Forest Heath District Council

DEVELOPMENT CONTROL COMMITTEE

14 MAY 2014

DEV14/114

Report of the Head of Planning and Regulatory Services

PLANNING APPLICATION F/2013/0355/FUL – LAND AT KENNETT PARK, KENTFORD (PARISH OF MOULTON)

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

Christine Flittner (Case Officer)

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Committee Report

App. No:	F/2013/0355/FUL	**Committee Date:**	14 May 2014
Date Registered:	1 July 2013	**Expiry Date:**	30 July 2013
Case Officer:	Christine Flittner	**Recommendation:**	APPROVAL
Parish:	Moulton	**Ward:**	South

Proposal: Erection of 16 new dwellings (including 5 affordable) with associated car parking and the provision of a footpath link to Bury Road (Major Development)

Site: Land at Kennett Park, Kentford (Parish of Moulton)

Applicant: Kennett Park LLP

Background:

This application is a major development. It is referred to Development Control Committee as the site has previously been before the Committee and has approval for employment use.

The application is recommended for conditional APPROVAL following the completion of a S106 agreement.

Application details:

1. Full planning permission is sought for the erection of 16 dwellings, associated car parking and the provision of a footpath link to Bury Road. 5 of the dwellings will be affordable units. The site and the existing veterinary surgery are accessed via a road way and turning head which was provided as part of an earlier approved scheme. This road leads from Jeddah Way which is an adopted highway serving new residential development and the care home to the south. Jeddah Way links to the main B1506 Bury Road. A path is proposed through the tree belt on the northern boundary of the site to provide connectivity to the Bury road for pedestrians.

2. The housing mix proposed is as follows:

Affordable units – 1 x 1 bed single storey dwelling
4 x 2 bed apartments

Open Market Units - 1 x 2 bed apartment
8 x 3 bed dwellings
2 x 4 bed dwellings

There are a mix of dwelling styles proposed from single storey to two and half storey and a varied palette of materials to include red brick, cream render, black weather boarding and red and black pantiles. There is an element of under croft parking proposed within the scheme.

Site details:

3. The application site consists of an area of 0.83 hectares which was once part of the larger Friskies Pet Care site. Historically it was parkland associated with Lanwades Park estate. The northern and eastern site boundaries are characterised by mature trees. Bury Road lies to the north and Lanwades Business Park to the east. The access road to the Farriers Grange development (92 dwellings) lies to the west with more mature landscaping and the Animal Health Trust land lying beyond the access road. A veterinary surgery occupies a building in the north western corner of the parcel of land containing the site and a care home lies to the south of the site. The Farriers Grange residential development is still under construction.

4. Whilst wholly located within the parish boundary of Moulton, the site is geographically located at the western end of the village of Kentford. Moulton is located some distance to the south and separated from the application site by open countryside and stud land.

5. The site lies within the settlement boundary of Kentford and the village is defined as a Primary Village within the adopted Core Strategy (2010), Policy CS1.

6. The application site is currently vacant and is considered to be previously developed land as it housed the "Friskies" pet care site. It is mainly rough grassland which has previously been cleared and is now re-vegetating. Part of the site is occupied by a Veterinary Surgery.

7. The site is level and contains no natural features away from the wooded boundaries. The Environment Agency Flood Risk maps indicate that the site lies within Flood Zone 1 so is in an area with little or no risk of flooding.

Application supporting material:

8. The application is accompanied by the following documents:

- Application forms and drawings – including site location plan and site layout plan showing schedule of units,
- Dwelling and garage elevations and layouts,
- Tree Protection Plan and Landscaping Masterplan,
- Planning Statement and Statement of Community Involvement,
- Design and Access Statement,
- Transport Statement,
- Contaminated Land Assessment,
- Surface and Foul Water Strategy,
- Arboricultural Impact Assessment and Method Statement,

- Phase 1 Habitat Survey.

9. The Planning Statement which accompanies the application sets out the applicant's justification for the proposed loss of employment land and for its replacement with residential development. Reference is also made to the absence of a District-wide five year land supply, and the government's presumption in favour of sustainable development as set out in the National Planning Policy Framework ('the Framework').

