

# **Forest Heath District Council**

**DEVELOPMENT  
CONTROL  
COMMITTEE**

**6 AUGUST 2014**

**DEV14/123**

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

**PLANNING APPLICATION F/2013/0257/HYB - LAND EAST OF RED LODGE, LAND ADJACENT VILLAGE CENTRE, RED LODGE, LAND ADJACENT ST. CHRISTOPHERS PRIMARY SCHOOL, RED LODGE AND LAND AT HERRINGSWELL**

## **Synopsis:**

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

## **Recommendation:**

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

## **CONTACT OFFICER**

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# Committee Report

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**Parishes:** Herringswell and Red Lodge      **Committee Date:** 6<sup>th</sup> August 2014.

**App. No:** F/2013/0257/HYB      **Date Registered:** 20<sup>th</sup> June 2013

**Expiry Date:** 18<sup>th</sup> September 2013

**Proposal:** Hybrid application:

(i) Outline application - demolition of Hundred Acre Farm and the construction of up to 268 dwellings, new public open space, drainage ditches, associated access, landscaping, infrastructure and ancillary works on land East of Red Lodge and the construction of up to 225 sq., metres of Class A1 retail floorspace on land forming part of Phase 4a Kings Warren.

(ii) Full application - (Phase A): construction of 106 dwellings (including the relocation of 3 committed dwellings from Phase 4a), new public open spaces, associated access, landscaping, infrastructure and ancillary works on land East of Red Lodge. Restoration of open Breck grassland on land South East of Herringswell, as amended.

**Sites:**

- i) Land east of Red Lodge,
- ii) Land south of St Christopher's Primary School, Red Lodge (part of Phase 4a of Kings Warren);
- iii) Land south of the village centre, Red Lodge (part of Phase 4a of Kings Warren);
- iv) Land south east of Herringswell.

**Applicant:** Crest Nicholson (Eastern) Ltd

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**Background:**

***This application is referred to Development Control Committee as it is a proposal for 'major' development which raises complex planning issues of District wide importance.***

**Members visited the site and surroundings on 30<sup>th</sup> June 2014 prior to considering the planning application on 2<sup>nd</sup> July 2014. At that meeting Members resolved to defer their decision in order to obtain further information about the following matters:**

- i) Primary school provision;**
- ii) The S106 package and the allocation of the available developer contributions**
- iii) Highways/access.**

**Updates and further information/assessment in response to the reasons for deferral.**

**i) Primary School Provision in Red Lodge**

**St Christopher's Primary School at Red Lodge is presently being extended with new classrooms in order to provide a 420-place school. Suffolk County Council has forecast that with existing demand, natural growth and committed new development (committed development being new housing development with planning permission but not yet built or occupied) the expanded 420 place school will reach and exceed its capacity by the start of the 2016/2017 academic year. Pupil yields are forecast to continue growing in the years beyond. The growth in pupil demand for school places at St Christopher's School (without new development) is set out in the table below:**

<b>St Christophers School, Red Lodge. Capacity (with class room extension) = 420 places</b>					
<b>School year</b>	<b>2014/15</b>	<b>2015/16</b>	<b>2016/17</b>	<b>2017/18</b>	<b>2018/19</b>
<b>Forecast pupil numbers</b>	<b>325</b>	<b>385</b>	<b>448</b>	<b>504</b>	<b>541</b>

*Source: Suffolk County Council*

**These figures illustrate that even without new development the extended St Christopher's school will be beyond its capacity, potentially requiring temporary classroom provision by the start of the 2017 academic year.**

**The pupil numbers set out in the table above do not include any pupils forecast to emerge from the application proposals (374 dwellings). The applicants (Crest Nicholson) have informed the Council they intend to commence development as soon as is practicably possible should they receive planning permission. Should the Committee resolve that planning permission be granted for this development at their meeting on 6<sup>th</sup> August, a S106 Agreement would need to be completed before that planning permission is issued. Furthermore, the applicants would need to prepare, submit and gain approval of details against a number of 'pre-commencement' conditions on their planning permission before they could lawfully start work on site. It is estimated these tasks combined would take approximately 9 months to complete before any physical works to commence the development take place (on the assumption that the planning application is not recovered by the Secretary of State for his own determination).**

**If the developer were to commence the building process at the beginning of month 10 (early June 2015), it is estimated that it would take a**

**further 9 months of construction before the first dwellings constructed are sold and become occupied. This means that it is likely that 18 months will pass from a Committee resolution to approve the application in August 2014 until the first occupations of the proposed development (estimated at February 2016).**

**It is also relevant that should planning permission be granted for this development the applicants would (as part of the S106 Agreement) forego the erection of 41 committed dwellings at phase 4a of their adjacent 'Kings Warren' development. The erection of 38 of the 41 committed dwellings would be postponed in favour of the extension to the grounds of St Christopher's primary school on a temporary basis. The other 3 dwellings would not be built at all as these would be replaced by the proposed village centre extension. Given that the 41 dwellings already have planning permission they are regarded as 'commitments' for the purposes of forecasting school places and have therefore been including in the numbers set out in the above table.**

**The pupils forecast to emerge from these 41 dwellings on Phase 4a, Kings Warren would not actually materialise until much later than anticipated given the reduction in the total to be built (from 41 to 38) and the delay in their provision (until after the second school has been opened and the temporary land provision returned to the developer). This means that pupils emerging from the first 41 dwellings of the 374 dwelling scheme would have already been accounted for in the County Council's primary school pupil forecasts. This adds a further 6 or so months onto the total number of months (24 in total) that would pass before the proposed development generates 'new' primary school pupils which have not already counted in the County Council's forecasts.**

**It is likely that around 17 new primary school pupils would emerge per year from this development with an occupation rate of 70 new dwellings per year (the County Council apply a formula of one primary school pupil emerging from every four dwellings erected). The forecast primary school pupil numbers emerging from the 374 dwelling scheme for the next five academic years is illustrated in the amended table below;**

St Christophers School, Red Lodge. Capacity (with class room extension) = 420 places					
School year	2014/15	2015/16	2016/17	2017/18	2018/19
Forecast pupil numbers	325	385	448	504	541
Forecast pupil numbers including the 374 dwelling development	325	385	448	521	575

**It is clear from the figures set out in both tables that a new primary school will be required at Red Lodge (or within its catchment) from the 2016/17 academic year, although it is likely the 28 pupils above the 420 place school capacity at the start of the year could be accommodated temporarily during that year. It is within this school year that the proposed new housing development would begin to generate additional demand for primary school places (an additional 17 pupils over the year at an average of approximately 3 new pupils emerging every two months).**

***In its most recent representations (see paragraph 71 of this report), the County Council has confirmed a new school will be ready to accommodate pupils from the start of the 2017/2018 school year, one year after St Christopher's school reaches capacity. This means that St Christopher's school is likely to be required to accommodate pupils in temporary classrooms for one academic year (2016/2017).***

***At present, it would be difficult to place temporary classrooms within the existing school site without disrupting other facilities and the function/use of the school playing fields. This problem arises irrespective of any additional demands placed on the school from these development proposals given that temporary classroom accommodation will be required from the 2016/17 academic year even without new development occurring.***

***The applicant's have agreed to a request from the Local Education Authority to provide St Christopher's school with 0.8 hectares of land currently in their control. This is located adjacent to (south of) the school site and would enable the school grounds to be expanded on a temporary basis whilst a new school facility is built in the catchment. The provision of the land is regarded as a benefit of the proposals as it would allow the school to accommodate additional pupils above the school capacity not only from the development proposals (from 2016) but also those pupils arising from natural growth and other committed developments. Were this land not to be secured (i.e. if planning permission were refused) and should it not be possible to site temporary classrooms within the existing school grounds, it is possible that some pupils would have to be transported to alternative schools in nearby villages which do have the capacity available to accommodate them.***

***It is understood that the Governors and Head Teacher of St Christopher's Primary School have expressed concerns about the potential impacts of temporary classroom provision upon the operation of the school and the attainment of its pupils. The County Council, as Local Education Authority, are continuing to liaise with the school stakeholders and will continue to do so beyond the determination of this planning application.***

***The local Education Authority is considering a request from the school stakeholder to provide for the additional pupil yields (beyond its 420 place capacity) at the recently closed Tuddenham school. This has been suggested as an alternative option to providing temporary classroom facilities at St Christopher's. The Education Authority is presently considering the implications of that option and, should they decide to pursue it, will not require the additional land on a temporary basis from this developer. Whilst the S106 Agreement can provide the Education Authority with flexibility over taking the land for playing fields, the decision about how pupil places beyond the 420 capacity of St Christopher's school are accommodated is for the Local Education Authority to take and is not a matter for the Local Planning Authority to consider as part of this planning application and is beyond the control or influence of the applicant.***

***The Suffolk County Council, as Local Education Authority, has re-affirmed its conclusions that the development proposals are appropriate and there is a suitable education strategy in place to cater for additional primary school pupils forecast to emerge from the 374 dwellings***

