

Forest Heath District Council

**DEVELOPMENT
CONTROL
COMMITTEE**

6 JULY 2016

DEV/FH/16/014

Report of the Head of Planning and Growth

**PLANNING APPLICATION DC/15/0802/FUL – GYMNASIUM BUILDING,
HERRINGSWELL MANOR, HERRINGSWELL ROAD, HERRINGSWELL**

Synopsis:

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

Recommendation:

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

CONTACT OFFICER

Case Officer: Philippa Kelly
Email: Philippa.kelly@westsuffolk.gov.uk
Telephone: 01284 757382

Committee Report

Date 20th May 2015 **Expiry Date:** 30 June 2016 (with agreement)
Registered:

Case Officer: Philippa Kelly **Recommendation:** REFUSE planning permission.
Parish: Herringswell **Ward:** Red Lodge

Proposal: Planning Application DC/15/0802/FUL - Change of use of existing redundant gymnasium building to 15 dwellings (3 x one-bedroom apartments, 6 x two-bedroom apartments, 6 x three-bedroom apartments), residential office unit, new residential gym facility and ancillary works.

Site: Gymnasium Building, Herringswell Manor, Herringswell Road Herringswell

Applicant: City and Country Residential Limited

BACKGROUND:

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

The application is recommended for REFUSAL.

APPLICATION DETAILS:

1. Planning permission is sought for the conversion of a former gymnasium building within the site of Herringswell Manor, Herringswell. The converted building will accommodate 15 one, two and three bedroom apartments. In addition, a gymnasium and ancillary office space is proposed for use by the residents.
2. The apartments are designed as town houses over a number of storeys. Each unit will have private amenity space in the form of garden, balcony or roof terrace.
3. It is proposed that the car parking arrangements at the front of the building will remain largely unaltered, with an additional four car parking spaces to be provided in the north courtyard.

4. The existing access arrangements to Herringswell Manor will remain unchanged. Access will be taken from Herringswell Road.
5. The scheme as originally submitted identified that no affordable housing would be provided. A Viability Appraisal was submitted in November 2015 which provided the applicant's justification for why the scheme would not be viable with affordable housing.

AMENDMENTS:

6. During the course of the application, additional information and amendments were received. The additional information included a detailed Landscaping Scheme, Landscape Design Strategy Report, Sustainability Statement and Viability Report.
7. Formal amendments to the design of the scheme, including a revised tree Survey and Arboricultural Impact Assessment were submitted to the Council in January 2016. These amendments followed advice offered to the Planning Agent by the Planning Officer, Council's Conservation Officer and Tree and Landscape Officer. A re-consultation of consultees was carried out following receipt of the amendments.
8. A confidential Viability Report was submitted to the Council in November 2015. This was the subject of an independent review on behalf of the Council.
9. In May 2016 the Government re-instated the Vacant Building Credit. This policy gives credit to affordable housing requirements on schemes with vacant buildings. This policy triggers the requirement for the equivalent of 0.54 of a dwelling.

APPLICATION SUPPORTING MATERIAL:

10. The application is accompanied by the following documents:
 - Application forms and drawings.
 - Design and Access Statement.
 - Ecology – Phase 1 Habitat Survey.
 - Heritage Assessment.
 - Public Consultations Statement.
 - Structural Survey.
 - Transport Statement.
 - Tree Survey and Arboricultural Impact Assessment.
 - EnviroScreen Report (Contaminated Land)
 - Sustainability Statement.
 - Viability Report (*this is a confidential document and is not publically available*).

SITE DETAILS:

11. The application site is within the grounds of Herringswell Manor, an early twentieth century Grade II listed large country house. It is situated in a countryside location, approximately 1.6km from Herringswell, which is a small settlement as defined within the Forest Heath Core Strategy.
12. The site is accessed via a gated private driveway from Herringswell Road which services Herringswell Manor and a number of other buildings. These buildings formed part of a Japanese boarding school that previously operated from the site. Planning consent for the residential conversion of these buildings was first granted in 2004. Since this time, it is understood that there are 52 dwelling units within the various buildings across the site.
13. The existing gymnasium building was built in the late 1980s. It is situated in a prominent location on the main entrance route into the site, to the south of the access road and east of the manor house. The building is sited within well established historic woodland. It is large and utilitarian in appearance. It is the only one of the former school buildings remaining within the site which has not been converted to residential use.
14. The manor house and a number of pre-1948 buildings on the site are Grade II listed.
15. The Environment Agency flood risk maps indicate that the site is situated within Flood Zone 1 (with little or no risk of flooding).

PLANNING HISTORY:

16. The Herringswell Manor site has a lengthy and complex planning history. The first application for the conversion of the Manor House and other buildings within the site (excluding the gym) to form 29 dwellings was granted in 2004 (F/2003/0854/CO)
17. Three further planning application (F/2005/0195/COU, F/2005/0196/COU and F/2005/0201/COU) were allowed at appeal. This increased the number of permitted dwellings within the site to 52.
18. In terms of the gymnasium building to which this application relates, planning permission was granted under F/2005/0199/COU for its re-use as a gym solely for use by the residents of Herringswell Parish and Herringswell Manor. This permission was not implemented and subsequently lapsed.
19. More recently, a planning application was submitted in 2008 (F/2008/0471/FUL) for the conversion of the gymnasium. This was subsequently withdrawn following discussions with the planning case officer.

