

Development Control Planning Application Consultation – Planning Policy comments

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

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

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

NPPF

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

...a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.

For decision-taking this means:

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- *where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:*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

Local Planning Policy

The following documents make up the Forest Heath Local Plan;

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

Emerging Local Plan Policy

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

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

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

Policies particularly relevant to this proposal are set out below:

Forest Heath 1995 Local Plan Saved Policies

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

Forest Heath Core Strategy (2010)

Policy CS1 defines Beck Row as a Primary Village.

It states

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

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

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

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

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

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

f. Consistent with other policies in the development plan.

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

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

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

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

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

Joint Development Management Policies document (JDMPD) (2015)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Policy C is considered within Policy CS8 of the adopted Core Strategy (criteria c).

- Policy H deals with determining planning applications for traveller sites and sets out the issues, amongst other relevant matters, to be considered;

a) the existing level of local provision and need for sites

b) the availability (or lack) of alternative accommodation for the applicants

c) other personal circumstances of the applicant

d) that the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites

e) that they should determine applications for sites from any travellers and not just those with local connections'

These issues are considered in turn below:

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

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

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

d) *'locally specific criteria'* – Policy CS8 of the adopted Core Strategy sets out the locally specific criteria against which any applications for a gypsy and traveller site should be determined. This is considered in further detail below.

e) *'determine application for any travellers – not just those with local connections'* – The applicant has provided evidence of local connections

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

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

Para (27) However advises that if LPAs cannot demonstrate an up to date 5 year supply of deliverable sites, this should be a significant material consideration in any subsequent planning decision when considering applications for the grant of temporary permission.

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

Gypsy and Traveller Accommodation Assessment 2016

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

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

The criteria in CS8 are considered in turn below:

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

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

b) Adequate access, parking and manoeuvring for vehicles.

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

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

c) Appropriate in scale to the nearest settled community.

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

d) Impact on the landscape, environment and biodiversity.

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

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

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

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

f) Consistent with other policies in the development plan.

Relevant policies are listed above and considered in this report.

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

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

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

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

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

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

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

4. Mitigation of the impact of visual amenity

See comments to criterion d) above.

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

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

Conclusions

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

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

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

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

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

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

**Planning Policy
February 2017**