***proposed. Officers have carefully considered the evidence of the likely impact of the development upon primary education provision, including representations received from the education authority, stakeholders representing St Christopher's school and wider community, and conclude that the development proposals are sustainable with respect to education provision and would not have a detrimental impact upon primary education in the school catchment area.***

***ii) Apportioning the S106 package and understanding development viability.***

***In the report to the last meeting of this Committee on 2<sup>nd</sup> July 2014, officers recommended a S106 package to maximise the level of affordable housing that could be secured. The Local Highway Authority subsequently dropped its request for a public transport contribution (for reasons explained in their representations at paragraph 69 of the report). The request for a contribution to be used towards traffic calming measures in the villages of Kentford and Worlington have been re-inserted into the recommended S106 pot following the receipt of justification from the Highway Authority (also reported at paragraph 69 of the report). Members were informed verbally of the changes to the recommendation at the last meeting on 2<sup>nd</sup> July.***

***At that meeting, Members were also verbally advised of strong concerns expressed by the County Council that their requests for developer contributions to be used towards libraries and early years education were to be dropped in favour of boosting affordable housing provision. Prior to the receipt of these late representations from Suffolk County Council, your officers were concerned these requests for contributions were not fully explained or justified and that any contributions secured (which would be at the cost of affordable housing provision) might not be expended within set timescales.***

***Following the receipt of the County Council's representations a short time before the start of the Committee meeting, Members were requested to authorise the Head of Planning and Regulatory Services to consider the case set out in the County Council's representations, to engage further with the County Council and ultimately determine (in consultation with Committee Chair and Portfolio Holder) whether the contribution requests for libraries and early years education should be included in the final S106 package. The Committee was resolved not to accept this request and deferred their consideration of the planning application to (inter alia) enable officers to discuss the S106 package further with Suffolk County Council and (if appropriate) the applicants and report the outcome back to a later meeting of the Committee with a final (officer endorsed) S106 package included in the report for consideration.***

***Since the 2<sup>nd</sup> July Committee meeting, officers have met with representatives of Suffolk County Council to discuss the County Council elements of the S106 package and have received additional representations from the County Council. These are reported at paragraph 71 below. The recommended S106 package, which has been amended from the report to the 2<sup>nd</sup> July meeting, is discussed at paragraphs 303 to 342 and set out in the recommendation at the end of the report. Officers are now content the requests for S106 contributions***

**for library and early years education provision are fully justified and are required to make the development proposals sustainable (in accordance with planning policy, including the NPPF) and should therefore be secured in lieu of some of the affordable housing provision. The adjustments to the officer recommended S106 package set out at paragraph 358 of this report have also been discussed with and accepted by the applicants and their representatives.**

**iii) Highways/access**

**The Committee were concerned about the ability of Larch Way to provide the single vehicular access into the site (noting that secondary emergency vehicle access would be provided from Thistle Way, across the public open space). Members requested further clarification from the Highway Authority regarding this matter and whether the level of off-street parking provided was sufficient.**

**Following the meeting, officers posed a series of questions to the Highway Authority and received responses to them. The questions and answers are set out below:**

**Question 1: Is it appropriate for a development of this scale to be accessed from a single point (Larch Way) with secondary access provided for emergency vehicles only (Thistle Way)?**

**LHA response: No more than 150 dwellings should be served from a single access; this is due to considerations of road safety and emergency access. In this case, there is an emergency access to the rear of the site and the street layout has been designed so that only a very small section of road does not have an alternative route. This was discussed in detail during early stages of this development.**

**Larch Way has been designed as a Major Access road (with footpaths on both sides of the road and a road width of 5.5m+). This type of road would normally serve up to 300 dwellings. During the early stages of the application, the developer was asked to show that the Larch Way junction with Hundred Acre Way could satisfactorily cope with the additional traffic. This was proven to be the case. The internal street layout has then been designed so that only a very small section of road does not have an alternative route.**

**Question 2: How would potential blockages in the access be resolved if this development were to proceed (i.e. on-street parking in Larch Way)**

**LHA response: Should parking be an issue once or during construction of this development, Suffolk County Council would undertake a review of the parking in the area and would if required implement a yellow line scheme. This application provides enough parking so that it is very unlikely that it would add to any parking issues on the existing road network.**

**Question 3: What standards/guidance has been used to inform the access strategy (i.e. is the strategy for a single access compliant with Manual For Streets 2)?**

**LHA response:** *The Suffolk Design Guide formed the starting point for the access strategy. Suffolk County Council Development Management officers discussed requirements at an early stage with the developer and Manual for Streets provided a basis for that discussion.*

**Question 4:** *What changes (if any) would need to be made to the design and specification of the internal road and footpath network if the developers were to propose two accesses into the site (maybe a looped distributor road or two, separate and unconnected accesses)?*

**LHA response:** *This depends on the location of the second access. I am unsure of any suitable location for a second access. In principle however, the road would require minimal changes due to a second access being provided.*

**Question 5:** *Is the amount of car parking proposed acceptable?*

**LHA response:** *The amount of parking is in line with our emerging standards, which is above the current (but out dated) Suffolk Advisory Parking Standards. The NPPF asks developers and local authorities to use a data-led approach to setting parking standards and this has been done. The parking therefore should be sufficient for the development.*

**Question 6:** *- Is Larch Way suitable temporary access for construction vehicles?*

**LHA response:** *Larch Way is wide enough to be able to cope with the additional demands of being a temporary construction access. If an alternative construction access could be found to reduce the discomfort to residents, this could be reviewed by Suffolk County Council. However, none have ever been put forward by the developer and there are no obvious routes into the site.*

*Officers remain of the view that proposals for access to the site are appropriate and would not lead to a compromise of highway safety or adversely affect traffic convenience. The provision of a second vehicular access via a looped distributor road connecting to the north of the village is not considered necessary. In any event, a second access to the north of the village would have negative consequences insofar as the public open space provision would be severed by the road with the resultant conflicts between road and open space users.*

*Access for Construction vehicle traffic is discussed in the next section below.*

**Other matters arising from the 2<sup>nd</sup> July meeting of the Development Control Committee**

***i) Development viability***

*Some concerns were expressed at the July meeting that a package of S106 planning obligations below a policy compliant level was being recommended for approval on the grounds of development viability. There was also concern expressed that should the Council accept a reduced S106 package it could set an undesirable precedent for other*



**developers/applicants operating in the District and potentially compromise the Council's negotiations on other developments.**

**Development viability (or deliverability as it is sometimes referred) is a material planning consideration that influences the outcome of planning applications. The matter of development viability is discussed in detail within the report below (see paragraphs 328 to 342 in particular). The following is a summary of pertinent points about how development viability should be interpreted, tested and applied to this planning application:**

- Paragraph 173 of the NPPF seeks to ensure development is viable and deliverable (providing "competitive returns for a willing landowner and willing developer").**
- The National Planning Practice Guidance states that viability assessment "should be informed by the particular circumstances of the site and proposed development in question".**
- Recent changes to the 1990 Planning Act (Section 106BA, BB and BC) provide a new legal process to facilitate reductions in the level of affordable housing secured by S106 Agreements in order to unlock stalled development which is demonstrated to be unviable owing to the extent of S106 obligations secured.**
- A confidential viability report was submitted as part of the planning application in February 2014. The report has been assessed by independent experts (Peter Brett Associates). Whilst their assessment has increased the overall S106 package on offer, it also confirmed the development would not be viable with a policy compliant suite of planning obligations (including 30% affordable housing).**
- Of all the Development Plan policies that seek developer contributions from new housing development, it is only Policy CS9 of the Core Strategy (affordable housing) that suggests the level of the contribution is subject to negotiation on grounds of development viability.**
- A focus on reducing affordable housing S106 obligations (as opposed to other obligations) in order to ensure development viability is consistent with national policy.**
- The adopted Supplementary Planning Document (SPD) for affordable housing sets out a mechanism for testing viability claims when they are submitted with planning applications. That mechanism has been followed in this case.**
- In cases where development viability is demonstrated, the SPD requires the optimum level of affordable housing to be secured (by balancing the various competing obligations and securing any public subsidies that may be available).**

- ***Officers have scrutinised all requests for S106 contributions against the tests set out at Regulation 122 of the Community Infrastructure Levy Regulations. This led to a request for a public transport contribution to be withdrawn.***
  
- ***Officers have also considered whether the development would remain sustainable (in accordance with the NPPF) if some of the obligations were to be dropped or reduced in favour of boosting the amount of affordable housing secured. This has resulted in a reduction in the level of off-site public open space contributions sought.***
  
- ***Officers are recommending a S106 package which includes the following obligations.***
  - ***Public Open Space Provision on site: 5.53ha (policy compliant)***
  - ***Off site public open space contribution: £437,107 (reduced from a policy compliant level of 1,198,537)***
  - ***Affordable Housing: 14% provision (reduced from a policy compliant position of 30%)***
  - ***Primary School contribution: £1,508,416 (policy compliant)***
  - ***Early years education contribution: £225,367 (policy compliant)***
  - ***Libraries contribution: £80,136 (policy compliant)***
  - ***Health contribution: £130,000 (policy compliant)***
  - ***Traffic calming contribution: £45,000 (policy compliant)***
  