Amended plans:

10. Amended plans were received on 5th March 2014, following a meeting with the agent. The layout was amended to take into account the extent of tree canopies and their proximity to dwellings and likely overshadowing that could result. Overlooking between the properties proposed was also addressed. The number of dwellings proposed was reduced by 1, from 17 to 16. The 5 affordable units remain part of the scheme.

11. Following comments from the Council's Landscape and Ecology officer a revised landscape master plan was received on April 2nd and amended tree protection plan and Arboricultural Impact Assessment followed on 14th April 2014.

12. A revised Habitat report was received on 24th April 2014.

Planning history:

13. F/2010/0675/COU – Change of use from offices to veterinary clinic.
Approved – 8th December 2010

14. F/2007/0566/OUT – Outline application for demolition and redevelopment of the former Friskies Pet Care site to provide a mixed use development comprising of commercial units (B1 office and light industrial) of a minimum of 3,400 square metres floor area, 92 residential properties (including affordable housing), a care home, land for a village hall, access and circulation roads, landscaping, tree belts and public open space.
Approved – 14th May 2008

15. Various reserved matters and discharge of condition applications followed this outline consent in order to agree the details of the scheme.

16. F/2006/0681/VAR – Section 73 extension to time limit for submission of details approved for business park under Ref F/2005/0233/OUT
Approved – 3rd October 2006

17. F/2005/0233/OUT – Outline application for erection of a business park comprising Class B1(c) offices, Class B1 (b) research and development and Class B1 (a) light industrial providing a total of 9950 square metres.
Approved – 13th June 2005

18. F/97/454 – Extension of time limit for F/93/330
Approved – 21st November 1997

19. F/93/330 – Outline Application – Administrative HQ, product development facility, pet care facility and staff facility
Approved – 11th September 1993

Consultations:

20. **Suffolk County Council Archaeological Services** – **No objection**. As this site has already been evaluated and no archaeology was detected there is no objection to the development and no mitigation is required.

21. **Suffolk County Council (Suffolk Fire and Rescue Service)** - **No objection**. No additional water supply for fire fighting purposes required in respect of this application. Advise that access for fire appliances must meet the Building Regulation requirements.

22. **Anglian Water – no objections** and comments as follows;

- No assets owned by Anglian Water or those subject to an adoption agreement exist within the development site boundary.
- The foul drainage from this development is in the catchment of Newmarket STW that at present has available capacity for these flows as does the sewerage system.
- The surface water strategy and flood risk assessment is not relevant to AW, but request the agreed strategy is conditioned in the planning approval.

23. **FHDC Environmental Services – no objections subject to the following conditions;**

- Unsuspected contamination
- Working hours
- Construction Management Plan
- Internal Noise Environment

24. **FHDC Economic Development and Growth – concerns expressed;** these relate to the loss of employment land and its impact on the Council's ability to deliver economic growth and increase the number of jobs in the district. Request made for mitigation of the loss in the form of a S106 contribution to fund jobs related training.

25. **FHDC Landscape and Ecology – initial comments on original submission as follows;**

- The submitted Phase 1 Habitat Survey makes recommendations with respect to mitigating any potential impact on biodiversity and these should be conditioned. These include the provision of bat and bird boxes; house sparrow terraces, wildlife attracting trees and shrubs
- A lighting scheme should be conditioned.
- Concern regarding layout and impact on existing trees on and off site.
- No SUDs provisions shown.
- No bin storage shown.
- The arboricultural report shows some trees to be removed, but no compensatory planting to mitigate this loss.
- Tree protection issues must be addressed.

- The landscape concept plan is acceptable, but inconsistent with master plan so revised scheme required.
- The recommendations of the arboricultural method statement should be conditioned.

