

# Forest Heath District Council

**DEVELOPMENT  
CONTROL COMMITTEE**

**3 JUNE 2015**

**DEV/FH/15/019**

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

**PLANNING APPLICATION DC/14/2384/FUL - CARAVAN MOBILE SITE, ELMS  
ROAD, RED LODGE**

## **Synopsis:**

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

## **Recommendation:**

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

## **CONTACT OFFICER**

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# Committee Report

**Date** 19<sup>th</sup> December      **Expiry Date:** 3<sup>rd</sup> June 2015  
**Registered:** 2014

**Case Officer:** Sharon Smith      **Recommendation:** Refuse planning permission  
**Parish:** Red Lodge      **Ward:** Red Lodge

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

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

**Applicant:** Mr H Stretton

## Background:

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

**The application is recommended for REFUSAL.**

## Proposal:

1. Planning permission is sought for the change of use of land to a residential caravan park for 4 no. related gypsy families.
2. The proposal includes the provision of 4 no. mobile homes, 6 no. caravans and 4 no. day rooms.
3. The application has been amended since submission by the submission of details relating to proposed levels and sections across the site, and by the submission of a Phase 1 Desktop Contaminated Land Survey.

## Application Supporting Material:

4. Information submitted with the application is as follows:
  - Signed application forms (including ownership certification).
  - Drawings (including location plan, plan showing the areas of existing and new development, proposed site layout plan, a plan showing the proposed fencing and a plan of the utility/day rooms).
5. Additional plans were requested and received on 18<sup>th</sup> March 2015, which

included details of the levels and sections through the site. Those plans were the subject of reconsultation.

6. A stage 1 contamination report was also requested from the agent, which was received on 20<sup>th</sup> March 2015 and was the subject of a full reconsultation.

#### **Site Details:**

7. The site lies to the west of Red Lodge, and is separated from the village by the A11.
8. The site is located to the south of Elms Road and to the west of Bridge End Road, and forms part of a former landfill site that is currently left in an untended, naturalised condition.
9. The site comprises a long parcel of land that runs from the roadside edge at the northern end and continues south-westerly to a point approximately 150 metres in length. The site is 40 metres in depth.
10. At the southern end of the site is a parcel of land that was granted planning permission in 2011 for the *"change of use of land to use as a residential caravan site for two gypsy families with a total of 5 caravans including the erection of 2 amenity buildings and the erection of a 2 metre high boundary fence"*. This is an extant planning permission.
11. Access to the site would be achieved from an existing track that is located to the west of the land, and which runs directly from Elms Road. The roadside boundary with Elms Road is formed by a mature hedgerow, which terminates at the access point. A gate currently exists across the access point, which is set back some distance from Elms Road.
12. A bridleway runs along the northern and eastern boundaries of the land leading down Bridge End Road and crossing the A11 some distance to the south. A public footpath runs to the south of the properties on Bridge End Road, crossing the A11 at the footbridge and leading into Red Lodge along Heath Farm Road.

#### **Planning History:**

13. In January 2011, planning permission was granted on an adjacent piece of land for the change of use of land to a use as a residential caravan site for two gypsy families with a total of 5 caravans, including the erection of 2 amenity buildings and the erection of a 2 metre high boundary fence under Council reference F/2010/0012/FUL. This permission relates to the parcel of land immediately to the south west of the application site.
14. In September 2011, the Council approved an application to vary condition 3 of the above permission to allow the removal of an earth bund and its replacement with screen fencing and a landscaping strip. This bund was subsequently removed. This permission is considered to be extant, but where occupation of the site has not yet occurred.

15. Prior to this, the site was used historically for landfill, and there is a history of permissions for this use dating back to the late 1980s.