- ***Officers consider this S106 package represents the optimum that could realistically be secured from the development without making it unviable and reductions in the levels of affordable housing and off-site public open space contributions would not lead to the development being unsustainable or otherwise unacceptable in planning terms.***

***ii) Access for construction vehicles***

***The applicants have provided clarification of how they intend to access the site for construction vehicles. This would be via the existing road serving the Kings Warren industrial estate to the north of the village then travelling southward along the eastern edge of the village in order to access the site (including Phase A). This route would avoid construction vehicles needing to utilise existing housing estate roads to access the development site. A plan has been provided to illustrate the route. This will be presented to Members at the meeting.***

***iii) Anglian Water Services***

***Members requested that a representative of Anglian Water be invited to the Committee meeting when Members next consider this planning application. An invitation has been sent and the response confirms a representative will be available for the meeting on 6<sup>th</sup> August 2014.***

***iv) Off-site highway works***

**A question was posed at the 2<sup>nd</sup> July meeting whether some of the traffic calming contributions requested by the Local Highway Authority could be used towards various junction improvements on the route from Red Lodge into Kentford. The Highway Authority confirmed such a request would not be reasonable given the relatively low numbers of traffic movements from the development forecast to use the route and the negligible impact this level of traffic would have upon the efficiency/safety of the junctions in question.**

**v) Agricultural land grade.**

**There was an element of misunderstanding about the relevant grade of the agricultural land at Red Lodge that would be lost to development. The land has been classified as grade 4 land (low quality) despite the fact that it is capable of being used for agriculture. A low quality grading does not necessarily mean the land is not suitable for agriculture but such land is unlikely to be versatile for differing crop types, may require significant assistance (requiring fertilisers or excessive irrigation for example) or the soil may be of low quality (perhaps including high proportion of stones). All agricultural land has been graded by the Government following analysis. Whilst the grading of agricultural land is a material planning consideration when considering planning applications involving its loss, the actual grade is not a matter of planning judgement. The grading given to the agricultural land that would be lost to this development at Red Lodge has to be accepted as baseline evidence for the purposes of determining the planning application.**

**Changes to the Committee Report**

**The majority of amendments and additions to this committee report from that prepared for the meeting on 2<sup>nd</sup> July are set out in the paragraphs above. There are, however, a number of consequential amendments to the main body of the report. Given the length of this report and in order to assist Members, the main changes to the report are set out in the table below with relevant paragraph numbers identified.**

<b>Description of change</b>	<b>Paragraph number/s in this report.</b>	<b>Paragraph number/s from 2<sup>nd</sup> July 2014 report.</b>
<b>Late representations from Local Highway Authority</b>	<b>69</b>	<b>n/a</b>
<b>Late representations from Suffolk County Council Strategic Planning</b>	<b>70</b>	<b>n/a</b>
<b>Post-committee representations from Suffolk County Council Strategic Planning</b>	<b>71</b>	<b>n/a</b>
<b>Late representations received from the Acting Chair of Governors of St Christopher's Primary School</b>	<b>88</b>	<b>n/a</b>
<b>Late petition letter received from various residents of Herringswell</b>	<b>89</b>	<b>n/a</b>
<b>Late representations from a resident of Red Lodge</b>	<b>90</b>	<b>n/a</b>
<b>Updated commentary on progress of the emerging Joint Development</b>	<b>96</b>	<b>90</b>

<b><i>Management Policies Development Plan Document.</i></b>		
<b><i>Update in relation to SCC's request for a S106 contribution to be used towards provision of temporary classrooms at St. Christopher's Primary school.</i></b>	<b>316</b>	<b>311</b>
<b><i>Update in relation to SCC's requests for Transportation and highways S106 contributions.</i></b>	<b>325</b>	<b>320</b>
<b><i>Addition of route for construction vehicles as a necessary planning obligation.</i></b>	<b>327</b>	<b>322</b>
<b><i>Updates to Development Viability Paragraphs</i></b>	<b>337 to 342</b>	<b>323 to 331</b>
<b><i>Various minor changes to the conclusions and planning balance section of the report.</i></b>	<b>343 to 357</b>	<b>338 to 352</b>
<b><i>Updated recommendation</i></b>	<b>358 to 361</b>	<b>353 to 356</b>

**Summary of Recommendation**

***The application is recommended for conditional approval following completion of a S106 Agreement.***

**Application Details:**

1. The application has been submitted in a 'hybrid' form being partly for detailed (full) planning permission (phase 1 - 106 dwellings and extension to the village centre) and partly for outline planning permission (two later phases – up to 268 dwellings). The application proposes the erection of up to 374 dwellings in total. A number of the dwellings (3 no.) are proposed to replace those being foregone on an earlier phase of the Kings Warren development in favour of providing land for the proposed village centre expansion.
2. The development would be served by a single vehicular access to Larch Way close to the south-west corner of the site. There is a further access from Thistle Way to the north-west, although this would be secondary access for emergency vehicle use.
3. Details of the numbers, mix and heights of the dwellings, proposed in the detailed part of the planning application (Phase A proposals for 106 dwellings) are set out in the table below. Proposals for the remaining 268 dwellings form part of the outline application submission with all matters having been reserved at this stage.

<b>Name</b>	<b>Type</b>	<b>No. on site</b>	<b>No. of beds</b>	<b>Approx. height</b>
Sandown	Private	2	2	9m
Leigh	Private	7	3	9m
Sussex	Private	3	3	9.35m
Chelsworth	Private	7	3	9.4m
Elmswell	Private	8	3	9.45m
Kennet	Private	9	3	8.4m
Kensington	Private	8	3	8.6m
Elsenham	Private	3	4	8.95m
Chelsted	Private	2	3	9.35m
Walberswick	Private	1	4	9.4m
Ickworth	Private	3	4	9.5m
Danbury	Private	1	4	8.75m
Lavenham	Private	8	4	8.7m
Gosfield	Private	2	4	10.6m
Woodbridge	Private	6	4	9.1m
Copthorne	Private	5	3	9.55m
-	Affordable	4	1	8.85m
-	Affordable	14	2	7.6m - 9m
-	Affordable	12	3	8.3m - 9m
-	Affordable	1	4	8.8m

4. A limited palette of external building materials has been selected. The majority would be finished in brick with others finished in render, artificial weatherboarding or flint panelling. The palette of materials is as follows;
  - Bricks – Istock Ivanhoe, Mellow Red; Istock Coleridge, Yellow Multi, and; Istock Surrey, Cream Multi.
  - Roof tiles –Marley Mendip, Mosborough Red, Marley Mendip, Smooth Grey; Eternit Slate
  - Detailing – Monocouche Render (Silver Pearl); Hardieplank Weatherboarding, Arctic White; Planbloc Interlocking flint blocks (or similar); White uPVC windows and rear doors; IG steel front doors (red, blue or green).
5. The planning application also includes proposals to extend the existing 'village centre' with up to 225 square metres of additional retail (class A1) floorspace. The site is part of the 'Kings Warren' development which is currently under construction (dwellings). The proposed extension to the village centre building would be constructed to the south of the existing building in lieu of 3 of the approved dwellings.
6. Outline planning permission is sought for the village centre extension with all matters reserved such that no details of layout, scale, appearance, landscaping or access are included for consideration at this stage.
7. When the planning application was registered in June 2013, the applicants

included a plot of land adjacent to St. Christopher's Primary School in anticipation the land would be required to enable the school to be extended to mitigate the impact of these development proposals upon primary provision.

8. Matters have evolved since that date such that the preferred strategy is to provide a new school facility elsewhere in the village in order to cater for natural growth in the catchment and for new housing anticipated in the catchment up to 2031 (i.e. via the Single Issue Review of the Core Strategy).
9. The parcel of land is therefore no longer permanently required in connection with the development proposals (the site is required in the short term whilst a new school facility is constructed) but has not been removed (withdrawn) from the planning application.
10. Finally, circa 4 hectares of land at Herringswell is included in the application site to provide mitigation for potential impacts of development upon Stone Curlew nesting attempts in the 1,500m buffer to the Special Protection Area. The site would be actively managed to encourage Stone Curlew activity (at the site and within the abutting Special Protection Area designation).
11. A number of trees currently protected by a woodland Tree Preservation Order would be felled as part of the proposals. No formal development requiring planning permission is proposed for the Herringswell site. The land is included within the formal application site to enable the mitigation proposals to be formally secured via S106 Agreement (in the event that planning permission is granted).