Further amended information was submitted in April updating the ecology report and landscape strategy and as a result a number of conditions have been requested as follows;

- Detailed landscape plan to be submitted
- Tree protection plan to be submitted and implemented
- Detailed Arboricultural method statement for the footpath link to Bury Road to be submitted and implemented
- Landscaping Implementation
- Landscape management plan for tree belt to the front and for landscaping
- Recommendations of the ecology report to be implemented on site with the suggested enhancement measures incorporated into detailed landscape plan
- Lighting scheme including the recommendations within the ecology report to be submitted and implemented.

26. **Suffolk County Council Highways Development Management – no objections subject to conditions** following the submission of amended drawings addressing minor points of concern.

27. **Suffolk County Council Planning Obligations - no objections subject to the following contributions/conditions in accordance with policy requirements;**

- Education – Primary contributions sought to provide additional facilities for 4 pupils at a total cost of £48,724
- Education – Secondary - no contribution sought as current forecasts indicate sufficient surplus places available at the catchment secondary school
- Education – Pre-school provision capital contribution of £12,181 to cover 2 pre-school places
- Libraries – Capital contribution of £3,456 sought to be spent at the local catchment library
- Waste – a waste minimisation and recycling strategy needs to be agreed and implemented by planning conditions
- Play space provision - consideration must be given to adequate provision
- Transport Issues – Proportionate contribution sought towards the provision of a cycle path
- Fire Service – Any fire hydrant issues to be covered by conditions
- Sustainable Drainage Systems – Developers are urged to utilise sustainable drainage systems (SuDS) wherever possible.
- High-speed broadband – SCC recommends that all development is equipped with high speed (fibre optic) broadband.

Representations:

28. **Moulton Parish Council** – When initially consulted the Parish Council took the view that they were prepared to support the application subject to a legal agreement securing improvements for the parish. This was albeit reluctantly given

the change of use from land allocated for commercial purposes to the proposed residential use. The Parish Council requests the following:

- Affordable housing subject to a lettings policy so locals have priority
- Street lighting to be installed by the developer to SCC standards for adoption
- Street furniture, grit bins, dog bins and notice board to be provided by developer

Further comments were received in March 2014 questioning the rigour of the marketing exercise from a commercial point of view as the Parish Council were aware of two prospective occupiers of the site. It was also highlighted at this time that parking problems were being experienced on Jeddah Way from increased demand from the care home. As a result the Parish Council wished to register their view that the landlord of the site appears reluctant to pursue enquiries and the proposed development would make congestion intolerable and unsafe for pedestrians and road users.

Members agreed on 18 March that their original support for the application should be withdrawn and the Parish Council object to the amended plans for residential development.

29. **Kentford Parish Council -** Comments indicate that the feeling was that not enough had been done by the developer to promote the land for business use. Kentford Manor, the Vets and the Animal Health Trust all wished to purchase the land.

30. **Executive Care, Kentford Manor Care Home – Object on the following grounds:**

- overdevelopment and that there are a large number of houses built nearby
- visual impact detrimental to outlook of area and psychological effect it may cause
- loss of green space could cause confusion and suffering to well being of residents
- construction process will cause noise and dust which will have an impact on the business

31. **Ash Tree Veterinary Centre – No objections** to plans proposed and would welcome development as the site has become unsightly and barren.

32. **Farriers Grange Residents Group – The application should be refused for the following reasons:**

- There should be employment generating commercial activities alongside residential development
- The Farriers Grange development is not complete and this is an error in the developer's supporting statement. The occupied, reserved, built and unsold homes plus show homes show that over a three year period demand for housing has not been strong so new development would exacerbate the problem. The site could remain dormant or houses built but unsold.
- The veterinary centre could be mistaken for an up market dormer detached residential dwelling and the developer uses the loss associated with selling this

site as evidence of lack of viability in the commercial site. The loss could be attributed to lack of business judgement.
- The sensible solution would be to develop further parking on the site to accommodate the cars from Kentford Manor which is likely to expand.
- Residents have been told informally that the veterinary centre and care home are interested in expanding on the site.
- The marketing campaign with one estate agent for three years and passive advertising is unlikely to produce results. A change in marketing strategy may have been more successful.
- The Council should retain the current commercial planning use to contribute to the economic activity of Kentford, Kennett and Moulton.