20. In 2010, re-submitted application F/2009/0060/FUL for the change of use of the gymnasium building to form 24 dwellings, gymnasium, offices, car parking and ancillary facilities was refused under officer delegated powers. The following reasons were cited:

- *The application proposes the development of 24 residential units within the Rural Area, within a location remote from any sustainable settlements and with poor access to everyday goods and services. Notwithstanding that this scheme represents the re-use of an existing building it is considered that the scheme, by reason of its scale and location, will lead to an over-reliance on the private car and that it therefore presents an unsustainable development that is contrary to the requirements of Local Plan Policy 9.1, and to the requirements of PPS1, PPS3, PPS7 and PPG13.*
- *The scheme makes no provision for affordable housing, nor any provision for the reappraisal of the provision of such at any stage prior to commencement of development. It is considered that a need exists for the provision of affordable housing, and that a failure to provide such renders the development contrary to the provisions of Policy H2 of the Regional Spatial Strategy, and to the general provisions of PPS1 and PPS3.*
- *The development proposed, by reason of the resultant increase in population, is considered likely to increase the demand for education provision usage within the locality without making an effective contribution towards such. In the absence of such a contribution it is considered that the scheme represents an unsustainable development contrary to the requirements of RSS Policy SS1 and the objectives of Planning Policy Statements 1 and 3.*

21. The Applicant appealed against the Council's decision to refuse planning permission, and, following a Public Inquiry, the appointed Inspector dismissed the appeal (reference APP/H3510/A/10/2122657). The following pertinent points were made by the Inspector.

- *Given that the site is in the countryside, some way from a recognisable settlement and public transport links, I consider that the number of dwellings proposed and the associated expansion of residential use and activity on the site would constitute major development in the context of the spatial strategy for the District (Paragraph 11).*
- *Whilst the proposal would have some benefits and realistic alternative uses for the building have not been identified, this does not in this particular case outweigh the need to avoid residential development of this scale in the countryside, on a site well away from a settlement with services and facilities and with no direct public transport links, given the context provided by national and local policy. The benefits of re-using a sound building and contributing to housing supply could apply equally to many other buildings in the countryside, as could the lack of an alternative*

viable use (Paragraph 22).

CONSULTATIONS:

Application as originally submitted:

22. **West Suffolk Planning Policy: Objection. Detailed comments provided. Summary:** The application site is not identified in the Council's five year supply. As the Council can demonstrate a five year supply of housing, the policies linked to the supply of housing are a material consideration in the determination of this application (NPPF para 49).

The site lies within the Countryside on the policies map and under Policy DM5 it states 'areas designated as countryside will be protected from unsustainable development'. The proposal would be contrary to Policy CS1 of the Core Strategy which sets out the spatial strategy as well as the emerging distribution strategy in the Single Issue Review Preferred Option document (approved by Cabinet for consultation non 1.3.16) and the emerging Site Allocations Local Plan Preferred Options (also approved for consultation by Cabinet on 1.3.16).

Policy DM28 (b). According to the applicant, 58% of the roof area is to be removed, and 30% of the external walls, which could be viewed as a significant alteration and redevelopment rather than straight change of use.

The application site in the countryside, not adjacent to any existing settlement and I have concerns around the sustainability of the location, given the distance to the nearest bus stop and access to day-to-day services and facilities 3km away in Red Lodge. Policy DM33 'states that 'In addition to other policies in the Plan, proposals for the re-use, conversion and alteration or extension of buildings must also satisfy the following criteria: a) the building is structurally sound and capable of conversion without the need for significant extension or alteration or reconstruction'. Part (c) goes on to state 'the nature and intensity of the proposed use would be compatible with its rural location'. Again, I have concerns that the changes being made to the building are 'significant' and could be contrary to part a) of the policy. I am also concerned about a possible conflict with part c), in that the addition of 15 homes in the countryside is unsustainable.

When considering the above against the three dimensions of sustainable development in paragraph 7 of the NPPF, bearing in mind the three roles should not be taken in isolation, the proposals could be considered contrary to the 'social' role in that there is no specific 'housing need' in this location.

The proposed residential office unit would be for the use of residents only which would provide no real economic benefit to the proposal, but could be a perceived social/environmental benefit if this assists in reducing trip generation.

While the proposals would be beneficial in terms of bringing a redundant building back into use, this needs to be balanced with the policy/sustainability issues raised above

23. **West Suffolk Housing: Objection. Comments.** The Strategic Housing Team is unable to support the above development as it does not adhere to our Core Strategy CS9 policy on delivering 30% affordable housing. The Strategic Housing Team on the 18th August 2015 submitted evidence to the developer and the Local Planning Authority demonstrating that there was a need for affordable housing on site and provided robust evidence to support this. We received no further comments from the developer regarding this. Therefore based on the fact that the developer has provided no further guidance on why they are unable to meet the full provision of affordable housing, the Strategic Housing Team would recommend refusal the development.
24. **West Suffolk Tree and Landscape Officer: Objection. Comments.** Objects to the proposal on the grounds of loss of woodland and habitat for protected species and the future continued loss which would be inevitable.
West Suffolk Conservation Officer: Objection. Comments. It is considered the proposed application would prove contrary to Policy DM28 and DM33, which require the re-use, conversion and alteration or extension of buildings within the countryside to be structurally sound and capable of conversion without the need for significant extension or alteration or reconstruction. In addition, the assertive nature of the resultant building is not considered to enhance the setting of the listed building.
25. **West Suffolk Environmental Health: No objection. Comments.** Requests comments controlling construction works, machinery installed within the proposed gym and ensuring the proposed dwellings achieve acceptable levels of acoustic insulation.
26. **West Suffolk Environmental Health (Regulatory Services) Contaminated Land: No objection.**
27. **Suffolk County Council Highway Authority: No objection. Comments.** Requests planning conditions and S106 contribution towards bus stop improvements.
28. **Suffolk County Council Planning Obligations. Comments.** Sets out the level of contributions required as a result of the proposed development.
29. **Suffolk Fire and Rescue. No objection. Comments.** No additional water supply for fire fighting purposes is required.
30. **Anglian Water: No objection. Comments.** Requests conditions.
31. **Natural England: No objection. Comments.** Requests condition regarding construction management plan.
32. **Suffolk Wildlife Trust – No response received.**

Amended scheme submitted March 2016:

33. **West Suffolk Tree and Landscape Officer: Objection. Comments.** The proposals still represent an erosion of the existing woodland around the existing gymnasium with no real proposals for mitigation or enhancement of the site for biodiversity excepting some understorey planting to increase screening.
34. **West Suffolk Conservation Officer: Objection. Comments.** Setting aside the policy tests regarding the principle of conversion, whilst the architectural merits of the proposed building are appreciated, my concern relates to its assertive and competitive presence in the context of the setting of the designated heritage asset. Unless the revised landscaping proposals are sufficient to provide adequate all year round screening and we are satisfied the proposed screening, if sufficient, will not be threatened by a likely desire for reduction, my concerns previously raised remain.

