

Forest Heath District Council

**DEVELOPMENT
CONTROL
COMMITTEE**

5 MARCH 2014

DEV14/106

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

**PLANNING APPLICATION DC/13/0123/OUT - LAND EAST OF ASPAL LANE,
BECK ROW**

Synopsis:

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

Recommendation:

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

CONTACT OFFICER

Philippa Kelly (Case Officer)
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Parish: Beck Row

Committee Date: 5 March 2014

App. No: DC/13/0123/OUT

Date Registered: 10 September 2013

Expiry Date: 10 December 2013

Proposal: Outline application – residential development for up to 124 dwellings and new vehicular and pedestrian access off Aspal Lane (Major Development and Departure from the Development Plan) as amended by plans received on 19.11.2013 reducing the number of dwellings to 117.

Site: Land East of Aspal Lane, Beck Row, Suffolk

Applicant: Aspal Limited C/O Agent

Case Officer: Philippa Kelly

Background:

This application is referred to Development Control Committee due to its complex nature which raises District wide planning policy issues. The officer recommendation to grant planning permission is contrary to policies contained in the adopted Development Plan.

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

APPLICATION DETAILS:

1. The application is in outline form, and seeks planning permission for residential development (up to 117 dwellings). The means of access only to the site forms part of the application, with all other matters reserved. The submitted plans indicate that access to the development will be via a 'T' junction onto Aspal Lane. Whilst matters of appearance, landscaping, layout and scale are reserved for future detailed applications, the application supporting material includes an indicative site layout.
2. The density of the proposed development will be just under 30 dwellings per hectare, based on a maximum of 117 dwellings and a total site area of 4 hectares.

AMENDMENTS:

3. The indicative site layout has been revised during the course of the application, to overcome concerns raised by officers relating to the ability of the site to accommodate the number of dwellings proposed. An amended drawing was received on 19 November 2013, which reduced the number of dwellings proposed to 117. The amended scheme also reflects the Council's requirements for the on site provision of open space. This

includes a central green feature and a parcel of public open space along the length of the eastern boundary of the site.

4. During the course of the application, the 'red line' site location plan was revised to accurately reflect land within the control of the applicant.

SITE DETAILS:

5. The application site is located on the east of Beck Row, on the eastern side of Aspal Lane, north of its junction with St John's Street. It lies adjacent to and to the south-east of the defined settlement boundary for Beck Row. Beck Row is designated as a Primary Village in the Core Strategy Policy CS1. At 2009 it had an existing population of approximately 3750.
6. The site occupies a rectangular parcel of land which measures approximately 4 hectares in size. It comprises a large open field which varies only slightly in topography. There is an informal field access to the site from Aspal Lane, at its northern corner. Whilst the site is designated as agricultural land, officers understand that it has not been farmed in recent years. As a consequence, the site has developed the characteristics of a self-naturalised grassland, and shows signs of developing towards scrub woodland.
7. The northern and southern site boundaries comprise mixed boundary vegetation, which provide some screening. There is also some hedgerow boundary and an artificial ditch along the site frontage with Aspal Lane (which appears to have been created to prevent unauthorised access into the site). Otherwise the site is free from features. A wet ditch lies outside the application site and runs parallel to the south-eastern boundary. A group of mature willow trees adjacent the south-eastern site boundary overhang the site.
8. To the immediate north of the site, and forming the northern boundary, is Rozel Court mobile home park. Land immediately to the south comprises a residential bungalow and its associated amenity land, the boundary of which defines much of the southern boundary of the site. Beyond this is Aspal Nursery. To the east of the site is open countryside.
9. The opposite side of Aspal Lane is characterised by modern residential development comprising two storey detached and semi detached dwellings which front the road. This includes new estate development opposite the application site, which is served by 'Heathlands'.
10. Overhead powerlines run along the site frontage, parallel to Aspal Lane. A small Anglian Water pumping station is situated on the site frontage. The Environment Agency flood risk maps indicate that the site is situated within Flood Zone 1 ('little or no risk of flooding').

APPLICATION SUPPORTING MATERIAL:

11. The application is accompanied by the following documents:
 - i. Application forms and drawings – including location plan and indicative site layout plan
 - ii. Planning Statement (incorporating Design and Access Statement)
 - iii. Ecology Report
 - iv. Landscape and Visual Impact Assessment
 - v. Tree Survey and Arboricultural Impact Assessment
 - vi. Transport Statement
 - vii. Geophysical Archaeological Survey Report
 - viii. Contaminated Land Survey Report
 - ix. Ecological Appraisal
 - x. Transport Assessment
 - xi. Flood Risk Assessment

12. The Planning Statement which accompanies the application confirms that the indicative site layout has been prepared in consultation with the Parish Council and residents of neighbouring properties. The statement goes on to advise (Page 14) that *'the suggested layout seeks to respond to the site context, avoiding or minimising adverse impacts and making the most of the opportunities identified, as well as considering the policy requirements'*.

