for determining planning applications for traveller sites. This policy emphasises the need to determine planning applications in accordance with the development plan unless material considerations indicate otherwise as required by planning law. The policy lists the following issues amongst other relevant matters when considering applications for traveller sites:
- a) **The existing level of local provision and need for sites** – The Gypsy and Traveller Needs Assessment (2016) shows that there is currently no known requirement for any additional pitches in Forest Heath. This study has however, caveated a potential need for up to 8 additional pitches but this is classified as 'unknown' within the definition. Unknown need arises from those who have not been

identified in the GTNA as having a need because interviews were not able to be undertaken. The need for 8 additional pitches for 'unknown' households is made up of new household formation of 12 less 4 vacant pitches on a private rental site that can be considered as available for general occupation.

The applicant has submitted a schedule of those families intended to occupy the pitches. This identifies that one family currently reside on a pitch they deem to be overcrowded and four families live on pitches which are described as temporary only. Despite officer requests, no further information has been provided on why the pitches are temporary and whether efforts have been undertaken to make them permanent.

The applicant has advised that the family have been dispersed after the closure of the "Romany Way" traveller site in Bury St Edmunds. It is now their wish to reside as a family unit in Beck Row which the applicant and his family have a historic connection to and would enable children to attend school and provide access to healthcare.

- b) **The availability (or lack) of alternative accommodation for the applicants** – The applicant has stated that there are no available sites or alternative accommodation which would allow the ten families to live as one family unit as they propose.
- c) **Other personal circumstances of the applicant** – The application contains information regarding the desire to live as a family unit on a private site which they can control. It also identifies that the applicant and his family have a historic connection to Beck Row and that the application would enable access to schooling and healthcare facilities in the area.
- d) **That the lack of locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites** - Policy CS8 of the adopted Core Strategy sets out the locally specific criteria against which any applications for a gypsy and traveller site should be determined. This is considered in further detail below.
- e) **That they should determine applications for sites from any traveller and not just those with local connections** – This guidance is being followed in the determination of this application, although the applicant's local connections are also noted.

32. Policy CS8 of the Core Strategy identifies that beyond 2011 provision for Gypsy and Traveller sites will be made for on an annual 3% increase in the level of overall residential pitch provision unless evidence from an up to date GTNA dictate otherwise. Since the GTNA 2016 identifies no known need for additional pitches no allocations are proposed in the emerging Site Allocations Local Plan (Submission) Document. However, policy CS8 also provides criteria for the assessment of proposals for gypsies and

travellers where applications do come forward (as suggested in PPTS) and the application should be assessed in accordance with these criteria. These criteria include the proposal meeting an identified need, pitch sizes to facilitate good quality living accommodation without overcrowding or unnecessary sprawl, good design and mitigation for impact on visual amenity.

33. Policy DM5 provides a criteria based approach for the consideration of new development in the countryside and the provision of gypsy and traveller accommodation is not listed as a type of development which would be permitted. However, within PPTS is provision for the consideration of gypsy and 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.

The need for such accommodation

34. The GTNA 2016 does not identify the need for any new pitches in the District up to 2036 but it does identify a potential need for up to eight additional pitches classified as 'unknown'. Information provided by the applicant identifies that most of the families intending to occupy the proposed pitches currently reside outside of the study area for the GTNA and this could therefore account for why their need was not identified in the research for the GTNA as they were not interviewed. As Policy CS8 of the Core Strategy identifies that proposals for gypsy and traveller sites will be considered by reference to whether the proposal meets an identified need the applicant has been asked to demonstrate where the need for these pitches has arisen from.
35. The applicant states that four of the families reside in temporary accommodation in Fordham and Attleborough. One family reside on a pitch at Sandy Park, Beck Row but consider the site to be overcrowded. Five families are stated to reside on existing permanent pitches in Thetford, Lakenheath and Wymondham.
36. The applicant has identified that the site is needed to secure long term access to school with many of the families having children of school age. Furthermore, one of the intended occupants requires access to health care facilities with information provided to demonstrate that they have a long term health condition. However it is considered that insufficient information has been submitted to demonstrate that the existing accommodation arrangements of the intended occupants fail to meet their educational and health care needs. No information has been provided to explain the circumstances of the temporary pitches, how long the families are able to reside on these pitches and whether efforts have been made to make the pitches permanent. In respect of those families living on permanent pitches, other than one pitch being on an overcrowded site, no information has been provided to explain why their existing

accommodation arrangements fail to meet their needs in terms of access to schooling and healthcare.

