

Forest Heath District Council

**EXTRAORDINARY
DEVELOPMENT
CONTROL
COMMITTEE**

24 FEBRUARY 2014

DEV14/104

**Report of the Head of Planning and Regulatory
Services**

**PLANNING APPLICATION F/2013/0061/HYB - KENTFORD LODGE,
HERRINGSWELL ROAD, KENTFORD**

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

Parish: Kentford **Committee Date:** 24 February 2014

App. No: F/2013/0061/HYB **Date Registered:** 26 February 2013

Expiry Date: 24 May 2013

Proposal: Hybrid application: Full application - erection of 98 dwellings and garages (including 30 affordable dwellings), creation of a new access onto Herringswell Road and upgrading of existing accesses onto Herringswell Road and Bury Road, the provision of amenity space and associated infrastructure. Outline application - erection of up to 579 square metres of B1 office employment space. (Major Development, Departure from the Development Plan and Development Affecting the Setting of a Listed Building) as amended by plans received on 05.09.2013 reducing the number of dwellings to 60 (inc. 18 affordable).

Site: Kentford Lodge Herringswell Road Kentford

Applicant: Robert Bryce, Kentford Developments Ltd & Pigeon Investment

Background:

This application is referred to Development Control Committee due to its complex and controversial nature. It is also one of two major applications for residential development which remain to be determined in the same village.

Kentford Parish Council object to the application because they consider the development is far too large for a small village; Herringswell Road cannot sustain any further traffic; the proposed access onto Bury Road is at a point where vision is impaired; local schools are at full capacity and the site impinges on the setting of a listed building.

The application is recommended for APPROVAL subject to the signing of a S106 Agreement.

Application Details:

1. As submitted the application sought outline approval for 579 square metres of B1 office space and full planning permission for 98 dwellings including 30 affordable units. A new vehicular access is proposed off Herringswell Road, the provision of amenity space and associated infrastructure. The existing access that serves Kentford Lodge will also be retained and upgraded.
2. The employment land is in the north east corner of the site. The affordable housing runs along the north boundary of the site. The remainder of the site provides for a mix of types and sizes of residential accommodation.

3. There is a significant amount of open space dispersed in areas around the site to the south, west and within the residential development itself.
4. A pedestrian/cycle access link through the site is achieved along the western boundary and connects with Bury Road in the south west corner of the site.
5. Kentford Lodge itself is outside the application site and will retain extensive grounds to ensure a suitable setting is maintained.
6. New pedestrian crossings are proposed on Bury Road and Herringswell Road.

Amendments:

7. A number of amendments have been submitted during the life of the application to overcome concerns raised by consultees and Officers. The most recent amendment reduces the scheme to 60 units. This includes 18 affordable units (a mix of 1, 2 and 3 bed units) and 42 open market units (a mix of 3, 4 and 5 bed units).
8. There are 4 main areas of open space proposed:
Area A – to the west of the site (approx. 0.9ha)
Area B – within the residential development on the eastern side (approx. 0.1ha)
Area C – within the residential development close to the centre of the site (approx. 0.19ha)
Area D – to the south of the site (approx. 0.3 ha)
The open space areas exclude the SUDs areas, however, the SUDs have been designed to be used as additional amenity space.
9. The amendments have achieved a number of layout changes. It has increased the amount of undeveloped space enabling new landscaping and open space to screen the development from the church. The garden area to be retained by Kentford Lodge has increased. More of the lodge's outbuildings have now been retained. Increased landscaping now better links the proposed open space areas.

Site Details:

10. The site is located close to the centre of Kentford, to the north of Bury Road and west of Herringswell Road and covers an area of approx. 5.69 hectares. It is currently land associated with Kentford Lodge (garden, paddocks etc) and lies outside of the defined settlement boundary for Kentford.
11. The site is currently accessed from two accesses off Herringswell Road. Kentford Lodge also has a private access off Bury Road. The River Kennet runs along the western edge of the site, with open countryside beyond. The north western corner of the site adjacent to the river falls within flood zones 2 and 3. The levels on the site vary greatly, rising from the river and Bury Road to the north and east. To the north is the landscaped embankment to the A14. To the east is Herringswell Road and further residential properties. To the south is St Marys Church which is Grade II* listed and various styles and ages of property fronting onto Bury Road.
12. The site benefits from significant screening along all of its boundaries.

Kentford Lodge benefits from an extensive landscape setting with a mix of open fields/paddocks as well as wooded areas.

13. Kentford has a range of basic local services and facilities, which is the reason it has been designated as a Primary Village in Core Strategy Policy CS1. These include a post office and convenience store, two public houses (The Cock and The Bell), St Marys Church and employment areas at the eastern and western ends of the village.

Application Supporting Material:

14. The application is accompanied by the following documents:

- i. Various plans
- ii. Planning, Design & Access Statement
- iii. Tree Surveys & Arboricultural Impact assessment
- iv. Noise assessment
- v. Landscape Strategy
- vi. Heritage Assessment
- vii. Archaeology Assessment
- viii. Ecological Report
- ix. Habitats Regulations Assessment
- x. Bat Report
- xi. Transport Assessment
- xii. Travel Plan
- xiii. Land Contamination Assessment
- xiv. Air quality assessment
- xv. Site waste management plan
- xvi. Flood Risk & Waste water Assessment
- xvii. Statement of Community Involvement
- xviii. S106 statement

15. The Planning Design & Access Statement submitted states:

'The development has been designed to be a low density and well landscaped extension to the village. This will make it an attractive looking development and also a high quality place to live. The application site relates well to the existing built up area of the village and is central to it. The development is providing good access routes through to the established areas of the village, and it protects and enhances key features in the village such as important buildings and roadside trees. A useful new access route will be created from the development alongside the church to Bury Road. This will serve the new development and could also provide an attractive alternative for residents in existing properties in Herringswell Road. The site is the only natural infill in the village which can meet its long term growth needs. The potential of the site has been recognized in the documents submitted to support the Core Strategy in its examination, and in the draft site allocations documents. The allocation of the site was proposed in the 2006 Forest Heath LDF Site Specific Policies and Allocations Issues and Options, and in 2010 in papers put to the Planning Committee by officers.'