**Consultations:**

16. Highway Authority – recommends conditions relating to the areas to be provided for the storage of refuse/recycling bins; gates to be set back a minimum distance of 5 metres from the edge of the carriageway; areas for the parking of vehicles and cycle storage to be provided; and the provision of visibility splays.
17. Environment Agency – initial comments were to object to the proposal and comments (summarised):
  - The site is potentially contaminative, which the application form fails to recognise. The site is considered to be of high sensitivity and could present potential pollutant/contaminant linkages to controlled waters.
  - Object as there is insufficient information to demonstrate that the risk of pollution to controlled waters is acceptable.
  - Therefore, an assessment of potential contamination in the proposed development site, an assessment of the pollution linkages that the development could introduce, and consideration for the risk posed by surface water drainage, foul water drainage and foundations will need to be undertaken.
  - Indicates that the applicant should provide a Preliminary Risk Assessment, including a Desk Study, Conceptual Site Model and initial assessment of risk.
  - Provides information regarding changes to the way in which small sewage discharges will be regulated.

Revised comments received 9<sup>th</sup> April 2015 following consideration of the contamination report:

Are satisfied with the level of information submitted in the Desktop Study and would be minded to withdraw their objection if conditions are imposed relating to:

- The submission of a remediation strategy.
- Measures to deal with any unidentified risks encountered during development.
- A scheme for surface water disposal to be submitted and approved.
- Pilings and foundation designs and investigatory boreholes using penetrative methods shall not be permitted.
- A scheme of foul drainage to be submitted and approved.

In respect of the additional plans a response was provided saying no further comment to make to previous letter.

18. West Suffolk – Environmental Health – recommends a condition relating to the submission of a contaminated land assessment, and the requirement for mitigation if contamination is identified.

Further comments received 9<sup>th</sup> April 2015 - Subsequent to the receipt of the Phase 1 Contaminated Land Desk Study, there is potentially a high risk that may affect site workers, future residents, and controlled waters due to the historical use of the site. Recommends conditions requiring further investigation, reporting and remediation prior to any development being carried out.

19. West Suffolk – Strategic Housing – supports the application as it is helping to contribute towards the need for more Gypsy and Traveller pitches as identified through the Gypsy and Traveller Accommodation Needs Assessment.
20. Suffolk County Council - Rights Of Way – No objections, but draws attention to the applicant's responsibilities in terms of the Bridleway 5, which lies adjacent to the site.

In respect of additional plans, no further comment to make in addition to our original response dated 6<sup>th</sup> April 2015 concerning Bridleway 5.

21. Suffolk County Council – Minerals and Waste – makes comments (summarised):
- The land lies within a Minerals Consultation Area.
  - Notes that the application land comprises part of a former landfill site that is now in agricultural use.
  - It is unclear from the site location plan where the boundary lies between the former landfill site and the proposed development footprint of the structures.
  - Comments that it is unclear how the boreholes identified in the historic contamination report relate to the proposed development.
  - It is unclear how the foundations of structures would inter-relate with the former landfill contents/capping, or how drainage would work.
  - Recommends consultation with the Environment Agency.
  - Comments on the lack of information within the Design and Access Statement.
  - Questions whether there is sufficient information on which to consider the application at this stage.
22. Suffolk County Council – Development Contributions Manager - makes comments (summarised):
- The agreed countywide threshold, which triggers a corporate infrastructure assessment is 10 dwellings and above. On this basis we will not be seeking infrastructure contributions due to the scale and nature of the proposed development.
  - In terms of the local primary school situation, there is significant pressure

on St Christopher's CEVC Primary School.

- The agreed strategy is for the county council to establish a new primary school to serve the growing community.

### 23. Planning Policy

The planning policy officer's comments, which were received after this report was drafted, are appended, in full, to this report.

### **Representations:**

#### 24. Red Lodge Parish Council (summarised) Objections and Comments:

- The site is outside the masterplan boundary.
- There is no policy to allow gypsy settlements within Red Lodge.
- The grant of permission has expired. There was a limited constraint that it was to be family only use granted at one time. What is the definition of family?
- There is pressure on the current school with no spaces available.
- SCC has raised issues concerning this being a landfill site and therefore there may be drainage problems. This needs to be referred to the Environment Agency.
- The road into the site is currently not wide enough for two way traffic.
- Bad visibility to the right on exiting the site which could cause accidents.

