

# Forest Heath District Council

**DEVELOPMENT  
CONTROL COMMITTEE**

**6 JULY 2016**

**DEV/FH/16/012**

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

**PLANNING APPLICATION DC/15/0070/OUT – ROLFE’S COAL YARD, WILDE  
STREET, BECK ROW**

## **Synopsis:**

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

## **Recommendation:**

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

## CONTACT OFFICER

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# Committee Report

**Date:** 14.01.2015      **Expiry Date:** 11.03.2015  
**Registered:**

**Case Officer:** Sarah Drane      **Recommendation:** Refuse  
**Parish:** Beck Row      **Ward:** Eriswell and the Rows

**Proposal:** Outline Planning Application DC/15/0070/OUT (means of access to be considered) - up to 8 no dwellings and associated access

**Site:** Rolfes Coal Yard, Wilde Street, Beck Row

**Applicant:** Mr R Taylor

## Background:

**This application is referred to the Development Control Committee following consideration by the Delegation Panel. The Parish Council raise no objections, contrary to the Officer recommendation of REFUSAL.**

## Proposal:

1. Outline planning permission is sought for the erection of up to 8 dwellings. The means of access to the development is included for consideration at this time. Matters of layout, scale, appearance and landscaping are reserved at this stage and do not therefore form part of the application.
2. An indicative layout has been provided showing how 8 dwellings could be accommodated on the site. The existing bungalow at the front of the site is shown to be demolished and replaced with a pair of smaller bungalows. All units are indicated on the plans to be bungalows. The plans also include details of a new footpath which would link the new development to the existing footpath further to the south west which leads into Beck Row.
3. The application has been amended since submission, altering the indicative layout to show a bund, fence and planting along the northern boundary. Plot 8 has been reconfigured to take account of this.

## Application Supporting Material:

4. Information submitted with the application as follows:
  - Location plan
  - Proposed indicative layout
  - Noise impact assessment

- Landscape proposals and tree survey
- Footpath details
- Design & Access Statement
- Planning Statement
- Land contamination assessment
- Ecological Survey Reports (Hillier Ecology)

### **Site Details:**

5. The site is situated to the east of the village of Beck Row and falls outside the settlement boundary (by approx. 440m when measured from the access along Wilde Street). The site was last used as a coal yard but has been vacant for some time. There is a commercial use (A & S Topsoils) to the east of the site. There are some trees on the site and along the northern boundary. There is a large corrugated tin barn towards the rear of the site, areas of hardstanding and other structures which are all in a poor state of repair. The existing access is shared with the bungalow at the front of the site and the adjacent commercial use.

### **Planning History:**

6. **F/2005/0930/OUT** - Outline application: erection of a dwelling for occupation in connection with the adjacent business (commercial vehicle repairs). (Departure from the Development Plan) – refused & appeal dismissed  
(NB. This relates to the adjacent site to the east of the application site)

### **Consultations:**

7. Highway Authority: No objection subject to conditions

Public Health & Housing: No objection subject to conditions

Environmental Health: No objection subject to conditions

Ecology Tree & Landscape Officer: No objection subject to conditions

West Suffolk Housing Team: Support – delivers 20% affordable housing in accordance with CS9

Natural England: No objection

Suffolk Wildlife Trust: No objection subject to a condition to secure implementation of recommendations within the Ecological Reports.

### **Representations:**

8. Parish Council: Support
9. Comments have been received from 'The Haven', raising the following concerns;

- Additional traffic onto an already busy road – 8 dwellings is too many
- If houses are let out to American service personnel, parking could be an issue as they often have parties and BBQs
- The new footpath includes a crossing point which will be on a bend and therefore dangerous
- Access is on a bend and shared with the adjacent commercial site which is dangerous
- Headlights will shine into their front windows when cars exit the site
- Noise from construction

**Policy:**

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

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

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

Forest Heath Local Plan (1995) Saved Policies

12.A list of extant 'saved' policies is provided at Appendix A of the Forest Heath Cores Strategy (2010). The 'saved' policies subsequently replaced by the adoption of the Joint Development Managed Policies Document (2015) are identified in Appendix B of that document.