16. The supporting information provided places significant weight on the National Planning Policy Framework in terms of the Council's absence of a five-year land supply and 'the presumption in favour of sustainable development' to ensure that an adequate supply of housing land is provided. This consideration is discussed in more detail within the officer comments.

Planning History:

- 17.F/88/1082 – outline for 30 dwellings – refused
F/89/30 – outline for 5 dwellings – refused – appeal dismissed

Consultations:

18.**Suffolk County Council Planning Obligations** provide advice on a range of planning matters including S106 developer contributions:

- Primary Education - Based on existing capacity at Moulton Primary School, contributions towards providing 15 additional primary school places are required (contribution of £182,715)
- Secondary Education - The local catchment school currently has surplus capacity.
- Pre-School Provision - It is anticipated that this new development would result in up to 6 pre-school pupils (contribution of £36,546).
- Play Space Provision - Consideration will need to be given to adequate play space provision.
- Transport Issues - a comprehensive assessment of highway and transport issues will be required (see Highways response)
- Libraries - Contribution of £12,960.
- Supported Housing - Needs to be considered as part of the overall affordable housing requirement, through liaison between FHDC and SCC.
- Sustainable Drainage Systems (SUDs) - Encouraged within the scheme to reduce flood risk, improve water quality and provide biodiversity and amenity benefits. It is anticipated that SCC will adopt and manage SUDs after October 2013.
- Suffolk Constabulary - The impact of the proposal should be assessed.
- Suffolk PCT - The impact of the proposal should be assessed.
- Fire Service - Fire hydrants should be covered by condition and the installation of automatic fire sprinklers is recommended.
- High Speed Broadband - Recommend that all development is equipped with high speed (fibre optic) broadband.
- Legal Costs - SCC will require reimbursement of its own legal costs.

19.**Suffolk County Council Archaeological Service** – no objections subject to conditions

20.**Suffolk County Council Highways** – no objection subject to conditions and the securing of £33,540 towards the scheme for cycling improvements through s106.

21.**Highways Agency** – No comments to make

22.**Cambridgeshire CC Highways** – No comments – considered unlikely to have any perceptible impact on the Cambridgeshire transport network.

23.**Suffolk Fire & Rescue Service** – no objection subject to a condition securing fire hydrants

24.**Natural England** – no objection subject to conditions – their comments are discussed in more detail within the officer comment below.

25.**RSPB** – object as they do not consider that the applicant has suitably

demonstrated that there will not be an adverse effect on the Breckland SPA

26. West Suffolk Ecology Tree & Landscape Officer – Having raised a number of concerns on the originally submitted scheme the amendments have overcome some of these concerns:

'In general retention of boundary trees provides enclosure and landscape structure to the site. There is still potential to provide connection between the central open spaces and boundary corridors which would add value.

I note that within the main part of the site/housing layout (with the exception of the area close to Herringswell Road) all the existing trees are to be removed including an area of woodland adjacent to the river and the main corridor of trees across the site. The proposals do not recreate this strong corridor although with slight amendments to the plan this could be improved.

The orchard is still shown to be felled which is regrettable. If this feature were retained as a community orchard it would provide separation between employment and housing uses.

I am still concerned about the proximity of properties (39 - 58) to the A14. The proposals do nothing to strengthen this boundary and the garden space is unlikely to be attractive and usable. This issue needs radical thinking to improve the situation.

There are no landscape details for the site. A landscape statement was submitted to accompany the original application however this has not been updated in line with the current proposals. At the very least a tree planting strategy would need to be provided prior to determination. In addition detailed landscape plans including biodiversity enhancements and a site management plan should be provided for the development.

There are no details regarding the SUDs provision and the finished levels of the depressions. It is difficult therefore to assess whether the spaces A-D will be useable and the contribution they will make to open space provision.'

27. West Suffolk Leisure Services – have confirmed the proposed on site open space provision is acceptable including on site provision for allotments and for these to be managed by the management company set up by the developers.

28. Environment Agency – no objection subject to condition

29. West Suffolk Environmental Health – No objection subject to conditions

30. West Suffolk Strategic Housing – No objection – scheme will provide much needed affordable housing

31. West Suffolk Planning Policy: see policy consideration within the Officer Comment of the report below.

32. Lawson Planning Partnership on behalf of NHS Property Services Ltd (Suffolk) – a developer contribution of £23,400 is required to mitigate the 'capital cost' to the NHS for the provision of additional healthcare services arising directly from the development proposals.

33. Anglian Water – no objection – there is sufficient capacity within the existing foul sewerage network

34. FHDC Conservation Officer – having raised initial concerns over the setting of the listed church and Kentford Lodge (non-designated heritage

asset) the amended scheme has substantially addressed these concerns:
'The reduction in the amount of development to 60 dwellings on the site is welcomed as is the enlargement of Area D and the increased planting which forms a green corridor running west / east behind the church and to the north / north west along the river corridor with links into Area C. In addition the grounds immediately between Kentford Lodge and Herringswell Road are now left undeveloped and the stables and coach house retained. These measures have increased the separation between the proposed new development and the Church, Regal Cottage and Kentford Lodge thereby helping to maintain a sense of the rural character of their present setting.'