37. The desire for the family to live together on a private site and the benefits that this would provide them are noted, but it is considered that the applicant has failed to adequately demonstrate that the proposal would meet an identified need and is in conflict with Policy CS8 of the Core Strategy.

Definition of Gypsy and Traveller

38. The definition of Gypsy and Traveller is provided in paragraph 30 of this report. The PPTS states that in determining whether persons are gypsies and travellers for the purpose of planning policy, consideration should be given to the following issues amongst other relevant matters:

- a) Whether they previously led a nomadic habit of life
- b) The reasons for ceasing their nomadic habit of life
- c) Whether there is an intention of living a nomadic habit of life in the future, and if so, how soon and in what circumstances.

39. The applicant has confirmed that all occupants of the site have previously led a nomadic habit of life, and in their opinion this is evidenced by the fact that some of the older members of the families are unable to read and write due to moving around following work and not attending school. It is not considered that this represents robust evidence that all of the proposed occupants have previously led a nomadic habit of life. The Oakleys are a family who are known locally as having a traveller background however the circumstances of the Macdonalds, Barhams and Nunns, also listed to occupy the site, are less well known although the applicant has confirmed that they are of a nomadic habit of life. No evidence however is presented of when the families last travelled and in what capacity other than to confirm that they attend travellers fairs around the country such as Appleby in Cumbria and Horsemans Den in Kent.

40. The application states that the reasons for ceasing their nomadic habit of life is both for their children to attend local schools and to attend local health centres for long term illness with the exception of Mr and Mrs Oakley who have retired but do not have children of school age and do not have a requirement to access health care and instead wish to live amongst their family. It is considered that these represent reasonable grounds for temporarily ceasing to travel.

41. The applicants have confirmed that it is the intention of all families to carry on a nomadic habit of life 'as and when possible' but has not provided any further information under what circumstances this might be. Given the age of some of the children intending to occupy the pitches, it is likely that a number of the intended occupants would not continue to lead a nomadic habit of life for at least 15 years and the occupant with long term illness is unlikely to continue travelling again.

42. Taking account of the above the Strategy and Enabling Officer considers that the applicant has failed to submit enough information and evidence to prove all the intended occupants meet the definition of gypsy and traveller in the PPTS.

