

# Forest Heath District Council

**DEVELOPMENT  
CONTROL  
COMMITTEE**

**3 FEBRUARY 2016**

**DEV/FH/16/002**

**Report of the Head of Planning and Growth**

**PLANNING APPLICATION DC/15/2215/FUL - RESIDENTIAL CARAVAN PARK,  
ELMS ROAD, RED LODGE**

**Synopsis:**

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

**Recommendation:**

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

**CONTACT OFFICER**

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# Committee Report

**Date** 6<sup>th</sup> November **Expiry Date:** 3<sup>rd</sup> February 2016  
**Registered:** 2015

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

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

**Site:** Residential Caravan Park, Elms Road, Red Lodge

**Applicant:** Mr H Stretton

## Background:

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

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

## Application Supporting Material

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

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

### **Site Details**

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

### **Planning History**

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

14. In September 2011, the Council approved an application to vary condition 3 of the above permission to allow the removal of an earth bund and its replacement with screen fencing and a landscaping strip. This bund was subsequently removed. This permission is considered to be extant, but where occupation of the site has not yet occurred.
15. In June 2015, the Council refused planning permission for the change of use of land to a residential caravan park for 4 no. related gypsy families, including 4 no. mobile homes, 6 no. caravans and 4 no. day rooms under reference DC/14/2384/FUL. The current application comprises a resubmission of the previously refused scheme and relates to the same site area.
16. Prior to this, the site was used historically for landfill, and there is a history of permissions for this use dating back to the late 1980s.

### **Consultations**

17. Highway Authority – recommends conditions relating to the areas to be provided for the storage of refuse/recycling bins; gates to be set back a minimum distance of 5 metres from the edge of the carriageway; areas for the parking and manoeuvring of vehicles and cycle storage to be provided; and the provision of visibility splays.
18. Environment Agency – recommends conditions relating to the submission of a remediation strategy; measures to deal with any unidentified risks encountered during development; a scheme for surface water disposal to be submitted and approved; pilings and foundation designs and investigatory boreholes using penetrative methods shall not be permitted; and a scheme of foul drainage to be submitted and approved. A copy of the proposed conditions, in full, is appended to this report.
19. West Suffolk – Environmental Health – the Phase 1 Contaminated Land Desk Study identified that there is potentially a high risk that may affect site workers, future residents, and controlled waters due to the historical use of the site. The Ground Investigation Factual Report does not contain results of any analysis of soil samples, or updated conceptual site model and risk assessment. Therefore recommend the following conditions:

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

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

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

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

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

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

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

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

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

### **Representations**

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

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

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



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

## **Planning Policy**

31. The application has to be determined in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. At present, the Development Plan comprises:
- Forest Heath Core Strategy (May 2010)
  - Remaining saved policies in the Forest Heath Local Plan (1995)
  - The Joint Development Management Policies Local Plan Documents (February 2015)

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

### Core Strategy

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

### Joint Development Management Policies Document

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

### National Policy

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

35. Paragraph 14 of the Framework identifies the principle objective:

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

- *Approving development proposals that accord with the development plan without delay; and*
- *Where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:*
- *Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this framework taken as a whole;*
- *Or specific policies in this framework indicate development should be restricted."*

36. This presumption in favour of sustainable development is further reinforced by advice relating to decision taking. Paragraph 186 of the Framework requires local planning authorities to *"...approach decision taking in a positive way to foster the delivery of sustainable development"*. Furthermore, paragraph 187 states that local planning authorities *"...should look for solutions rather than problems, and decision takers at every level should seek to approve applications for sustainable development where possible"*. It is considered that the Local Planning Authority has acted positively, in the public interest, when considering this application.

37. The Government has also published its Planning Practice Guidance (PPG) (March 2014) following a comprehensive exercise to review and consolidate all existing planning guidance into one accessible, web-based resource. The guidance assists with interpretation about various planning issues and advises on best practice and planning process.