35. English Heritage – Before the scheme was amended, the following concerns were raised:

'The application site makes an important contribution to the significance of the grade II listed St Mary's church, an historic building of national importance. Developing the site as proposed would result in harm to that significance. The proposals therefore contravene paragraphs 132, 134 and 137 of the NPPF. The lack of consideration of the listed building and its setting submitted with the application also fails to satisfy paragraph 128 of the NPPF. We therefore object to the proposed development and recommend the Council refuse permission. We understand the unlisted Kentford Lodge is the subject of further investigation by the applicant to help the Council consider this building further. We recommend the Council give due weight to the setting of Kentford Lodge, the main house and outbuildings in terms of paragraph 135 of the NPPF.'*

In response to the amended plans, the following conclusions were given:

'If the applicants wish to mount a more convincing case for the proposed development directly benefitting the parish church consideration might be given to supporting development of the building itself. I have discussed the matter with representatives of the parish and the notion of creating improved facilities, such as a WC, inside the church to encourage its increased use is an appealing one. I would certainly encourage such an initiative and if an appropriate arrangement were to be made would give due weight to such benefit when considering the impact of the proposed development.'

36. Suffolk Preservation Society – They note the considerable improvements provided by the amend plans, but still object to the scheme on the following grounds:

- Approval of large scale housing development is premature
- Size of development unsustainable given Kentford's current infrastructure
- Studies to assess effect on wildlife habitat appear incomplete

Representations:

37. Kentford Parish Council:

*'KPC still feel very strongly against this application on the following grounds:
The development is far too large for a small village.
Herringswell Road cannot sustain any further traffic.
The proposed access onto Bury Road is at a point where vision is impaired.
Local schools are at full capacity.
The site impinges on the setting of a listed building.'*

38. Kennett Parish Council consider that all 3 of the major applications in

Kentford should be considered together (Meddler, Kentford Lodge and Gazeley Road). They object to the application for the following reasons:

1. Increase in traffic – particularly at The Bell Inn crossroads which is often gridlocked due to HGV movements.
2. Kennett rail station does not have sufficient parking for existing demand
3. Insufficient space at local primary schools to cater for the increase in families.
4. There is sufficient housing available in the area – Red Lodge struggling to complete sales and the Kennett Park development still struggling to sell houses.
5. Where is there employment to support the additional residents?

39.A total of 30 letters/emails objecting to the application have been received from 19 different third parties, raising the following concerns:

- Street lighting for the cycle link into the village would be very intrusive to adjacent residential properties
- Cycle link down the hill from the site could be dangerous where it meets Bury Road
- Pedestrian crossings should not include flashing lights or audible signals which would disturb nearby residents
- The applications refused in 1988 and 1989 (see planning history) were refused as they were for development outside the settlement boundary. This application is for a far greater number and would detract from the current landscape setting of the village
- Loss and disturbance to wildlife habitat on and adjacent to the site
- Existing schools, doctors and dentist services cannot support the proposed development
- Level of investment proposed by the developer is insufficient and will result in further financial burden to the council – resulting in increased Council tax bills
- Safety implication of additional traffic through the village which already speeds. Roads are dangerous to cyclists and pedestrians
- Cars park on Herringswell Road creating congestion and reduces the width of the road.
- Local roads already at saturation point and heavily congested
- No consideration has been given to the Bell crossroads junction
- Need to consider all 3 major applications together as all three are unsustainable
- Insufficient employment opportunities to warrant additional housing
- Existing new development in Kentford is either unoccupied or unsold – there is no demand.
- Reduction in quality of life enjoyed by existing residents by noise and pollution from increased traffic
- Drainage issues exist in the village already – the existing sewerage system won't cope with further development.
- Lack of local amenities
- Insufficient parking available at Kennett station and trains not frequent enough to encourage commuting by rail.
- Detrimental impact on setting of church
- Loss of a number of mature trees resulting in significant reduction in biodiversity
- Noise and air quality issues arising from the A14
- Open spaces will be dominated by drainage features – will this leave much useable open space on the site?
- Is the site really deliverable in its proposed form?

Policies: Development Plan

40. The following Forest Heath Local Plan (1995) saved policies are relevant to the consideration of this application:

- Policy 9.1 and 9.2 - The Rural Area & New Development
- Policies 10.2, 10.3 & 10.5 - Open Space Provision

41. The following Forest Heath Core Strategy (2010) policies are relevant to the consideration of this application:

- Policy CS1: Spatial Strategy
- Policy CS2: Natural Environment
- Policy CS3: Landscape Character and the Historic Environment
- Policy CS4: Reduce Emissions, Mitigate and Adapt to Future Climate Change
- Policy CS5: Design Quality and Local Distinctiveness
- Policy CS6: Sustainable Economic and Tourism development
- Policy CS9: Affordable Housing Provision
- Policy CS10: Sustainable Rural Communities
- Policy CS13: Infrastructure and Developer Contributions

Note: Policies CS7 and, insofar as it relates to housing numbers, CS1 relate to the supply of housing, therefore in accordance with the NPPF are considered to be out of date given the fact the Council cannot demonstrate a 5 year land supply of housing.

Other Planning Policy

42. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. [The National Planning Policy Framework](#) (the Framework) is an important material consideration for planning decisions and is relevant to the consideration of this application.

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

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

- *Approving development proposals that accord with the development plan without delay; and*
- *Where the development plan is absent, silent or relevant policies 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."*

44. In addition, paragraph 49 states:

"Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up to date if the Local Planning Authority cannot demonstrate a five-year supply of deliverable housing sites"

This presumption in favour of sustainable development is further reinforced by advice within the Framework 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"* and 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."*

Officer Comment:

45. There are a number of principle issues to consider when weighing up the merits of this application.

i) whether the proposal represents sustainable development: this would involve an assessment of existing policy and evidence, the main documents being the National Planning Policy Framework (paragraph 14), the Core Strategy (Policy CS1), the Parish Profile (number of services present in Kentford) and the Infrastructure and Environmental Capacity Appraisal (IECA);

ii) whether the scheme could help the Council meet its 5 year land supply;

iii) whether the design, layout and location of the site is acceptable;

iv) whether landscape impact can be suitably mitigated given the rural character of this edge of village site;

v) whether the setting of the Grade II* listed church can be suitably safeguarded and v) whether development can be achieved without having a detrimental impact of the Breckland SPA.