13. The supporting information provided by the applicant considers in detail the current planning policy context. It places significant weight on the National Planning Policy Framework ('the Framework'), with specific reference to the government's presumption in favour of sustainable development and the absence of a District wide five year housing land supply. These considerations are discussed in more detail within the officer comment section of this report.

14. Prior to the submission of the subject planning application, the applicant sought a separate formal screening opinion from the Council under the provisions of the Town and Country Planning 'Environmental Impact Assessment' (EIA) Regulations 2011. A formal Screening Response was issued by the Council on 16 August 2013. This takes the view that the development as proposed is not EIA development. As a consequence an EIA was not required as part of the planning application submission.

PLANNING HISTORY:

15. F/74/1596 – residential housing and mobile home park, with new access and ancillary work. Refused.

CONSULTATIONS:

16. Members of the public and statutory consultees were consulted in respect of the scheme as submitted and as amended. The following is a summary of statutory comments received following consultation of the amended scheme (unless stated otherwise):

17. **West Suffolk Planning Policy** - Detailed comments provided. See officer comment for detailed assessment of policy context.
18. **West Suffolk Strategic Housing** - No objection. Supports the application. Requirement for 30% affordable housing under Council policies.
19. **West Suffolk Environmental Health** - No objection subject to conditions/informatives.
20. **West Suffolk Ecology Tree and Landscape Officer** - Detailed comments provided. Recommends conditions relating to the detail of the scheme, including landscaping, protection of retained trees and details of tree works.
21. **West Suffolk Leisure Services** - No objection. Confirmation of the acceptability of the on-site provision of open space. Requires off site contribution for Sports Space, Play Space and Allotments, to be secured by way of developer contribution.
22. **Suffolk County Council Planning Obligations** - Detailed advice received on a range of planning matters, including S106 developer contributions:
 - Primary Education - Contribution of £600 706 sought for build costs and £68 237 for land acquisition costs, associated with the provision of a new primary school.
 - Secondary Education - No contribution sought.
 - Pre-school Provision - Contribution of £73 092 sought.
 - Transport issues - See separate SCC Highways consultation response.
 - Libraries - Contribution of £25 272 sought.
 - Waste - A waste minimisation and recycling strategy should be secured by planning condition.
 - Supported Housing - Sheltered housing provision may need to be considered as part of the overall affordable housing requirement.
 - Sustainable Drainage Systems (SUDs) - SuDS should be incorporated into the development, in the interests of reducing flood risk, improving water quality and biodiversity/amenity benefits.
 - High Speed Broadband - All development should be equipped with high speed (fibre optic) broadband.
 - Fire service - Fire hydrant issues should be covered by appropriate planning conditions (see separate SCC Fire and Rescue consultation response).
 - Play space provision - Consideration will need to be given to adequate play space provision.
 - Legal costs - SCC will require reimbursement of its own legal costs.
23. **SCC Highways** - No objection subject to detailed conditions/informatives relating to the design of the scheme, and securing of the following contributions related to the following: cycle and pedestrian improvements;

public transport (infrastructure); travel plan monitoring and advice; car share contribution; travel plan implementation bond.

24. **Suffolk County Council Travel Planner** – Comments. No objection to the scheme. Recommends that the Travel Plan and monitoring contributions are secured by way of S106 agreement, including a Travel Plan implementation bond. Requests a developer contribution for the running and promotion of Suffolk Care Share.
25. **Suffolk Fire and Rescue Service** – Comments. No objection. Recommends planning condition relating to the provision of fire hydrants.
26. **Suffolk County Council Archaeological Services** - No objection subject to conditions relating to an agreed programme of archaeological investigation.
27. **Lawson Planning Partnership on behalf of NHS Property Services Ltd (Suffolk)** – Holding objection. Comments. A developer contribution of £18 200 is required to mitigate the capital cost to the NHS for the provision of additional healthcare services arising directly from the development proposals.
28. **Mildenhall Drainage Board** – Comments. No objection provided that soakaways form an effective means of surface water disposal.
29. **Environment Agency** – Comments. No objection. Recommends a planning condition relating to drainage details.
30. **Suffolk Wildlife Trust** – No objection. Requests that recommendations contained in the submitted ecological survey report are secured by planning condition.
31. **Natural England** - Comments. No objection.
32. **Anglian Water** Comments. No objection subject to planning conditions relating to surface water disposal and foul water strategy.

REPRESENTATIONS:

33. **Beck Row Parish Council** - Support the amended application. Previous comments in respect of scheme as originally submitted still apply:
 - That FHDC ensure before building begins that Anglian Water upgrades the sewage system in the area as stated.
 - That priority be given to people who live, work or have family in the Parish in the allocation of affordable housing.
34. In addition, a total of four letters/emails objecting to the application have been received from third parties, raising the following concerns:
 - Question the need for further residential development in Beck Row.
 - Impact of the proposed development on existing local residential amenity (including noise, pollution, health and loss of view).