Further comments were sought on the amended plans and the comments indicate that the proposals still fail to address the parking problems on Jeddah Way and the problem will be exacerbated. In addition the developer's contention that Kentford is served by a range of local services is incorrect and permission should be denied until infrastructure is much improved.

Policies:
Development Plan

33. The Development Plan is comprised of the adopted policies of the Core Strategy Development Plan Document (adopted May 2010) and the saved policies of the Forest Heath Local Plan (adopted 1995) which have not been replaced by Core Strategy policies. The following Development Plan policies are applicable to the proposal.

34. Forest Heath Local Plan (1995) saved policies;
- Policies 4.15 and 4.14 - development within the settlement boundaries of villages and the criteria which new development should meet.
- Policies 10.2 and 10.3 – Open Space Provision
- Inset Map 11 - Kentford

35. Forest Heath Core Strategy (2010) policies:
- Policy CS1: Spatial Strategy
- Policy CS2: Natural Environment
- Policy CS3: Landscape Character and the Historic Environment
- Policy CS4: Reduce Emissions, Mitigate and Adapt to Future Climate Change.
- Policy CS5: Design Quality and Local Distinctiveness
- Policy CS6: Sustainable Economic and Tourism Development
- Policy CS9: Affordable Housing Provision
- Policy CS10: Sustainable Rural Communities
- Policy CS13: Infrastructure and Developer Contributions

<u>Other Planning Policy</u>

<u>Supplementary Planning Documents</u>

36. The following Supplementary Planning Documents are relevant to this planning application:

- Joint Affordable Housing Supplementary Planning Document (September 2013)

- Open Space, Sport and Recreation Supplementary Planning Document (August 2011)

Emerging Development Plan Policy

37. The Council is currently finalising the details of two Development Plan Documents (Single Issue Review of the Core Strategy and Site Allocations Document) and both will soon be placed on public consultation before submission for examination and, ultimately, adoption.

38. Forest Heath District and St Edmundsbury Borough Council's have prepared a 'Joint Development Management Policies Document (currently with 'submission' status, October 2012). The Document was submitted to the Planning Inspectorate for examination in December 2012 following public consultation. At the time of writing dates for the examination had not been confirmed.

39. With regard to emerging plans, The National Planning Policy Framework (the Framework) advises (at Annex 1) from the day of publication, decision-takers may give weight to relevant policies emerging plans (unless material indications indicate otherwise) according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater weight that may be given)

- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater weight that may be given); and

- The degree of consistency of the relevant policies in the emerging plan to the policies in the Framework, the greater weight that may be given.

40. The emerging Single Issue Review and Site Allocations documents have not been published for public consultation so cannot be attributed great weight in this decision. The Development Management Policies document has been published, been the subject of public consultation and is now formally submitted for examination. Accordingly some weight can be attributed to this plan in the decision making process.

41. Objections have been received to the vast majority of the policies set out in the policies document which, according to the guidance, reduces the weight which can be attributed to them.

42. The following emerging policies from the document are relevant to the planning application;

- DM1 – Presumption in Favour of Sustainable Development
- DM2 - Creating Places – Development Principles and Local Distinctiveness
- DM6 – Flooding and Sustainable Drainage
- DM7 – Sustainable Design and Construction
- DM8 – Improving Energy Efficiency and Reducing Carbon Dioxide Emissions
- DM11 – Impact of Development on Sites of Biodiversity and Geodiversity Interest
- DM12 – Protected Species

- DM13 – Mitigation, Enhancement, Management and Monitoring of Biodiversity
- DM14 – Landscape Features
- DM21 – Archaeology
- DM23 – Residential Design
- DM30 – Appropriate Employment Uses
- DM42 – Open Space, Sport and Recreation Facilities
- DM46 – Parking Standards

National Policy and Guidance

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

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

"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."