The planning policy context of each of these principle issues must therefore be given careful consideration.

Sustainable Development

46. The objectives of the Framework and its presumption in favour of sustainable development are fundamental in the consideration of this application and therefore careful consideration must be given to the planning policy context and whether the proposed development meets the three dimensions of sustainable development, as identified within the Framework: economic, social and environmental.

47. At paragraph 6 the Government makes clear that their view as to what sustainable development means, relates to paragraph 18 to 219 of the NPPF taken as a whole. Paragraph 7 refers to 3 dimensions of sustainable development: economic, social and environmental. Within this context, paragraph 17 sets out a number of core planning principles that should underpin decision taking, which include decisions being: plan led; proactively drive and support economic development to deliver homes,

business and industrial units; based on a clear strategy for allocating sufficient land for development; take account of the different roles and character of different areas and recognising intrinsic character and beauty of the countryside; conserving and enhancing the natural environment; and actively managing patterns of growth.

48. The economic benefits are drawn directly from the scheme which includes up to 579 square metres of B1 office employment space and to a lesser extent, the residential development which would be derived from its construction, to the owners of the housing using local facilities and services. The social benefit is the delivery of a modest amount of development, in a central location, accessible to local facilities, in a 'sustainable village'. Albeit adversely, the proposal is slightly above the evidence contained within the IECA study which states that 'a scheme of 50 to 100 dwellings would significantly alter the village'. The overall infrastructure capacity 'tipping point' for Kentford is between 240 and 440 homes. Environmentally, the Conservation Officer raised concerns to the original scheme; however the amended scheme has substantially addressed these concerns. The Landscape Officer views the proposal as being acceptable and therefore not harmful to the environment or the character of the village.
49. Kentford is identified as a primary village within Core Strategy Policy CS1, where basic local services are provided and limited housing growth can be accommodated to meet local housing needs. The site falls outside the defined settlement boundary of the village, so in terms of planning policy, this is regarded as countryside where residential development would be contrary to Saved Local Plan Policy 9.1, which requires a justification for new development within the rural area. However, in the absence of a 5 years supply the application must be considered against the objectives of the National Planning Policy Framework (the Framework) that was published in March 2012.
50. The Council is unable to demonstrate a five-year housing land supply (using the 'Sedgefield' approach to calculate land supply and attaching an additional 5% buffer in accordance with Paragraph 47 of the NPPF. Forest Heath District Council has a 5 year land supply of 3.15 years (as set out within Appeal Decision APP/H3510/A/13/2197077 paragraph 31 and 32). And as such, in accordance with paragraph 49 of the Framework, relevant development plan policies for the supply of housing cannot be considered up-to-date. This is fundamental in considering the application and requires the Authority, in accordance with paragraph 14 of the Framework, to grant planning permission for sustainable development proposals unless *"any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole"*. An assessment therefore of how sustainable this proposal is goes to the heart of the matter.
51. In a recent appeal decision for 11 dwellings on land at Windmill Hill, Exning (ref: F/2011/0653/OUT) the Inspector concluded that the main justification for the development within the rural area is that the Council does not have a five-year housing land supply. Whilst this appeal was dismissed on the grounds that insufficient archaeological investigation had been undertaken, the decision letter was very clear; that it would be unreasonable of the Authority to further refuse any subsequent applications for this Windmill Hill site, all other matters being acceptable, on the basis of the Framework and the lack of a five-year housing land supply. There is also the resolution to

approve outline permission for 120 houses at Burwell Road Exning (subject to completion of the s106) which Members need to be mindful of.

52. The Council's lack of a five-year housing land supply is therefore a significant factor that weighs in favour of this application. Nonetheless, although the Windmill Hill appeal decision provides useful guidance and given the resolution to approve of the Exning application, it does not mean that development can be supported in all other locations. Consideration must be given to the objectives of the Framework as a whole, with particular regard to whether the proposed development is sustainable.
53. In the most recent iteration of the SHLAA, (2012), site K/10 was 'deferred' on the basis of a 'nature' constraint, (the site lies within the 1,500m Stone Curlew SPA constraint zone). Kentford is considered a sustainable Village, with capacity to accommodate some growth commensurate with its infrastructure capacity and sustainability. By way of background, the emerging Core Strategy Policy CS7 Single Issue Review, (SIR), the content of the 'submission' version consultation document was agreed with Members at the Local Plan Working Group of 8th November, allocates some 670 dwellings to the four primary villages in the period to 2031, (i.e. 168 each based on an even split). The emerging Site Allocations document, the content of which was also agreed for consultation with Members at the Local Plan Working Group of 8th November, (the Further Issues and Options version), 'prefers' sites accommodating some 160 dwellings in Kentford in the period to 2031. This includes a 'preferred' allocation of 60 dwellings on site K/02 - the application site. These emerging policies however, are policies for supply of housing and in the absence of a 5 year land supply cannot carry any weight at this stage. None the less they do indicate that Kentford will accommodate some housing growth. So, to reiterate, the proposal has been considered in light of the NPPF.
54. The Core Strategy has been informed by the Infrastructure and Environmental Capacity Appraisal (May 2009) that provided an assessment of the capacity of settlements in terms of infrastructure. The IECA recognises that the infrastructure within Kentford is constrained, but that capacity existed for some 240-420 dwellings, but this would be subject to significant infrastructure improvements in line with growth that would need to be properly considered and planned for.
55. A further material consideration is the Meddler Stud appeal decision, which dismissed 102 houses in Kentford. At paragraphs 39 and 40 of the decision the Inspector comments as follows:

'The IECA considers settlement infrastructure tipping points, which can be utilised to evaluate infrastructure impact. The report indicates that environmental capacity exists for 240 – 440 new dwellings in Kentford, but that is subject to significant infrastructure improvements in line with growth. There is a real concern that any physical expansion of Kentford without infrastructure improvements would have an impact upon existing facilities, which are already at tipping point. The report indicates that even 50 to 100 new homes would have a significant impact.'