Red Lodge Parish Council subsequently commented on 17<sup>th</sup> April 2015 that, following consideration of the additional information, the objection to the application was confirmed.

#### 25. Freckenham Parish Council raises no objections but makes the following comments (summarised):

- The LPA should be satisfied there are no contamination risks (animals grazing on the site have died unexpectedly).
- The development should be strictly in accordance with the plans.
- A limit should be put on the number and size of commercial vehicles.
- No commercial activity should take place on site.
- The track is not wide enough for two vehicles to pass.
- If approved, it should be a personal permission to the applicants.

Subsequent comments received 2<sup>nd</sup> April 2015, stating it is clear that the proposals should not be granted approval due to the high risk of ground gases causing harm to site workers, end users and within buildings and the moderate risk of contaminates within the soil and ground water.

#### 26. Herringswell Parish Council requests the opportunity to consider the matter further once the additional information from the Environment Agency and other consultees is submitted.

#### 27. Ramblers – raises no objections, subject to the adjacent boundary fencing being kept in a good state of repair. Notes that the Bridleway is not shown on the

plans, and that the overgrown state of the Bridleway has been reported to SCC.

28. 10 letters have been received from local residents including at the following addresses raising objections to the proposed development;

- Moulton Manor Farm, Nr Newmarket
- Hydes Barn, Elms Road, Freckenham
- The Roost, Bridge End Road, Red Lodge
- Elephanta, Bridge End Road, Red Lodge
- Upton Suffolk Farms, Park Farm, Herringswell
- Blandings Farm, Badlingham
- Longview, Bridge End Road, Red Lodge

29. The issues and objections raised are summarised as follows:

- The site is outside the settlement boundary for this area, and there is no justification or enabling reason why the development should be granted other than within a settlement limit.
- It would set yet another precedent for further planning applications in the future, and in 10 years time there could be a very large number of caravans on site (up to 38-40).
- Subsequent applications are likely to be made for 4 caravans per plot, where each plot has a mobile home.
- Increased traffic onto very small country roads.
- Concern that other illegal points of access will be created and these will be dangerous to other highway users.
- There could be an isolation problem, particularly with regards to bringing up children.
- There could be no school places locally, as schools are already at breaking point. 5 children have been identified in the application, as well as an intention to extend the families further. There is no capacity for this.
- It would be very unwise to have people living close to or even on top of the infilled pit.
- There were rumours that there was a problem with sheep grazing this summer, and that this is being investigated by the Environment Agency on health and safety grounds.
- There is enormous local objection to this, which should be taken into account.
- The development is unsustainable, as future occupants would be wholly reliant on the use of the private car, thus increasing emissions and contributing towards climate change.
- The proposed development does not fall within any of the 'special circumstances' set out at paragraph 55 of the NPPF.
- All of the proposed gypsy families would need to access local services by car.
- The junction of Bridge End Road and Elms Road is on a partial bend, and is dangerous for existing residents and road users.
- Elms Road is a rat run, used increasingly by HGVs and agricultural vehicles, and US employees at the local air bases. On numerous occasions, American drivers have been witnessed on the wrong side of the road having left the A11.
- Whilst the application would assist in delivering gypsy pitches in the FHDC

area, given that there are other gypsy sites in the village, a further 7 families is excessive and would dominate the local community.