- Loss of privacy - request that a fence is erected along the boundary with existing properties.
- Impact on the value of existing properties.
- Highways impacts associated with increased traffic.
- Impact on existing infrastructure and services (including sewage system, local schools and health facilities).
- Potential increased crime rate.
- Loss of farmland.
- Ecological impacts.

POLICIES:

Development Plan

35. The following Forest Heath Local Plan (1995) saved policies are relevant in the consideration of this application:
- Policy 9.1 and 9.2 – The Rural Area and New Development
 - Policies 10.2, 10.3 and 10.5 – Open Space Provision
36. 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 CS9: Affordable Housing Provision
 - Policy CS10: Sustainable Rural Communities
 - Policy CS13: Infrastructure and Developer Contributions
37. Officer Note – Core Strategy Policy CS7 and, insofar as it relates to housing numbers, Policy CS1, relate to the supply of housing. In accordance with the National Planning Policy Framework they are considered to be out of date, given the fact that the Council cannot demonstrate a five year land supply.

Other Planning Policy

38. 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.
39. 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."*

40. 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"

41. 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:

Principle of Development

42. Beck Row is designated as a Primary Village within the Forest Heath Core Strategy (Policy CS1). Under this policy, limited housing growth to meet local housing needs is generally supported in principle. The subject application site relates to land which is outside of the defined settlement boundary of Beck Row, and as such is classified as countryside. The proposed residential development would therefore be contrary to retained policies within the Council's existing local development plan - including Policy 9.1 of the Saved Local Plan (which allows residential development in rural areas in only certain specific circumstances).

43. The Framework advises that where a Council does not have a five year supply of land, development plan policies for the supply of housing cannot be considered up to date. Forest Heath District Council cannot currently demonstrate a 5 year housing land supply - the Planning Policy Officer, in consultation advice, has confirmed that the current housing land supply is 3.6 years. In these circumstances, Paragraph 14 of the Framework is of relevance. This supports the granting of planning permission for

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'*.

44. Given the significance of the five year housing land supply, it is considered appropriate to remind Members of recent planning appeals in the District:

Meddler Stud, Kentford outline planning application for 102 houses (planning reference F/2012/0766/OUT) The Inspector's Decision Letter recognises that the lack of a deliverable five year supply of housing land goes in favour of the grant of planning permission, and noted the economic, environmental and social benefits of the development scheme. However, given that existing local amenities within the village are at tipping point, he concluded that the sustainable location and scale of development should be properly tested through the local planning process.

Land at Windmill Hill, Exning outline planning application for 11 dwellings (planning reference F/2011/0653/OUT). The Inspector's Decision Letter was clear in that it would be unreasonable to refuse applications for the residential development of this site, all other matters being acceptable, on the basis of the Framework and the absence of a five year land supply.

45. The absence of a five year supply of land lends significant weight in support of the development proposals, not least given the Government's aim to boost the supply of housing and to stimulate the economy. However, whilst the above appeal examples provide useful guidance, it does not mean that the absence of a five year supply of housing land is in itself sufficient justification to warrant the support of development elsewhere. Consideration must also be given to the objectives of the Framework as a whole, with particular regard to whether the proposed development represents sustainable development.

Sustainable Development

46. The objectives of the Framework and its presumption in favour of sustainable development are clearly fundamental to the consideration of the application, given that the District does not have a five year land supply for housing. The three dimensions to sustainable development (economic, social and environmental) and the importance of these overarching roles within the planning system are summarised in Paragraph 7 of the Framework. Within this context, Paragraph 17 sets out a number of core land-use planning principles that should underpin decision making.
47. For the purposes of local planning policy, Beck Row is categorised as a Primary Village because of the type and nature of the available facilities and local services. This includes a primary school, two churches, public houses/restaurants, hot food takeaway and local convenience store. The principle of modest growth in Beck Row is accepted and has been established through Core Strategy Policy CS1. There has been no change in these circumstances, and Beck Row remains a sustainable settlement.

48. The emerging core strategy Policy CS7 Single Issue Review submission consultation document (which was agreed with Members in the autumn of 2013) allocates some 168 dwellings to Beck Row in the period to 2031 (based on an even split of 670 dwellings over the four primary villages). This suggests that in broad terms Beck Row has the capacity to support the level of development proposed by the subject application.