45. This presumption in favour of sustainable development is further reinforced by advice relating to decision-taking. Paragraph 186 of the Framework requires Local Planning Authorities to "approach decision taking in a positive way to foster the delivery of sustainable development". Paragraph 187 states that Local Planning Authorities "should look for solutions rather than problems, and decision takers at every level should seek to approve applications for sustainable development where possible".

46. In the specific context of this planning application, Paragraph 22 of the Framework is relevant. This states that;

"Planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities."

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47. The Government has recently (March 2014) released its National Planning Practice Guidance (NPPG) following a comprehensive exercise to review and consolidate all

existing planning guidance into one accessible, web-based resource. The guidance assists with interpretation about various planning issues and advises on best practice and planning process.

Officer comment:

Principle of Development

48. This application relates to the erection of 16 new dwellings to include 5 affordable units with associated car parking and the provision of a footpath link to Bury Road. The site lies within the village of Kentford on land which has an approved use for development of commercial (B1) units. One of the commercial units has been constructed as this was a requirement of the S106 agreement which formed part of the approval of the wider site in 2008 – now know as Farriers Grange. The building is not occupied by a B1 user due, according to the site owners, to the lack of demand for light industrial premises so a D1 use was permitted to allow a veterinary clinic to occupy the building.

49. Under Policy CS1 of the Council's Core Strategy, Kentford is designated as a Primary Village. This policy generally supports in principle limited housing growth to meet local housing needs and support rural sustainability. The subject application site relates to land which falls within the defined settlement boundary of the local plan.

50. The absence of a 5-year housing supply in the District means that Development Plan policies which seek to restrict the supply of housing are deemed out-of-date by the Framework and currently carry reduced weight in the decision making process. This means the planning application proposals must, as a starting point, be considered acceptable 'in principle'.

51. The next step in the decision making process will be whether the proposal can be deemed 'sustainable' in the context of the policies contained in the Framework as a whole.

52. The Framework sets out the Government's view of what sustainable development means in practice for the planning system. It goes on to explain there are three dimensions to sustainable development:
    - economic (contributing to building a strong, responsive and competitive economy),
    - social (supporting strong, vibrant and healthy communities) and,
    - environmental (contributing to protecting and enhancing our natural, built and historic environment ;)

53. For the purposes of local planning policy, Kentford is categorised as a Primary Village because of the type and nature of the available facilities and local services. The principle of modest growth in this village is accepted and has been established through Core Strategy Policy CS1. In broad terms the village has the capacity to support the level of development proposed by the subject application.

Justification of Need for Residential Development

54. In the submitted planning statement the applicant seeks to justify the change of use of the land from it's approved commercial use to residential use through the

provision of marketing information and application of polices and guidance contained within the Framework and local policy documents.

55. The applicant indicates that the site has not been developed for commercial use due to viability issues concerning the cost of providing good quality units coupled with the failure of an exhaustive and continual marketing campaign to attract B1 users. Marketing information has been submitted to evidence this point from Bidwells and further statistics are provided within the Planning Statement submitted by the agents.

56. The marketing strategy has attracted considerable criticism from local residents and Parish Council's who have come forward to say they know of interested parties who have made enquiries, but these have not been pursued. Officers have investigated this point further but have no evidence either from the individuals concerned, the Economic Development Team, the agents for the application or Bidwells to suggest that there is genuine interest in the site. As a result this point cannot be taken further and the information on the marketing campaign submitted as part of the application must be taken into account in support of the application.

57. As an authority with spatial economic objectives which seek to support the growth of the local economy, emerging policy seeks to protect employment land, but also recognises that policy must be flexible and not seek to protect under utilised employment land or floors pace which could be used to meet other objectives.

58. Policy DM30 of the emerging Joint Development Management Policies takes this approach forward and whilst requiring specific criteria to be met when assessing applications of this nature, echoes the approach advocated in the Framework as set out in paragraph 45 above. This requires local authorities to treat applications for alternative uses of land or buildings on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities. Furthermore policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose and land allocations regularly reviewed.