Flood Risk

43. The application site is located within Flood Zones 1, 2 and 3 as defined by the Environment Agency's Flood Map for Planning (FMfP). Zone 1 is considered to have a low probability of flooding (1 in 1000 annual probability); Zone 2 has a medium probability (between 1 in 100 and 1 in 1000 annual probability); and Zone 3 has a high probability (a 1 in 100 or greater annual probability). The Planning Practice Guidance advises that the use of land for caravans, mobile homes and park homes intended for permanent residential use is a Highly Vulnerable use which should not be permitted in Flood Zone 3. On this basis the Environment Agency objected to the application.
44. The FMfP used by the Environment Agency (EA) does not consider the presence of flood defences as the defences do not entirely remove the possibility of flooding as there is always a chance of breaches occurring or defences being overtopped in extreme circumstances. The applicants amended Flood Risk Assessment has identified that if the flood defences are taken in to consideration the majority of the site is protected to the 1 in 1000 year standard which is the equivalent of being in Flood Zone 1 with only a small area of land to the eastern part of the site alongside a main drain owned by the Mildenhall Internal Drainage Board (MIDB) being affected by flooding. They therefore argue that the presence of flood defences should be taken in to consideration and conclude that the application should not be refused on flood risk grounds being largely within a Flood Zone with a low risk of flooding. Following discussion, the EA have withdrawn their objection on the basis that the main risk to the site would be from the MIDB drains but the MIDB have no objection. Officers consider that the likelihood of flood defences being overtopped or breached is low and given that the EA and MIDB raise no objection the risk of flooding is considered low.
45. The NPPF requires Local Planning Authorities to apply a sequential test to guide development to Flood Zone 1, then Zone 2 and then Zone 3. Given that the significant majority of the site is within Flood Zone 1 it is considered that the sequential test is passed being a site with a low probability of flooding.
46. The Suffolk County Council Flood and Water Engineer identifies that due to the size of the greenfield site there needs to be a suitable scheme implemented for the disposal of surface water to prevent increased risk of flooding both on and off the site due to the increase in impermeable areas as a result of the development. As no drainage strategy or hydraulic calculations have been undertaken the Flood and Water Engineer has a holding objection. Furthermore, the MIDB requires that soakaways must form an effective means of surface water disposal. In the absence of such information the application is unacceptable and Members are advised that

if they intend to approve the application then a suitable scheme for the disposal of surface water is agreed by officers in consultation with the Flood and Water Engineer and MIDB in advance of planning permission being granted. In the event that a suitable scheme cannot be agreed the matter could be reported back to Members.

Noise

47. The site is located within an area where noise associated with nearby airfields will affect development. Average noise levels over a 16 hour period are relatively high (72db) and if houses were to be built in the same area they would require a high level of acoustic insulation to protect residents. However, such standards are not possible in mobile homes and it is considered that the residents would suffer from an unacceptable level of residential amenity as a result of this aircraft noise. Latest information from the Ministry of Defences identifies that aircraft flights would be 6 times a day between 07:00 – 23:00 with no flights between 23:00 – 07:00. The associated noise impact of these flights would be contrary to policy DM2 (h) of the Joint Development Management Policies Document 2015 which seeks to not site development where its users would be adversely affected by noise. Whilst Public Health and Housing do not object to the application, this is because mobile homes are not covered by the Housing Act.

Landscape Impact

48. The site is located within the open countryside and currently in agricultural use. Whilst there are existing buildings to the north, these are related to the former military use of the adjacent site and reflect to some extent the character of the area given the proximity of the site to the local airbases. To the south, east and west of the site are level fields providing distant views across agricultural land. The introduction of mobile homes, vehicles, day rooms, hardstanding and associated domestic paraphernalia would have a negative landscape impact bearing in mind the open and undeveloped character of the site and surroundings. This is exacerbated by the size of the site. The site however is located down a private road and some distance from any public vantage point and is not in a Special Landscape Area. Furthermore, the visual impact could be reduced further by the introduction of soft landscaping within and to the site boundaries and this could be secured by condition. On balance it is considered that the development would have a detrimental impact on the immediate landscape but its impact on the wider landscape would not be significant. There would therefore be some harm contrary to policy DM13 of the Joint Development Management Policies Document.

Highways

49. The Highway Authority identify that the site is over one kilometre from the nearest highway access points (on Rookery Drove and The Street), on the un-adopted Skelton's Drove. Each pitch has parking space for at least 2 vehicles plus a touring caravan. They do not anticipate that the traffic generated by the site would lead to road safety or congestion issues at

the highway access points and accordingly they do not wish to restrict the granting of permission. On this basis the application is considered acceptable in terms of highway safety.