Environmental Capacity

49. The provision of services and facilities within the District's settlements has been the subject of investigation and assessment through the 2009 Infrastructure and Environmental Capacity Appraisal (IECA), which informed the local plan process. The IECA report considers the environmental capacity of settlements, and recognises the need for a mechanism to provide social, physical and environmental infrastructure to support growth. The report also considers settlement infrastructure tipping points, which are utilised to evaluate potential impacts on infrastructure.
50. In terms of the environmental capacity of settlement infrastructure, it has been held at the Meddler Stud, Kentford planning appeal that the IECA report is the best available evidence. The Inspector's Decision Letter also provides useful guidance in respect of settlement tipping points. In the context of Kentford, the Inspector raised concern that any physical expansion of Kentford without infrastructure improvements would have an impact on existing facilities.
51. The IECA report acknowledges that Beck Row has a reasonable network of existing infrastructure for a primary village. It also notes that many local residents work on the Mildenhall Air Base and may therefore use services there that are not necessarily open to community uses. This means that the provision of some infrastructure types (such as sports facilities) is relatively poor. There are also no GP's or dentists which ordinarily a settlement of this size would be able to support. The report also recognizes that the local transport network is also recognized as a potential constraining factor to development.
52. In terms of the environmental capacity of Beck Row, the IECA report identifies capacity for some 240 – 420 new dwellings to 2031. The report notes that the village could only support a limited amount of growth before investment in infrastructure is required. In terms of actual housing numbers, a 'tipping point' of around 50 – 100 new homes is referred to, beyond which it advises that further investment in infrastructure would be necessary.
53. The subject application proposes up to 117 new dwellings in Beck Row, which is above the top end of the range considered by IECA to have a significant impact on existing infrastructure in the village. However, it is important to note that the tipping point range is based on there being no further investment in local infrastructure. Officers have carefully considered the content of the IECA report, with specific reference to

Appendix 5 which provides a break down of each type of infrastructure in Beck Row, and an assessment according to its capacity. Reference has also been made to consultation advice received during the course of the application. This process has highlighted the following types of infrastructure as being at the 'critical' or 'essential' stage.

Critical Infrastructure - Healthcare Provision

54. The IECA report lists healthcare provision in Beck Row as 'critical' infrastructure being already at tipping point - with national standards suggesting that the village has sufficient population to support both a GP surgery and dental practice.
55. Consultation advice received on behalf of NHS Property Services Ltd Suffolk confirms that the development proposal is likely to have a significant impact on the NHS funding programme for the delivery of healthcare provision within the local health catchment area, and notes a capacity deficit in the catchment surgery (Mildenhall). The consultation seeks a developer contribution to mitigate the capital cost to the NHS for the provision of additional healthcare services arising directly as a result of the development proposal. The requested contribution can be secured through the S106 planning obligation process.

Critical Infrastructure - Education

56. The ongoing Schools Organisation Review and consultation advice received on behalf of Suffolk County Council supersedes the evidence contained in the 2009 IECA report with regard to the provision of education in Beck Row. During the course of the application, meetings with SCC officers have taken place regarding this issue. Officers understand that that a critical infrastructure tipping point has been reached with regard to local primary school provision. Beck Row Primary School is almost at capacity and expansion would be difficult due to site constraints. It is understood that the emerging County education strategy is therefore to deliver a new 210 place primary school. Pro-rata site acquisition costs and build costs for a new school have been requested by the County Council.
57. In terms of pre-school provision, it is the responsibility of the County Council to ensure that there is sufficient early year's provision for pre-school children. A capital contribution based on the potential number of places generated by the development proposal has been requested, to be secured by S106 agreement. The County Council has confirmed that these contributions would be invested in the local area to improve local early year's provision. The request for both primary school and pre-school contributions can be secured through the S106 process.
58. With regard to secondary school provision, the County Council has confirmed that there are sufficient surplus places available at Mildenhall College of Technology, which is the catchment secondary school which serves the proposed development.

Fundamental/Essential Infrastructure - Transport

59. The IECA report provides commentary on local transport issues in Beck Row, and categorises investment in transport infrastructure as 'fundamental' and 'essential'. It advises that mitigation of current congestion problems should be investigated as part of the consideration of proposals for new development, and seeks to encourage public transport services given limited existing provision. Officers note that it would not be reasonable to seek the mitigation of existing traffic problems as part of this planning application.
60. Consultation advice received on behalf of the Suffolk County Council as Highway Authority has raised no objection to the scheme as proposed. The County Engineer has requested developer contributions towards investment in public transport infrastructure. A contribution is also sought in respect of cycle and pedestrian improvements from the proposed development site to local facilities. This would support the sustainability of the site, and encourage modes of transport other than the car. Both of these elements can be secured through the S106 process.
61. On the basis of this evaluation, officers are of the opinion that existing infrastructure in Beck Row is not under such severe pressure as to warrant the refusal of the scheme on these grounds. The additional pressure on infrastructure generated by the development proposals could be accommodated without significant harm to the village, by mitigation through a related package of infrastructure improvements and financial contributions. These would be secured through the S106 process. This is referred to in more detail later in this report.