In isolation, the development would provide an additional 102 dwellings with associated infrastructure secured by planning obligation. However, the proposed infrastructure improvements and financial contributions would mainly address concerns about the impact of this particular development.'

Yet the Council is considering other planning applications which would, cumulatively, result in some 300 new homes in Kentford. When considered in isolation or cumulatively, the scale of the development would potentially have a negative effect upon existing infrastructure given that the existing facilities are already under severe pressure, irrespective of the improvements and contributions identified in the planning obligation.'

Kentford is the smallest PV and the introduction of 102 new homes would represent a significant increase of the village given its size. The scale of the development would, in my view, increase considerably pressure upon existing facilities that are already said to be at tipping point. In line with growth of the village, there is a need to plan infrastructure improvements for Kentford as a whole rather than in isolation. That needs to be properly investigated and assessed through the local planning process whereas the grant of planning permission for this scheme would predetermine that process.

The SHLAA identifies Meddler Stud as a deferred site¹⁸ given land-use constraints such as the risk of flooding and its previous use in connection with the HRI. In comparison, there might well be other sites within the village that may be suitable and sustainable for residential development. I consider that, without proper investigation of the infrastructure improvements required in Kentford to accommodate its future expansion via the local planning process, the development would potentially predetermine the location of new development within Kentford in an uncoordinated and unsustainable manner. To my mind, that goes against the grain of good planning and the Government's localism agenda.

I have considered all of the arguments about prematurity; however, the proposal would not just have an impact upon a small area. The location and scale of the scheme would have a significant community effect given the potential impact upon existing local amenities, which are said to be already under severe pressure. I find that the scale of the development would be taken as having such a harmful and negative community effect so as to invoke the terms of paragraphs 17 and 18 of the PSGP.

On balance, the appropriate location and scale of housing development for this small PV is a matter that should, and would, be properly and robustly addressed through the local planning process. That would allow a full testing of the planned and coordinated location and scale of growth, and address concerns about the lack of adequate infrastructure in a sustainable and long term manner. The grant of planning permission for the scheme would predetermine that process in an unacceptable manner.'

The Inspector concludes

However, the development would have a materially harmful effect upon the HRI. Additionally, although Kentford is accessible by means of public transport and has some local amenities, these are already said to be at tipping point. Therefore, the sustainable location and scale of development in this PV should, and would, be properly and robustly tested through the local planning process."

56. Whilst the proposed scheme is for 60 dwellings, not 102, this number is at the lower end of the range considered to have a significant impact on existing infrastructure in the village. Whilst Officers have genuine planning

concerns about the long-term implications upon Kentford's infrastructure in relation to the scheme for 88 dwellings on Gazeley Road because of the location and scale of the development proposed (whether considered in isolation or in combination), the combination of benefits from this scheme and the fact that it is for a significantly lower number of houses and is well related to the existing development in the heart of the village weighs in its favour.

57. The scheme is within the Village of Kentford, which has a variety of services and facilities set out within the IECA study and Parish Profile. As with the Meddler Stud appeal decision (see working paper 1), the principle of modest growth is accepted in Kentford. Since that decision, there has been no change to the principle of growth in Kentford subject to sustainability issues relating to services
58. To properly consider the NPPF and Meddler appeal decision, the benefits of the scheme together with the adverse impacts require assessment. Firstly, in terms of the benefits, the proposal is for 60 dwellings and is at the lower range of the number of dwellings that would be considered to have a 'significant impact' on the village. The scheme is also a mixed use one, incorporating employment land giving the scheme additional sustainability credentials and benefits to the village of Kentford, adding to the employment services available. Lastly, the proposal is centrally located within the village and would assist in meeting the 5 years supply.
59. Secondly, in respect of the adverse impacts or harm, those that are of relevance to this application were addressed by the Inspector in respect of the Meddler Stud decision. They centered predominantly on the matters of sustainability and prematurity. The Inspector's decision was based essentially on the scale of the proposal before him (as well as other factors material to that decision). However, as quoted above, he also stated that: *'On balance, the appropriate location and scale of housing development for this small PV is a matter that should, and would, be properly and robustly addressed through the local planning process. That would allow a full testing of the planned and coordinated location and scale of growth, and address concerns about the lack of adequate infrastructure in a sustainable and long term manner. The grant of planning permission for the scheme would predetermine that process in an unacceptable manner'* (para. 56) and *"the sustainable location and scale of development in this PV should, and would, be properly and robustly tested through the local planning process"* (para. 59).
60. The IECA considers settlement infrastructure tipping points, which can be utilised to evaluate infrastructure impact. The report indicates that environmental capacity exists for 240 – 440 new dwellings in Kentford, but that is subject to significant infrastructure improvements in line with growth. There is a real concern that any physical expansion of Kentford without infrastructure improvements would have an impact upon existing facilities, which are already at tipping point. The report indicates that even 50 to 100 new homes would have a significant impact.
61. On the scale of development proposed, it is Officer's view that the infrastructure within Kentford could on balance, accommodate the proposed development of 60 dwellings without unacceptable harm to the village, being only slightly above the recognised threshold of 50 dwellings which would have a 'significant impact' of the village. The benefits of a proposal

in terms of it providing housing, being centrally located and including significant employment floorspace are capable of outweighing the adverse impacts. Whilst therefore significant weight should be given to the Inspector's conclusions in relation to impact on services and the tipping point issue, his was a view expressed to be "on balance" and officers are of the view that an exception can be made in this case for these reasons.

