

Forest Heath District Council

**EXTRAORDINARY
DEVELOPMENT
CONTROL
COMMITTEE**

24 FEBRUARY 2014

DEV14/105

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

**PLANNING APPLICATION F/2013/0221/FUL - LAND EAST OF GAZELEY 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

Sarah Drane (Case Officer)
Tel. No. 01638 719432

Committee Report

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

App. No: F/2013/0221/FUL **Date Registered:** 15 May 2013

Expiry Date: 13 August 2013

Proposal: Erection of 93 dwellings (including 27 affordable dwellings) and associated garages, parking, roads, public and private amenity space and infrastructure including a pumping station, substation, SuDS features and new vehicular and pedestrian access off Gazeley Road (Major Development and Departure from the Development Plan) as amended by plans received on 1.08.2013 reducing the scheme to 88 dwellings (including 28 affordable dwellings).

Site: Land East of Gazeley Road, Kentford

Applicant: Persimmon Homes Ltd (Anglia Region)

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 objects to the proposed development on the grounds that the increased volume of traffic generated would have severely detrimental effect on already inadequate infrastructure within the village. They also consider a serious congestion problem would be created at the Herringswell Road crossroads.

The application is recommended for REFUSAL.

Application Details:

1. As submitted the application sought full planning permission for 93 dwellings including 27 affordable units. A new vehicular and pedestrian access is proposed off Gazeley Road, along with the provision of amenity space and associated infrastructure.
2. The affordable housing is on the eastern side of the site. The remainder of the site provides for a mix of types and sizes of residential accommodation.
3. There is a large area of open space within the centre of the site which acts as a focal point.
4. There is pedestrian access through the site linking to a new footpath on the

highway verge on the eastern side of Gazeley Road. A new pedestrian crossing is also proposed to link the new footpath with the existing one on the western side of Gazeley Road.

Amendments

5. Amendments have been submitted during the life of the application to overcome concerns raised by consultees and Officers. This reduces the scheme to 88 units. This includes 28 affordable units (31.8% - a mix of 1, 2, 3 and 4 bed units) and 60 open market units (a mix of 2, 3, 4 and 5 bed units).
6. The amendments are as follows:
 - Introduction of a landscaped pedestrian footpath and cycle link from dwellings on the eastern side of the site through to the central public open space.
 - The road design and parking has been amended to meet Suffolk County Council guidance, including an increase in areas of shared surface to reduce vehicle dominance and increase the rural residential feel.
 - Arboricultural advice has resulted in the reduction from 5 to 2 houses on the southern boundary, providing increased garden areas to address overshadowing concerns.
 - The landowner has confirmed the long term retention and management of the tree belt forming the southern boundary.
 - A revised landscape strategy has been provided including additional planting, path and play area arrangements within the central public open space.
 - Significant additional tree and hedge planting has been introduced to the eastern boundary to allow a softer edge to the development
 - Elevational treatments to dwellings fronting Gazeley Road and the central public open space and been redesigned to incorporate dormer windows and chimneys and increase activity and interest at roof level.
 - Footpath improvements are shown along Gazeley Road up to Bury Road. This includes provision of a drainage swale along the site frontage separating the footpath from the road to increase safety for pedestrians. The pedestrian crossing has been moved further north beyond the adjacent track. The existing footpath is proposed to be widened at the junction with Bury Road to improve the use of this section. The arboricultural assessment shows how works can be achieved without detriment to the street scene and general health of trees.

Site Details:

7. The site is located on the eastern edge of Kentford, to the east of Gazeley Road and covers an area of approx. 3.54 hectares. It is currently agricultural land and lies outside of the defined settlement boundary for Kentford.
8. The site falls within the 1500m buffer zone (Stone Curlew Constraint zone) of the Breckland Special Protection Area (SPA)
9. The site is bounded by Gazeley Road to the west, and a former landfill site to the east, with open countryside beyond. To the north is land associated with Fothergill Seeds which is largely screened from views from the south by a tree belt. The northern boundary also has a horsewalk adjacent to it which

leads to the gallops which surround the landfill site. To the south is a woodland plantation with agricultural land beyond.