Prematurity

62. The subject application has been submitted in advance of the Core Strategy Policy CS7 Single Issue Review and the Site Specific Allocations Document, which will determine future housing numbers and distribution within the District. The proposal therefore raises the issue of prematurity - specifically whether the development would prejudice the proper consideration of site options for development within Beck Row.
63. Relevant government advice on this matter is contained in the 2005 document 'The Planning System General Principles', which is a material consideration. The document advises that in some circumstances it may be justifiable to refuse planning permission on the grounds of prematurity, where a DPD is being prepared or is under review, but has not yet been adopted. This may be appropriate where the proposed development is so substantial or where the cumulative effects 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 local plan policy.
64. The application site is included in the 2012 Strategic Housing Land Availability Assessment (SHLAA) as site BR/10 for 124 dwellings. The emerging site allocations document 'prefers' this site as an option for

development. Officers note that the site allocations process is at an early stage, and as such this status offers limited weight in terms of decision making.

65. The proposed development would represent some 43% of the allocation for Beck Row as set out in the context of the emerging Site Allocations document - or some 70% of the emerging Single Issue Review Primary Village Allocation of 168 dwellings in the plan period to 2031 (were all the four primary villages to receive an equal share). Whilst it is acknowledged that this represents a large proportion of the Beck Row allocation, officers consider that the development scheme is well related to the village in terms of proximity to existing services and facilities, and would not cause unacceptable harm. Moreover, the environmental, social and economic benefits of the scheme are considered to outweigh concerns regarding prematurity. On this basis it would not be appropriate to object to the scheme on these grounds.
66. To summarise, it has been demonstrated that Beck Row has the environmental capacity to accommodate the proposed level of growth in a sustainable manner. Furthermore, the proposed new development will help to support the provision of a range of local services and as such encourage the vitality and viability of Beck Row. In the absence of a 5 year supply of housing land, the principle of the development proposal is considered justified, subject to the following assessment of planning matters.

Landscape Character, Design and Local Distinctiveness

67. The application site is situated on the edge of the village of Beck Row, within a single large field which is open in character and contains no distinctive character or features of interest. Officers consider that the residential development of this parcel of land would not be out of context, given that it is adjoined by existing residential development to the immediate north and south.
68. The application submission includes a Landscape and Visual Impact Assessment (LIVA) which considers the landscape and visual effects of the proposed development. The LIVA advises that the magnitude of visual change will be most pronounced in views from adjacent dwellings.
69. Officers acknowledge that the proposed development will permanently alter the appearance of the local landscape. However, this is considered unlikely to have more than an impact on the immediate locality. Moreover, the detailed design stage will offer opportunities to achieve good design, mitigate views of the development and enhance the landscape setting.
70. Whilst matters of appearance, landscaping, layout and scale are to be reserved for future detailed applications, the accompanying documentation includes an indicative site layout drawing. This drawing was amended during the course of the application, following advice offered by the planning officer. The Council's Tree, Ecology and

Landscape Officer, in consultation advice has raised concern regarding the scheme's lack of sense of place and inaccuracies regarding the proposed landscaping. The scheme is in outline form only, and the submitted layout is indicative only. It is considered that the matters raised can be addressed at the detailed planning stage.

71. On the basis of the above evaluation, officers are satisfied that the existing landscape character will not be compromised by the proposed development. The proposals are therefore considered to accord with Policies CS3 and CS5 of the Core Strategy.

Residential Amenity

72. Existing residential properties are situated immediately to the north and south of the application site. The indicative site layout has been revised to reflect the close relationship with existing development, particularly plots on the Rozel Court mobile home park to the north, some of which are situated close to the common boundary. Revisions to the indicative layout includes moving the indicative footprint of buildings away from the common boundaries (a minimum distance of 7m is shown on the northern boundary). The revised proposals also include the provision of fencing along these boundaries, which can be secured by planning condition should approval be forthcoming.
73. Given the relationship of the site with existing properties, your officers do not consider it unreasonable to control the construction activities in terms of the hours of operation. A relevant condition can be included.
74. Officers note that the Council's Ecology, Tree and Landscape Officer, in consultation advice, has commented that the submitted layout does not demonstrate how residential visual amenity can be addressed. Third party representations have also raised concern regarding the potential impacts of the proposed development on existing residential amenity. It is an expectation that a full assessment of the potential impacts of the scheme on residential amenity will be carried out at the detailed planning stage when parameters such as building scale and layout are formalised. Officers consider that sufficient safeguards existing within the Development Plan and the NPPF to protect the interest of occupiers of existing residential properties.
75. On the basis of the above evaluation, officers are satisfied that the residential amenity of the occupants of existing properties will not be compromised by what is proposed.

Highway Issues

76. Aspal Lane is a highway comprising a minor unclassified two lane carriageway, with a single footway on the opposite side of the application site. The application proposes that this will be closed and replaced by a new junction access, approximately 50m to the south. Access to the proposed development will be via a simple 'T' junction with Aspal Lane, incorporating standard estate road geometry, and visibility splays of 2.4m

x 59m, together with a new 2m footway link along the length of the site frontage.