Inset Map No.6 – Beck Row

Forest Heath Core Strategy 2010

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

Visions:

- **Vision 1** – Forest Heath

### Spatial Objectives:

- **H1** – Housing provision
- **H2** – Housing mix and design standard
- **H3** – Suitable housing and facilities
- **C2** – Provision and maintenance of open space, play and sports facilities and access to the countryside
- **ENV1** – Habitats and landscapes and improving biodiversity
- **ENV2** – Climate change and reduction of carbon emissions
- **ENV3** – Promotion of renewable energy and energy efficiency
- **ENV4** – Design and architectural quality respecting local distinctiveness
- **ENV5** – Designing out crime and anti-social behaviour
- **ENV6** – Reduction of waste to landfill
- **ENV7** – Achievement of sustainable communities by ensuring services and infrastructure are commensurate with new development
- **T1** – Location of new development where there are opportunities for sustainable travel

### Policies:

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

### Joint Development Management Policies Document 2015

14. The following policies from the Joint Development Management Policies Document are considered relevant to this planning application:

- **DM1** Presumption in favour of sustainable development
- **DM2** Creating Places – Development Principles and Local Distinctiveness
- **DM5** Development in the Countryside
- **DM7** Sustainable Design and Construction
- **DM10** Impact of Development on Sites of Biodiversity and Geodiversity Interest
- **DM12** Mitigation, Enhancement, Management and Monitoring of Biodiversity
- **DM14** Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards
- **DM22** Residential Design
- **DM46** Parking Standards

## Other Planning Policy

### Supplementary Planning Documents

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

- Joint Affordable Housing Supplementary Planning Document (October 2013)
- Open Space, Sport and Recreation Supplementary Planning Document (October 2011)

### Emerging Development Plan Policy

16. Single Issue Review and Site Allocations Document: Consultation on two Local Plan documents began on 04 April 2016 and ends on 1 July 2016. The documents cover homes and sites, and are known as the Overall Housing Provision and Distribution (Single Issue Review of Core Strategy Policy CS7) – Preferred Options and Site Allocations – Preferred Options.

17. The Examination of the 'submission' Core Strategy Single Issue Review (CS7) and Site Allocations Local Plan documents is not expected before Spring 2017, with adoption in late 2017.

18. The emerging Single Issue Review and Site Allocations Documents have reached 'Preferred Options' stage but, the consultation period is yet to be completed. These emerging documents can therefore only be attributed limited weight in the decision making process.

### National Planning Policy and Guidance

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

20. Paragraph 14 of the NPPF identifies the principle objective of the Framework:

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

- *Approving development proposals that accord with the development plan without delay; and*
- *Where the development plan is absent, silent or relevant policies out-of-date, granting permission unless:*

*-any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this framework taken as a whole;*

- *Or specific policies in this framework indicate development should be restricted'.*

21. This presumption in favour of sustainable development is further reinforced by advice within the Framework relating to decision-taking. Paragraph 186 requires Local Planning Authorities to '*approach decision taking in a positive way to foster the delivery of sustainable development*'. Paragraph 187 states that Local Planning Authorities '*should look for solutions rather than problems, and decision takers at every level should seek to approve applications for sustainable development where possible*'.

22. Paragraph 215 of the NPPF states that due weight should be given to relevant policies in existing plans according to their degree of consistency with the framework (the closer the policies in the plan to the policies in the Framework, the greater weight that may be given).

23. The Government published its National Planning Practice Guidance in March 2014 following a comprehensive exercise to view and consolidate all existing planning guidance into one accessible, web-based resource. The guidance assists with interpretation about various planning issues, and advises on best practice and planning process.