REPRESENTATIONS:

35. **Herringswell Parish Council:**

Scheme as originally submitted –Objection on the grounds of being contrary to national and local planning policy with regard to:

- Unsustainable location.
- Impact on setting of listed building.
- Poor access.
- Impact on foul sewerage system.
- Health and safety in relation to visitor parking and conflict with delivery of calor gas to site.
- School at Red Lodge already at capacity.
- No provision of affordable housing.
- Impact of withdrawal of USAF from Mildenhall.
- The application is premature.

Amended scheme – Objection

- Requests a developer contribution to the village hall in Herringswell.
- Requests that residents of Herringswell be able to use the proposed gymnasium.

36. **Third Party Representations**

Third party representations have been received from residents of the following properties:

- West Lodge
- Apartment 1, South Courtyard
- 1 The Coach House

- Apartment 8, The Manor
- Apartment 4, The Manor
- Apartment 1, The Manor
- Blacksmiths Cottage

A letter has also been submitted on behalf of the Chairman of the Resident's Association of The Manor.

The following is a summary of the issues raised:

- Road Safety – construction vehicles will increase the risk of an accident.
- A further 6 extra parking spaces are not required.
- Parking next to the LPG Offloading area is not acceptable as creates a risk of a major incident.
- Existing concerns about LPG storage and offloading – some pipework is not bonded and meters are incorrectly positioned.
- Fire Safety – main hydrant at the entrance to the Manor is overgrown and unmarked
- Effluent System – Present system fails to cope and the site is far from fully occupied. It will not cope with addition of 15 more apartments
- Site is unsustainable
- In-sufficient areas will be retained – therefore is this truly a conversion.
- Further information required to demonstrate that this is a conversion and not a new build.
- Need further plans regarding landscaping – important to show how existing hedge screens the Gym.
- Traffic management: requirement for traffic management during construction phase.

POLICIES:

DEVELOPMENT PLAN

37. 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).

38. Officer Note: Since the previous 2010 planning application was dismissed

at appeal, there have been changes to the planning policy framework. At a national level, the National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG) has been published. From a local planning policy perspective, the Council adopted the Joint Affordable Housing Supplementary Planning Document in October 2013 and the Joint Development Management Policies Document in February 2015.

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

Forest Heath Local Plan (1995) Saved Policies

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.21 - Herringswell

Forest Heath Core Strategy 2010

40. 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
- **C1** – Retention and enhancement of key community 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
- **CS6:** Sustainable Economic Development and Tourism
- **CS7:** Overall Housing Provision (sub-paragraph 1 only. Sub paragraphs 2,3, 4 and 5 were quashed by the Court Order)
- **CS9:** Affordable Housing Provision
- **CS10:** Sustainable Rural Communities
- **CS13:** Infrastructure and Developer Contributions

Joint Development Management Policies Document 2015

41. 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
- **DM15** Listed Buildings
- **DM16** Heritage Assets and Listed Buildings
- **DM22** Residential Design
- **DM28** Residential Use of Redundant Buildings in the Countryside
- **DM33** Re-Use of Replacement of Buildings in the Countryside
- **DM46** Parking Standards

Other Planning Policy

Supplementary Planning Documents

42. 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

43. **Single Issue Review and Site Allocations Document:** Consultation on two Local Plan documents began on 04 April 2016 and ends on 01 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.
44. 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.
45. 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

46. 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.
47. 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'.*

48. Officer Note: A footnote to Paragraph 14 (Footnote 9 of the NPPF) sets out examples of where the presumption in favour does not apply. This includes designated heritage assets, where substantial or less than substantial harm would be caused. The application site is situated in the grounds of a designated heritage asset. Officers do not consider that the planning application proposals would constitute 'substantial or less than

substantial' harm to this asset. On this basis, the presumption in favour of sustainable development has been applied in relation to this matter.

49. 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*'.
50. 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).
51. 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.
52. The relevant parts of the NPPF and NPPF are discussed below in the officer comment section of this report.

PLANNING EVALUATION:

53. 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.
54. 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

National Planning Policy Context and Forest Heath's Housing Policies

55. 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 update 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.

56. 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*'.
57. 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
58. 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.
59. 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.
60. The detailed settlement boundaries are set out in the 1995 Local Plan as Inset Maps. Local Plan policies which provide for settlement boundaries 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.
61. 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.

62. 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 until the review within the Site Allocations Plan progresses and can be attributed greater weight. They will be attributed greater weight as the Site Allocations Plan progresses towards adoption.
63. 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).
64. 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.

What Is Sustainable Development?

65. 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;)
66. 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.
67. 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.