### **Amendments**

12. In August 2013 amended drawings were received illustrating changes to the design of plot 17 (dropping from 2½-storey to 2-storey scale) and further foul water drainage information/clarification was provided. Members of the public and statutory consultees were consulted. All responses received are summarised below in a later section of this report.
13. In August 2013 the applicant submitted amended drawings for plot 17 of phase 1 and further information and clarification about proposals for the discharge and treatment of foul water from the development. A further period of consultation has been carried out, the results of which are summarised below in a later section of this report.
14. In September 2013, the applicant submitted additional ecological information and assessment in response to an objection received from the RSPB.
15. In January 2014, applicant submitted further information and amendments to the proposals. A further period of consultation has been carried out, the results of which are summarised below in a later section of this report. The amendments were as follows;

- Design amendments (public open space for phase I) and new D&A Statement
  - Withdrawal of SUDS details from the application (now reserved) and consequential changes to the site location plan and FRA
  - Additional foul water drainage information
  - Withdrawal of St Christopher school fields extension proposals.
  - Details of tree replacement planting sites.
  - Submission of noise assessment
  - Submission of Travel Plan
  - Amendments to affordable housing types (1-bed units introduced)
16. In February 2014 the applicants submitted a viability appraisal to assist with negotiating a S106 package and, in particular, to evidence a request to reduce the number of affordable housing from the policy requirement of 30% provision. The document contains commercially sensitive information (values, costs etc.) and is to be treated in confidence. A copy of the document has not therefore been made available on the planning register (the website).
17. In May 2014, following receipt of concerns from the highway authority the applicants' submitted further amended drawings illustrating minor changes to the layout of phase I to address the points made. These were not the subject of full public consultation given the minor nature of the changes proposed, although further comments received from the Highway Authority about the amended plans are reported below in a later section of this report.

**Site Details:**

18. The application site contains four separate elements;
- Site 1 – 17.26 hectares of land for the erection of the dwellings and associated infrastructure (including public open space, SW drainage and new allotment provision)
  - Site 2 - 0.81 hectares of land adjacent to St Christopher's' primary school.
  - Site 3 - 0.06 hectares of land for an extension to the newly developed village centre
  - Site 4 - 4 hectares of land for habitat creation/enhancement in the parish of Herringswell.

Site 1

19. This element of the application site, the largest of the elements that comprise the application site, is situated to the east of the village immediately adjacent to the 'Kings Warren' expansion. The site is predominantly agricultural land (Grade 4), but also contains a dwelling (Hundred Acre Farm). The site is bounded by trees and a public footpath to the south and by trees to the east. Parts of the existing 'Kings Warren' housing estate development and its formal public open space bound the site to the West. Vehicular access would be provided from Hundred Acre Way via Larch Way.

Site 2

20. This site (0.81ha of land within existing Phase 4a of the Kings Warren development) has been included in the application site because, initially, it was being offered up by the applicants to extend the school grounds to enable expansion of the school building. As set out above, the proposal for change of use of this land to school playingfield has been withdrawn from the planning application but the site remains within the red line.

Site 3

21. This part of the site is adjoins the newly constructed Red Lodge village centre which was planned as part of the earlier 'Kings Warren' development and provides 0.6 hectares of land to facilitate an extension to the village centre facility. The land forms a small part of Phase 4a of the 'Kings Warren' development and 3 (no) of the consented dwellings from that scheme would not be built out.

Site 4

22. This circa 4 hectare site is situated in the parish of Herringswell. Whilst no built development or change of use is proposed for this land, it is included within the application site as it is required to mitigate potential impacts of the proposed housing development upon stone curlews making nesting attempts outside the designated Special Protection Area. The land, which adjoins but is outside the boundaries SPA, would be cleared of trees and managed to provide favourable conditions for nesting stone curlews.
23. The site presently supports a number of trees which are protected by a blanket woodland tree preservation order. A public footpath runs north/south along the west boundary of the site. There are no dwellings in close proximity to the site.

**Application Supporting Material:**

24. The following documents accompanied the planning application upon submission:
- Forms and drawings including layouts and dwelling/streetscene details for phase 1, landscape masterplan and surface water drainage details.
  - Planning Statement
  - Design and Access Statement
  - Landscape & Visual Impact Assessment
  - Arboricultural report (incorporating a tree survey and arboricultural impact assessment)
  - Phase I Contaminative Uses Desk Study
  - Assessment of the Local Need for Housing
  - Preliminary Infrastructure Appraisal
  - Statement of Community Consultation
  - Statement on Flood Risk and Proposed Drainage Strategy
  - Archaeological Desk Based Assessment
  - Specification for Geophysical Survey and Geophysical Survey
  - Ecological Assessment



- Transport Assessment
  - Framework Travel Plan
25. Amendments made to the planning application and additional information received in September and October 2013 and January, February and May 2014 are set out above in the 'amendments' section of this report.
26. With the exception of the Viability Report, which is a confidential document because it contains commercially sensitive information, all of the documents submitted with and subsequent to the planning application are available to view on the Council's website.

**Relevant Planning History:**

27. 2013 – Planning permission granted (by Suffolk County Council - the Local Planning Authority for the proposal) for the erection of a 4 classroom extension to the St Christopher's Primary School in Bellflower Crescent (reference DC/13/0291/CR3).
28. 2011 – Reserved matters (submitted under outline planning permission F/2000/0706/ESO) approved for Phase 4a of the 'Kings Warren' development (reference F/2011/0025/RMA). 70 dwellings and the village centre were included in this submission. The reserved matters are relevant to the latest planning application insofar as the developer is proposing to forego the construction of 3 of the 70 dwellings in favour of providing an enlarged village centre development.
29. 2007 – Outline planning permission refused for the erection of 700 dwellings (reference F/2007/0706/ESO). The site incorporated all of the land that forms the residential elements of the current scheme and some additional land to the north. Planning permission was refused for the following reasons:
- The proposal seeks to increase the number of committed houses at Red Lodge to approximately 2359, and also seeks the residential development of land allocated within the adopted Red Lodge masterplan as agricultural land. Accordingly, the proposal is considered contrary to Policy 13.1 of the Forest Heath Local Plan, which seeks to achieve approximately 1500 homes at Red Lodge, and Policy 13.2, which seeks to guide development at Red Lodge in accordance with an agreed masterplan.
  - It is considered that sufficient deliverable housing land exists within Forest Heath District to cater for at least the next five years of anticipated housing requirements. Accordingly, a proposal for 700 units, over and above those numbers already committed within the District, on a greenfield site allocated in the latest masterplan as agricultural land, is considered premature in advance of matters via the emerging Local Development Framework.
  - The expanded settlement of Red Lodge seeks to create a sustainable community to support the existing and committed housing numbers via the provision of additional infrastructure and services. The committed infrastructure at Red Lodge was considered, quantitatively and qualitatively, on the basis of the previous 1250 unit urban extension. It is

therefore considered, particularly in advance of the delivery of such, but also in advance of the necessary subsequent quantitative and qualitative assessments, that Red Lodge does not represent a sustainable location for significant additional housing, contrary to the requirements of PPS1 and PPS3. It is also considered that assessment of such matters should be via the Local Development Framework rather than via the consideration of ad hoc planning applications.

- The County Council have identified a requirement within Red Lodge for a second primary school. The absence of any signed s106 Agreement relating to this means that no provision is made for such, either on or off site meaning children resident on the site would have to travel some distance to obtain schooling. This is contrary to the ideals of sustainable development and is therefore considered contrary to PPS1 and PPS3.
  - Policy 13.4 of the Forest Heath Local Plan 1995, together with the provisions of the Council's 'Supplementary Planning Guidance Relating to Section 106 Obligations' require developments of this scale to make adequate provision for the delivery of affordable housing and provision for social, community and environmental infrastructure/improvements within Red Lodge. In addition adequate provision for the delivery and management of public open space is also required. In the absence of a satisfactory s106 Planning Obligation or Unilateral Undertaking the above mentioned requirements cannot be delivered. The application is subsequently contrary to the provisions of the development plan and the Council's adopted SPG on Planning Obligations.
  - Insufficient detail has been provided regarding the likely traffic implications of developing this site. Accordingly, it is considered, in the absence of a robust appraisal and resultant Travel Plan based on such, that the site represents an unsustainable long term location in highways terms for a development of this size and nature and it is therefore contrary to saved Policy T14 of the adopted Suffolk County Council Structure Plan.
30. 2003 – Outline planning permission granted for residential development and commercial uses including ancillary uses such as two form entry primary school, village centre, retail and commercial uses, associated open space, landscaping and provision of access (application number F/2000/282). The land incorporated all of the development now known as 'Kings Warren', commercial land to the north and the current agricultural land to the east (including the current application site).

**Consultations:**

**Comments received following initial consultation upon registration of the planning application (June 2013)**

31. **Natural England – no objections** – comments as follows;
- The application site is within 1500m of Breckland Farmland Site of Special Scientific Interest (SSSI). This SSSI is part of the Breckland Special Protection Area (SPA). The site is also in the vicinity of the Red Lodge SSSI.