- The resourcing issues that the Council has faced would make it difficult to contain the numbers on this large site, and enforcement will be difficult and protracted, so the site may well become an illegal encampment for an undetermined number of permanent and transient travellers.
- Notes that Freckenham Parish Council has raised concerns over contamination at the site, and that some animals grazing here for less than 48 hours died unexpectedly.
- The contamination reports are out of date and unprofessional and cannot be viewed as acceptable.
- The design and access statement is very light on information relating to the land in general, and little to no information on construction arrangements, land disturbance and up to date contamination reporting.
- Insufficient information is provided with the application as to the applicants' local connections.
- Policy C of the PPTS identifies that gypsy sites should not dominate local communities. The application is a large site which, if approved, would dominate the local community.
- The contamination information is inadequate and is surprised that the application was validated.
- All types of materials were deposited at the landfill site and, therefore, it is unsuitable for residential habitation.
- There must also be questions about the stability of the land.
- We are yet to see any planting of trees or shrubs on this area, so proposed planting is unlikely to be successful. Site would be very exposed in the area.
- Elms Road is a narrow road with no footpaths and street lights, and the new estates at Kings Warren and Wimpey site are drawing a lot of traffic from each direction.
- The proposal seems very hazardous for many reasons; subsidence, disturbance, drainage, contamination etc.
- This is an application requesting an exception based on the status of the applicant. There is no policy for Red Lodge that requires an exception to be made. The application should be treated as any third party open market application, without exceptions.
- A gypsy house should be protected from related health and safety issues in the same way as an open market house.
- The health and safety of the applicant is at risk, and there is considerable liability attached to granting a consent.
- Any development that affects the integrity of the landfill restoration, which was carried out in accordance with a site restoration plan, by breaking the site encapsulation risks destabilising the site and exacerbating the pollution risk to the occupier and adjacent properties.
- The Environment Agency should be consulted on foundations and drainage. Until the EA confirm that there is no on site or off site risk, the site should remain undeveloped.
- If the application is granted, it should be subject to the same controls, financial contributions and planning conditions that would be imposed on any equivalent residential applications.
- The development of this site imposes additional infrastructure requirements on the district.



- The development should be restricted until at least the new school is delivered.
- Can understand the reasons why the families wish to settle on this site, but this seems quite a lot of caravans and mobile homes for these sites.
- If permission is granted, would this be in addition to the 5 caravans already permitted?
- Will monitoring of the site continue?
- The applicant has filled in all of a drainage ditch along one side so all of the rainwater runs onto our boundary.
- The addition of nine caravans and hardstanding is going to mean water will run onto Elms Road, making a driving hazard.
- Concerns regarding wildlife that lives on the site, including skylarks and lapwing.
- The contamination report needs further investigations into the findings.
- The natural water table can be seen in the quarry across the road from this site.
- Contaminants could find their way into the underground waterways.

### **Policy:**

30. The application has to be determined in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise. At present, the Development Plan comprises:
- Forest Heath Core Strategy (May 2010)
  - Remaining saved policies in the Forest Heath Local Plan (1995)
  - The Joint Development Management Policies Document (February 2015)
31. The following policies within these documents are of particular note in the consideration of this application:

#### Core Strategy

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

#### Joint Development Management Policies Document

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

#### National Policy

The following Central Government planning guidance are material considerations in the making of planning decisions:

- The National Planning Policy Framework (2012)
- National Planning Practice Guidance (2014)
- Planning Policy for Traveller Sites (2012)

32. The National Planning Policy Framework (the Framework) sets out the government's planning policies for England and how these are expected to be applied.

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

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

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

35. This presumption in favour of sustainable development is further reinforced by advice relating to decision taking. Paragraph 186 of the Framework requires local planning authorities to "approach decision taking in a positive way to foster the delivery of sustainable development". 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".

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

37. Central Government recently undertook consultation in respect of changes to national planning policy and Planning Policy for Traveller Sites (PPTS) with a view to strengthening policy in these areas. The proposals relate primarily to changes to PPTS, although some would apply to the settled community and would involve changes to wider national planning policy. The consultation document states that the Government remains committed to increasing the level of authorised traveller sites in appropriate locations, to address historic undersupply, as well as to meet current and future needs. However, the Government also believes that further measures are needed to ensure that

planning rules apply fairly and equally to both the traveller and settled community. The Government's view is that where travellers have ceased to travel, then they should be treated no differently to members of the settled community.