Prematurity

68. Herringswell Parish Council has raised concern that approval of this planning application would be premature and its consideration should await the formation (adoption) by the Council of an appropriate Local Policy Framework.
69. The NPPF does not address 'prematurity' directly, but advice about the approach the decision maker should take is set out in the National Planning Practice Guide. It states:
70. Annex 1 of the National Planning Policy Framework explains how weight may be given to policies in emerging plans. However in the context of the Framework and in particular the presumption in favour of sustainable development – arguments that an application is premature are unlikely to justify a refusal of planning permission other than where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, taking the policies in the Framework and any other material considerations into account. Such circumstances are likely, but not exclusively, to be limited to situations where both:
- (a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging Local Plan or Neighbourhood Planning; and
 - (b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.
71. Refusal of planning permission on grounds of prematurity will seldom be justified where a draft Local Plan has yet to be submitted for examination. Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how the grant of permission for the development concerned would prejudice the outcome of the plan-making process.
72. In the specific circumstances of this application, the conversion of a building to 15 residential units is not considered substantial in comparison to the overall quantum of development that needs to be provided in the District over the Plan period. Furthermore, the Single Issue Review of the Core Strategy and the Site Allocations document are both at early stages and presently carry only limited weight in the decision making process.
73. On this basis it would be very difficult to justify any decision that approval of this scheme would be premature in the context of current guidance.

74. On the basis of national guidance on the issue of prematurity and relevant national policies providing for the delivery of sustainable development without delay, officers do not consider it would be reasonable to object to the planning application on the grounds of it being premature to the Development Plan.

Development Plan Policy Context

75. Core Strategy Policy CS1 sets out the Council's spatial strategy and defines Herringswell as a small settlement – one which has few or in some cases no, local services. These villages are not capable of sustaining further growth as many are completely reliant on higher order settlements for services and facilities.
76. The application site lies outside of the defined settlement boundary for the village of Herringswell, and is therefore situated in the countryside for the purposes of interpreting planning policy.
77. Whilst the application site is situated outside the defined settlement boundary, 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) and with particular regard to Paragraph 14 of the Framework. The village settlement boundaries are contained in the ageing Local Plan, adopted almost 20 years ago, in 1995. In reaching a decision on this planning application, regard must also be had to the provisions of the Local Plan policies, despite their age and also to policies contained in the adopted Core Strategy, which carry significantly more weight in the decision making process. However, in determining whether or not the proposed development is sustainable and should be granted planning permission, the Framework directs that the benefits arising from development should be considered and balanced against the perceived dis-benefits.
78. A balancing analysis is carried out towards the end of this section of the report as part of concluding comments. An officer discussion to assist with Members consideration of whether the development proposed by this planning application is 'sustainable' development is set out below on an issue by issue basis.

Summary

79. The application site is situated outside the settlement boundary and is thus located in the Countryside for the purposes of interpreting planning policy. Core Strategy Policy CS10 confirms the settlement boundaries will be reviewed as part of the emerging Site Allocations Development plan Document. This document can only be attributed limited weight at the present time, given its emerging status.
80. Officers consider that 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 that

the current settlement boundaries are to be afforded reduced weight (but are not to be overlooked altogether) in considering planning applications until the review within the Site Allocations Plan progresses and can be attributed greater weight.

81. The following evaluation considers the wider impacts of the application proposals, and concludes with an evaluation of the benefits and dis-benefits of the proposal.

Conversion of Building

82. The site is within the rural area where new isolated dwellings would not ordinarily be supported in accordance with Paragraph 55 of the NPPF. The Framework sets out a presumption in favour of sustainable development, but also advises Local Planning Authorities to avoid allowing new isolated homes in the countryside unless there are special circumstances. These include where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting.
83. Policy DM28 of the Joint Development Management Document permits the residential re-use of redundant buildings in the countryside where alternative uses have been fully explored and discounted, and where the building to be converted is structurally sound and capable of conversion - without the need for extension, significant alteration or reconstruction. This policy should also be read alongside Policy DM33 which permits the conversion of buildings in the countryside subject to the satisfaction of a number of criteria.

Alternative Uses of Building

84. Officers consider that alternative uses of this building have been fully explored. In reaching this decision, regard has been had to the 2010 Appeal Decision in respect of the previous application on this site. The Inspector considered the evidence put forward by the Applicant with regard to the possible alternative uses for the site and concluded that:

"On the basis of the evidence before me I am satisfied that potential alternative uses for the gymnasium building have been explored and legitimately found to be unviable or unsuitable in planning terms.

85. On this basis, officers consider that Part A of Policy DM28 has been satisfied.

Capability of Conversion

86. Part B of Policy DM28 supports the conversion of buildings in the countryside into dwellings, where the building is capable of conversion and without the need for '*significant extension or alteration or reconstruction*'.
87. The application supporting material provides evidence to support the capability of the building for conversion – although acknowledges that the conversion will involve substantial alterations to the building, including the

loss of a large central section and its replacement by new columns and trusses.

88. The Planning, Design and Access Statement which accompanies the application also acknowledges that the conversion will lead to a significant change to the buildings appearance. According to the applicant, 58% of the roof area is to be removed, and 30% of the external walls.
89. Whilst officers note the applicants intention to reuse as much of the existing fabric as possible, this does not alter the fact that the residential conversion of this building will not be possible without significant, and substantial, alterations. The proposed changes would have a considerable impact upon the appearance of the original building.
90. The existing building is a single storey utilitarian structure which comprises a number of structural frames, with a mezzanine floor covering part of it. Significant changes will need to take place to the structure to facilitate the conversion – for example strengthening of the walls through the insertion of new supporting steelwork. It would appear that the existing structural framework of the building would not withstand the conversion without a substantial degree of demolition and re-construction.
91. On this basis, officers are of the opinion that the application would fail Part (B) of DM28, in that significant alteration and reconstruction would be required to convert the building to residential use.

Design and Impact on Surrounding Area

92. Policy DM28 requires proposals for converted buildings to be of a high quality design, which lead to an enhancement to the immediate setting of the building. Officers do not dispute that the proposed conversion and remodelling would result in a building of a high quality design and standard. However, the conversion will result in a design which is unrecognisable from the original building, and will result in a significant change in the character of the building.
93. In considering the impact of the converted building on its immediate setting, the Council's Conservation Officer has expressed concern that the strong architectural style proposed will result in an overly assertive building. The Conservation Officer considers that this would be visually prominent within its setting and the wider landscape context.
94. This view is shared by the Council's Ecology and Landscape Officer, who has raised concern regarding the potential impact of the erosion of existing woodland to allow for the introduction of residential curtilage.
95. The application supporting information provides information to justify the impact of the converted building on its surroundings. Oak timber cladding has been chosen to help blend with the woodland surroundings, whilst the zinc clad roof is justified as blending with the sky. Officers agree that the use of these materials would assist in helping the building to relate to its context. However, concern remains that the form of the building will

appear overly bulky and overbearing in its context.