- Natural England advises that the proposal, if undertaken in strict accordance with the details submitted, is not likely to have a significant effect on the interest features for which Breckland SPA has been classified.
- Natural England therefore advises that your Authority [Forest Heath District Council] is not required to undertake an Appropriate Assessment to assess the implications of this proposal on the sites conservation objectives.
- The proposal advances the line of built development at Red Lodge towards Breckland SPA. However, the section of SPA that may be subject to increased avoidance effect by nesting stone curlew is immediately adjacent to the village of Herringswell and is therefore likely to be already experiencing a strong adverse impact from this settlement, as evidenced by the absence of nest records. We have therefore concluded that there will not be a likely significant effect on Breckland SPA from this proposal.
- Natural England has advised that mitigation should be provided outside Breckland SPA to account for stone curlew nesting in the Nesting Attempts Constraint Zone which may be subject to increased avoidance effects arising from the development. We have agreed in principle that the mitigation site suggested for management to benefit stone curlew is suitable. However, we would like an extension of time to consider the applicants Habitats Restoration and Management Plan for the land at Herringswell.
- Natural England is satisfied that the proposed development, being carried out in strict accordance with the details of the application will not damage or destroy the interest features for which the Red Lodge Heath SSSI has been notified. We therefore advise that this SSSI does not represent a constraint in determining this application.
- No objections to the application on grounds of impacts upon protected species. The proposed development is likely to affect bats through disturbance or damage or destruction of a breeding site or resting place. We are satisfied that the proposed mitigation would maintain the population identified in the survey report. A separate species license may be required for works involving various activities affecting bats.
- A development of this scale should deliver a substantial amount of green infrastructure; Natural England's recommendation is about 40% of the area to be green infrastructure. We note the intention to retain trees, hedgerows and semi-natural grassland where possible and provide public open space and create habitat within a sustainable urban drainage system. We recommend the masterplan considers providing opportunities for dog walkers within the application site to reduce the need for dogs to be exercised on more sensitive sites in the vicinity.

32. **RSPB – objects** – and provide the following comments (summarised);

- We object strongly to this proposal due to the adverse effect that would result on the stone curlew feature of the nearby Breckland Special Protection Area (SPA) and Breckland Farmland Site of Special Scientific Interest.

- The proposal has not satisfactorily evaluated the impacts of development on stone-curlews, is unsupported by planning policy (NPPF paragraphs 12 and 118 and Core Strategy Policy CS2) and fails to meet the tests required by the Habitats Regulations before consent can be granted. The evidence provided is not sufficient to allow the Council to carry out an Appropriate Assessment and conclude that it would not adversely affect the integrity of the SPA.
- We have serious concerns regarding the quality of the ecological assessment and fundamentally disagree with its conclusions.
- The assessment suggests that those parts of the Breckland SPA within 1500m of the proposals are unsuitable nesting habitat for stone-curlew and have not had any recent nesting records, therefore it would not function for stone curlew nesting and an adverse effect would not occur. We note the following flaws;
  - The impacts should be assessed on the SPA's potential to support its species, not its current condition. If the SPA is, as suggested, in a degraded condition locally, it is not acceptable to assess impacts against such a reduced baseline.
  - Insufficient evidence has been provided to prove that the absence of recent nesting records means stone curlews won't nest there in the future. Stone curlews will only nest in very short vegetation, and so as most farmland is on crop rotation, in years when tall crop types are used nesting will not occur. No evidence of the crop types used on the SPA fields within 1500m have been provided by the applicant to show that crop types had no contribution to an absence of records.
  - The assessment suggests that the presence of the existing settlement of Herringswell closer to the SPA already has an adverse effect on the SPA and therefore this reduces the potential for a significant effect on the SPA. This fails to address the potential for cumulative impacts. The Footprint Ecology (FE) study [not an application document] identified that the effects of new development occur in addition to or in-combination with, those already occurring. Therefore if Herringswell is already having an adverse effect and reducing the capacity of the SPA locally, the addition of new development within the buffer will make the impact even more significant.
- It should be clear that an absence of recent nesting records or the presence of nearby settlements will not prevent an additional adverse effect from this proposal. Therefore, as the application has failed to properly address the likely impacts on the Breckland SPA, a likely significant effect on the SPA would occur and we strongly recommend the District Council should carry out an Appropriate Assessment of this proposal before determination.
- The Habitats Regulations require the applicant to demonstrate that an adverse effect on the Breckland SPA can be avoided before consent can be granted. The decision needs to be made on solid scientific evidence and where that evidence is unclear then a precautionary approach should be taken to ensure damage is avoided.

- **Conclusion** – From the evidence supplied, it is clear that this proposal would result in permanent damage to the Breckland SPA. In order to comply with the requirements of the Habitats Regulations and safeguard the SPA from damaging development, a precautionary approach must be taken, and consent refused.

33. **Highways Agency – no objections.**

34. **Environment Agency – no objections (subject to planning conditions being applied)** comments as follows;

- Note that contaminants entering the groundwater at the site may eventually reach a groundwater abstraction point supplying public drinking water and points out the site overlies a Principal Aquifer (natural storage of water and vulnerable to pollution).
- Consider that planning permission could be granted to the proposed development if conditions are imposed regarding i) a specific surface water drainage scheme for the site and ii) details of surface water disposal.
- The Agency considers, without these conditions, the proposed development on this site poses an unacceptable risk to the environment and would object to the application.
- The Agency confirms it is happy with the proposed extension of the drainage scheme (SUDs), subject to conveyance and appropriate maintenance of its attenuation capacity.
- The Agency goes on to provide advice for the benefit of the applicant/developer.

35. **Anglian Water Services – no objections** – comments as follows (summarised);

- Foul drainage from this development is in the catchment of Tuddenham STW that at present has available capacity for these flows.
- An assessment of the proposals has been undertaken from a foul drainage perspective. A connection can be made within the 225mm public foul sewer located in Thistle Drive which has available capacity for the flows expected to be generated from the development.
- If an alternative connection is proposed at detailed design stage, this may lead to an unacceptable risk of flooding and Anglian Water will need to be re-consulted.
- A condition is suggested requiring a drainage strategy to be produced at detailed design stage and which must include proposed connection points, number of dwellings if multiple connections are proposed and if a pumping station is to be utilised, the proposed discharge rate must be outlined.
- Advisory notes are suggested for inclusion on the planning decision notice addressing Anglian Waters jurisdiction over the discharge of trade effluent to the public sewer.

36. **Forestry Commission – comments** – The Commission advised the applicants (at pre-application stage) that 3ha of compensatory planting should be provided to replace tree felling on the mitigation site (4ha of land at Herringswell) in order to meet the Commission’s Open Habitats policy.
37. **NHS Property Services – holding objection** – comments as follows (summarised);
- The proposal is likely to have a significant impact on the NHS funding programme for the delivery of healthcare provision within the health catchment area of the development. These impacts should be thoroughly assessed and mitigated by way of a developer contribution (S106 contribution).
  - The planning application does not include a Healthcare Impact Assessment (HIA) or propose any mitigation of the healthcare impacts arising. The NHSPS has therefore prepared an HIA to provide the basis for a developer contribution.
  - The HIA demonstrates there is a capacity deficit in the area and a developer contribution of £130,000 would be required to mitigate the capital costs to the NHS for the provision of additional healthcare services arising directly as a result of the proposals. The contribution should be payable before the development is first occupied.
  - NHSPS would be content to lift its holding objection in the event that an appropriate level of mitigation is secured through a S106 Agreement.
38. **Sport England – supports** – the body supports the proposals ‘in principle’ on the basis they meet its planning policy objective to support the development of new facilities that will secure opportunities to take part in sport. Conditions are recommended to ensure the land forming the school playing field extension and recreation land is suitable (topography, soils, drainage and surface preparation etc.) and to secure the use of these sites for sports and recreation in perpetuity.
39. The body notes it is not presently clear whether the proposed 2.3ha extension to the existing community sports ground will make provision for additional sports pitches or more informal open space uses or a combination of both. It makes the point that the proposed additional residential development will result in an increased demand for sports pitches, therefore unless the existing pitches have sufficient capacity there will be a demand for additional facilities once the new dwellings become occupied. The planning authority needs to satisfy itself that the ancillary services (changing rooms/car parking etc.) are capable of accommodating additional pitches if proposed.
40. **Ramblers (Suffolk Area) – comments** – provides the following comments (summarised);
- This application affects a public right of way, in this case an unsurfaced byway, (understood to be Herringswell byway 2), running east to west immediately to the south of the overall development site. This route, known locally as 'Green Lane' is part of the Icknield Way Trail, and, it is noted from the documents provided, is also intended to become part of

the 'recreational loop around Red Lodge', continuing northwards along the eastern side of the current application site.