10. 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:

11. The application is accompanied by the following documents:

- i. Various plans
- ii. Planning Statement
- iii. Design & Access Statement
- iv. Consultation report
- v. EIA Screening Report
- vi. Landscape & Visual Impact Assessment
- vii. Archaeology Statement
- viii. Carbon Analysis report
- ix. Ecological Report
- x. Habitats Regulations Assessment
- xi. Transport Assessment
- xii. Travel Plan
- xiii. Ground Investigation Report
- xiv. Phase 1&2 Geo-Environmental Assessment
- xv. Gas Monitoring report
- xvi. Flood Risk, Foul & Water Drainage Assessment
- xvii. S106 statement

12. The Planning Design & Access Statement submitted states:

'There are a variety of benefits of the proposed development. In brief, these are as follows:

- *The proposed development will deliver 93 new dwellings to help meet the significant acknowledged shortfall in Forest Heath District in a primary village earmarked in the Core Strategy and emerging Single Issue Review for growth;*
- *Provision of a mix of high quality new dwellings including affordable housing in a sustainable location with good public transport links and road links and existing nearby employment helping to meet the housing needs of the settlement within the Plan period;*
- *The proposed development will deliver the infrastructure required in the form of footpath and drainage improvements to Gazeley Road, new internal roads, drainage and utilities; The enhanced pedestrian footway and drainage improvements to Gazeley Road will help to alleviate existing issues of access and flooding identified by the community;*
- *The proposed development will make a positive contribution towards the vitality of the village, providing direct and indirect economic benefits to the local economy through increased expenditure on goods and supplies and supporting village services.*
- *In particular this application also recognises the ability to deliver improvements to the village in the form of contributions to address*

existing issues such as safe pedestrian crossings on Bury Road as identified by local residents and provision of play space on-site;

- *The development will also seek to mitigate any needs directly associated with the increased population through contributions towards education and other facilities where identified as necessary;*
- *The extensive landscaping proposed as an integral part of the development will result in a considerable enhancement of amenity to cater for new residents and the existing community as well as providing increased biodiversity of habitat.*

It is considered that the application accords fully with the national and local policies (where up-to date); there is a demonstrable need for the provision of new housing in the District; and, cumulatively, the above benefits provide compelling reasons to grant planning permission in particular with regard to the presumption in favour of Sustainable Development.'

13. 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:

14. None

Consultations:

15. **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 22 additional primary school places are required (contribution of £267,982)
- 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 8 pre-school pupils (contribution of £48,728).
- 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 £19,008.
- Waste - A waste minimization and recycling strategy needs to be agreed and implemented by planning condition.
- 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.
- 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.

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

17. **Suffolk County Council Highways** – no objection subject to conditions.

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

19. **Natural England** – no objection subject to conditions in relation to the proposal in isolation, but the cumulative impact would need to be considered if the application was to be approved

20. **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

21. **West Suffolk Tree & Landscape Officer** – Having raised a number of concerns on the originally submitted scheme the amendments have overcome some of these concerns. However, concerns remain in relation to the following:

- Plots 12, 13, 17 and 18 still in close proximity to northern tree belt which could lead to post development threat.
- Plot 69 to the south of the site still has little useable garden space due to overshadowing from the tree belt to the south.
- Proposed planting along the eastern boundary still intermittent and would be in the control of individual residents to remove in the future.
- Loss of hedging to accommodate kerbs and swale
- Mitigation proposed in relation to landscape impact is weak.

22. **West Suffolk Leisure Services** – have confirmed the proposed layout in terms of open space is acceptable. Further details are required if the space is to be adopted.

23. **Environment Agency** – object:

'The proposed development site is immediately adjacent to a permitted landfill site that is known to produce landfill gas. The chalk and gravels beneath the landfill site may be considered potential pathways to the proposed development. The above reports identify methane within the proposed housing development.'