59. The application site was at one time allocated as an employment site, but the policy behind the allocation is not one of those saved in the Local Plan. The whole "Friskies" site constituted the commercial/employment allocation and much of it has since been developed for residential use. At the time the application to develop the site for mixed use was considered by the committee (October 2007) it was noted that the site was identified as sub-optimal for employment use facing competition from other more attractive sites which were already up and running. The Framework at para 51 indicates that local authorities should normally approve planning applications for change of use to residential use where there is an identified need for additional housing in that area, provided there are not strong economic reasons why such development would be inappropriate.

60. The comments from Economic Development and Growth colleagues expressing concern about the loss of the site to residential use have been fully considered. It is noted that there is no formal objection to the proposed change of use and there is a request for mitigation should the application be approved.

61. When considered against the up to date policies of the Framework and the emerging local policy the comments cannot be given full weight to justify a refusal

and indeed refusal is not recommended in the response. In addition, as the authority does not have a specific policy to seek mitigation through S106 contributions for the loss of employment land the suggested contributions towards employment training cannot be lawfully sought as part of the S106 obligation. Whilst it is regrettable to lose the employment area this has to be tempered against the market realities presented and the benefits which could accrue from residential development, in terms of infrastructure and sustainability considerations, compared to the alternative which is stagnation of the site.

Landscape Character, Design and Local Distinctiveness

62. The application site is a brownfield site within the village of Kentford. It is well screened from the Bury Road with an established boundary of mature planting. There is a commercial area to the east and open land to the west. The care home lies on the southern boundary with new housing beyond it. Officers consider that the residential development of this parcel of land would not be out of context in this location.

63. In terms of the actual layout of the site, the Framework places great weight on high standards of design which should optimise the potential of a site and promote social interaction. During the course of pre-application discussions and the planning application a number of layouts have been submitted to ensure protection for the mature trees on the site and to minimise overlooking. This has led to a reduction in the number of units to 16. Officers consider that the final layout respects and retains the natural features of the site and any impact can be mitigated through conditions.

64. In terms of the potential visual impact of the proposed development it is considered unlikely to have more than a local landscape impact, when viewed from the Bury Road. It will be important to secure appropriate provision for tree protection, additional landscaping and maintenance through appropriate conditions as suggested by the Ecology and Landscape officer.

65. The design and appearance of the scheme seeks to complement the new development to the south and proposes a mix of dwelling styles and materials to add visual interest and distinctiveness.

66. On the basis of the above evaluation, officers are satisfied that the proposal is generally acceptable in terms of landscape character, and design and layout. The application is therefore considered to accord with Policies CS3 and CS5 of the Core Strategy.

Residential Amenity

67. The existing care home is situated adjacent to the application site on its southern boundary. The car park serving the home lies on this boundary. The proposed layout shows rear gardens of approx. 13 meters in depth and a parking court abutting this boundary. As a result the proposed layout is not considered detrimental and would not compromise existing residential amenity such as to warrant the refusal of the application on these grounds.

68. In terms of the residential amenity of prospective occupants of the site, considerable work has been done throughout the life of the application and

amendments secured to ensure a good level of residential amenity for all future occupiers.

Highway Issues

69. The existing access road was approved and constructed as part of an earlier planning approval to county highway specifications. The Highway Authority comments require a number of standard conditions to secure the provision of roads and footways within the site; parking and manoeuvring areas provided and retained and surface water discharge details.

70. The submitted layout plan shows an over provision of car parking spaces with the required number for each dwelling in accordance with the car parking standards plus 3 additional visitor spaces.

71. The Highway Authority have also requested a S106 contribution of £5,185 towards a proposed cycle path along the Bury Road

72. Subject to the recommendation of planning conditions and contribution described above, the proposal is considered acceptable in highway terms.

Environmental Issues

Risk of pollution

73. Environmental Services request a condition to cover any unsuspected contamination which may arise on the site during development as previous work has been carried out under earlier consents with regard to addressing issues relating to contamination

Flood risk

74. The application site lies within Flood Zone 1 on the Environment Agency Flood Risk maps, representing an area at low risk of flooding. In terms of surface water disposal, the Environment Agency, in consultation comments, has advised that this should not pose a risk to groundwater quality, and recommended that the details of surface water disposal are controlled by way of planning condition.