Sustainability

50. The thread of achieving sustainable development runs through the NPPF. The development would enable the intended occupant's access to local schooling and healthcare facilities, however, no information has been presented to identify how existing accommodation arrangements are unable to meet the educational and health care requirements of the applicants, therefore the benefits of the proposal have not been demonstrated in this respect. The application would enable the family to live on one site which would have positive benefits for them compared to their current dispersed living arrangements.
51. The PPTS identifies that in rural areas development should respect the scale of and not dominate the nearest settled community. There are existing gypsy and traveller pitches along Skeltons Drove at Sandy Park and whilst the proposed development would add an additional 10 pitches to the local supply, it is noted that the application has received the support of the Parish Council. Beck Row is defined as a Primary Village under policy CS1 of the Core Strategy and has a good level of existing services including a general store, post office, public houses, a community centre, public open spaces. The existing Primary School is at capacity and the proposed development would increase demand on local educational services. However, Suffolk County Council has confirmed a strategy to increase capacity at Beck Row Primary School exists and they do not seek any contributions towards infrastructure. Taking account of this support from the parish Council, the lack of objection from Suffolk County Council and the limited level of representations received from the public it is considered that the proposal would respect the scale of the existing settled community.
52. The application site is however over 1 kilometre from the nearest access points on The Street and therefore a significant distance from the services on offer at Beck Row. Bearing in mind the unmade, unlit nature of Skeltons Drove it is considered likely that occupants of the site would be reliant on the private car to access day to day services. This reliance on the car would undermine the sustainability of the development in conflict with the NPPF and policy DM2 of the Joint Development Management Policies Document 2015.
53. Given that the benefits in terms of access to schooling and health care compared to their existing accommodation arrangements have not been demonstrated, the reliance of residents on the private care, the adverse impact on the immediate landscape and the impact on amenity associated with aircraft noise, it is considered that the benefits of allowing the development which include enabling the family to live as one unit do not outweigh the harm and the development is deemed to be unsustainable.

Other matters

54. Two letters of representation have been received. One principally concerns the state of Skeltons Drove and the need for it to be adopted should permission be granted. The other raises concerns about the existing accommodation arrangements of one of the intended occupants, the condition of Skeltons Drove, the issue of flood risk and the impact of the development on the settled community. It is not considered necessary for Skeltons Drove to be adopted as part of this application however the applicant would need to make appropriate arrangements with the owner to mitigate against any additional wear and tear the development may result in. This however would be a private matter. The other matters raised are addressed in this report above.

Summary:

55. The application site is located within the open countryside outside of any settlement boundary. There is no known need for additional gypsy and traveller pitches in the District however the GTNA 2016 does identify a potential need for 8 additional pitches although this need is defined as 'unknown'. It is not considered that the applicant has submitted sufficient information to demonstrate where the need for the development has arisen from and that the existing accommodation arrangements of the intended occupants do not meet these needs. The application therefore represents unjustified development in the countryside contrary to policies CS1 and CS8 of the Core Strategy and policy DM5 of the Joint Development Management Policies Document.

56. The development would have an adverse impact on the local landscape but the impact on the wider landscape would not be significant given the distance of the site from public vantage points. Robust landscaping would also help reduce the visual impact on the development. Furthermore, whilst the site is located within Flood Zone 3, existing defences significantly reduce the probability of flooding.

57. The application site is located sufficiently far from local services with access provided by an unlit, unmade, track to reasonably conclude that occupants of the site would be reliant on the private car to access day to day services. Whilst it is accepted that securing a site for gypsy and traveller accommodation within the settlement boundaries would prove very difficult, bearing in mind the lack of identified need for this development it is considered that the location of the development is unsustainable contrary to the NPPF and policy DM2 of the of the Joint Development Management Policies Document.

58. The site is located within an area where average noise levels over 16hrs are 72dB(A) due to the location of the site relative to local airfields. Mobile homes would provide a very limited degree of noise mitigation and it is considered that occupants would suffer an unacceptable loss of amenity due to noise pollution. The application would therefore be contrary to policy DM2 (h) of the Joint Development Management Policies Document.

59. The support from the Parish Council is noted and it is accepted that the development would enable the family to live on a private site that they control which would provide them with personal benefits but it is not considered that this warrants a departure from Local Plan policies bearing in mind the lack of need and the harm identified.