38. The consultation ended on 23th November 2014 and currently analysis of the feedback is taking place. There has been no change to Planning Policy for Travellers Sites to date, therefore it remains the current national policy position to be considered and applied in the determination of this application.

**Officer Comment:**

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

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

Principle of Development

40. At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development. The policies in paragraphs 18 to 219 of the Framework, taken as a whole, constitute the Government's view of what sustainable development means in practice for the planning system. It goes on to explain that there are three dimensions to sustainable development:
- i) economic (contributing to building a strong, responsive and competitive economy),
  - ii) social (supporting strong, vibrant and healthy communities) and,
  - iii) environmental (contributing to protecting and enhancing our natural, built and historic environment;)
41. 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.
42. The provision of gypsy and traveller sites in rural areas is not, in principle, unacceptable. Provision is made within PPTS 2012 for the consideration of traveller sites in rural areas and the open countryside, but indicates that local planning authorities should strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan. Local planning authorities should ensure that sites in rural areas respect the scale of, and do not dominate the nearest settled community, and avoid placing an undue pressure on the local infrastructure.

43. The extent to which planning policy provides for the proposed development, and the manner in which this application should be considered, is set out within the later sections of this part of the report.

#### Planning Policy Considerations

44. National guidance in the form of PPTS seeks to, inter alia, ensure fair and equal treatment for travellers, in a way that facilitates the traditional and nomadic way of life of travellers, while respecting the interests of the settled community.
45. Within the guidance, '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 or permanently, but excluding members of an organised group of travelling show people or circus people travelling together as such*'.
46. In relation to plan making, the guidance is clear in Policy B of the PPTS that '*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 a criteria based policy which conforms to this guidance and will be discussed later in this section of the report.
47. In relation to sites in rural areas and the countryside, the PPTS states in Policy C that, '*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*'.
48. Policy H of the PPTS sets out information on determining planning applications for traveller sites and sets out the issues, amongst other relevant matters, to be considered:

- a) **the existing level of local provision and need for sites** – The GTNA shows an unmet need for 9 additional pitches within the District for the period 2011-2016.

The applicant identifies that the family are true Romany travellers who are actively pursuing a more settled lifestyle in the interests of their childrens' educational needs and for their health and safety, although there is still an intention to travel. The extent to which this need can be met by the proposed site is considered later in this report.

- b) **the availability (or lack) of alternative accommodation for the applicants** – The application does not address why the need cannot be met from other sites including The Sandy Park site, which appears to have availability of alternative accommodation.
- c) **other personal circumstances of the applicant** – The application contains some information about the need for a settled site to provide access to healthcare and education services. However, this is not considered to be specific to the application site. The education requirement is considered in more detail later in this report.

- 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** - 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) **that they should determine applications for sites from any travellers and not just those with local connections** - This guidance is being followed in the determination of this application.

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

50. Policy CS8 of the Core Strategy is a criteria based policy for the assessment of proposals for gypsies, travellers and travelling showpeople, as advised in PPTS. The policy provides criteria by which to consider sites and proposals for gypsies and travellers. These criteria will be considered within the relevant sections of this report, as follows:

#### Need and Supply

51. Policy CS8 requires that proposals meet identified needs, including the mixture of types of accommodation and tenures. However, this needs to be considered in light of the other material planning considerations.

52. There is an unmet need for 9 additional pitches in Forest Heath for the period 2011-2016. However, any proposal must also be acceptable in terms of local plan policy.