Prematurity

62. The application could be perceived as being premature because it has been submitted before the Core Strategy Policy CS7 Single Issue Review and the Site Specific Allocations Document, which will determine the future housing numbers and distribution within the District.

63. Extant Governmental guidance on prematurity still exists and must be given due weight. The Planning System: General Principles (2005) was not cancelled explicitly in the Framework and therefore remains a material consideration. This supports the statement in the Framework that planning should be 'genuinely plan-led' but it must also be read in the context of, and balanced against, paragraphs 14 and 49 of the Framework. General Principles states:

"In some circumstances, it may be justifiable to refuse planning permission on grounds of prematurity where a DPD is being prepared or is under review, but it has not yet been adopted. This may be appropriate where a proposed development is so substantial, or where the cumulative effect would be so significant, that granting permission could prejudice the DPD by predetermining decisions about the scale, location or phasing of new development which are being addressed in the policy in the DPD."

64. The guidance makes it clear that refusal on prematurity grounds can only be justified in a narrow range of circumstances. The FHDC Planning Policy Officer advises on the matter of prematurity as follows:

'It could be argued that permitting such a development at this stage may prejudice our emerging Site Allocations Local Plan process and specifically the proper consideration of all other reasonable and potential site 'options' for development to be found within the settlement of Kentford, (see SHLAA, 2012). One question might be whether or not such prejudice is so significant as to provide a justified reason for refusal?

To provide some context, 60 dwellings, (as proposed), would constitute some 36% of the emerging SIR Primary Village allocation of 168 dwellings in the plan period, (were all four settlements to receive an equal share). In comparison, the application (ref. F/2012/0766/OUT) of 102 dwellings on the Meddler Stud Site, (K/02), in Kentford constituted some 60% of the 168 dwelling 'even-split' Primary Village SIR allocation.'

65. The Meddler Stud proposal was successfully argued as being premature. However, given the significantly smaller scale of the scheme compared to the Meddler Stud scheme and the fact that the scheme is centrally located, and is but 10 dwellings above the threshold of 50 dwellings which could significantly change the village and provides valuable employment floorspace, it would not, on balance, in officers' view, cause unacceptable harm to the sustainability of the village. It is concluded that in this context,

therefore, given its scale and advantages, that its significance is such that it would not, on balance, cause unacceptable harm by way of prematurity.

66. It should be stressed that although the site is identified as 'preferred' within the Site Specific Allocations Issues and Options consultation February 2014 this document is at early stage of preparation and therefore little to no weight can be applied to it in the decision making process.

Highway Implications

67. One of the overriding concerns raised by the Parish Councils and local residents is the potential impact of additional traffic resulting from the proposed development and its implications for the local highway network. As a statutory consultee, SCC as Highways Authority has provided a thorough assessment of the proposal and concluded that the impact of the proposed development on the highway is acceptable.
68. The proposal initially included provision for two uncontrolled pedestrian crossings to the south of the main access and also on Bury Road. SCC Highways have advised that controlled crossings are not desirable. This is because they would only be used at school times and infrequently throughout the rest of the day. Motorists may therefore not adhere to them, so at these locations it may not be a safe option, as children may be given a false sense of security using them. However, it has been concluded that the provision of the crossings as part of the s106 obligations would not be CIL compliant and therefore it would be up to the developer to provide if they still wished to. This would then be secured through a unilateral planning obligation. The agent has indicated that only one crossing on the Bury Road would now be provided. A crossing is also proposed on Herringswell Road consisting of dropped kerb and tactile paving as agreed with SCC Highways.
69. A Transport Assessment and Travel Plan have been submitted with the application. These documents recognise that the proposed development is well located in terms of the existing facilities within the village. The objective of the Travel Plan is to reduce the need to travel by car and encourage alternative modes of transport, including walking, cycling and public transport. The submitted Travel Plan seeks to reduce single occupancy car journeys by 15% and further details would be secured by condition should permission be granted.
70. Whilst the concerns of the Parish Councils and local residents have been taken into consideration, these need to be weighed against the advice of the Highways Authority which concludes that the impact of the proposed development on the highway is acceptable. Furthermore, paragraph 32 of the Framework states *"Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe"*. Taking this into consideration, and the advice of the statutory consultees, it is Officer's view that the potential impact of increased traffic from the proposed development would not be so severe to warrant refusal of the application on this basis.
71. The S106 package includes a contribution towards a cycle path. Kentford currently does not have any cycle facilities within the village. Suffolk County Council has undertaken a review of the village to find feasible improvements that can enhance the ability of Kentford residents to cycle

between services within the village. A preliminary design has been produced which runs along Bury Road which widens the existing footway to a cycle path. SCC Highways initially requested a contribution of £15,000 towards this scheme, but this has been reviewed and a sum of £33,540 is now required. The developer has committed to the contribution of £15,000 but requested further justification to understand how this revised figure has been reached.

72. Concerns have been raised about the new cycle link from the development to Bury Road due to the slope down through the site. This could lead to an increased risk to cyclists when accessing Bury Road given the volume and nature of traffic that uses the road. This matter has been considered by the applicant's highways engineers and SCC Highways. A condition is set out in the recommendation below to ensure a scheme is submitted to show how this risk can be reduced by implementing improvements to the link through (particular hard surfacing to enable safe breaking and highlighting the approaching road).

Design & Layout

73. As detailed above (paras. 7-9), the scheme has been amended a number of times during the life of the application. These amendments have significantly enhanced the scheme, but more could be done in the opinion of the Ecology Tree & Landscape Officer (see comments above). However, on balance the scheme proposed is considered acceptable.