Conclusion:

60. In conclusion, the principle and detail of the development is considered to be unacceptable and in conflict with relevant development plan policies and the National Planning Policy Framework.

Recommendation:

61. It is recommended that planning permission be **REFUSED** for the following reasons:

1. The application site is located within the open countryside where Planning Policy for Traveller Sites (2015) seeks to strictly limit new traveller site development. The application has failed to demonstrate that the proposal meets an identified need and therefore represents unjustified development in the countryside contrary to policies CS1 and CS8 of the Forest Heath Core Strategy 2010 and policy DM5 of the Joint Development Management Policies Document 2015.
2. The applicant has failed to provide sufficient information to confirm that the intended occupants of the proposed pitches would comply with the definition of a Gypsy or Traveller defined in *Planning Policy for Traveller Sites* (2015). Insufficient information has been given regarding the extent to which the families have previously travelled and how and under what circumstances the families intend on living a nomadic habit of life in the future.
3. The application site would be adversely affected by noise associated with adjacent operational airfields to an extent that the residential amenity of future occupants would be adversely affected, contrary to DM2 of the Joint Development Management Policies Document 2015 and the Core Principles of the NPPF.
4. The erection of permanent day rooms, the installation of hardstanding and fencing, the siting of mobile homes and vehicles and introduction of domestic paraphernalia onto this undeveloped parcel of land would adversely impact the immediate landscape to the detriment of the character and appearance of the area, contrary to policies DM2 and DM13 of the Joint Development Management Policies Document 2015, Policy CS3 of the Forest Heath Core Strategy 2010 and the environmental objectives of the NPPF.
5. Access to the site is via an unlit and unmade track and residents of the site would be reliant on the private car to access day to day services and facilities, contrary to environmental sustainability objectives of the National Planning Policy Framework and policies DM1 and DM2 of the

Joint Development Management Policies Document 2015.

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=OBOUKJPD02M00>

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Development Control Planning Application Consultation – Planning Policy comments

To: Development Management
From: Planning Policy
Date: 17th February 2017
Ref: DC/16/1758/FUL

Location: Land north of Lodge Farm, Skeltons Drove, Beck Row

Proposal: Change of use of land to provide 10 pitches for traveller families (each pitch to include 1 mobile home, 1 travelling van and 1 day room)

NPPF

At the heart of the NPPF is a presumption in favour of sustainable development and paragraph 14 sets out the principle objective of the Framework as;

...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.*

Local Planning Policy

The following documents make up the Forest Heath Local Plan;

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

Emerging Local Plan Policy

The Proposed Submission Site Allocations Local Plan (Regulation 19 consultation) is currently subject to consultation which ends on 13th March 2017. The Plan sets out the council's preferred development sites across the district up to 2031.

Accompanying the Local Plan is a Policies Map defining the proposed settlement boundaries, preferred sites and other policy constraints.

At the present time this document has moderate weight in the decision making process, although once submitted it carries more weight.

Policies particularly relevant to this proposal are set out below:

Forest Heath 1995 Local Plan Saved Policies

The site lies outside the Beck Row settlement boundary as defined on Inset Map 6 'Beck Row Development Boundary' in the 1995 Local Plan and the Policies Map in the Joint Development Management Policies Document (2015). The application site is therefore classified as 'countryside'.

Forest Heath Core Strategy (2010)

Policy CS1 defines Beck Row as a Primary Village.

It states

'....Allocations will be designated and range in size dependent upon the appropriateness of the site and the capacity of the village to accommodate growth and will be designated to meet local needs to support rural sustainability.'

Small settlements and the surrounding countryside should be protected from any further major development, with development being restricted to particular types of development that supports the rural economy, meets affordable housing needs or provides renewable energy.

Policy CS2 Aims to protect from harm areas of landscape, biodiversity and geodiversity interest and local distinctiveness. Relevant measures include using Landscape Character Assessment to inform development decisions. The site is categorised as 'Settled Fenland' in the SCC Landscape Character Appraisal.