#### **Officer Comment:**

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

- Legislative context for outline applications
- Planning evaluation
- Principle of development
- Design and residential amenity
- Biodiversity
- Landscape impacts
- Noise impacts
- Sustainable Transport / Highways impact
- Affordable housing
- Infrastructure requirements

#### Legislative context for outline applications

25. This application is for outline planning permission. The National Planning Practice Guidance (NPPG) confirms that an application for outline planning permission allows for a decision on the general principles of how a site can be developed. Outline planning permission is granted subject to conditions requiring the subsequent approval of one or more 'reserved matters'.

26. Reserved matters are those aspects of a proposed development which an applicant can choose not to submit details of with an outline planning application, i.e. they can be 'reserved' for later determination. These are defined in Article 2 of the Town and Country Planning (Development

Management Procedure) (England) Order 2015 as:

Access – the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network.

Appearance – the aspects of a building or place within the development which determine the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture.

Landscaping – the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes: (a) screening by fences, walls or other means; (b) the planting of trees, hedges, shrubs or grass; (c) the formation of banks, terraces or other earthworks; (d) the laying out or provision of gardens, courts, squares, water features, sculpture or public art; and (e) the provision of other amenity features;

Layout – the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development.

Scale – the height, width and length of each building proposed within the development in relation to its surroundings.

27. An application for outline permission does not need to give details of any reserved matters, albeit information is often provided at the outline stage in 'indicative' fashion to demonstrate that the site is capable of accommodating the level of development proposed.

28. In this case only the access is included for consideration as part of the application. Matters of layout, appearance, landscaping and scale are reserved matters and are not therefore for consideration at this time.

#### Planning evaluation:

29. The subsequent section of the report considers whether the development proposed by this planning application can be considered acceptable in principle in the light of extant national and local planning policies. It then goes on to analyse other relevant material planning considerations, (including site specific considerations and Section 106 requirements) before concluding by balancing the benefit of the development proposals against the dis-benefits.

30. A key determining factor will be whether the proposed development can be deemed 'sustainable' in the context of the policies contained in the Framework (as a whole). Even if it is concluded that the proposals would not be 'unsustainable' following analysis, further consideration must be given to whether the benefits of development are considered to outweigh its dis-benefits, as required by the Framework. Appropriate weight should be attributed to relevant policies in the Core Strategy, with greater weight



attributed to those policies consistent with national policies set out in the Framework.

#### Principle of development

31. At the heart of the NPPF is a presumption in favour of sustainable development. Paragraph 12 of the NPPF states that the Framework does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up to date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise. The NPPF is a material consideration.
32. Paragraph 49 of the Framework states that 'Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up to date if the Local Planning Authority cannot demonstrate a five year supply of deliverable housing sites'.
33. Paragraph 215 of the NPPF requires the decision maker to assess the degree to which relevant policies in existing plans are consistent with the Framework: the closer they are to the policies in the Framework the more weight they should attract.
34. It has recently been held at planning appeal that the Council can demonstrate a five year supply of deliverable housing sites (APP/H3510/W/15/3070064 – Meddler Stud, Bury Road, Kentford – Appeal Decision Dated 05 May 2016). Policies relating to the supply of housing can therefore be considered up to date.
35. In terms of policies relating to the distribution of housing, the Forest Heath Core Strategy was adopted in May 2010, but was subject to a successful High Court challenge in April 2011. The judge concluded that, although the Local Planning Authority had followed the procedural stages of a Strategic Environmental Assessment, it had failed to provide adequate information and explanation of the choices made to demonstrate that it had tested all reasonable alternatives for residential growth. The judgement ordered the quashing of certain parts of Policy CS7 with consequential amendment of CS1 and CS13. The result was that the Local Planning Authority maintained the overall number of dwellings that it needed to provide land for and the overall settlement hierarchy, but no precise plans for where dwellings should be located.
36. The detailed settlement boundaries are set out in the 1995 Local Plan as Inset Maps. Local Plan policies which provide for settlement boundaries (and, indirectly, the Inset Maps of the 1995 Local Plan) were replaced by Policy CS1 of the Core Strategy upon adoption in 2010. Whilst Policy CS1 (and other Core Strategy policies), refer to settlement boundaries, the Core Strategy does not define them. Settlement boundaries are included on the Policies Map accompanying the Joint Development Management Policies Document (2015) and therefore do have Development Plan status. The settlement boundaries are illustrated at a small scale on the Policies

Map and it is difficult to establish their detailed alignment. Accordingly it is reasonable to read the Policies Map and Local Plan Inset Maps together to establish the precise locations of the settlement boundaries.