*We therefore **object** to the development on two grounds:*

1. The risks to the development are not fully understood.

2. The proximity of the proposed development, and the range of permitted development allowed under Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995, means that any permitted development of individual properties in the future may lead to an increased risk that cannot be assessed or controlled. '

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

25. **West Suffolk Planning Policy:** these are considered within the officer comment below

26. **Lawson Planning Partnership on behalf of NHS Property Services Ltd (Suffolk)** – a developer contribution of £33,800 is required to mitigate the 'capital cost' to the NHS for the provision of additional healthcare services arising directly from the development proposals.

27. **Anglian Water** – no objection subject to condition – there is sufficient capacity within the existing foul sewerage network

28. **Suffolk Preservation Society** – They 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

29. **Suffolk Constabulary** –

'We have no objection to the proposed development and although some of the points are covered in the planning application, I think it is important to make the following points:

1. The development is proposed to have 93 dwellings. Many people who move to rural locations have a need for more than one vehicle. This will put pressure on Gazeley Road which very narrow.

2. There is a footpath on one side of the road that doesn't go as far as the new development and there is no street lighting.

3. The 30 mph speed limit on Gazeley Road stops where the proposed development is due to be. The 30 mph speed limit will need to be extended for safety of the residents. I would also suggest a Gateway or some other traffic calming measure.

4. Gazeley Road and Herringswell Road meet the B1506 Bury Road as a cross roads. I believe there are also plans for developments in Herringswell road. I assume that consideration will be given to the potential numbers of vehicles that will be using these junctions at peak times and not just one proposed development in isolation.'

Representations:

30. Kentford Parish Council:

'Kentford Parish Council objects to the proposed development on the grounds that the increased volume of traffic generated by this application would have severe detrimental effect on already inadequate infrastructure within the village. Furthermore, a serious congestion problem would be created at the Herringswell Road crossroads.'

31. Kennett Parish Council considers 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?

32.A total of 10 letters/emails objecting to the application have been received from 7 different third parties, raising the following concerns:

- Application is premature and would prejudice the local plan process
- Brownfield sites should be considered first
- The site has environmental constraints (SPA)
- No demand in Kentford for new housing given plots are unsold at Farrier's Grange
- Local roads already reaching saturation point
- Congestion at both crossroads will be made worse
- Insufficient infrastructure to serve new developments, particularly schooling
- Development will ruin the rural nature of the village and the green sites that surround it
- Heavy rain often causes flooding on Gazeley Road – development of this site will increase this risk
- Stats within the transport statement are not credible
- Vehicles often speed as they enter the village. Anyone accessing the public open space on the site would have to cross the road – serious traffic management issues
- Existing exchange will not cope with internet demand from additional development
- Site in totally the wrong location
- Proposal is not sustainable
- Existing lack of local amenities
- Insufficient parking at Kennett railway station

**Policies:
Development Plan**

33.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

34.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 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 CS1, so far as it relates to the supply of housing, are considered to be out of date in accordance with the NPPF given the fact the Council cannot demonstrate a 5 year land supply of housing.

Other Planning Policy

35. 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 a material consideration for planning decisions and is relevant to the consideration of this application.

36. 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."*

37. 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:

38. 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;

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

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

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

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

Sustainable Development

39. 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.

40. 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.

41. The economic benefits are drawn from the residential development which would be derived from those who build the homes to the owners of the housing using local facilities and services. The social benefit is the delivery of a modest amount of development, accessible to local facilities, in a 'sustainable village'. Albeit adversely, the proposal is above the evidence contained within the IECA study which states that 'a scheme of 50 to 100 dwellings would significantly alter the village'. The proposal is at the upper limit above threshold of the IECA's 'significant impact'. And, although within walking distance to the settlement, it does not relate well to the existing dwellings and settlement. Environmentally, the Landscape Officer views the proposal as being acceptable and therefore not harmful to the environment or the character of the village. However, there is a significant environmental risk from the unknown impact from landfill gas.

42. 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, the application must be considered against the

objectives of the National Planning Policy Framework (the Framework) that was published in March 2012.