96. Officers are also concerned that the expansion of the footprint of the building to allow for the introduction of, *inter alia*, domestic gardens, access routes, patios and a bin storage area will have a negative impact on the woodland character of the immediate area.
97. On the basis of this evaluation, officers are of the opinion that the converted building would not have a positive impact, contrary to Policy DM28. This would be a dis-benefit of the scheme.

Summary

98. Consideration of the enhancement of the immediate setting of the building is a fundamental consideration. Officers are of the opinion that the design of the converted building and presence of domestic curtilage are sufficient to conclude that the immediate setting of the building would not be enhanced by the development which is proposed.
99. Moreover, it is considered that the existing structural framework of the building is not substantial enough to be capable of conversion to residential units, without a substantial degree of demolition and re-construction.
100. On this basis, the proposed development is considered to fail the relevant tests set out in Policies DM28 and DM33.

Sustainable Transport/Impact upon the Highway Network

101. 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.
102. 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.
103. The Framework confirms that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. It goes on to state that planning decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised recognising that this needs to take account of policies set out elsewhere in the Framework, particularly in rural areas.
104. 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.

Sustainable Transport

105. The Forest Heath Core Strategy seeks to focus development on the larger settlements with services and facilities, and avoid major development in the Countryside.
106. The Core Strategy categorises this location as 'Countryside', being away from the small settlement of Herringswell which is not capable of sustaining further growth. It is therefore very likely that potential occupiers of the proposed dwellings would need to travel 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.
107. With regard to public transport, opportunities are limited. The Highway Authority has requested a developer contribution for improvements to the nearest bus stop, to make it more attractive to potential users. Officers consider that this, in isolation, would have little effect in encouraging modal shift from the private motor vehicle to public transport, given the limited bus services on offer (particularly during peak hours).
108. In considering whether the location is sustainable in transport terms, officers have had regard to the 2010 Appeal Decision in respect of the previous application on this site. In this respect, the Inspector acknowledged the countryside location, and the fact that the site was well away from a settlement with services/facilities, with no direct public transport links. He considered that the number of dwellings proposed and the associated expansion of residential use and activity on the site would constitute major development in the context of the spatial strategy for the District.
109. Members are reminded that the District's settlement hierarchy as set out in the Core Strategy has not changed since the 2010 Appeal Decision. The site remains a Countryside location. Officers note that the subject application is for a lesser amount of residential development when compared to the appeal scheme (15 dwelling units as opposed to 24). The quantum of development proposed by this application would represent a significant increase in the number of dwellings which are already on the Herringswell Manor site as a whole (52). Similarly, the increased activity arising from the proposed number of dwellings would be significant when considered against the existing situation.
110. The unsustainable location of the site in transport terms, and the lack of local services, leisure, retail and employment opportunities to support the occupants of the proposed development, is considered to be a significant

dis-benefit of the scheme.

Impact on Highways

111. Suffolk County Council as Highway Authority has raised no objection to the development proposals on highways grounds, subject to the recommendation of planning conditions. These relate to ensuring that vegetation adjacent the access is cut back and maintained so that the increase in use of the access from the additional is not detrimental to highway safety.

Summary

112. The application site is situated in a countryside location, some distance from the small settlement of Herringswell. Officers consider the unsustainable location of the site and the lack of local services, leisure, retail and employment opportunities to support development of the scale which is proposed, to be significant dis-benefits of the scheme.

Flood Risk, Drainage and Pollution

Surface Water Drainage

113. The application proposes that surface water run off collected within the site, from the building and areas of hard standing, should be disposed of through Sustainable Drainage Systems (SuDS) to be located close to the building. Details of a SuDS scheme can be secured by planning condition, should approval be forthcoming.

Foul Drainage

114. Anglian Water have assessed the information submitted and have advised that that development will lead to an unacceptable risk of flooding downstream. A drainage strategy will need to be prepared in consultation with Anglian Water to determine mitigation measures, should the scheme be approved.

LPG Storage and safety

115. Third party representations have raised concern regarding the impact of the proposed visitor spaces on the ability of tanker drivers to deliver gas to the sites underground storage tanks which provide heating for the existing residential units. The safety of these facilities is governed by the HSE and is not a material planning consideration. However, in light of the concerns raised, the Applicant removed the visitor parking spaces from the proposal. The spaces were not required to serve the development and had only been included at the request of existing residents.

Summary

116. The Environment Agency, Anglian Water Services, Suffolk County Council and the Council's Environmental Health team have not objected to or

raised concerns about the application proposals in respect of flood risk, drainage and pollution. All have recommended the imposition of reasonable conditions upon any potential planning permission to secure appropriate mitigation. On this basis, the proposals are considered acceptable with regard to flood risk, surface water/foul drainage, potable water supply, SuDS and ground contamination.

Impact on Natural Environment

117. The Framework confirms the planning system should contribute to and enhance the natural environment by *inter alia* minimising impacts on biodiversity and providing net gains where possible. The Framework states that protection of designated sites should be commensurate with the status of the site, recognising the hierarchy of international, national and local designations. The presumption in favour of sustainable development set out at Paragraph 14 of the Framework does not apply where development requires appropriate assessment under the Birds or Habitats Directives.
118. Spatial Objective ENV1 of the Core Strategy aims to conserve and enhance the habitats and landscapes of international, national and local importance and improve the rich biodiversity of the District. This objective forms the basis of Core Strategy Policy CS2 which sets out in greater detail how this objective will be implemented. Saved Local Plan Policy 4.15 sets out criteria against which proposals for new housing development are considered. One of the criteria requires that such proposals are not detrimental to significant nature conservation interests.
119. There are no designated sites on or immediately adjacent to the application site. However the site is situated within close proximity to the Wilde Street Meadow Site of Special Scientific Interest (SSSI).