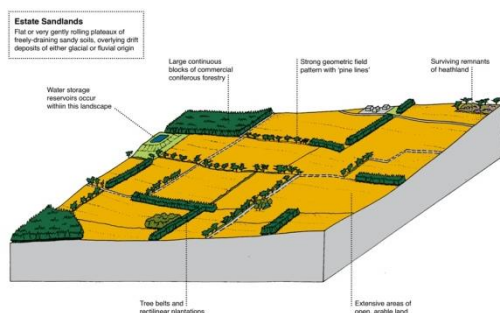
53. The Council is aware that there are currently a number of pitches, potentially as many as 11, available at the Sandy Park site in Beck Row. This site is approximately 7 miles from the appeal site, and is a well established gypsy and traveller site. No evidence has been provided as to why the applicant could not utilise this established site and why this site cannot meet their need.

#### Ecology and Landscape (Natural Heritage)

54. In respect of ecology and landscape, Policy CS8 requires consideration of the impact on the landscape, environment and biodiversity, and mitigation of the impact on visual amenity.

55. As discussed, the proposal provides for the siting of the buildings and caravans in an elevated position due to the topography of the land where mounds form part of the reprofiled landscape following the historic landfill. This would result in an incongruous, visually prominent form of development extending in a linear form within the countryside setting when viewed from Elms Road and within the wider countryside.

56. The proposal is to utilise these mounds where the mobile homes, caravans and day rooms will be sited on this raised ground.
57. The Council's landscape Officer comments that the site is located within the 'Estate Sandlands' which defines 'the Brecks'. The landscape in the vicinity of the site is typical of the character type as illustrated by the composite character feature sketch below with wide open geometric areas and bold rectilinear tree screens and hedges.



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

### Biodiversity

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

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

62. The site forms part of a former landfill site.
63. The application has been supported by a Phase 1 Desktop Land Contamination Report, dated 19<sup>th</sup> March 2015, which considers the potential for contaminants to impact on the development, the extent of any such impacts and whether the development can be carried out safely. This report concludes that:
  - Based on the conceptual site model and risk assessment there is a high risk of a significant pollutant linkage that could affect site workers, end users, controlled waters and buried services.
  - Additional investigation should be undertaken, which should be agreed with the Council's Environmental Health Officer before being undertaken.
  - The report should be forwarded to the relevant statutory consultees including the Environment Agency and Local Authority to seek their comments and subsequent approval prior to site works commencing.
64. The report was the subject of a full reconsultation, which included the Environment Agency and the Council's Environmental Health service. It should be noted that the Environment Agency are minded to withdraw their initial objection, subject to the imposition of conditions related to the submission and approval of a scheme of investigation and remediation of any contaminants encountered, and also the submission and approval of schemes for foul and surface water drainage.
65. This position is also reflected by the Council's Environmental Health service, who also recommended conditions in respect of the investigation and remediation of contaminants prior to the development proceeding.
66. In light of the advice from the Environment Agency and the Council's Environmental Health service, the issue of possible contamination resulting from the development can, it is suggested, be controlled by conditions. For clarity, this would require the details to be provided and approved prior to any other part of the development being carried out (i.e. the development could not proceed until the investigations, and any necessary remediation, has been completed).
67. Therefore, in the event that planning permission is granted, in this case, it would be necessary to include these conditions on the decision.
68. The site does not lie within an area that is identified as being liable to flooding. Concerns have been expressed by local residents that water runoff resulting from the proposed development, including the hardstanding, could give rise to water being dispersed onto the road, and also that any proposed drainage systems could allow contaminants into the water system. In response to this, the EA have recommended conditions requiring both surface water and foul drainage systems to be submitted and approved prior to the development being carried out. These matters can, therefore, be addressed by conditions.