37. The settlement boundaries included on the Policies Map were not reviewed prior to adoption of the Joint Development Management Policies Document and thus have not been altered from the 1995 Local Plan Inset Maps. Core Strategy Policy CS10 confirms the settlement boundaries will be reviewed as part of the emerging Site Allocations Development plan Document.
38. Officers consider the requirement in Core Strategy CS10, combined with the fact that settlement boundaries and policies underpinning them, have not been reviewed since the introduction of the NPPF, means the current settlement boundaries are to be afforded reduced weight (but are not to be overlooked altogether) in considering planning applications. They will be attributed greater weight as the Site Allocations Plan progresses towards adoption. The Planning Inspector at the Meddler Stud confirmed this approach, noting that there is no up to date development plan for housing provision (APP/H3510/W/15/3070064 – Meddler Stud, Bury Road, Kentford – Appeal Decision Dated 05 May 2016).
39. On the basis that settlement boundaries and the policies underpinning them pre-date the NPPF, Paragraph 14 of the NPPF and Policy DM1 of the Joint Development Management Policies Document is engaged. These state that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole.
40. Whilst Beck Row is identified as a Primary Village in Core Strategy Policy CS1, the site lies outside of the defined settlement boundary for the village (in the 1995 Local Plan and in the April 2016 Preferred Options Site Allocations Local Plan) and is therefore classed as countryside. This is a physically distinct site some distance from the settlement boundary. With the status that the emerging Site Allocations document has, the prospects of this site being allocated, having a separate settlement boundary in this location or it being otherwise subsumed by another allocation are very limited. Consequentially, it is your Officer's view that greater weight can be given to the 1995 Local Plan policies, relative to the NPPF.
41. Policy CS10 states that in villages and small settlements not identified for a specific level of growth in Policy CS1, residential development will only be permitted where there are suitable sites available inside the limits of a defined settlement boundary, or where the proposal is for affordable housing, a gypsy and traveller site, the replacement of an existing dwelling or the provision of a dwelling required in association with an existing rural enterprise.
42. Development Management Policy DM5 states that areas designated as countryside will be protected from unsustainable development. New residential development will only be permitted in the countryside where it is for affordable housing for local needs, a dwelling for a key agricultural,

forestry or commercial equine worker, small scale development of 1 or 2 dwellings (in accordance with Policy DM27) or the replacement of an existing dwelling.

43. In addition to the planning policy context above, it is important to note the evidence underlying the emerging Site Allocations Preferred Options. The 2009 Infrastructure and Environmental Capacity Appraisal (IECA) considers the environmental capacity of settlements in the district and infrastructure tipping points which are utilised to evaluate potential impacts on infrastructure. The IECA identifies a capacity range of 240-420 new dwellings in Beck Row in the plan period to 2031. The Planning Policy team advises that since April 2011, a total of 558 dwellings have either been committed or completed within Beck Row, exceeding the upper capacity range identified in the 2009 IECA study. The lack of available infrastructure, assessed robustly and objectively, must be taken as being a factor which weighs against the scheme in the balance of considerations, whilst also noting that this is only a scheme of up to 8 dwellings.

44. The principle of development in this case is therefore contrary to the Development Plan policies identified above. This alone weighs heavily against the scheme in the balance of considerations. Furthermore, as will be set out below, and in any event, any 'presumption in favour' is only offered in relation to 'sustainable' development, not any development per se. Sustainability is a judgement that is only informed by consideration of matters of detail as well as principle.

#### What Is Sustainable Development?

45. The policies contained 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 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;)

46. 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.