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

Policy CS8 addresses provision for gypsy and travellers. Suitable sites for Gypsies and Travellers will be identified by reference to the following criteria:

- a. Accessibility to local services, communities and facilities by a variety of means, to meet current and long-term needs.
- b. Adequate access, parking and manoeuvring for vehicles and all essential uses
- c. Appropriate in scale to the nearest settled community.
- d. Impact on the landscape, environment and biodiversity.
- e. Impact on and from neighbouring residential, employment, and commercial and utilities development.

f. Consistent with other policies in the development plan.

Proposals for Gypsy and Traveller Sites will be considered by reference to these additional criteria:

1. Proposal meets identified needs, including the mixture of types of accommodation and tenures'
2. Pitch sizes that facilitate good quality living accommodation without over-crowding or unnecessary sprawl,
3. Good design and layout including, the adequacy of facilities, services and amenities, the utility of outside space for leisure, recreation and for any essential employment related activities,
4. Mitigation of the impact on visual amenity....'

This policy should be read alongside the Planning Policy for Traveller Sites (PPTS) 2015, which provides a new definition for planning purposes for gypsies and travellers, and the Gypsy and Traveller Accommodation Assessment (GTAA) 2016 evidence base which updates the assessment of need.

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

It should be noted policies CS10 and CS8 only support development in the countryside in exceptional circumstances, provided that the proposal meets the stated criteria, and would not result in unacceptable harm.

Joint Development Management Policies document (JDMPD) (2015)

Policies particularly relevant to this proposals are DM1, Presumption in favour of Sustainable Development; DM2, Creating Places; DM5, Development in the Countryside; DM6 Flooding and Sustainable Drainage; DM13, and Landscape Features and DM14 Protecting and Enhancing Natural Resources.

Policy DM1 states that *'where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Councils will grant permission unless material considerations indicate otherwise – taking into account whether:*

- *Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or*
- *Specific policies in that Framework indicate that development should be restricted.*

Policy DM2 sets out criteria for new development. Criterion a, b, e, g, h, j, and m are particularly relevant to this proposal.

Policy DM5 states that *'areas designated as countryside will be protected from unsustainable development.'*

Policy DM6 requires proposals for new development to submit satisfactory details of how on site drainage will be managed so as not to cause, or exacerbate flooding elsewhere.

Policy DM13 requires all development proposals to demonstrate that; *'their location, scale, design and materials will protect, and where possible enhance the character of the landscape, including the setting of settlements, the significance of gaps between them and the nocturnal character of the landscape....Where this is not possible development will not be permitted.'*

Planning Policy for Traveller Sites (PPTS), Department for Communities and Local Government (DCLG), August 2015 sets out the Government's planning policy for traveller sites. For the purposes of the planning system, the definition of gypsies and travellers was changed in the PPTS.

- The new definition is set out in Annex 1 and states that:

'For the purposes of this planning policy "gypsies and travellers" means:

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

In determining whether persons are "gypsies and travellers" for the purposes of this planning policy, consideration should be given to the following issues amongst other relevant matters:

- a) Whether they previously led a nomadic habit of life.*
- b) The reasons for ceasing their nomadic habit of life.*
- c) Whether there is an intention of living a nomadic habit of life in the future, and if so, how soon and in what circumstances.'*

The conclusions of the Strategic Housing Team who have assessed the evidence submitted to date and do not consider it adequately addresses criteria a) and c) for all the intended occupants of the site are supported. Until satisfactory evidence is received to determine whether all the proposed occupants of the site meet the PPTS definition of gypsies and travellers this proposal should be assessed against housing and other relevant development policies in the plan.