- The loop is a most welcome feature of the Red Lodge development, but I am unclear as to the mode of construction or its future management. I have noted that on earlier phases provision has been made for cycle and pedestrian links with unsurfaced byway, and I surmise that similar links will be made from the new Phase A.
- I have, belatedly, realised that I expressed similar concerns about the byway when application F/2009/0440, (Phase 6B Kings Warren), was under consideration and, having now located relevant correspondence, (some online), find that Suffolk County Council, (via David Hoy), indicated:

*'A contribution (£) will be required to improve the surfacing on the adjacent Herringswell Byway no 2. This relates to the length (1009m) adjacent Phases 6B and 6C and a sum of £5000 was previously agreed with Crest. This will need to be secured by a means outside of the planning condition process as the application site does not include the Byway. I note that the 2.5m wide shared CW/FP link to the Byway is also mostly outside the application site.'*

- Can a contribution, now, also be expected in respect of the new Phase A?
  - The time is right to consider the future of Byway 2, following the completion of the proposed Phase A, and it is suggested that, in addition to overall surface improvements, there should also be an Order prohibiting vehicular use over at least its most westerly 600m.
  - I have noted that the application includes a restoration project on 'land south-east of Herringswell', a site remote from the Red Lodge development area, and that much of the access route for this is via Herringswell Byway 1, which is also the route of the Icknield Way Path.
41. **Suffolk County Council (Highways Development Management) – seek amendments** to the planning application regarding layout and roads, parking, refuse and cycle storage and landscaping (street trees).
42. **Suffolk County Council (Planning Obligations) – no objections** and comments as follows;
- Forest Heath is currently undertaking a Single Issue Review looking at housing numbers and distribution across the district. In this connection we will greatly welcome the early conclusion of this review to enable a proper plan-led approach to development with the necessary supporting infrastructure provision.
  - It is recommended that Forest Heath commission an independent assessment into the existing sewerage infrastructure within Red Lodge to ascertain any shortcomings and identify that an adequate system is in place elsewhere to accommodate the increase in flow generated by additional housing in Red Lodge.
  - **Education (Primary and secondary).** The local catchment schools are St Christopher's CEVC Primary School and Mildenhall College of

Technology. There are currently forecast to be no surplus places available at the catchment primary and secondary schools serving the proposed development. In terms of secondary school provision we would therefore be seeking full contributions to provide additional facilities for the 58 pupils arising at a total cost of £1,080,110

- The new primary school at Red Lodge opened in September 2012, but is already under pressure regarding demand for school places to meet existing need and we have therefore commissioned a feasibility study to extend the school to 420 places. In the past we have considered two options should additional housing come forward at Red Lodge i.e. establish a second primary school or extend the existing new primary school to 630 places (3 forms of entry). The current favoured option is to extend the primary school but it is critical that additional land is provided free of charge by the applicants (an area of 0.81 hectares between the village centre and the new school has been identified as possibly suitable). On this basis we would also be seeking full build cost contributions to extend the primary school up to 630 places, at a minimum cost of £15,500 per place (25% uplift on extension costs) i.e. a total of £1,023,000.
- In view of the above issues regarding the future size of the primary school we consider that it is critical to fully consult with the Head teacher, School Governors and the local community before any decisions are made on this application. Even if the local primary school is capable of being physically expanded to 630 places this needs to be fully consulted upon.
- **Education (Pre-school provision).** It is the responsibility of SCC to ensure that there is sufficient local provision under the Childcare Act 2006. Section 7 of the Childcare Act sets out a duty to secure free early years provision for pre-school children of a prescribed age. From these development proposals up to 37 pre-school pupils are anticipated at a cost of £6,091 per place. A capital contribution of £225,367 is requested.
- In Red Lodge there are 2 settings, both of which are full with waiting lists. There are currently 40 children on the waiting list. Census data shows there is an existing shortfall of 138 places in the area.
- **Play space provision.** Consideration will need to be given to adequate play space provision.
- **Libraries.** A capital contribution of £80,784 to be used towards libraries is requested. The contribution would be available to spend at Red Lodge.
- **Waste.** A waste minimisation and recycling strategy needs to be agreed and implemented by planning conditions.
- **Supported Housing.** Supported Housing provision, including Extra Care/Very Sheltered Housing providing accommodation for those in need of care, including the elderly and people with learning disabilities, may need to be considered as part of the overall affordable housing requirement. We would also encourage all homes to be built to 'Lifetime Homes' standards.



- **Sustainable Drainage Systems.** Developers are urged to utilise sustainable drainage systems (SuDS) wherever possible, with the aim of reducing flood risk to surrounding areas, improving water quality entering rivers and also providing biodiversity and amenity benefits. Under certain circumstances the County Council may consider adopting SuDS ahead of October 2013 and if this is the case would expect the cost of ongoing maintenance to be part of the Section 106 negotiation.
  - **Fire Service.** Any fire hydrant issues will need to be covered by appropriate planning conditions. We would strongly recommend the installation of automatic fire sprinklers.
  - **High-speed broadband.** SCC would recommend that all development is equipped with high speed broadband (fibre optic).
43. **Suffolk County Council (Archaeology) – no objections** – provide the following comments (summarised);
- This large proposed development (25.85ha in total) affects an area of high archaeological potential, as defined by information held by the County Historic Environment Record (HER).
  - The desk based assessment submitted with the application presents a summary of the Prehistoric, Roman and post-Roman archaeology within the vicinity of the development, and highlights the presence of a known Bronze Age barrow within the southern end of the proposed development area (HER no. FRK 008). A pre-determination Geophysical survey of this southern area (also submitted) provides clarity on the size and form of barrow, and has revealed a large rectilinear enclosure and other discrete anomalies of likely Prehistoric date.
  - Extensive remains of archaeological interest have therefore been confirmed, with the potential for encountering further heritage assets of archaeological interest across the rest of the proposed development area. The proposed works will cause significant ground disturbance that have the potential to damage any archaeological deposit that exist in all areas, excluding the Land South East of Herringswell.
  - There are no grounds to consider refusal of permission in order to achieve preservation in situ of any important heritage assets. However, in accordance with the National Planning Policy Framework (Paragraph 141), any permission granted should be the subject of a planning condition to record and advance understanding of the significance of any heritage asset before it is damaged or destroyed.
  - In this case, an archaeological trenched evaluation will be required in the first instance to establish the potential of the site. Decisions on the need for any further investigation will be made on the basis of the results of the evaluation. This would not need to be undertaken prior to the application being determined by FHDC.
44. **Suffolk County Council (Suffolk Fire and Rescue Service) – no objections** - Advise that access for fire appliances needs to meet with Building Regulations requirements, advocates the use of sprinkler systems within new buildings and recommends imposition of a condition requiring

details of provision of fire hydrants for the development to be submitted for approval and thereafter provided.

45. **FHDC (Strategic Housing) – no objections** – and provides the following comments;
- Policy CS9 of the Core Strategy requires schemes of 10 or more dwellings to provide 30% affordable housing.
  - There is currently a low demand among registered providers in the area for Shared Ownership products (because of the economic climate, mortgage difficulties, low incomes and reduced affordability of the product). A shared equity model would be more favourable.
  - The inclusion of 41 dwellings (including 11 affordable dwellings) from committed Phase 4a of the Kings Warren Development is noted. These dwellings are accommodated in the calculations used to form the affordable housing requirement.
  - There is notably high demand for 1-bed accommodation in FHDC so a number of 1-bed flats are included in the requirement.
  - The affordable housing mix has been formulated using data from the housing register (1<sup>st</sup> October 2013) and having regard to the SHMA
  - The affordable housing requirement (to be secured by means of Agreement under S106 of the Planning Act) is as follows;
  - Phase A (Full application) 104 dwellings proposed.
    - 41 dwellings 'transferred' from Phase 4a = 11 affordable dwellings to be provided as agreed under earlier planning permissions (8x2-bed houses and 3x3-bed houses)
    - 63 'additional' dwellings = 20 affordable dwellings (8x1-bed flats; 2x1-bed bungalows; 2x2-bed bungalows; 4x2-bed houses, 3x3-bed houses and 1x4-bed house)
    - All 20 affordable dwellings for social rent
  - Later Phases (B and C – Outline application) 270 dwellings proposed
    - 81 affordable dwellings to be provided (20x1-bed flats; 7x1-bed bungalows; 3x2-bed bungalows; 36x2-bed houses; 12x3-bed houses and 3x4-bed houses)
    - 71 dwellings for social rent and 10 dwellings for 'shared ownership'.
46. **FHDC (Culture and Community Services) – objects** – The comments are based on a scheme of 333 dwellings bearing in mind the recreational and public open space etc. needs of the 41 dwellings to be 'transferred' from Phase 4a of the Kings Warren development have already been secured and delivered.