Impact from the A14

74. The A14 runs along the northern boundary of the site. The air quality assessment that has been carried out concludes that due to the set back of houses from the edge of the site (by approx. 19m at the closest point) which is also set back and elevated from the A14, the potential exposure of future occupants is unlikely to exceed the National Air Quality Strategy Objectives for nitrogen dioxide and particulate matter, so is considered acceptable.
75. The other major impact to consider is noise. A noise report accompanied the application. A 3.3m acoustic barrier fence is proposed along the boundary with the A14. This will also benefit existing residents in the village. The majority of the site at present is classed as noise category B. The new fence will result in the site being classed within categories A and B. Details of the exact position and type of fence can be secured by condition. The Council's Environmental Health Officer has assessed these proposals and considers them to be acceptable. The agent also notes that there are other houses in similar proximity to the A14 which do not benefit from such attenuation measures or boundary screening. They also note that there are other examples of developments along the A14 which are much closer.

Flooding

76. A flood risk assessment was submitted with the application. The north western part of the site falls within flood zones 2 and 3. All built development is proposed within flood zone 1. The Environment Agency raises no objections to the application, subject to a condition to secure a surface water drainage scheme. It is therefore considered that adequate

mitigation measures can be imposed to prevent the risk of flooding.

Landscape Character

77. There is no doubt that the landscape character of this part of Kentford will change as a result of the proposed development. The site benefits from screening on all sides, but there will probably be glimpses of the development through these screens. The open space buffer on the southern side of the site will also help to soften the impact of the new development. A number of trees within the site are being removed, but a number of the better species are also being retained. All boundary trees are being retained. Those removed within the site (not worthy of retention as set out in Hayden's Tree Report) will be replaced by an area of new planting to the north of the church as part of an extensive landscaping masterplan for the whole site. This, along with a landscape management plan, tree planting and biodiversity enhancements can all be secured by condition.

Setting of St Marys Church & Kentford Lodge

78. This has been considered by the Council's Conservation Officer and given the amendment to the scheme which increases the landscape setting to the north of the church, raises no objections. He concludes by stating '*These measures have increased the separation between the proposed new development and the Church, Regal Cottage and Kentford Lodge thereby helping to maintain a sense of the rural character of their present setting.*' This is not a view that is shared by English Heritage. However, they do consider that if a case can be made where the church can directly benefit from the proposed development then this could go some way to mitigating the impact. The agent has confirmed that they will help facilitate; a zebra crossing on Bury Road, a vehicle and pedestrian access to the rear of the church to enable disabled access, mains water and toilet facilities to provide a more welcoming and useable venue and use of the amenity space to the rear of the church for events. Such improvements are to be offered through a unilateral undertaking from the applicant. These improvements will ensure better future use of the church and its improved sustainability of this heritage and village asset.

Ecological Issues

79. Natural England has required a project level Habitats Regulations Assessment for the site which has been completed and submitted. This concludes that the development will not have a significant effect on Stone Curlew (The interest feature the Breckland SPA). This has been accepted by Natural England. The habitat regulations also require development to be looked at 'in-combination' to determine whether their combined effect would be significant, and therefore require more detailed assessment. Natural England confirmed that they would not have any concerns with the 'in combination' effects of Kentford Lodge and Meddler Stud applications both receiving permission if this level of development satisfies the Core Strategy allocation which it would. The objections raised by the RSPB are noted but given Natural England's view of the application a refusal based on their concerns could not be justified.

80. The proposed tree and shrub planting which can be secured by condition will mitigate the loss of trees on the site. The estate office to Kentford Lodge is now to be retained as part of the amended proposals so there will

no longer be any direct disturbance to known bat roosts. A scheme of ecological enhancement for the site and the implementation of the recommendations in the ecological survey can also be secured by condition.

Residential Amenity

81. Although concerns were raised in relation to the originally submitted scheme, the amended scheme has significantly increased the buffer (minimum of 85m away – distance between plot 9 and 'St Johns' adjacent to the church) between existing residential properties and those which are proposed under this application.
82. Environmental Health has recommended a number of conditions, including the requirement for a construction method statement and restricted construction hours, in order to minimise any potential noise and disturbance to nearby residential properties during the construction of the development.

Proposed employment

83. The proposed employment part of the site is only in outline form, the only detail of which being the access to it. A further reserved matters application will therefore be required to agree the details. Core Strategy policy CS6 recognises the need for rural economic growth and the applicant considers that the new office space will compliment the wide range of rural offices already in the village. This element of the overall scheme helps fulfil the economic role which is one of the 3 elements of achieving sustainable development. The B1 use will be compatible with adjoining residential development so this element of the scheme is considered acceptable and appropriate in terms of its location within the site.

Village hall

84. There is no village hall proposed on the site and there is no policy requirement to provide such or a contribution towards one. The possibility of using Church Bungalow has been previously tabled as a possibility to provide such a facility which would be close to the church. Whilst this property is within the applicant's ownership, such proposals do not form part of this application and would have to be considered on their own merits via a separate planning application.

Open Space Provision

85. The proposed development has been assessed against the Council's Supplementary Planning Document (SPD) for Open Space, Sport and Recreation Facilities (2011) using the housing mix proposed. The proposed on site provision has been assessed and considered acceptable. Off site provision is as set out below within the S106.

Education and Local School Capacity

86. The Parish Councils and a number of local residents have raised concerns regarding the capacity of Kennett and Moulton Primary School to accommodate additional pupils that are likely to arise from the proposed development. However, Suffolk County Council is satisfied that there is sufficient capacity by extending Moulton School (Kennett Primary is in Cambridgeshire) and so the impact of additional pupils from the

development can be adequately mitigated.

Developer Contributions (S106)

87. Suffolk County Council have identified the infrastructure requirements associated with a scheme of 60 dwellings on this site as:

Education	£182,715
Pre-School Provision	£ 36,546
Libraries	£ 12,960
Total SCC Contributions	£232,221

88. These developer contributions will ensure improvements to existing infrastructure within the village and local area to accommodate the growth of the village and meet the needs of the community, in accordance with Core Strategy Policy CS13.