43. The Council is unable to demonstrate a five-year housing land supply (using the 'Sedgefield' approach to calculate 5 year land supply and attaching an additional 5% buffer in accordance with Paragraph 47 of the NPPF, Forest Heath District Council have 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 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.
44. 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.
45. 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.
46. In the most recent iteration of the SHLAA, (2012), site K/14 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), 'submission' version consultation draft document, the content of which was recently agreed with Members, 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 the 'Further Issues and Options' version consultation draft document was also recently agreed with Members. This 'prefers' sites accommodating a possible 160 dwellings in Kentford in the period to 2031, but does not include site K/14. 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.
47. The Framework identifies the three dimensions of sustainable development as

economic, social and environmental and emphasises that these should not be taken in isolation because they are mutually dependent. The development proposes 88 dwellings (as amended) that will boost the Council's supply of housing and deliver a wide choice of homes. Consideration must therefore be given to whether it is sustainable development for the purposes of the Framework.

48. 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.

49. Given the conclusions drawn by the Inspector in the Meddler Stud appeal decision (see working paper 1), it is Officer's view that the infrastructure within Kentford could not accommodate the proposed development of 88 dwellings. At paragraphs 39, 40 & 53-56 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 site 18 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.'

50. Whilst the proposed scheme is for 88 dwellings, not 102, this number is still in the upper limit of the range considered to have a significant impact on existing infrastructure in the village. Officers have genuine planning concerns about the long-term implications upon Kentford's infrastructure because of the location and scale of the development proposed.

51. The scheme is within the Primary 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, the principle of modest growth is accepted in Kentford. Since that decision, there has been no change to the principle of growth at Kentford or the number of facilities and services in the village.

52. To properly consider the NPPF and the significance of the Meddler Stud appeal decision, the benefits of the scheme together with the adverse impacts require assessment. The benefits: firstly, the proposal is for 88 dwellings and would therefore contribute to the 5 year land supply. The scheme is residential but would have a degree of employment benefits from those who build the development to the increase in population using the local services/facilities. The adverse impacts or harm to be considered in the context of sustainability (services provision) was addressed by the Inspector in relation to the Meddler Stud decision. The scheme is for 88 dwellings, the higher range of development that would be considered to have a significant impact on the village of Kentford and in these terms there is little to distinguish this proposal from the Meddler Stud proposal (Race Horse Industry issues aside). 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. The 'harm' associated with this development on balance outweighs the benefits, including the provision of housing, and would in the context of the

above, adversely affect the function and sustainability of the village. Although the site is on the eastern edge of the village and whilst there are some existing dwellings on the western side of Gazeley Road (but none directly opposite the application site) and an employment site to the north, these factors do not in Officers' view outweigh the harm or provide a justification for the site to be developed.

53. The scale of this proposed development is such that, in line with the Inspector's conclusions in relation to the Meddler Stud, is that it should 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 a scheme of this scale in the context of Kentford and with no other overriding benefits would predetermine this process in an unacceptable manner. The fact that the proposal goes some way to assist in the provision of a five years supply does not, in Officers' opinion, outweigh the harm caused.

Prematurity

54. The application 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. These are the matters to which the Meddler Stud Inspector had regard to when he determined that the proposals before him were premature. As in the Meddler Stud appeal, extant Governmental guidance on prematurity 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."

55. 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:

'To some extent, permitting a development on such a scale and in such a location as this would prejudice FHDC's 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). Further, it would to some extent negate the proper consideration of the cumulative impact of several developments within the Settlement. The key issue is whether or not such prejudice is of such significance as to warrant the refusal of this particular planning application.'

To provide some context, 88 dwellings, (as proposed), would constitute

some 55% of the settlements allocation within the context of the emerging Site Allocations document or some 52% of the emerging SIR Primary Village allocation of 168 dwellings in the plan period, (were all four settlement to receive an equal share).

In comparison, the Meddler Stud application that was recently refused on appeal, (ref. F/2012/0766/OUT), of 102 dwellings, also in Kentford, constituted some 61% of the 168 dwelling 'even-split' Primary Village SIR allocation. In this instance, the Authority argued, ultimately with some success, that that the application was 'premature' given its scale and location. In terms of tipping points for specific items of infrastructure, in his appeal decision, (ref. APP/H3510/A/13/2197077), The Inspector had real concerns that even the provision of 50-100 new homes would have a significant, (detrimental), impact and that on balance, the appropriate location and scale of housing development for this small Primary Village was a matter that should, and would, be properly and robustly addressed through the local planning process.'