77. The development scheme layout has been updated during the course of the application, following advice given by the County Engineer on behalf of the Highway Authority.

Transport Assessment

78. A Transport Assessment (TA) accompanied the application as originally submitted. Pre-application discussions with Suffolk County Council informed the methodology adopted in the preparation of this report. The TA provides information on the potential highways impacts arising from the development scheme as originally submitted. A review of the capacity of junctions within the study area (including the proposed site access junction onto Aspal Lane) demonstrates that existing and proposed junctions will operate with adequate capacity, and that the development will not have a material impact on road transport.
79. Whilst the application site is on the edge of the defined settlement boundary, it is well related to the village and lies within walking and cycling distance of existing services and facilities. The submitted TA seeks to encourage non car travel, and includes a framework travel plan which sets out measures to encourage the use of sustainable modes of transport in order to reduce car dependency. The County Travel Planner, in consultation correspondence, has confirmed the acceptability of this document, and advised that a site travel plan be formalised and secured by way of Section 106 agreement. Developer contributions are also requested in relation to the monitoring of the travel plan, support fees and a contribution towards the Suffolk Car Share Scheme.

Access Issues

80. The submitted TA demonstrates that the proposed new primary access onto Aspal Road is achievable without comprising highway safety. The Highways Engineer has confirmed the acceptability of this aspect of the scheme, subject to the precise details of the new access arrangements, and the provision of visibility splays. These elements can be secured by planning condition.

Parking Provision

81. During the course of the planning application, the indicative site layout was updated to ensure that the parking provision required under the relevant standards could be accommodated (three car parking spaces for 4-bed properties and provision for visitor parking). The County Engineer has confirmed the acceptability of this aspect of the proposals.
82. The third party representations which raise concern regarding the potential highway impacts of the development are noted. Given that the Suffolk County Council as Highway Authority has raised no objection to the development scheme, it would not be reasonable for the local planning authority to raise an objection on highway grounds. In reaching this decision, your officers are mindful of government advice contained in Paragraph 32 of the Framework. This states that '*development should*

only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe'.

83. Subject to the recommendation of appropriate planning conditions and S106 agreement as set out above, the development proposal is considered appropriate in terms of highways issues.

The Natural Environment

84. The Breckland Forest Site of Special Scientific Interest (SSSI) and component part of the Breckland Special Protection Area (SPA) lies within approximately 1.4km of the application site. The site is outside the 400m woodlark and nightjar buffer as designated in the Core Strategy. The SPA is not connected to the application site, and the habitats within the application site are considered unsuitable for the bird features for which the SPA is designated. On this basis, the local planning authority considers that the likely impact of the development proposal on the SPA is neutral, and there is no requirement for an Appropriate Assessment under The Habitats Regulations. Consultation advice offered by Natural England confirms the acceptability of this approach.
85. An ecological appraisal of the site was submitted in support of the planning application. This advises that a Phase 1 habitat survey identified a number of main habitat types offering potential habitats for legally protected species, and other species of conservation concern. Further detailed species surveys were subsequently carried out, which identified the presence of reptiles. The documentation proposes that the population would be translocated to a receptor site to prevent adverse impact from the development proposals. Further details of the translocation process, including details of the receptor site, will be required by condition.
86. The ecology report relies on the retention of mature trees on the site, although officers note that the tree survey recommends canopy reduction and pruning of some trees. There is therefore potential for an impact on bat habitats which would need to be assessed as part of the detail of the scheme. A relevant condition has been recommended.
87. Officers note a group of trees lie outside the application site, immediately adjacent to the southern boundary. The application documentation confirms that they are to be retained. A condition can be recommended which requires the erection of protective fencing to prevent harm from construction activities.
88. Based on the consultation advice offered by Suffolk Wildlife Trust and Natural England, the development proposals are considered subject to the recommended mitigation and enhancement measures set out in the ecological appraisal being implemented in full. A relevant planning condition can be recommended. On this basis, the proposed development is considered to satisfactorily address ecological issues. The proposal is therefore in accordance with Core Strategy Policy CS2.