47. Paragraph 9 of the Framework further explains that pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life, including (but not limited to):

- making it easier for jobs to be created in cities, towns and villages;

- moving from a net loss of bio-diversity to achieving net gains for nature;
- improving the conditions in which people live, work, travel and take leisure; and
- widening the choice of high quality homes.

48. An officer discussion to assist consideration of whether the development proposed by this planning application is 'sustainable' development is set out below on an issue by issue basis. A balancing analysis is then carried out at the end of the report.

#### Design and residential amenity

49. Access is the only detail to be considered at this stage, but an indicative site layout has been provided which shows how the development could be accommodated within the site. The layout plan indicates all dwellings to be bungalows, but no indicative elevations have been provided. There are dwellings to the north and west of the site which front Wilde Street and these are all bungalows, so a further development of bungalows in this context is considered appropriate. The layout is linear in character due to the shape of the site. Dwellings relate appropriately to one another and provide sufficient amenity space and parking for each plot, the further detail of which would be considered at the reserved matters stage were the development otherwise acceptable.

50. The existing dwelling adjacent to the site would not be affected by the development proposed if the proposed dwelling on plot 3 remains single storey. Impact on the amenity of future occupants has been considered and the plans amended to incorporate a bund/fencing/landscaping along the eastern boundary adjacent to the commercial site which is unrestricted in relation to its hours of operation. Noise impact is considered in more detail below.

#### Biodiversity

51. Natural England has confirmed that although this site is in close proximity to the Wilde Street Site of Special Scientific Interest (SSSI), the proposed development, as submitted, will not damage or destroy the interest features of the site and that this SSSI does not represent a constraint in determining this application.

52. This application is also in close proximity to the Breckland Forest Site of Special Scientific Interest (SSSI) which forms part of the Breckland Special Protection Area (SPA). However Natural England has confirmed their opinion that the proposals are not likely to have a significant effect on the interest features for which Breckland has been classified and an Appropriate Assessment to assess the implications of this proposal on the site's conservation objectives is not required.

53. Natural England has also confirmed that the proposed development will not damage or destroy the interest features for which the Breckland Forest SSSI has been notified and this SSSI does not represent a

constraint in determining this application.

54. Suffolk Wildlife Trust have commented that whilst they are satisfied with the findings of the ecological report, the recommendations made should be implemented in full via a condition of planning consent, should permission be granted. In addition any reserved matters should be informed by up to date ecological information.
55. The application is also supported by a bat survey. A full mitigation strategy and a Natural England Protected Species Licence would be required. If permission is granted, this would also need to be conditioned. With a suitably designed landscaping scheme, the site could achieve some biodiversity enhancement of the site which would weigh in its favour.

#### Landscape impacts

56. The site is not visible on the approach along Wilde Street (travelling north east). From The Paddocks, Wilde Street resembles a quiet country lane, with grass verges and a substantial hedge screening views on the south eastern side of the road with farmland on either side.
57. The site itself in its current state is not of high amenity value in the wider landscape. The indicative layout plan shows proposed planting along the site boundaries as well as retention of boundary trees along the eastern boundary. Were this scheme to be granted planning permission a suitable landscaping scheme could be secured to ensure any wider visual impacts are suitably mitigated.
58. There are some trees within the site which would be lost if the development was to go ahead. The Tree, Landscape and Ecology Officer has not raised any concerns in this respect. The tree report submitted with the application indicates that most of these trees are category 'C' and are therefore of low quality, so their retention could not be justified. Proposed landscaping would mitigate the loss of any trees removed on the site if the development were to be otherwise acceptable.

#### Noise impacts

59. The application site is adjacent to an unrestricted commercial use currently occupied as a builders yard by A & S Topsoils. The applicant was therefore asked to provide a noise impact assessment to enable full consideration to be given to the potential noise impact from the adjacent commercial operation on the new dwellings. This report has been assessed by the Public Health and Housing Officer who has confirmed that the recommendations within the report will suitably mitigate any potential noise impact from the adjoining site. The mitigation measures include a bund and acoustic fencing to a total height of 2.7m along the eastern boundary. The proposals in this respect are considered acceptable if the development were to be otherwise satisfactory.