Habitats Regulations Assessment

120. The Local Planning Authority, as the competent authority, is responsible for the Habitats Regulation Assessment (HRA) as required by The Conservation of Habitats and Species Regulations 2010 (as amended). The Ecological Survey which was submitted in support of the planning application advises that given the distance from internationally protected sites, the proposed development would have no direct effect on the interest features of these sites. Natural England, in consultation correspondence, has advised that the proposed development is not likely to have significant effects on the interest features for which Wilde Street Meadow SSSI has been designated.
121. The HRA screening process was undertaken by the Council's Ecology, Tree and Landscape Officer, as part of the consultation response. This confirms that the proposal will not have a likely significant effect on any European site, and can therefore be screened out from any requirement for further assessment.

Impact on SSSI

122. Natural England does not object to the proposals. However, they have noted that the development may have a detrimental effect on the Cherry Hill and the Gallops Site of Special Scientific Interest due to the additional traffic that will be generated, particularly during the construction stage of the buildings. Herringswell Road is narrow and the vehicles entering and leaving the building site may exacerbate the erosion of the SSSI and overlapping Roadside Nature Reserve verges. These verges have been designated because of their floristic interest. To help alleviate this problem, Natural England has recommended that the developers should produce a construction management plan. This can be secured by planning condition, should approval be forthcoming.

Trees and Ecology

123. A Phase 1 Habitat Survey and Bat Survey has been submitted in support of the application. This survey notes that the existing woodland supports a moderately diverse composition of mature trees, although the understory supported just a limited community of woodland plants. The woodland is considered to be of ecological value at a local level, as it provides connectivity to other woodland and hedgerows in the local area.
124. In initial consultation correspondence, the Council's Tree and Landscape Officer raised concern regarding the erosion of existing woodland, due to the removal of trees to form curtilage for the new properties. On this basis, an objection was raised due to the loss of woodland and habitat for protected species and the future continued loss which would be inevitable.
125. During the course of the application a meeting was held on site to discuss the concerns of the Council's Tree and Landscape Officer. This resulted in the submission of amendments to the layout of the scheme and additional information including a revised arboricultural plan. The arboricultural plan shows that the number of trees to be removed has been reduced. The Tree and Landscape Officer has considered the amendments, but remains concerned that the proposals will cause the erosion of woodland around the existing gymnasium, and that the proposed mitigation will not overcome these concerns.

Summary

126. The proposals have been considered with regard to impact on the natural environment. The proposed scheme will cause the erosion of woodland around the existing gymnasium which is not considered to be satisfactorily addressed by mitigation. The loss of woodland and erosion of the woodland setting would be contrary to adopted Local Plan policies which seek to protect the character of a site and its surroundings, and not adversely affect features and species of ecological interest. Officers consider that these would be significant dis-benefits of the scheme.

Impact upon the Historic Environment

127. The Framework recognises that heritage assets are an irreplaceable resource which should be conserved in a manner appropriate to their significance. When considering the impact of proposed development upon the significance of a designated heritage asset, great weight should be given to the asset's conservation. The term 'heritage asset' used in the Framework includes designated assets such as Listed Buildings, Scheduled Ancient Monuments, Registered Parks and Gardens and Conservation Areas, and also various undesignated assets including archaeological sites and unlisted buildings which are of local interest.
128. The Framework advises that local planning authority's should require an applicant to describe the significance of any heritage assets affected, the level of detail being proportionate to the importance of the asset and sufficient to understand the potential impact upon their significance. Core Strategy Spatial Objective aims to protect and enhance the Historic Environment. This objective is implemented through Policy CS3.
129. The application proposes the conversion of an existing redundant gymnasium building located within the countryside east of Herringswell Manor, an early 20th century grade II listed large country house.
130. The proposed conversion will result in a building which is more attractive in design terms. The Conservation Officer has raised concern that the overall scale, height and massing, together with its strong architectural style will result in an assertive building. This is considered to have a negative impact on the setting of Herringswell Manor, which is a Grade II listed building.
131. Officers have considered the application proposals and the consultation advice offered by the Conservation Officer. The development proposals will result in a large building which will be visually prominent in the immediate locality. However, it is not considered that its dominance will be such as to cause significant harm to the setting of Herringswell Manor, such as to warrant the refusal of the application on these grounds.

Summary

132. The proposals have been considered with regard to the impact upon the historic environment. It is not considered that the setting of Herringswell Manor will be unduly affected by what is proposed.

Residential amenity

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

134. Vision 1 of the Core Strategy seeks to provide 'a higher quality of life' for residents. Saved Local Plan policy 4.15 seeks to ensure new housing developments do not result in the loss of residential amenity.
135. Officers are satisfied that the proposed development would not comprise the residential amenity of the occupiers of existing properties within the Herringswell Manor site, and that no residential amenity issues will arise from the proposals.

Sustainable Construction and Operation

136. Section 19 (1A) of the Planning and Compulsory Purchase Act 2004 requires local planning authorities to include in their Local Plans 'policies designed to secure that the development and use of land in the local planning authority's area contribute to the mitigation of, and adaptation to, climate change'.
137. The NPPF confirms planning has a key role in helping shape and secure radical reductions in greenhouse gas emissions whilst supporting the delivery of renewable and low carbon energy. The Government places this central to the economic, social and environmental dimensions of sustainable development. The document expands on this role with the following advice:
138. In determining planning applications, local planning authorities should expect new development to:
- Comply with adopted Local Plan policies on local requirements for de-centralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and
 - Take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption
139. The importance the Government places on addressing climate change is reflected in the Core Strategy Visions (Vision 1) and Spatial Objectives (ENV2 and ENV3). Core Strategy Policies CS4 and CS5 set out the requirement for sustainable construction methods, and a range of expectations of new sites.
140. The documentation submitted in support of this planning application includes a Sustainability Statement. This states that the development will be designed and constructed in a sustainable manner. This includes the selection of sustainable materials, control of pollution during construction, the management of waste and recycling and the reduction of water usage.