- The quantum of development proposed generates a requirement for 5.03ha of land to be provided in order to meet the recreation, play and open space, green space and allotment needs of the residents.
- The planning application proposes 3.23ha of land for public open space and allotments meaning there is a shortfall of 1.8ha against Forest Heath standards. The open space provision also fails to embrace the full range of typologies proposed in the Forest Heath standard.
- There is a lack of clarity in relation to the type of play provision proposed.
- There is no open space provided within Phase A (with the nearest provision to the north not being particularly accessible).
- The level of open space across the three phases of development needs to be increased which will require amendments to the layout of phase A and some provision within Phase B.
- Based on current information, there is no requirement for off-site provision of facilities (developer financial contribution) and the maintenance payment (based on current proposals) is £58,847pa (=£588,470)

47. **FHDC (Environmental Services) – no objections** – do not object, subject to the imposition of conditions regarding i) potential land contamination & remediation, ii) construction working hours (08.00-18.00 weekdays and to 13.00 Saturdays. No working on Sundays or public holidays) and iii) submission of a construction management plan.

**Comments received during consultation following receipt of amended plans and additional drainage information (September 2013 consultation)**

48. **Natural England – no objections** – but inform they are have met with representatives of the RSPB to discuss 'high level' principles of impact assessment and technical considerations which are now resting with specialists from both organisations to consider further (the planning application was not discussed in detail). Natural England confirm their previous position remains unchanged until further notice and do not wish to make further comment with specific regard to the amendments.
49. **Natural England** – provided additional comments specifically in relation to the applicant's document entitled 'Stone Curlew Habitat Restoration Site, Land South East of Herringwell, Red Lodge, Suffolk - Habitat Restoration and Management Plan', as follows:
- Natural England considers that a Breck grassland of biodiversity value can be restored from the habitats currently present on site by the actions proposed in the report. However, the proximity of the site to woodland habitat and the right of way do not strictly comply with our guidance for the location of stone curlew nest plots which ideally should be sited 300 – 400m from such features. The ecological consultants have been informed of this guidance.

- However, it has been shown by recent research that the proximity of semi-natural habitat enhances the value of nearby arable land to nesting stone curlew. Thus, stone curlew may use the mitigation site for foraging but there is a risk that it may not be used for nesting. In the event of this site or the immediately adjacent arable land not being used by stone curlew on average 4 years in every 10 (to provide mitigation for the identified impact of 0.4 pairs of stone curlew affected per year) in addition to current use, we advise that additional measures must be delivered, e.g. a nest plot on arable land on suitable soils outside the SPA.
  - We note that works near to badger setts will require a license to be obtained from Natural England and that if any trees on further inspection are found to contain bat roosts, then a license will be sought from Natural England. We also note that precautions are to be taken for great crested newts and reptiles to avoid offences being committed by the habitat management. The presence of badger may deter stone curlew and other birds from nesting on site as badgers may predate eggs and chicks. However, the loss of tree canopy may cause the badgers to move into the nearby woodland.
  - The report states that parts of the site are visible from the Icknield Way which runs to the west of the site (section 4.1.31). The applicant is asked to consider whether some form of screening could be erected alongside the right of way to hide human activity from the site, e.g. tree planting or fencing, as even a low level of disturbance may be sufficient to deter stone curlew from using the site.
  - The site must be regularly monitored for its use by stone curlew.
  - The habitat restoration and management must be secured by a legally binding agreement.
  - Natural England has no concerns with the proposal to retain the specimen Scot's Pine tree at the northern margin of the site.
50. **Highways Agency – no objections** – and provides no further comment.
51. **Environment Agency – no objections** - notes the confirmation from Anglian Water that foul drainage is going to their system (and refers back to their earlier comments and recommendations).
52. **Suffolk County Council (Highways – Development Management) – comments** – Notes that further amendments to the layout and finishes are likely to be made. Therefore earlier comments remain in place until new plans are submitted to address earlier requests and comments.
53. **Suffolk County Council (Highways – Rights of Way) - no objections** – do not wish to add any further comments.
54. **Suffolk County Council (Archaeology) – no objections** – repeats previous comments and request for imposition of archaeological condition.

**Comments received during and consultation following receipt of further amended plans and additional ecological representations from the applicants (January 2014 consultation)**

55. **Natural England – no objections** – and provide the following comments (summarised)
- The application site falls within a buffer zone surrounding a European designated site (also commonly referred to as Natura 2000 sites), and therefore has the potential to affect its interest features. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended (the 'Habitats Regulations'). The application site is in proximity to the Breckland Special Protection Area (SPA) which is a European site. The site is notified at a national level as Breckland Farmland Site of Special Scientific Interest (SSSI).
  - In considering the European site interest, Natural England advises that you, as a competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that a plan or project may have. The Conservation objectives for each European site explain how the site should be restored and/or maintained and may be helpful in assessing what, if any, potential impacts a plan or project may have.
  - Natural England notes that the HRA has not been produced by your authority, but by the applicant. As competent authority, it is your responsibility to produce the HRA. We provide the advice enclosed on the assumption that your authority intends to adopt this HRA to fulfil your duty as competent authority. In advising your authority on the requirements relating to Habitats Regulations Assessment, and to assist you in screening for the likelihood of significant effects, based on the information provided, Natural England offers the following advice:
    - the proposal is not necessary for the management of the European site
    - that the proposal is unlikely to have a significant effect on any European site, and can therefore be screened out from any requirement for further assessment
  - The proposal advances the line of built development at Red Lodge towards Breckland SPA. However, the section of the SPA that may be subject to an increased avoidance effect by nesting stone curlew is immediately adjacent to the village of Herringswell and already subject to an influence from existing housing at Herringswell and Red Lodge, as evidenced by the lack of nest records. We have therefore concluded that there will not be a likely significant effect on Breckland SPA from this proposal.
  - Special Protection Areas (SPAs) are classified for rare and vulnerable birds, and for regularly occurring migratory species. The birds for which SPAs are designated may also rely on areas outside of the SPA boundary. These supporting habitats may be used by SPA populations or some individuals of the population for some or all of the time. These supporting habitats can play an essential role in maintaining SPA bird populations, and proposals affecting them may therefore have the potential to affect the SPA.
  - Natural England has advised that mitigation should be provided outside Breckland SPA to account for historic records of stone curlew in the

Nesting Attempts Constraint Zone which may be subject to increased avoidance effects arising from the development.

- We have agreed in principle that the mitigation site suggested for management to benefit stone curlew is suitable. Aspect Ecology's report entitled 'Stone Curlew Habitat Restoration Area, Land South East of Herringswell, Suffolk – Habitat Restoration and Management Plan', (May 2013) is satisfactory and we note that the applicant intends to provide additional screening along the public footpath, to manage the site in perpetuity and to monitor the restoration site for stone curlew for five years. We advise that the monitoring is reviewed after five years between Natural England, the developer and the local authority so that the site management can be updated if necessary.
- This application is in the vicinity of Red Lodge Heath SSSI. Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the site has been notified. We therefore advise your authority that this SSSI does not represent a constraint in determining this application.
- On the basis of the information available to us, our advice is that the proposed development is likely to affect bats through disturbance or damage or destruction of a breeding site or resting place. We are satisfied however that the proposed mitigation would maintain the population identified in the survey report.
- A development of this scale should deliver a substantial amount of green infrastructure; Natural England's recommended amount is about 40% of the area to be green infrastructure. We note the intention to retain trees, hedgerows and semi-natural grassland where possible and provide public open space and create habitat within a sustainable urban drainage system. We also recommend that the masterplan considers providing opportunities for dog walkers within the application site to reduce the need for dogs to be exercised on more sensitive sites in the vicinity.

56. **RSPB – object** and provide the following comments (summarised)

- The supplementary ecological information does not satisfactorily address the concerns we raised in our original response.
- The Breckland SPA was designated based on robust data and the effects on stone curlew nesting habitat suggested by the applicant from proximity to housing, woodland, footpaths or other features would mostly have been present pre-designation.
- The research which underpins Forest Heath planning policy on this matter shows that the impacts of this proposal would occur cumulatively, in addition to any baseline conditions. Therefore the suggestion that the presence of features such as settlements has resulted in avoidance of the site, therefore rendering it immune from further impacts, is false.
- It is also unclear what is meant by the statement made by the applicant that this part of the SPA is '*an unusual small promontory of land out-with the main body of the SPA*' and '*is likely included in the designation for mapping and land ownership purposes*'. The SPA boundary is determined

by robust data on habitat and species distribution, rather than as suggested by the applicant. It includes the core of the breeding range of the stone curlew in the Brecks at the time of designation, and any 'unusual' boundaries reflect the mosaic of heathland and farmland habitats which comprise that core breeding range. The claim that the boundary here is administrative rather than ecological is unproven and can be disregarded.

- We conclude the applicant has failed to provide satisfactory evidence to support their claim that the proposal would not have an adverse effect on the Breckland SPA. Our original objection on the grounds of failure to comply with the Habitats Regulations, as well as local and national policy, still stands.