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

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

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

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

'(14) 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 deals with 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) *'provision and need'* – Forest Heath currently has permanent provision of 57 pitches, with a further 2 pitches with extant planning permission in Exning. As stated below the Gypsy and Traveller Accommodation Assessment (GTAA) 2016 did not identify any additional known need. However it should be noted the study does raise the potential need for up to 8 pitches to meet an 'unknown' need.

b) *'availability'* No alternative sites have been submitted via the recent Site Specific Allocations Local Plan call for sites and planning policy is not aware of any other alternative available sites. It should be noted that five of the families currently live on existing permanent pitches elsewhere.

c) *'personal circumstances of the applicant'* – Information submitted states that one family is currently living on an overcrowded pitch and four of the families are living on temporary pitches. This site would allow the extended family to live together and access to needed school and health care facilities for the young and old family members respectively.

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'* – The applicant has provided evidence of local connections

although this is not a material consideration for the determination of this application.

Para (25) Advises LPAs should very strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan.

Para (27) However advises that if LPAs 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 the grant of temporary permission.

It should be noted that the GTAA does not evidence a known need for sites and this is a full application for permanent permission.

Gypsy and Traveller Accommodation Assessment 2016

The 2016 GTAA provides a robust assessment of current and future need for Gypsy, Traveller and Travelling Showpeople accommodation in Cambridgeshire (excluding Fenland), West Suffolk, Peterborough and King's Lynn & West Norfolk. As well as updating previous GTAAs, it provides an update in response to the change to the definition of Travellers for planning purposes.

The need arising from households that meet the new definition is addressed in section 8 of the emerging Site Allocations Local Plan. Taking into account the existing pitches and extant planning permissions there was no identified additional need to cater for those falling within the PPTS definition in Forest Heath over the study period to 2036. Consequently no site allocations are proposed in the emerging Site Allocations Local Plan (However a potential need was identified for up to 8 pitches to meet any unknown need). Core Strategy policy CS8 sets out a criterion based approach to addressing additional proposed needs where they meet the new definition. Provision for gypsies and travellers that do not meet the definition will be considered against housing policies.

The criteria in CS8 are considered in turn below:

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

The site is approx. 0.5 km (1km by road) to the north of Beck Row, which is a Primary Village and has basic facilities and services. These are accessible by foot, bicycle and car via Skelton's Drove, although no footway exists. The safety of this route by non vehicular modes is questioned and it is considered unlikely that residents would therefore walk or cycle to local amenities. (School 2.5km / 1.5 miles, Post Office 2.1km / 1.3 miles). Mildenhall town centre lies some 6 km (4 miles) to the South of the site and has a full range of services and facilities commensurate with a market town.

b) Adequate access, parking and manoeuvring for vehicles.

The Drove is an unadopted road and the comments of Suffolk County Council as Highways Authority should be noted. No on plot parking spaces or turning areas

appear to be shown on the layout plan or mentioned in the design and access statement.

c) Appropriate in scale to the nearest settled community.

The application is for 10 gypsy families on a total site area of some 2.5 ha. The settlement boundary of Beck Row by contrast covers some 110 ha and had a population of approximately 3897 in the 2011 census. The scale of the proposals is therefore not considered to be excessive in relation to the nearest settled community. However it should be noted that Beck Row already accommodates some 47 pitches for Gypsies and Travellers which even without the extra proposed pitches is by far the highest provision of any settlement in the district.

d) Impact on the landscape, environment and biodiversity.

The site is within bat, great crested newt, biodiversity action plan and protected and notable species 200m buffer zones. The councils Ecology, Tree and Landscape Officer should be consulted and their comments noted.

The site is categorised as 'Settled Fenland' in the SCC Landscape Character Appraisal. This is a large scale, wide open, flat landform with poplar and conifer belts and water filled drains at right angles to the drove roads. As submitted the proposal is likely to be very visible and incongruous in long views from the south west and east.

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

The nearest residential and commercial properties are some 400m to the south of the site along Skelton's Drove. The visual impact is noted above. Issues have been raised regarding the impact on the condition of the access road, possible conflict with the existing traveller's site by neighbouring properties. The site is also within the 72db noise constraint area from the adjacent air base. Mobile homes and caravans can be considered sensitive development due to their low levels of acoustic insulation and therefore development in this location is contrary policy DM2 of the JDMPD. Other impacts appear minimal and should be considered by the case officer.

f) Consistent with other policies in the development plan.