Section 106 Planning Obligation Issues

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

Affordable Housing

143. The Framework states that local planning authorities should use their evidence base to ensure that their Local Plan meets the full objectively assessed needs for market and affordable housing. It also states that policies should be set for meeting the identified need for affordable housing, although such policies should be sufficiently flexible to take account of changing market conditions.
144. Core Strategy Spatial Objective H2 seeks to provide a sufficient and appropriate mix of housing that is affordable, accessible and designed to a high standard. Core Strategy policy CS9 requires 30% of the proposed dwellings to be 'affordable'. The policy is supported by Supplementary Planning Guidance which sets out the procedures for considering and securing affordable housing provision (including mix, tenure, viability and S106).
145. In May 2016, the Government re-introduced the Vacant Building Credit policy. Officers are satisfied that the building to which this application relates is eligible for the application of the credit. The credit has been applied accordingly, and a requirement of the equivalent of 0.54 a dwelling has been calculated. Under the circumstances, a financial contribution is required, which can be secured by way of Section 106 agreement, should the scheme be approved.

Education

146. Policy CS13 states that arrangements of the provision or improvement of infrastructure, including in terms of access to facilities to the required standard will be secured by planning obligation. This will ensure that the necessary improvements can be completed prior to occupation of development.

147. Suffolk County Council has confirmed that there would be a need for education contributions for the provision of two primary school places. The development is also likely to generate one pre-school place. Relevant contributions have been required by Suffolk County Council, which can be secured by way of Section 106 agreement should the scheme be approved.

Libraries

148. Suffolk County Council has identified an existing shortfall in local library provision, and requested a capital contribution towards libraries. This can be secured by way of Section 106 agreement, should the scheme be approved.

Open Space

149. The Framework confirms that access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well being of communities. Core Strategy Spatial Objective CS2 seeks to promote an improvement in the health of people in the District by maintaining and providing quality open spaces, play and sports facilities and better access to the countryside. Policy CS13 (g) considers provision of open space, sport and recreation as a key infrastructure requirement.
150. Saved Local Plan policies 10.2 and 10.3 address play space requirements and state such areas will be provided as an integral part of new residential development. It is also stated that provision will be made for a wider area than just the development site.
151. The provision of amenity space within the immediate area of the proposed development is generous. On this basis, officers consider that it would not be reasonable to request a contribution towards the provision of open space.

Bus Stops

152. Suffolk County Council as Highway Authority has requested that a developer contribution is secured from this development to be used to enhance nearby bus stops. This is to increase the attractiveness of the bus stops in an attempt to encourage modal shift from the private motor car to public transport. The request is considered reasonable and proportionate in the circumstances. The contribution, which amounts to £6,000, could be secured via a S106 Agreement in the event that planning permission is granted.

Summary

153. During the course of the application, the Applicant submitted a confidential viability report. This claims that the development would not be viable with any Section 106 contribution. Notwithstanding the viability report, the Applicant has confirmed the 'in principle' acceptability of

entering into a Section 106 agreement to secure contributions in respect of education, libraries infrastructure and public transport. At the time of writing this report, a relevant agreement had not been entered into.

154. The applicant claims that the development would not be viable with the level of Section 106 contribution that would be required to provide an equivalent level of affordable housing away from the site. After the application of Vacant Building Credit, this represents the financial equivalent of 0.54 a dwelling. This is discussed in the next section of this report.

Development Viability

155. The Framework states that pursuing sustainable development requires careful attention to viability and costs, such that sites should not be subject to a scale of obligations that their ability to be developed viably is threatened.

156. The Framework advises that in order to ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.

157. The National Planning Practice Guidance sets out the following advice on development viability:

" Decision-taking on individual applications does not normally require consideration of viability. However, where the deliverability of the development may be compromised by the scale of planning obligations and other costs, a viability assessment may be necessary. This should be informed by the particular circumstances of the site and proposed development in question. Assessing the viability of a particular site requires more detailed analysis than at plan level.

A site is viable if the value generated by its development exceeds the costs of developing it and also provides sufficient incentive for the land to come forward and the development to be undertaken."

158. The applicant has provided a financial appraisal of the proposed development to demonstrate that, with limited developer profit and nil land value, the development would not be viable – either with or without any Section 106 contributions.

159. The Applicant has, however, confirmed the acceptability of entering into financial contributions towards education provision, libraries infrastructure and public transport infrastructure.

160. The applicant's viability assessment has been the subject of an independent review. The initial assessment of the Council's appointed expert consultant is that the scheme could proceed and deliver an

Affordable Housing contribution. Officers have considered the evidence and the consultant's advice, which acknowledges that the inputs (particularly on the costs side, given the complex conversion work involved) are difficult to assess. On this basis, the Council accepts the Development Costs figures. With regard to sales prices, this has been reviewed by the applicant, and still found that the scheme not viable.

161. In the light of the uncertainty around the conversion costs, officers are of the opinion that, for the purposes of assessing the planning balance (see next section), the proposals should be evaluated on the basis of no affordable housing contribution being secured (mindful that it would only be policy compliant to secure a contribution in respect of 0.54 of a dwelling unit).