Given the conclusions of the Inspector in the Meddler Stud decision (see paras above) and the fact that the application proposals are of a scale that is broadly commensurate with the proposals in that appeal, it is Officers' view that that there are no overriding considerations (including the supply of housing) that serve to justify a different approach to the question of harm and prematurity in this case, or otherwise justify a departure from the Inspector's approach sufficient to justify the grant of permission.

Highway Implications

56. 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, with the improvements proposed, the impact of the proposed development on the highway is acceptable.
57. 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 through the promotion of transport alternatives and further details would be secured by condition should permission be granted.
58. 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.

Design, Layout & Landscaping

59. As detailed above (para. 6), the scheme has been amended during the life of the application. These amendments have enhanced the scheme, but more could be done as set out by the tree and landscape officer's comments above. However, on balance the scheme proposed, on this basis alone is considered acceptable.
60. There is no doubt that the landscape character of the site will change as a result of the proposed development as it is currently an agricultural field. The site benefits from tree screening along the northern and southern boundaries, but there will probably be glimpses of the development through these screens and the site will be clearly visible from Gazeley Road. New planting is proposed within the site and along the eastern boundary to help soften the edge of the development which abuts the gallops and adjacent landfill site. The existing hedge along the boundary to Gazeley Road would also be retained (apart from where the new access is proposed.)

Ecological Issues

61. The applicant has submitted an ecology report which details a number of studies undertaken. These have been assessed by the Ecology Tree and Landscape Officer. In relation to bats, a condition is suggested to secure a lighting strategy to minimize impacts on foraging and dispersing bats for the site for the construction and operational phases of the development. A pre-commencement badger survey is recommended and would need to be conditioned if approval was forthcoming. In terms of the other surveys undertaken (flora and birds), a condition to secure a pre-commencement survey of Smooth Rupturewort would be necessary. In relation to birds, the recommendations following the survey should be secured by condition. A site enhancement and landscaping scheme would also need to be secured by condition.
62. Natural England has required a project level Habitats Regulations Assessment for the site to determine whether the proposed development is likely to have a significant effect on the interest features of the Breckland SPA. This information has been provided and concludes that the development will not have a significant adverse impact on Stone Curlew (the interest feature of the Breckland SPA). This has been largely accepted by Natural England. However, there is a gap in information which relates to stone curlew nest records for the last five years which is relevant in assessing impacts on the effect on birds nesting outside the SPA in the 'regular nesters' buffer and in any other locations within 1500m of the proposed development outside the SPA. In the absence of this information the application is contrary to the NPPF Chapter 11 Conserving and enhancing the natural environment as well as Core Strategy policy CS2. This therefore forms a reason for refusal as set out within the recommendation below. 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. This is not required in this case as the application is recommended for refusal.

The adjacent landfill site

63. As noted above in the consultation response from the Environment Agency, the release of gas from the adjacent landfill site is a major concern. The site contains a potential source of landfill gas and has known history of gas

migration particularly at peak groundwater levels in 2001. The pathway is very short and the nearest proposed housing is within approximately 5 metres of the landfill. The pathway lacks landfill gas containment and the Hollywell Nodular Chalk and River Terrace Gravels are dry and highly permeable, with fissure flow in the chalk. Capping limits vertical escape of gas however there is no active gas control. The proposed housing presents a potentially highly vulnerable receptor within 5 metres of the landfill. Insufficient information has been provided to suitably demonstrate that risks associated with landfill gas can be adequately controlled and mitigated. This therefore forms one of the reasons for refusal as set out in the recommendation below.

Open Space Provision

64. 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. An off site contribution of £ 211,425.00 would also be required.