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

**Officer Comment**

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

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

## Need for Additional Gypsy and Traveller Accommodation in the District

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

## Principle of Development

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

and do not dominate the nearest settled community, and avoid placing an undue pressure on the local infrastructure.

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

#### Planning Policy Considerations

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

- One of the main intentions of the Planning Policy for Traveller Sites national guidance is to:

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

Within the new 2015 guidance the definition of 'gypsies and travellers' has been altered, removing those who have stopped travelling permanently to read *'persons of nomadic habit of life, whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel **temporarily**, but excluding members of an organised group of travelling show people or circus people travelling together as such.'*

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

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

- Policy CS8 of the adopted Core Strategy is the criteria based policy to be used in the assessment of this application and is considered within this report.
- In relation to sites in rural areas and the countryside, the guidance states in Policy C that;

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

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

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

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

51. National guidance in the form of PPTS seeks to, inter alia, ensure fair and equal treatment for travellers, in a way that facilitates the traditional and nomadic way of life of travellers, while respecting the interests of the settled community.

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

53. Policy CS8 of the Core Strategy is a criteria based policy for the assessment of proposals for gypsies, travellers and travelling showpeople, as advised in PPTS. The policy provides criteria by which to consider sites and proposals for gypsies

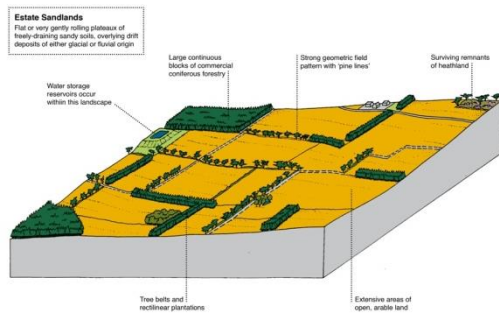
and travellers. These criteria will be considered within the relevant sections of this report, as follows:

#### Need and Supply

54. Policy CS8 requires that proposals meet identified needs, including the mixture of types of accommodation and tenures. However, this needs to be considered in light of the other material planning considerations.
55. There is an unmet need for 6 additional pitches in Forest Heath for the period 2011-2016. However, any proposal must also be acceptable in terms of local plan policy.
56. The Council is aware that there are currently a number of pitches, potentially as many as 11, available at the Sandy Park site in Beck Row. This site is approximately 7 miles from the appeal site, and is a well established gypsy and traveller site. No evidence has been provided as to why the applicant could not utilise this established site and why this site cannot meet their need.

#### Ecology and Landscape (Natural Heritage)

57. The Council's landscape officer has commented that the latest plans submitted with the application do not change the opinion in respect of the impact of the proposal on the landscape and the previous comments still apply to this application. These previous comments are detailed in the following paragraphs.
58. In respect of ecology and landscape, Policy CS8 requires consideration of the impact on the landscape, environment and biodiversity, and mitigation of the impact on visual amenity.
59. The proposal is to utilise these mounds where the mobile homes, caravans and day rooms will be, in part, sited on this raised ground; some degree of levels change is proposed as part of the application.
60. As discussed, the proposal provides for the siting of the buildings and caravans in an open position due to the topography of the land where mounds (including further proposed re-profiling and lowering of levels) form part of the re-profiled landscape following the historic landfill. The proposal would result in an incongruous, visually prominent form of development extending in a linear form within the countryside setting when viewed from Elms Road and within the wider countryside.
61. The Council's Landscape Officer comments that the site is located within the 'Estate Sandlands' which defines 'the Brecks'. The landscape in the vicinity of the site is typical of the character type as illustrated by the composite character feature sketch below with wide open geometric areas and bold rectilinear tree screens and hedges.