Other Issues

Impact of the announced closure of Mildenhall airbase

162. Third party comments have raised the issue of the potential impact of the withdrawal of the United States Air Force (USAF) from Mildenhall. In January 2015 the Ministry of Defence announced the USAF is planning to leave the Mildenhall airbase over an extended period whilst at the same time increasing its operations at the Lakenheath airbase. The announcement has only very limited impact upon the consideration of planning applications, given that any development opportunities which may arise at the base are not likely to occur in the short term (i.e. within the 5-year housing supply period) and may need to be planned for in the next planning cycle.
163. The emerging Site Allocations Local Plan – Preferred Options, includes the following commentary on the announced closure of the Mildenhall airbase:

'It was announced on 18 January 2016 that the Government will be selling off RAF Mildenhall for housing once the United States Air Force vacates the base by 2022. Until there is certainty from the MoD over the deliverability and timescales for bringing the site forward, it is not possible to include the site as an option in the Site Allocations Local Plan. Should this position change during the plan period, the council will immediately commence a review of the local plan and a masterplan will be prepared'

CONCLUSIONS AND PLANNING BALANCE:

164. 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 consideration of this planning application, especially the presumption in favour of sustainable development.

165. 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.
166. In terms of the economic role of sustainable development, the development proposals would bring a vacant building back into use, by providing 15 residential properties (and additional employment space and a gymnasium). This would be of economic benefit to in accordance with key planning principles identified in the NPPF.
167. The development would also provide economic benefits relating to the creation of short term jobs in the construction industry, local spending likely to be generated by the proposed residents, and monies from the new homes bonus payments.
168. From a social perspective, the development would make a contribution to the District's housing needs, by providing a level of market housing to meet the need of present and future generations. The inclusion of a gymnasium and office within the building are additional social benefits of the scheme. Officers consider that the absence of a contribution towards affordable housing would be offset by the other social benefits of the scheme.
169. In the context of the environmental role of sustainable development, the re-use of an existing building is a benefit of the scheme. However, the character of the site would be changed as a result of this proposal. Moreover, officers are not convinced that the mitigation proposed would satisfactorily mitigate the effects. Whilst the proposals would lead to a high quality development, officers do not consider that it would not have a positive impact on the immediate location.
170. A carefully considered evaluation of the benefits and dis-benefits of the scheme has been undertaken. The application proposes the residential conversion of an existing modern building in a countryside location. Whilst Local Plan policies support the re-use of buildings in the countryside for residential purposes, they also recognise that not all buildings will be suitable for conversion or adaptation to new uses.
171. The conversion would require significant extension and alteration/reconstruction. The development is not considered to retain the character of the existing building, nor lead to enhancement of the immediate setting of the building. The nature of the proposed use is not considered to be compatible with its rural location, proposing 15 residential units in a countryside location.
172. Whilst the proposal would have some benefits, officers are not convinced that the benefits would outweigh the need to avoid residential development of this scale in the countryside - on a site well away from a settlement with services and facilities and with no direct public transport links, given the context provided by national and local policy.

173. The Planning Agent has recently provided further supporting information to justify the application proposals (correspondence dated 7 June 2016). Officers do not agree that the principle of residential use should be considered favourably, just because there are already 52 dwellings immediately adjacent the site. In assessing the development proposals, officers have had full regard to the provisions of the Development Plan, including DM28 and DM33 which relate specifically to the re-use or replacement of buildings in the countryside.
174. Officers also appreciate from the correspondence dated 07 June 2016 that the recommendation contained within this report is contrary to the advice offered as part of the pre-application dialogue with the Planning Services Manager. This advice would have been offered on an informal basis, without prejudice to the determination of the subsequent planning application. The advice was also offered prior to the adoption of the Joint Development Management Policies Document.
175. Officers consider this to be a very finely balanced decision, but have reached the final decision that the benefits of the scheme would not outweigh the potential dis-benefits. For this reason, officers have come to the '*on balance*' decision, that the proposal would not constitute sustainable development as set out in the Framework
176. 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:

It is **RECOMMENDED** that planning permission be **REFUSED** for the following reasons:

1. The site falls within the Countryside as defined by Policy CS1 of the Forest Heath Core Strategy (May 2010), and is some distance from the small settlement of Herringswell which is classified as a small settlement which is not capable of sustaining further growth. Policies DM28 and DM23 of the Forest Heath and St Edmundsbury Local Plan Joint Development Management Policies Document (February 2015) allow the residential conversion of redundant buildings in the Countryside. These policies require buildings to be structurally sound and capable of conversion without the need for extension, significant alteration or reconstruction. They also require development proposals to be of a high design quality which leads to an enhancement of the immediate setting of the building.

The existing structural framework of the barn does not appear substantial enough to be capable of residential conversion without a significant degree of physical works. In addition, the proposed works are not considered to enhance the immediate setting of the building, and would have an adverse impact on the character of the site and its surrounding area by reason of the creation of a residential curtilage.

The Local Planning Authority considers the dis-benefits of this development would significantly and demonstrably outweigh the benefits, such that the development is not sustainable development (as defined by the policies of the NPPF taken as a whole).

2. Policy CS13 of the Core Strategy (2010) and saved Policy 14.1 of the Forest Heath Local Plan (1995) require proposals for new development to demonstrate it will not be harmful to, *inter alia*, educational attainment, services and health and confirms that arrangements for the provision or improvement of infrastructure to the required standards will be secured by planning obligation. The following policy compliant package of infrastructure improvements are required to mitigate the impacts of this development:

- Developer contributions towards extending the catchment primary school.
- Developer contributions towards early years education.
- Developer contribution towards the provision of library facilities.
- Developer contribution towards bus stop improvements.

No mechanism is in place to secure the required package of mitigation measures arising from this development and, in the absence of appropriate mitigation the development would have significantly adverse impacts upon the delivery of infrastructure necessary to mitigate the impacts of the proposed development, further reducing its sustainability credentials. The proposals are therefore also contrary to the Framework and the aforementioned Development Plan policies in this respect.

Documents:

All planning application 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=NN3GG7PDHS100>