Environmental Issues

Flood Risk

89. The application site is shown to lie within Flood Zone 1 on the Environment Agency Flood Risk maps, representing an area at low risk of flooding and suitable for all forms of development. The application as submitted included a Flood Risk Assessment (FRA) which states that the proposals would not have an adverse impact on flood risk or drainage related issues.
90. The Environment Agency, in consultation comments, has advised that the submitted FRA is acceptable, and that the proposed development will have an appropriate rate of discharge - subject to the details of surface water drainage. In terms of the provision of sustainable drainage systems (SuDS), these can be incorporated into the detailed design of development, to reduce the potential impact of the development with respect to surface water drainage discharge. The submitted FRA includes a plan which demonstrates that if infiltration cannot be used for surface water drainage, a system which discharges to the ditch at the south-eastern edge of the site could be used, with the public open space to the east of the site acting as a swale. The use of utilising public open space as a SuDS feature has been accepted in principle elsewhere in the District. The precise detail of the surface water drainage proposals, (including provision of SuDS) will need to be secured as a planning condition, in accordance with the consultation advice offered by the Environment Agency.
91. In terms of foul drainage, Anglian Water, in consultation correspondence, has advised that there is available capacity in the local treatment works (Mildenhall Sewage Treatment Works) to cope with the waste water flows arising from the development. In accordance with the advice offered, and to prevent unacceptable risk of flooding downstream, a foul water drainage strategy will need to be secured by way of planning condition.
92. The concerns of Beck Row Parish Council are noted regarding the existing sewage system. Officers are aware that there have been past problems in Beck Row relating to the disposal of foul water. This would appear to be related to a faulty pump at the pumping station on Aspal Lane (adjacent the application site). When the pump ceases to function, sewage is unable to drain via gravity and begins to back upstream. Officers understand that the connection for the proposed residential development will be downstream of the pump – and will therefore not impact on the pumping station, or the upstream network.

Contaminated Lane

93. The entire application site has an agricultural history. The submitted ground contamination report suggests that there is little evidence to indicate that any of the site is contaminated. The Council's Environmental Health Officer, in consultation correspondence, confirms that there is no significant contamination risk and that no remediation is required. Your officers note the consultation advice on behalf of the Environment Agency which recommends a condition requiring further investigative work,

should contamination be found during development.

94. Subject to the recommendation of the relevant conditions as detailed above, the proposed development is considered acceptable with regard to environmental issues.

Archaeology

95. A geophysical survey report was submitted as part of the planning application. This document notes that the application site is located in close proximity to a medieval moated site, and that there is high potential for encountering below ground archaeological remains.
96. Based on the results of the geophysical survey, further investigative work was undertaken in accordance with advice offered by the County Archaeological Officer. The additional trial trenching work has been carried out to the satisfaction of the Archaeological Officer, who has no objection to the proposed development – subject to the recommendation of a two part archaeological condition, should approval be forthcoming.
97. Subject to the recommendation of the archaeological condition, the proposal is considered in accordance with Core Strategy Policy CS3 and the advice offered in the Framework with regard to the conservation of heritage assets of archaeological interest.

Section 106 Planning Obligation Issues

98. Planning obligations secured must be in accordance with the Community Infrastructure Levy Regulations 2010, which came into force on 06 April 2010. In particular, Regulation 122 states that a planning obligation may only constitute a reason for approval if it is:
- (a) Necessary to make the development acceptable in planning terms;
 - (b) Directly related to the development; and
 - (c) Fairly and reasonably related in scale and kind to the development.
99. These are the three principal tests set out in Paragraph 204 of the Framework and are of relevance in guiding the negotiation of planning obligations sought prior to the coming into force of the CIL Regulations. In assessing potential S106 contributions, officers have also been mindful of Core Strategy Policy CS13 and the Suffolk County Council guidance in respect of Section 106 matters, 'A Developers Guide to Infrastructure Contributions in Suffolk'.

Affordable Housing

100. The Council's Strategic Housing team has confirmed support for this development. The proposal triggers the requirement for up to 30% affordable housing under Policy CS9 of the Core Strategy, and the Council's Supplementary Planning Document (SPD) for Affordable Housing. Based on the revised scheme for up to 117 dwellings, this equates to 35.1 units (of which the 0.1 will be required as a commuted sum). This can be secured by way of S106 agreement, which can also

include details of the tenure requirements.

Open Space Provision

101. The proposed development has been assessed against the Council's SPD for Open Space, Sport and Recreation Facilities (2011) using the indicative housing mix proposed. The proposed on site provision as shown on the indicative site layout has been confirmed as acceptable. Contributions in lieu of off site provision for allotments, sports space and play space have been sought.

Highway Improvements

102. Both the SCC Highways Engineer and Travel Planner in their consultation advice have requested that the S106 package include a number of highways elements. In terms of improvements to the local public transport infrastructure, £5000 is sought for enhancements to the bus stops in the immediate vicinity of the applicant site. Contributions are also sought in respect of travel plan monitoring and specialist advice, and a car share contribution towards the ongoing costs of the care share scheme. A contribution of £50 000 has also been requested for cycle and pedestrian improvements from the application site to local facilities.
103. The measures proposed are in the interests of the wider sustainability of the development, and would improve accessibility to alternative forms of transport usage. Officers are however, concerned that there is no preliminary design for the cycle and pedestrian improvements sought by the County Engineer. Officers have therefore sought further justification for this amount (including full costing of the scheme), to understand how this figure has been reached.