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

### Biodiversity

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

### Environmental Conditions (Flood Risk, Drainage and Contamination)

66. The site forms part of a former landfill site.
67. The application has been supported by a Phase 1 Desktop Land Contamination Report, dated 19<sup>th</sup> March 2015, and a Ground Investigation Factual Report dated 30<sup>th</sup> September 2015, which considers the potential for contaminants to impact



on the development, the extent of any such impacts and whether the development can be carried out safely. This report concludes that:

- Based on the conceptual site model and risk assessment there is a high risk of a significant pollutant linkage that could affect site workers, end users, controlled waters and buried services.
  - Additional investigation should be undertaken, which should be agreed with the Council's Environmental Health Officer before being undertaken.
  - The report should be forwarded to the relevant statutory consultees including the Environment Agency and Local Authority to seek their comments and subsequent approval prior to site works commencing.
  - The later report assesses the factual information regarding the shallow ground conditions underlying the site.
68. The reports were the subject of a full consultation, which included the Environment Agency and the Council's Environmental Health service. The Environment Agency recommend approval, subject to the imposition of conditions related to the submission and approval of a scheme of investigation and remediation of any contaminants encountered, and also the submission and approval of schemes for foul and surface water drainage.
69. This position is also reflected by the Council's Environmental Health service, who also recommended conditions in respect of the investigation and remediation of contaminants prior to the development proceeding.
70. In light of the advice from the Environment Agency and the Council's Environmental Health service, the issue of possible contamination resulting from the development can, it is suggested, be controlled by conditions. For clarity, this would require the details to be provided and approved prior to any other part of the development being carried out (i.e. the development could not proceed until the investigations, and any necessary remediation, has been completed).
71. Therefore, in the event that planning permission was to be granted, in this case, it would be necessary to include these conditions on the decision.
72. The site does not lie within an area that is identified as being liable to flooding. Concerns have been expressed by local residents that water runoff resulting from the proposed development, including the hardstanding, could give rise to water being dispersed onto the road, and also that any proposed drainage systems could allow contaminants into the water system. In response to this, the EA have recommended conditions requiring both surface water and foul drainage systems to be submitted and approved prior to the development being carried out. These matters can, therefore, be addressed by conditions.

#### Design, Layout and Residential Amenity

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

74. The proposal would result in a linear form of development following the alignment of the existing track that would serve the plots. Due to the topography of the land, and notwithstanding some reduction in the made up levels, the development would be prominent along the track line and would, as discussed, be prominent in the landscape.
75. An area to the north end, adjacent to Elms Road, would be retained as an animal compound, grazing area and tree screening area. There would then be two equal sized plots created between this area and that which was granted planning permission in 2011. This plot, furthest from Elms Road granted in 2011, is located on more level ground. The previously approved plot and the proposed plot would be set out in an identical layout, with a mobile home to either side of each plot, a day room associated with each mobile home to the rear of the plots, and the 6 caravans spread equally (3 per plot) set between the day rooms at the rear of the plot.
76. A total of 10 parking spaces and 8 light goods vehicles spaces are proposed to be provided. This represents a high number of vehicles per family and where the resultant necessary hardstanding increases the extent of the surfaced area within the site. This creates a further suburbanisation of the site.
77. The pitch sizes are themselves, of sufficient size to ensure that the living accommodation has sufficient space around it and that the development is not overcrowded on the plot. Policy CS8 requires that pitch sizes facilitate good quality living accommodation without overcrowding or unnecessary sprawl, and it is considered that the proposed layout would comply with this element of the policy.
78. The application proposes a 2 metre high boarded fence along the entire length of the existing access track, with the exception of the additional access points. The same fencing is proposed on each access splay and to each plot boundary and the rear boundary. This excessive use of fencing in this rural location will appear as an alien feature to the detriment of this countryside location. No additional landscaping is proposed along the length of the access track, and where in views from the countryside this will be prominent along with the proposed mobile homes and caravans. This creates a suburbanisation appearance to the detriment of the countryside.
79. Landscaping is proposed to each of the boundaries of the plots. This is identified as being a mixture of native planting that mirrors that which were proposed in respect of the existing site, granted planning permission in 2011. The planting is therefore proposed to provide visual continuity, and thereby have a relationship with the existing planting on the land. However, new planting is not proposed along the track boundary, which will be visually prominent in countryside views.
80. The proposed plots would be separated from the residential properties that lie to the south by the existing site that was granted planning permission in 2011 and a previous scheme approved in 2015 on an adjacent site. There would be no common boundary between these application plots and the residences to the south. However, as discussed this proposal would run alongside the track and would result, if approved, in an unacceptable extension of a linear form of development within the countryside.