### Design, Layout and Residential Amenity

69. The proposal would result in a linear form of development following the alignment of the existing track that would serve the plots. Due to the topography of the land, the development would be elevated above the track level and would, as discussed, be prominent in the landscape.
70. An area to the north end, adjacent to Elms Road, would be retained as an animal compound, grazing area and tree screening area. There would then be two equal sized plots created between this area and that which was granted planning permission in 2011. These plots would be set out in an identical layout, with a mobile home to either side of each plot, a day room associated with each mobile home to the rear of the plots, and the 6 caravans spread equally (3 per plot) set between the day rooms at the rear of the plot.
71. A total of 9 parking spaces for each of the two plots would also be provided.
72. The pitch sizes are, themselves, of sufficient size to ensure that the living accommodation has sufficient space around it and that the development is not overcrowded on the plot. Policy CS8 requires that pitch sizes facilitate good quality living accommodation without overcrowding or unnecessary sprawl, and it is considered that the proposed layout would comply with this element of the policy.
73. Landscaping is proposed to each of the boundaries of the plots. This is identified as being a mixture of native planting that mirrors that which was proposed in respect of the existing site, granted planning permission in 2011. The planting is therefore proposed to provide visual continuity, and thereby have a relationship with the existing planting on the land.
74. The proposed plots would be separated from the residential properties that lie to the south by the existing site that was granted planning permission in 2011 or, if approved, the alternative scheme that members are also considering. As stated, in respect of that site an extant permission exists and that is a material consideration in determination of the other application before members of this committee. There would, therefore, be no common boundary between the application plots and the residences to the south. However, as discussed this proposal would run alongside the track and would result, if approved, in the extension of a linear form of development within the countryside.
75. In light of this, it is considered that the proposed development would not be such that would give rise to an unacceptable loss of amenity to those existing properties. There are no other properties in the immediate vicinity that could be affected by the proposals.
76. The provision of the amenity area to the north end of the site provides an area of open space for the grazing of animals, whilst also providing a break between Elms Road and the built up plots. The extent to which the landscape character is affected has already been considered in the Ecology and Landscape section of this report. Notwithstanding this, the manner in which the plots have been laid out is considered to be acceptable, in terms of the quality of life of the proposed occupiers.



### Highway Issues

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

### Sustainability

81. The justification statement submitted with the application identifies that the location of the site is within walking or cycling distance of Red Lodge, where there is a Doctor's surgery and a post office/general store.
82. Access to Red Lodge by cycle or foot would be facilitated by travelling along the bridleways/footpaths from Elms Road, along Bridge End Road, over the A11 footbridge and then into the village via Heath Farm Road. Alternatively, it would be necessary to travel down Elms Road, along the B1085 and then back into Red Lodge via Newmarket Road.
83. The latter option is not considered to be practical given the lack of footways, the unrestricted speed limits and the need to navigate the roundabouts at the end of the B1085 and Newmarket Road. The first option would, by virtue of the position of the post office/store, take approximately 35-40 minutes to reach on foot. This would mean a round trip of 1 hour and 20 minutes to walk to the store and return.
84. In comparison, a trip by car would result in a round trip of approximately 12 minutes. It is, therefore, extremely unlikely that it would be convenient for the occupiers of this site to make use of alternative methods of transport to carry out their day to day activities. This would be even less likely during the winter months, when weather conditions are poor.
85. The site is physically divided from the village of Red Lodge by the A11. It does not, therefore, read as part of the village, and this position is accentuated by the rural setting and open landscape in the locality, which gives the site an isolated, countryside, position.
86. However, the issue of sustainability requires consideration of more than just the physical relationship of the site to its surroundings, and the access to services

and facilities that the location offers. The justification statement identifies a desire to provide a settled base for the families, where there is a history of occupancy of transit sites and occupation of temporary sites, where the occupants are regularly moved on. There would, therefore, be particular social benefits for the families arising from consolidation on a single site. The quality of life available to the families would be improved, and a more settled existence would be likely to give rise to improved health and wellbeing.

87. Furthermore, there is a desire to have a settled base for the purposes of employment. Whilst the application does not provide information on the types of employment sought/engaged in, it is not unreasonable to surmise that a settled base would enhance the prospects of more regular employment being sourced.
88. However, none of these points appear to be specific to the application site. No case is made that any of the families are employed locally, nor has it been demonstrated that access to health care or education can be secured at this site in preference to any other. Indeed, as considered later in this report, access to education would not be possible in the locality. Therefore, whilst the potential benefits that may arise from a settled base are acknowledged and understood, these are not site specific and will therefore be given due consideration in the making of the decision on this proposal. Furthermore, no justification has been given as to why the other sites, such as Sandy Park, cannot provide the accommodation.