Education

104. The capacity of Beck Row Primary School to accommodate additional pupils that are likely to arise from the proposed development is an important consideration, which has also been raised in third party correspondence. Beck Row Primary School is currently at capacity and unable to further expand to take additional pupils.
105. Based on the consultation advice offered by the Suffolk County Council Planning Obligations Manager, it would be appropriate to seek contributions towards the land and build costs associated with securing a new primary school. Officers note that at the time of writing the report a new primary school site in Beck Row had not been identified by Suffolk County Council. Members are reminded that school places will have to be found as a statutory responsibility.

Pre School Provision

106. Suffolk County Council has identified the infrastructure requirements associated with this scheme as £73,092 for pre-school provision.

Libraries

107. A developer contribution of £25,272 has been sought by the County Council for libraries, with detailed calculations based on an average of 2.4 persons per dwelling.

Health

108. A contribution of £18,200 has been sought on behalf of NHS Property Services Ltd, towards capital funding to increase capacity within the GP practice area.

Summary

109. The requests for developer contributions as described above will ensure improvements to existing infrastructure within Beck Row and the local area, to accommodate the growth of the village and meet the needs of the community, in accordance with Core Strategy Policy CS13. Officers are satisfied that they meet the three tests of planning obligations set out in Paragraph 204 of the Framework, and are therefore entirely justified. The planning agent has confirmed the 'in principle' acceptability of entering into a S106 planning obligation to secure these benefits - subject to further discussion with Suffolk County Council regarding the scale of contributions to be secured in respect of primary school provision and cycle/pedestrian improvements.

Other Issues:

110. The majority of third party comments have been dealt with above. The third party representation relating to loss of view is not material to the planning assessment.
111. In accordance with the consultation advice offered by the County Fire Officer, it is appropriate that fire hydrants are secured by way of planning condition.

Conclusion

112. The development proposal has been considered against the objectives of the Framework and the government's agenda for growth, which identifies housing development as a key driver for boosting the economy – particularly given that the Council does not currently have a five year land supply.
113. Beck Row has been identified as a Primary Village that can accommodate some growth within the Council's Core Strategy. The proposed development has a number of positive attributes which lend support to the scheme. The indicative site layout shows that a satisfactory layout can be achieved. The design would be capable of achieving good design whilst respecting local character and appearance. The development would also provide economic benefits – these relate to the creation of short term jobs, local spending likely to be generated by the proposed residents, and monies from the new homes bonus payments. In addition it would bring about societal benefits in terms of contributing towards the objectively assessed housing need within the District.

114. The infrastructure pressures generated by the proposed development have been assessed. Officers are of the opinion that the infrastructure identified as at a critical and fundamental/essential phase can be satisfactorily mitigated without harm to the village. It would therefore be difficult to robustly defend a reason for refusal on these grounds. On this basis, the proposal is considered to constitute sustainable development as set out in the Framework. There are not considered to be any adverse planning matters that would significantly and demonstrably outweigh the benefits of the scheme. It is considered that on balance the environmental, economic and societal benefits which the scheme would bring would outweigh the prejudice to the plan making process.

115. Having regard to the Framework and all other material planning considerations, with the S106 package as set out below, which is necessary for the development to be acceptable in planning terms, the proposal is considered to comply with the NPPF and Development Plan policy. The recommendation is one of approval.

RECOMMENDATION:

That outline planning permission is **GRANTED** subject to:

(1) The completion of a S106 agreement to secure:

- Affordable housing - 35 units; contribution for 0.1 unit
- Primary school contribution –£600 706 (indicative)
- Pre school contribution - £73 092
- Libraries contribution - £25 272
- Highways contributions -cycle and pedestrian improvements – £50000 (indicative)); public transport infrastructure - £5000; travel plan monitoring and advice - £5000; car share contribution - £5000 per dwelling; travel plan implementation bond - £35000
- Healthcare contribution - £18 200
- Open space contribution - £244 860

In the event that there are any substantive changes to the S106 package, then this will go back to Members for consideration.

(2) And the following conditions:

1. Outline time limit
2. Reserved Matters to be agreed (appearance, scale, layout [including internal site layout of roads and ways] and landscaping)
3. Compliance with approved plans
4. Highways – details of proposed access
5. Highways – details of bin storage

6. Highways – details of surface water drainage
7. Highways – details of carriageways and footways
8. Highways – Travel Plan
9. Highways – details of car parking and manoeuvring areas, including cycle storage
10. Highways – details of visibility splays
11. Highways – details of estate roads and footpaths
12. Archaeology – investigation and post investigation assessment
13. Contamination – further investigative work
14. Foul water disposal details
15. Surface water drainage details
16. Construction management plan
17. Hours of construction
18. Details of boundary treatment
19. Samples of materials
20. Detailed scheme of hard and soft landscaping.
21. Tree protection
22. Details of tree works for retained trees
23. Landscape management plan
24. Recommendations of Ecological Appraisal Report to be implemented
25. Additional reptile survey and full details of translocation
26. Additional bat survey
27. Provision of fire hydrants
28. Waste minimisation and recycling strategy

Documents:

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>

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

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