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

#### Mitigation of the Impact of Visual Amenity

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

#### Highway Issues

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

#### Sustainability

89. The justification statement submitted with the application identifies that the location of the site is within walking or cycling distance of Red Lodge, where there is a Doctor's surgery and a post office/general store.

90. Access to Red Lodge by cycle or foot would be facilitated by travelling along the bridleways/footpaths from Elms Road, along Bridge End Road, over the A11 footbridge and then into the village via Heath Farm Road. Alternatively, it would be necessary to travel down Elms Road, along the B1085 and then back into Red Lodge via Newmarket Road.
91. The latter option is not considered to be practical given the lack of footways, the unrestricted speed limits and the need to navigate the roundabouts at the end of the B1085 and Newmarket Road. The first option would, by virtue of the position of the post office/store, take approximately 35-40 minutes to reach on foot. This would mean a round trip of 1 hour and 20 minutes to walk to the store and return.
92. In comparison, a trip by car would result in a round trip of approximately 12 minutes. It is, therefore, extremely unlikely that it would be convenient for the occupiers of this site to make use of alternative methods of transport to carry out their day to day activities. This would be even less likely during the winter months, when weather conditions are poor.
93. The site is physically divided from the village of Red Lodge by the A11. It does not, therefore, read as part of the village, and this position is accentuated by the rural setting and open landscape in the locality, which gives the site an isolated, countryside, position.
94. However, the issue of sustainability requires consideration of more than just the physical relationship of the site to its surroundings, and the access to services and facilities that the location offers. The justification statement identifies a desire to provide a settled base for the families, where there is a history of occupancy of transit sites and occupation of temporary sites, where the occupants are regularly moved on. There would, therefore, be particular social benefits for the families arising from consolidation on a single site. The quality of life available to the families would be improved, and a more settled existence would be likely to give rise to improved health and wellbeing.
95. Furthermore, there is a desire to have a settled base for the purposes of employment. Whilst the application does not provide information on the types of employment sought/engaged in, and it does recognize the likelihood of travelling to find employment, it is not unreasonable to surmise that a settled base would enhance the prospects of more regular employment being sourced.
96. However, none of these points appear to be specific to the application site. No case is made that any of the families are employed locally, nor has it been demonstrated that access to health care or education can be secured at this site in preference to any other. Indeed, as considered later in this report, access to education would not be possible in the locality. Therefore, whilst the potential benefits that may arise from a settled base are acknowledged and understood, these are not site specific and will therefore be given due consideration in the making of the decision on this proposal. Furthermore, no justification has been given as to why the other sites, such as Sandy Park, cannot provide the accommodation.

## **Other Matters**

### Access to Education

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

### Planning Permission F/2010/0012/FUL

100. Planning permission was granted in 2011 for the change of use of land to a use as a residential caravan site for two gypsy families with a total of 5 caravans, including the erection of 2 amenity buildings and the erection of a 2 metre high boundary fence. It appears that this permission was implemented through the erection of the boundary fence, and the subsequent removal of the bund that was the subject of a variation of conditions application in September 2011.
101. The site does not appear to have been occupied by residential caravans since the permission was granted, but the existence of this extant permission is a material consideration in this case. Whilst there have been developments/changes in National and Local Planning policy since the grant of that permission, the fact remains that that this part of the site remains capable of being used for occupation by two gypsy families. This application proposes an additional area, extending the area of occupation. This is what has been considered and balanced within this report.

## **Conclusion**

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

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

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

### **Recommendation**

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

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

**Documents:**

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

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