Education and Local School Capacity

65. 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)

66. Suffolk County Council have identified the infrastructure requirements associated with a scheme of 88 dwellings on this site as:

Education	£267,982
Pre-School Provision	£ 48,728
Libraries	£ 19,008
Total SCC Contributions	£335,718

67. 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.

68. The need for education provision has been assessed by Suffolk County Council who has calculated the above figures based on providing an additional 22 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 8 pre-school pupils at a cost of £6,091 per place.

69. Suffolk County Council have confirmed that the developer contribution of £19,008 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.

70. On behalf of the NHS, Lawson Planning Partnership are also seeking a financial contribution of £33,800. 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.

71. The proposal also includes 30% affordable housing. This actually equates to 26.4 dwellings, but 28 are proposed on site, so is in accordance with Core Strategy Policy CS9. The Council's Housing Officer has advised on the mix and tenure proposed which would be secured through the s106.

72. 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:

73. Kentford is, subject to the planned provision of services, a sustainable Village within the Core Strategy that can accommodate some growth, but in terms of location, the proposed development is not considered to relate well to the existing settlement. Whilst the Parish Council and some local residents object to the scheme, the proposal must be considered against the Council's adopted policies, 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. However, the development is considered to be of a scale that it would prejudice the plan-making process and the proper consideration of alternative site options within the village.

74. It is accepted that this proposal would contribute to the objectively assessed housing need within the district and provides some affordable housing. However, it is concluded that there are adverse impacts; unknown impact from landfill gas, impact on the SPA, but also the fact that this site does not relate well to the existing settlement and is well above the threshold where significant harm could occur in the absence of planned services and infrastructure as highlighted by the IECA study and the Meddler Stud decision. It is these matters that would significantly and demonstrably outweigh the benefits of the proposed scheme. Having regard to the Framework and all other material planning considerations, even with the proposed s106 package, the proposal is not considered to be acceptable in sustainability terms and is not compliant with the NPPF in this regard.

Recommendation

75. That planning permission is refused for the following reasons:

1. The grant of planning permission for a scheme of this size would predetermine the location and scale of development within Kentford in an unplanned, uncoordinated and unsustainable manner. The site is located on the eastern edge of Kentford, away from the centre of the village and not adjacent to the existing settlement boundary. This site is not therefore considered to be an appropriate location for new residential development. The proposal is therefore contrary to the National Planning Policy Framework (2012) and The Planning System: General Principles (2005).
2. The existing landfill site to the east of the proposed development contains a potential source of landfill gas and has known history of gas migration particularly at peak groundwater levels in 2001. The pathway is very short with the nearest proposed housing being within approximately 5 metres of the landfill. The pathway lacks landfill gas containment and the Hollywell Nodular Chalk and River Terrace Gravels are dry and highly permeable, with fissure flow in the chalk. Capping limits vertical escape of gas however there is no active gas control. The proposed housing presents a potentially highly vulnerable receptor within 5 metres of the landfill. Insufficient information has been provided to suitably demonstrate that risks associated with landfill gas can be adequately controlled and mitigated. The proposal is therefore contrary to the policy advice contained in the NPPF (2012), particularly sections 109, 120 and 121.
3. The absence of a signed section 106 Agreement leaves the Local Planning Authority unable to secure the infrastructure improvements and enhancements, and the financial contributions necessary to monitor and maintain such that are considered necessary to render this development satisfactory. The result of this would be an unsustainable development contrary to the requirements of Policy CS13 of the Core Strategy and guidance contained within the NPPF 2012.
4. The application fails to demonstrate that there would not be an adverse impact on biodiversity and in particular that the development would not have a significant impact on the Breckland Special Protection Area. The gap in information relates to stone curlew nest records for the last five years and is relevant in assessing impacts on the effect on birds nesting outside the SPA in the 'regular nesters' buffer and in any other locations within 1500m of the proposed development outside the SPA. In the absence of this information the application is contrary to the NPPF Chapter 11 Conserving and enhancing the natural environment and local plan policy CS2.

Documents:

76. 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 HXB221>

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

77.Working Paper 1 – Meddler Stud Appeal Decision.

Case Officer: Sarah Drane
Tel. No. 01638 719432