## **Other Matters**

### Access to Education

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

## Planning Permission F/2010/0012/FUL

92.Planning permission was granted in 2011 for the change of use of land to a use as a residential caravan site for two gypsy families with a total of 5 caravans, including the erection of 2 amenity buildings and the erection of a 2 metre high boundary fence. It appears that this permission was implemented through the erection of the boundary fence, and the subsequent removal of the bund that was the subject of a variation of conditions application in September 2011.

93.The site does not appear to have been occupied by residential caravans since those permissions were granted, but the existence of this extant permission is a material consideration in this case. Whilst there have been developments/changes in national and local planning policy since the grant of those permissions, the fact remains that that this part of the site remains capable of being used for occupation by two gypsy families. This application proposes an additional area, extending the area of occupation.

### **Conclusion:**

94.The applicant identifies a desire to provide a settled base for the families, giving improved access to education, employment and health care.

95.Whilst the benefits of a settled base for the site occupiers are appreciated, the justification made is not specific to this site and, in actuality, would be very unlikely to provide access to education for the five children to occupy this site, due to the lack of capacity at the nearest primary school.

96.Furthermore, the site lies in a position where access to facilities and services is likely to be accessed predominantly by car, thereby providing a reliance on motorised transport to service the day-to-day needs of the site occupiers. Whilst there is an extant permission for occupation of part of the other site by two gypsy families, the intensification of such a use and extension of the site in the manner proposed needs to be considered in the context of the planning policy provisions, and in light of any other material considerations.

97.The site lies in a prominent position in an elevated position, due to the reprofiled landscape following historic landfill where the proposed development would be elevated, visually prominent and incongruous. This detrimental impact is considered to be such that would give rise to significant harm to the landscape, and the material factors weighing in favour of the proposal would not outweigh the extent of the harm caused.

98.The wider need for gypsy and traveller sites in the District is outweighed by the significant harm that the introduction of 4 mobile homes, 6 caravans and 4 day rooms will cause to the character and appearance of the countryside in this location.

99.Therefore, on balance, the proposal is considered to be unacceptable by the resultant unacceptable detriment to the character of the landscape, contrary to the provisions of policies CS3, CS8 and CS10 of the Forest

Heath Core Strategy and DM1, DM2 and DM13 of the Joint Development Management Local Plan Document.

**Recommendation:**

100. It is recommended that planning permission be **REFUSED** for the following reasons:
1. The proposed development would result in a detrimental impact to the character and appearance of the countryside, by virtue of the domestic and urban appearance of the site on the wider landscape. The site lies in a prominent location on Elms Road where views into the site are readily available which, notwithstanding the proposed landscape planting, would remain available through the access and at a number of points where landscaping would not break up such views. Such views would provide detriment to the appreciation of the general character of the locality, which is predominantly undeveloped. Furthermore, the provision of the proposed number of buildings within such close proximity to each other within a rural location would appear alien and intrusive in the rural environment. The proposal is, therefore, considered to be contrary to policies CS2 (Natural Environment), CS3 (Landscape Character) and CS8 (Provision for Gypsies and Travellers) of the Core Strategy, as well as Policy H of the PPTS (2012) and Policies DM1, DM2 and DM13 of the Joint Development Management Policies document. Therefore, for all of these reasons, and in the absence of an identified overriding need for the occupants to reside on this site, the development is contrary to the development plan.

**Documents:**

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

<https://planning.westsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=NGME6KPD03E00>

Alternatively, hard copies are also available to view at Planning, Planning and Regulatory Services, Forest Heath District Council, District Offices, College Heath Road, Mildenhall, Suffolk, IP28 7EY