89. The need for education provision has been assessed by Suffolk County Council who has calculated the above figures based on providing an additional 15 primary school spaces. With regard to pre-school provision, Suffolk County Council have confirmed that they have a responsibility to ensure that there is sufficient local provision under the Childcare Act 2006. Section 7 of the Childcare Act sets out a duty to secure free early years provision for pre-school children of a prescribed age. The current requirement is to ensure 15 hours per week of free provision over 38 weeks of the year for all 3 and 4 year-olds. The Education Bill 2011 amended Section 7, introducing the statutory requirement for 15 hours free early years education for all disadvantaged 2 year olds. This means pre-school provision is now not just a market provided facility. From these development proposals, they anticipate up to 6 pre-school pupils at a cost of £6,091 per place.

90. Suffolk County Council have confirmed that the developer contribution of £12,960 for libraries would be spent at the local catchment library and they provide detailed calculations based on an average of 2.4 persons per dwelling.

91. On behalf of the NHS, Lawson Planning Partnership are also seeking a financial contribution of £23,400. This is required to mitigate the 'capital cost' to the NHS for the provision of additional healthcare services arising directly as a result of the development. This is calculated using the projected population from the development and the capacity deficit in the catchment surgeries.

92. The proposal also includes 30% affordable housing. This actually equates to 18 dwellings, so in accordance with Core Strategy Policy CS9. The Council's Housing Officer has advised on the mix and tenure proposed which will be secured through the s106.

93. The National Planning Policy Framework (NPPF) sets out the requirements of planning obligations, which are that they must be:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and,
- Fairly and reasonably related in scale and kind to the development.

It is Officer's view that these developer contributions are therefore justified.

Conclusion:

94. Kentford has been identified as a Primary Village within the Core Strategy that can accommodate some growth and in terms of location, the proposed development is considered to relate well to the existing settlement. Whilst the Parish Council and local residents have raised concerns regarding the extent of housing growth that the village can reasonably accommodate, the proposal must be considered against the objectives of the Framework and the government's agenda for growth that identifies housing development as a key driver for boosting the economy, particularly as the Council does not currently have a 5 year land supply. The Meddler Stud appeal decision has now been issued and is a material consideration in the determination of this application. However, for the reasons set out above, the development is not on balance considered to be of such a scale or nature that it would unacceptably cause harm or prejudice to the plan-making process, the proper planned provision of growth and services provision and the proper further consideration of alternative site options within the village.

95. The concerns raised by the Parish Councils and local residents have been taken into consideration and in particular, it is considered that the suggested adverse effects on the local highway network and the capacity of Moulton primary school can be adequately mitigated, so it would be difficult to robustly defend a reason for refusal on these grounds.

96. It is accepted that this proposal would contribute to the objectively assessed housing need within the district, provides some highways infrastructure improvements, affordable housing provision and employment land and is considered to constitute sustainable development as set out with the NPPF. There are not considered to be any adverse impacts that would significantly and demonstrably outweigh the benefits of the proposed scheme. Having regard to the Framework and all other material planning considerations, with the S106 package set out below which is necessary for the development to be acceptable in planning terms, the proposal is considered to comply with policy and is therefore recommended for approval as set out below.

Recommendation

97. That planning permission is granted subject to:

- The completion of a S106 agreement to secure:
 - Affordable housing (18 units)
 - Primary school contribution - £182,715
 - Pre-school contribution - £36,546
 - Libraries contribution - £12,960
 - Contribution towards village cycle scheme - £33,540
 - Healthcare contribution - £23,400
 - Open space contribution - £52,710

And

- the following conditions in relation to the outline for the employment site:
 1. Outline time limit (for employment area)
 2. Time limit for the approval of reserved matters
 3. Restrict business use to B1 only

- The following conditions in relation to the whole site:
 1. Compliance with approved plans
 2. Samples of materials
 3. Details of boundary treatment
 4. Details of hard and soft landscaping
 5. Tree protection during development
 6. Landscaping implementation
 7. Landscape management plan
 8. Refuse collection strategy
 9. Construction management plan
 10. Hours of construction
 11. Details of external lighting
 12. Archaeological investigation
 13. Post investigation assessment
 14. Contaminated land investigation
 15. Precise details of the acoustic barrier to be submitted and agreed and to be installed prior to occupation
 16. Submission of a Travel Plan
 17. Visibility splays to be provided and retained
 18. Details of estate roads and footpaths
 19. Details of means to prevent discharge of surface water onto highway
 20. Construction of carriageways and footways prior to occupation of the dwellings
 21. No occupation until traffic calming measures provided
 22. No occupation prior to bus stop improvements being provided
 23. Prior to occupation, details of pedestrian/cycle access improvements to be submitted and agreed including reduction in risk to cyclists as they come down the hill to meet Bury Road (scheme to include boundary treatment to neighbouring properties and new pathway to the church)
 24. Provision of fire hydrants
 25. Details of surface water drainage
 26. Scheme of ecological enhancement to be submitted and agreed
 27. Recommendations of ecological survey to be implemented

- The following conditions in relation to the residential part:
 1. Full time limit
 2. Details of open space, including any play equipment and implementation
 3. Details of the management and layout of on site allotments to be submitted and agreed
 4. Sound attenuation scheme for plots adj to A14
 5. Details of open space, including any play equipment and implementation

The applicant has also offered a unilateral undertaking to secure improvements to the church as follows:

- Main water and toilet facilities for the church
- Amenity space to the north of the church
- A zebra crossing on Bury Road

Documents:

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

<http://planning.stedmundsbury.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=ZZZZVRH HXB444>

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

99. Working Paper 1 – Meddler Stud Appeal Decision

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