## Sustainable Transport / Highways Impact

60. The proposals include a new footpath link to the village from the site. The footpath runs from the site access along a very short section on the southern side of Wilde Street before crossing to the northern side and running for approx. 155m, crossing to the southern side again and running for approx. 135m to tie in with the existing footpath to the west of The Paddocks. This footpath has been included by the applicant to make the development more sustainable and is a benefit which weighs in the schemes favour. Exploiting opportunities for more sustainable transport modes (like cycling and walking) is encouraged by the NPPF.
61. The Framework confirms that the transport system needs to be balanced in favour of sustainable transport modes giving people a real choice about how they travel. There is, however, recognition that opportunities to maximise sustainable transport solutions will vary from urban to rural areas.
62. It is Government policy that planning decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable modes of transport can be maximised. However, the Framework confirms this policy needs to take account of other policies in the document, particularly in rural areas.
63. The Framework also confirms that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. It goes on to state that planning decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised recognising that this needs to take account of policies set out elsewhere in the Framework, particularly in rural areas.
64. Core Strategy Spatial Policy T1 aims to ensure that new development is located where there are the best opportunities for sustainable travel and the least dependency on car travel. This is reflected in Policies CS12 and CS13 which confirms the District Council will work with the partners (including developers) to secure necessary transport infrastructure and sustainable transport measures and ensure that access and safety concerns are resolved in all developments.
65. The Core Strategy categorises this location as 'Countryside'. The nearest settlement to the site is Beck Row which is defined in the Core Strategy as a primary village (Policy CS1) which has basic local services. It is therefore very likely that potential occupiers of the proposed dwellings would need to travel by car to meet their employment, retail and entertainment needs. Similarly, the range of services and facilities that might have reduced the need for some car trips are limited.

66. The site is approx. 500m from the nearest bus stop on Holmsey Green. There is one bus in the morning (0705) which goes to Lakenheath, Brandon and Thetford (but no return bus). There is also a service to Mildenhall (Monday to Saturday), leaving at 0618 or 0807 and returning at 1605, 1735 and 1835, so the service is very limited. The site is approx. 1.3km from the nearest shop (Londis on Holmsey Green). Notwithstanding the proposed footpath link, the site is still some distance to the nearest bus stop and even further to the nearest shop. The site is therefore considered to be in an unsustainable location with a lack of local services, leisure, retail and employment opportunities to support new development and the resultant reliance on the car is a significant dis-benefit of the scheme.

#### Impact on Highways

67. Suffolk County Council as the Highways Authority, after initially raising a few queries about the access and footpath link have raised no objections to the proposed development. This recommendation is subject to a number of conditions to secure the new access, details of bin storage, means to prevent the discharge of surface water onto the highway, details of parking and turning space, visibility and provision of the new footway and crossing points (uncontrolled). The indicative layout plan shows how up to 8 dwellings could meet these highway requirements, the detail of which would be considered at the reserved matters stage if the development were to be otherwise acceptable.

#### Affordable housing

68. Core Strategy policy CS9 requires a development of this size to provide 20% affordable housing. The policy is supported by Supplementary Planning Guidance which sets out the procedures for considering and securing affordable housing provision (including mix, tenure, viability and S106). The applicant has agreed to secure this provision by signing a S106 to secure 2 dwellings as affordable on site (25%). The Council's Housing Officer supports the application on this basis, so the development in this respect is acceptable. Provision of affordable housing is clearly a benefit of the scheme to be taken into account in the planning balance.

69. However, it should be noted that there are now specific circumstances where contributions for affordable housing and tariff style planning obligations (section 106 planning obligations) should not be sought from small scale and self-build development. This follows the order of the Court of Appeal dated 13 May 2016, which give legal effect to the policy set out in the Written Ministerial Statement of 28 November 2014 and should be taken into account. This states that contributions should not be sought from developments of 10 units or less or with a total floor area of 1000 square meters or less. Whilst this is a development of less than 10 dwellings it would not be clear until the reserved matters stage whether the total floor area would be more or less than 1000 square meters. Notwithstanding this scenario, the s106 has already been signed to secure the 2 affordable dwellings and this would be enforceable.

