

Forest Heath District Council

**DEVELOPMENT
CONTROL COMMITTEE**

3 AUGUST 2016

DEV/FH/16/018

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:

1. This application was deferred from consideration at the Development Control Committee meeting on 6 July 2016. Members resolved that they were minded to grant planning permission contrary to the officer recommendation of refusal. At this point, the risk assessment protocol was invoked requiring the further reporting of this matter before a decision is able to be made.
2. A Committee site visit was undertaken on 4 July 2016 at which time Members observed the disused and unkempt state of the site. They also noted the site was not particularly isolated as there were existing residential dwellings adjacent to and opposite the site.
3. At the subsequent Development Control Committee meeting on 6 July 2016 Members considered the material considerations which weighed in favour of and against the scheme. Members considered that the proposal would not create a precedent for further development into open countryside. Members gave greater weight in the balance of considerations to the fact that this is a brownfield site, will provide 2 units of affordable housing on site as well as a footpath link to the village which would also benefit existing residents. The scheme would also contribute (albeit modestly) towards the District's housing need. Whilst the scale of the residential units is not a matter for consideration at this stage, Members also appreciated the indication that the development could provide much needed single storey dwellings.
4. The purpose of this report is to provide a risk assessment for Members in accordance with the Decision Making Protocol, should planning permission be granted for the development contrary to the officer recommendation.

5. The previous officer report for the 6 July 2016 meeting of the Development Control Committee is included as Working Paper 1 to this report. Members are directed to this paper for details of the site and development, summaries of consultation responses and neighbour representations, and for the officer assessment of the proposal.
6. The officer recommendation, which is set out at the end of this report, remains that planning permission should be refused for the reason set out.

Proposal:

7. See working paper 1

Application Supporting Material:

8. See working paper 1

Site Details:

9. See working paper 1

Planning History:

10. See working paper 1

Consultations:

11. See working paper 1

Representations:

12. See working paper 1

Policy:

13. See working paper 1

Officer Comment:

14. Please refer to Working Paper 1, Paragraphs 24 - 78 for the officer assessment of the proposals.

Risk Assessment:

15. The purpose of this report is to advise Members of the risks associated with the 'minded to' resolution to grant planning permission for the development proposal, having regard to the conflict with policy in this case and the officer recommendation to refuse planning permission. For the reasons set out in this report and working paper 1, it remains officers' recommendation that permission be refused. If Members remain minded

to approve the application, they must be satisfied that any risks associated with doing so have been properly considered.

16. Members will recall that the previous officer recommendation was to refuse planning permission 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.

17. If Members remain of the opinion that this application should be approved, they must be aware of any potential risks that may arise. The most significant potential risk in this case is reputational, as development would be permitted that is otherwise considered contrary to the provisions of adopted policy as well as the guidance contained within the NPPF.
18. Officers consider the development proposed in this case to be contrary to policy and does not represent sustainable development. Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require decisions to be made in accordance with the development plan unless there are material considerations that indicate otherwise. This risk arising is reputational

unless effective justification can be given for setting aside this policy conflict.

19. A further significant risk is the effective weakening of the policy position. As decisions are taken that conflict with the clear aims and spirit of the policies, which seeks to ensure development is directed within existing settlements where dwellings are within easy reach of shops and services that serve their communities, then the effectiveness of the policies can be reduced and it becomes increasingly difficult to resist similar proposals in similar circumstances.
20. The application site is within the countryside for planning purposes, being outside of the defined settlement boundary for Beck Row. Within its core planning principles (at paragraph 17) the NPPF requires the recognition of the intrinsic character and beauty of the countryside and the need to actively manage patterns of growth and focus significant development in sustainable locations. In addition the NPPF at paragraph 55 seeks to promote sustainable development in rural areas. JDMP Policy DM5 states that areas designated as countryside will be protected from unsustainable development.
21. For the reasons set out in the Officer Comment section of working paper 1, the principle of development in this case is contrary to the Development Plan policies identified. This alone weighs heavily against the scheme in the balance of considerations. Furthermore, 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.
22. As set out in working paper 1, there are no concerns in relation to design and residential amenity, biodiversity, landscape impacts, noise impacts or highways impacts.
23. 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.
24. 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.
25. 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.

26. 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.
27. 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.
28. The site is approx. 500m from the nearest bus stop on Holmsey Green. There is a very limited bus service in and out of Beck Row. 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.
29. 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.
30. Officers still consider this to be a balanced decision, but remain of the opinion that the benefits of the scheme would not outweigh the potential dis-benefits. For this reason, officers still conclude that the proposal would not constitute sustainable development as set out in the Framework.
31. For these reasons Officers advise that the Committee considers this matter carefully.