Relevant policies are listed above and considered in this report.

Proposals for Gypsy and Traveller Sites should also be considered by reference to the following additional criteria:

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

The need for accommodation is considered under the Gypsy and Traveller Accommodation Assessment (GTAA) 2016 heading above. No known need is identified although there is a potential unknown need for up to 8 pitches.

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

The proposed pitches appear adequate and do not lead to overcrowding or unnecessary sprawl on what would be a contained site.

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

The layout of the proposed plots seems acceptable in terms of the quality of life of any residents. No on plot parking spaces or turning areas appear to be shown on the layout plan or mentioned in the design and access statement. Further details of the discharge of surface water drainage are required, but this could be dealt with by condition if necessary.

4. Mitigation of the impact of visual amenity

See comments to criterion d) above.

The vacant MOD site immediately to the north forms a backdrop to the proposal and to a certain extent mitigates the impact in views from the south. However the introduction of mobile homes and touring caravans, especially as often predominantly brilliant white in colour, is likely to be conspicuous in this fenland landscape and the visual impact of domestic clutter and garden paraphernalia on the wider countryside can also be highly significant.

As submitted elements of the proposed development will be visible from the surrounding landscape and although landscaping is shown on the site layout plan no details have been submitted, and the development would be very prominent, especially in views into the site from the surrounding droves and across the open countryside to the South East and West. The use of a timber post and rail fence to the south and eastern boundaries of the site is welcomed as this is more in character with the landscape than close boarded fencing, but as a consequence the landscaping and screening tree belts need to be substantially reinforced on these boundaries to be acceptable.

Conclusions

The following key points can be taken from the above policy and background evidence context;

- There is not a known need for additional gypsy and traveller pitches in the district, however there is a potential unknown need for up to 8 pitches.
- Satisfactory evidence has not been submitted to determine whether all the proposed occupants of the site meet the PPTS definition of gypsies and travellers, as such this proposal should be accessed against housing and other relevant development policies in the plan.
- The application site lies outside the settlement boundary and within the countryside and is therefore contrary to policies CS1, CS10, DM5 and DM27.
- As submitted the proposal introduces new incongruous development in the countryside causing unacceptable harm to the character of the surrounding landscape and therefore contrary to policies CS2, CS3, DM2 and DM13.

- Residents of the site are likely to be reliant on private cars to access day to day services and facilities and its location is therefore considered unsustainable in terms of the NPPF and policies DM1 and DM2.
- The proposal will contribute towards light pollution in the countryside and therefore contrary to policy DM2.
- The residential amenity of the proposal is likely to be adversely affected by high noise levels and therefore contrary to policy DM2

When considering the application against national and local development policy the starting point must be whether the proposed residents have provided sufficient evidence to meet the definition of gypsies and travellers in planning terms. Further evidence needs to be submitted for a number of the applicants. However any proposal must also be acceptable in terms of other material considerations and the proposal as submitted is considered contrary to the above policies. It is suggested that permission is refused unless the above issues can be satisfactorily resolved.

It is noted that after February Development Control Committee a risk assessment of approval will be considered by Members in March. The precedent of allowing this type of development, subject to the constraints detailed, should be carefully considered and clear and defensible reasons given to justify any permission in this circumstance.

If minded to approve it is suggested conditions require the existing hedgerows and tree belts around the site to be retained and the proposed planting reinforced with substantial, locally appropriate, tree belts such as poplar to mitigate the visual impact. The care and maintenance of the new planting should be made a condition of development as the landscape impact of this proposal is only acceptable if it can be mitigated by effective planting. The applicant should therefore provide a detailed scheme of planting and aftercare, which can form the basis of a condition. Furthermore a 106 agreement to secure the landscaping and design requirements for an extended period should be considered.

**Planning Policy
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