### Infrastructure requirements

70. As with affordable housing, (as stated above), the recent change in Government policy means that other infrastructure requirements like play and open space provision may no longer be required for a development of this size.

### Conclusions and Planning Balance:

71. The development proposal has been considered against the objectives of the Framework, and the government's agenda for growth, which identifies housing development as a key driver for boosting the economy. Officers consider that national planning policies set out in the Framework should be accorded significant weight as a material consideration in the assessment of this planning application, especially the presumption in favour of sustainable development.

72. National planning policy is clear that permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the Framework as a whole.

73. In terms of the economic role of sustainable development, the development proposals would provide economic benefits relating to the creation of short term jobs in the construction industry, local spending likely to be generated by the residents, and monies from the new homes bonus payments.

74. From a social perspective, the development would make a modest contribution to the District's housing needs (up to 8 dwelling), including 25% affordable housing provision on site.

75. In the context of the environmental role of sustainable development, the benefits of reusing a site which is not of high environmental quality will enable biodiversity enhancement through an appropriately designed landscaping scheme.

76. A carefully considered evaluation of the benefits and dis-benefits of the scheme has been undertaken. Officers acknowledge that the application site is a brown field site, and that the Applicant considers the benefits of the scheme should be considered in its favour. The application proposes new residential development in a countryside location and is clearly contrary to a number of Local Plan policies. Whilst the proposal would have some benefits, these are limited and officers are not convinced that the benefits outweigh the need to avoid residential development of this scale in the countryside - on a site some distance from a settlement with services and facilities and with no direct public transport links, given the context provided by national and local policy.

77. Officers consider this to be a balanced decision, but have reached the final conclusion that the benefits of the scheme would not outweigh the potential dis-benefits. For this reason, officers have come to the 'on balance' conclusion, that the proposal would not constitute sustainable



development as set out in the Framework.

78. Having regard to the Framework and all other material planning considerations, the proposal is considered to be contrary to the NPPF and Development Plan policy. The recommendation is one of refusal.

**Recommendation:**

79. It is recommended that planning permission be **REFUSED** for the following reason:

The site falls outside of the defined settlement boundary of Beck Row which is defined as a Primary Village under policy CS1 of the Forest Heath Core Strategy (May 2010). There are exceptions to allow for housing development in the countryside as set out under policies DM5, DM26, DM27 and DM29 of the Forest Heath and St Edmundsbury Local Plan Joint Development Management Policies Document (February 2015), these being affordable housing, dwellings for rural workers, small scale infill development of 1 or 2 dwellings, and the replacement of an existing dwelling. The proposal does not represent any of these exceptions and as such fails to comply with policies DM5, DM26, DM27 and DM29 of the Joint Development Management Policies Document. The Authority is presently able to identify a deliverable five year (plus buffer) supply of housing sites. The site is deferred in the current Strategic Housing Land Availability Assessment (2016) on the grounds of unsustainability, and the emerging Site Allocations Local Plan Preferred Options document (April 2016), is not proposing to allocate the application site or extend the settlement boundary in this location.

The application proposals are unsustainable, as defined by the Framework, insofar as they would result in development at an unsustainable location in the rural area (countryside, outside of the defined settlement boundary), contrary to well established settlement policies which seek to direct new development within sustainable locations. The proposals therefore harm the aim of securing a sustainable pattern of development. The Local Planning Authority considers the dis-benefits of this development it has identified in relation to locational unsustainability, significantly and demonstrably outweigh the limited benefits otherwise provided, such that the development is not sustainable development (as defined by the policies of the NPPF taken as a whole). Accordingly, the presumption in favour of sustainable development set out at paragraph 14 of The Framework does not apply to this development. The proposal is therefore considered unacceptable as a matter of principle.

**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=NI5XHFPD02G00>