Conclusion:

32. 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 remains therefore as one of refusal.

Recommendation:

33. 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.

34. Notwithstanding the above, should Members remain minded to approve this application Officers recommend that the following conditions be imposed:

1. Application for the approval of the matters reserved by conditions of this permission shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. The development hereby permitted shall be begun not later than whichever is the latest of the following dates:-
 - i. The expiration of three years from the date of this permission;
 - or
 - ii. The expiration of two years from the final approval of the reserved matters; or,
 - iii. In the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: To conform with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Details of the appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
Reason: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 (as amended) and to enable to the Local Planning Authority to exercise proper control over these aspects of the development
3. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the following approved plans and documents:
Location plan (received 14.01.2015)
Layout plan 02 B (received 08.02.2016)
Highways improvement layout 150/2014/01
Highways improvement layout 150/2014/02
Highways improvement layout 150/2014/03
Reason: To define the scope and extent of this permission.
4. Demolition or construction works shall not take place outside 08:00 hours to 18:00 hours Mondays to Fridays and 08:00 hours to 13.30 hours on Saturdays and at no time on Sundays or Bank Holidays.
Reason: To protect the amenity of occupiers of adjacent properties from noise and disturbance.
5. No security lights or floodlights shall be erected on site without the submission of details to, and written approval from, the Local Planning Authority.
Reason: To ensure a lighting environment of low district brightness at residential properties and to protect the amenity of the area.
6. The recommendations/mitigation set out in the Ecological Scoping Survey and Bat Survey (both by Hillier Ecology Ltd), both dated July 2014, shall be implemented in full. All enhancements shall be carried out prior to occupation of the dwellings.
Reason: To provide ecological enhancements on the site in accordance with the NPPF.
7. No other part of the development hereby permitted shall be commenced until the existing vehicular access has been improved, laid out and completed in all respects in accordance with drawing no. 150/2014/02; and with a minimum entrance width of 5.5 metres. Thereafter the access shall be retained in the specified form.
Reason: It is necessary to impose a pre-commencement condition in the interests of highway safety to ensure that the layout of the access is properly designed, constructed and provided before the development is commenced.
8. Before the development is commenced details shall be submitted to and approved in writing by the Local Planning Authority showing the means to prevent the discharge of surface water from the development

onto the highway. The approved scheme shall be carried out in its entirety before the access is first used and shall be retained thereafter in its approved form.

Reason: To prevent hazards caused by flowing water or ice on the highway.

9. Before the development is commenced details of the areas to be provided for the [LOADING, UNLOADING,] manoeuvring and parking of vehicles including secure cycle storage shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter and used for no other purpose.

Reason: It is necessary to impose a pre-commencement condition to ensure the provision and long term maintenance of adequate on-site space for the parking and manoeuvring of vehicles, where on-street parking and manoeuvring would be detrimental to highway safety.

10. Before the development is commenced details showing an adequate car turning space within the site shall be submitted to and approved in writing by the Local Planning Authority.

The approved scheme shall be carried out before occupation and shall be retained thereafter and used for no other purpose.

Reason: It is necessary to impose a pre-commencement condition to enable vehicles to enter and exit the public highway in forward gear in the interests of highway safety.

11. Before the access is first used visibility splays shall be provided as shown on Drawing No. 150/2014/02 with an X dimension of 2.4 metres and a Y dimension of 90 metres and thereafter retained in the specified form. Notwithstanding the provisions of Part 2 Class A of the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no obstruction over 0.6 metres high shall be erected, constructed, planted or permitted to grow within the areas of the visibility splays.

Reason: To ensure vehicles exiting the drive would have sufficient visibility to enter the public highway safely and vehicles on the public highway would have sufficient warning of a vehicle emerging in order to take avoiding action.

12. Before the development is occupied the footway and crossing points on Wilde Street shown on drawing numbers 150/2014/01; 150/2014/02 and 150/2014/03 shall be provided. Details of the works shall first be submitted to and approved in writing by the Local Planning Authority.

Reason: To provide a sustainable footway link from the development to the existing footway network of Beck Row in the interests of highway safety and sustainability.

13. The acoustic insulation of the dwelling units within the proposed development shall be such to ensure noise levels with windows closed do not exceed an LAeq(16hrs) of 35 dB(A) within bedrooms and living

rooms between the hours of 07:00 to 23:00 and an LAeq(8hrs) of 30dB(A) within bedrooms and living rooms between the hours of 23:00 to 07:00.

Reason: To protect the amenity of residential occupiers due to the close proximity of RAF Mildenhall and RAF Lakenheath.

A Section 106 has already been signed to secure the affordable housing. There are no other s106 requirements.

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>