75. In terms of foul drainage, Anglian Water has been consulted and indicate that there is adequate capacity within the system to meet the needs of this development.

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

Archaeology

77. The site has already been evaluated for archaeological purposes and no objection has been raised by SCC.

Section 106 Planning Obligation Issues

78. Planning obligations secured must be in accordance with the following tests;

(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.

79. These are set out in Paragraph 204 of the Framework and are of relevance in the negotiation of planning obligations. Core Strategy Policy CS13 and the Suffolk County Council guidance in respect of Section 106 matters, 'A Developers Guide to Infrastructure Contributions in Suffolk' must also be considered in any S106 negotiations.

Affordable Housing

80. Policy CS9 of the Core Strategy seeks to secure the delivery of affordable housing. This scheme proposes a total of 5 affordable dwellings which can be secured via an agreement to be available for local people.

81. The Council's Strategic Housing Team, in consultation correspondence, confirm this is the case.

Open Space Provision

82. The proposed development has been assessed against the Council's SPD for Open Space, Sport and Recreation and a contribution of £87,885 is sought.

Libraries

83. A developer contribution has been sought by the County Council for libraries, totalling £3,456.

Education

84. Education contributions of £12,181 to cover pre-school provision and £48,724 to cover primary provision have been sought by the County Council.

Highways

85. The County Council as highway authority have requested a contribution of £5,185 towards the provision of a cycle path along the Bury Road.

Other matters

86. The developer has offered a contribution to Moulton Parish Council of £2,500 to improve facilities in the parish within the Heads of Terms submitted as part of the application. As this contribution is not required by any local authority policy and is not needed to make the development acceptable it cannot be secured via the S106 agreement. This does not prevent the developer from entering an undertaking to provide the sum and the same principles apply to the contribution relating to securing funds towards training for workers as requested in comments from Economic Development and Growth.

Conclusion:

87. The development proposal has been considered against the objectives of the National Planning Policy Framework, the Core Strategy and local emerging policy. The government's drive to 'boost significantly' the supply of housing as set out in paragraph 47 of the Framework lends considerable weight in support of the scheme, given than the Council does not currently have a five year land supply. This is further bolstered by the need to regularly review land allocations and avoid long term protection of employment sites where there is no prospect of the allocated use coming forward as set out in paragraph 22 of the Framework.

88. Kentford has been identified as a Primary Village that can accommodate some growth within the Council's Core Strategy. The proposed development would provide an element of open market and affordable housing and bring forward a site for development which has not come forward for commercial use despite marketing and the completion of one unit.

89. In conclusion 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 so having regard to the Framework and all other material planning considerations, with the S106 package which is necessary for the development to be acceptable in planning terms, the proposal is considered to comply with the Framework and Development Plan policy. The recommendation is one of approval.

Recommendation:

90. That planning permission is **GRANTED** subject to:

(1) The completion of a S106 agreement as detailed within the report:

(2) And the following conditions:

1. Time limit
2. Approved plans and details
3. Materials as detailed
4. Construction hours
5. Construction Management Plan
6. Internal Noise Environment (sound attenuation for buildings)
7. Unsuspected Contamination
8. Details of landscaping scheme.
9. Tree Protection Plan
10. Landscaping and Tree Protection Plan implementation
11. Landscaping Management Plan for Tree Belt to northern boundary and general landscaping.
12. Recommendations of ecology report to be implemented and enhancement measures incorporated into detailed landscape plan
13. Lighting scheme to be provided and implemented including the recommendations within the ecology report
14. Details of surface water discharge to highway.
15. Details of road layout and surfacing arrangements.
16. Provision and retention of parking and manoeuvring areas
17. Surface water disposal.

18.Bin storage and collection points to be provided and retained.

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/simpleSearchResults.do;jsessionid=6054D338A476726C2C227B557DB43513?action=firstPage

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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