57. **Environment Agency – no objections** and comment: We have reviewed the revised drainage strategy which has demonstrated that there remains sufficient capacity within the system to ensure that there is not risk of flooding on or off site. Therefore we have no objections to the proposed amendments and confirm that our previous response remains pertinent to this revised application.
58. **Ramblers** – do not wish to add any further comments.
59. **Suffolk County Council (Highways Development Management)** – does not make a recommendation at this stage (April 2013) but express concerns about a number of design issues with the Phase I layout which need to be addressed by the applicant.
60. **Suffolk County Council (Highways Development Management)** – made further comments (May 2014) following receipt of amended plans to address concerns set out in the preceding paragraph. Note these plans which made only minor changes to elements of the layout of proposed phase 1 were not the subject of a full public consultation (other than the Highway Authority) given their very minor and technical nature. The Authority raised **no objections** to the planning application subject to the imposition of controlling conditions regarding the specification and provision of the vehicular access and estate roads, a strategy of preventing surface water discharge onto the highway, visibility splays, details of bin storage areas, travel plan, deliveries management plan (HGV's) and parking. The Authority also submits requests for developer contributions towards public transport provision (£310,000), traffic calming in local villages (£45,000) and travel planning (£5,000).
61. **Suffolk County Council (Planning Obligations) – no objections.** Much of the commentary from previous consultation response is repeated. However, following the significant changes to the educational mitigation strategy (and the consequential increase in 'chargeable' dwellings from the development (net 371 dwellings as opposed to net 333 dwellings prior to receipt of the January 2014 amendments) the following revised contributions are requested:
- **Education (Primary)** - With latent population growth and further housing growth planned at Red Lodge the emerging education strategy is to deliver a new 420 place primary school. A site location will need to be identified and that will emerge via the Single Issue Review process. On this basis we consider that it is equitable to share the site acquisition

costs and build costs in a pro-rata and proportionate way between developers.

- The estimated cost of building a new 420 place primary school (excluding land costs) is £6.9m. This is based on actual school projects recently delivered in Suffolk. On this basis the cost of each school place is £6.9m/420 places = £16,429. Therefore assuming 91 places arising from this development is 91 places x £16,429 per place = £1,495,039.
- With regard to site acquisition costs we can assume, say, £10,000 per acre (£24,710 per hectare) which gives a total cost of £61,775 for a 2.5 hectare site and equates to £147 per pupil place. Therefore for 91 pupils = £13,377.
- **Education (Secondary)** There are currently forecast to be surplus places available at the catchment secondary schools serving the proposed development, so we will not be seeking secondary school contributions [note this represented a change to previous advice].
- **Education (Pre-School)** A capital contribution of £225,367 is requested.
- **Libraries** A capital contribution of £80,136 is requested.

62. **Suffolk County Council (Planning Obligations) – no objections** and provides and update (June 2014) on their position on local education and their strategy to deliver a second primary school in the village:

- There has been some questions raised that ahead of the conclusion of the Single Issue Review that this could give rise to insufficient community infrastructure being delivered alongside housing growth, including local children not being able to access primary school places in Red Lodge at St Christopher's CEVC Primary School. This letter confirms that if this application is approved then the county council is confident that there is a strategy in place to allocate local children a primary school place.
- St Christopher's Primary School is due to be expanded to 420 places (2 forms of entry). With latent population growth (Basic Need) and further housing growth in Red Lodge over the plan period to 2031 the only sensible outcome will be to provide a second new 420 place primary school to serve the village. Even without housing growth planned for by the Single Issue Review we anticipate that a further 210 primary school places will be required. So the agreed education strategy is to identify and secure a site upon which to build a new 420 place primary school to serve the Red Lodge area. A detailed site search has been conducted over the last few months by our property consultants in order to draw up a long list of possible options, which will be evaluated in order to identify the most suitable option(s). Contact has already been made with various landowners and some negotiations commenced but nothing has been agreed yet. As a last resort the county council would consider using compulsory purchase powers to acquire a site.
- In the interim, before the new school site is secured and the first phase of that primary school is delivered, the strategy is to provide temporary classrooms with associated facilities on the St Christopher's site. Crest



Nicholson has agreed to provide 2 acres of land adjacent to the school (as indicated on the attached plan) which will facilitate the temporary expansion of the school. This site will need to be secured via a Section 106 legal agreement and will need to be available for up to 5 full academic years (based on Crest Nicholson's current anticipated build out rate) from first dwelling occupation or 300 dwelling occupations whichever is later of the two, unless the new school opens in advance of either date. In addition to the proportionate contribution towards the new school land & build costs we expect Crest Nicholson to pay for temporary classroom provision to meet needs directly arising from their scheme. If the adjacent land and capital contributions (both for temporary & permanent provision) in order to mitigate the education impacts directly arising from this scheme are not secured by a Section 106A then the county council will object to the application.

63. **Suffolk County Council (Archaeology) – no objections** – and repeats previous comments (reported above).
64. **Suffolk County Council (Fire and Rescue Service) - no objections** – and repeats previous comments (reported above)
65. **Suffolk County Council (Rights of Way) – no objections** - and do not wish to add further comment.
66. **FHDC (Strategic Housing) – supports** the application and provides the following comments:
  - The Strategic Housing Team fully supports this application. Forest Heaths Core Strategy Policy CS9 states a requirement of 30% affordable housing. Therefore 31 units on Phase A and 80 units on Phase B & C.
  - There is strong evidence from the Housing Register and the Strategic Housing Market Assessment to conclude that we need a variety and mix in Red Lodge. There are currently 161 applicants on the Housing Register with a local connection to Forest Heath indicating Red Lodge as a preference to live.
  - The following affordable housing mix (31 units) on Phase A is subject to the overall mix requirement being accommodated across the development as a whole (i.e. in the later phases):
    - 2 x 1b 2p flats
    - 2 x 1b 2p flats
    - 14 x 2b 4p dwellings
    - 12 x 3b 5p dwellings
    - 1 x 4b 6p dwelling.
  - An additional 80 affordable dwellings are requested from the later phases of the development (i.e. phases B and C).
67. **FHDC (Ecology, Tree and Landscape Officer – Planning & Regulatory Services) – no objections** to the planning application and provides the following comments (summarised);
  - The existing trees make a significant contribution to the landscape character of the site and their safe retention is important in the creation

of an attractive environment. The retention of the trees helps to mitigate potential landscape impacts of the site development. Most of the trees are protected by tree preservation orders. The masterplan shows that most of the existing trees are to be retained; any trees which are removed will need to be replaced. Detailed plans have been submitted in respect of the 'phase A' application. The tree protection is provided by the site hoarding. For this to be effective it must be a fixed structure and details should be requested prior to commencement on site – a condition is recommended.

- Details are provided for the trees along the length of the site adjacent to the proposed SUDs ditch, although these appear to be out of date in light of the updated scheme. In general the ditch (from north of the sports space southwards) appears to be outside of the root protection area of the existing trees for the majority of the length however details are required showing that this can be achieved and to confirm that the impact on trees is minimised. There are a number of places where connecting pipes are required within the RPA of trees, in particular north east of the 'sports space'. Where the pipe seems to largely follow the route of the existing path. Nevertheless a working method statement will be required and replacement planting details for the whole route of the SUDs ditches and footpath (particularly if the footpaths surfaces are to be improved) – a condition is recommended.
- There is a need to ensure that links between the new residential areas and the existing and proposed paths are frequent and of good quality. In addition there may be a need for a bridge across the ditch at the north eastern corner of 'Phase A'. In addition a link from the permissive path to the existing sports space should be established at an early stage – conditions are recommended.
- The informal play space within the open space north of 'phase A' should be relocated away from the adjacent properties – planting on the western edge can provide a barrier to the road – a condition is recommended.
- Properties to the south of 'Phase A' all face onto the existing trees and will suffer from shading which could put the future pressure on these trees to be reduced or removed, however these trees are protected.
- Natural England has commented that 'a development of this scale should deliver a substantial amount of green infrastructure; Natural England's recommended amount is about 40% of the area to be green infrastructure. The development area covered by the detailed and outline planning application for residential is 17.26ha and of this 5.6ha will be green infrastructure made up of natural and informal green space, sports space, allotments and parks and recreation space. This amounts to 32% of the developable area falling short of the NE's expectations, but in accordance with the Forest Heath Open Space, Sport and Recreation Supplementary Planning Document (SPD) regarding the provision of open space. I note that NE has not objected on these grounds.
- Natural England have also recommended that the masterplan considers providing opportunities for dog walkers within the application site to reduce the need for dogs to be exercised on more sensitive sites in the vicinity such as the SPA and associated farmland. The proposal includes

for a permissive path which will follow the eastern edge of the development site, link with the existing sports and amenity area through a new amenity land extension. The permissive path extends north beyond the site boundary to link to other pedestrian routes through Red Lodge and consequently will form a circular route within the wider Red Lodge development. There are few footpaths linking to the countryside to the east. There is no information relating to the phasing of the creation of this new green corridor however this could be secured at an early stage by condition. The new routes are likely to be attractive to residents of the new development being immediately accessible on the doorstep avoiding the need to travel to more sensitive sites for example within SPA

- In relation to the Landscape and visual assessment, the most obvious omission is the absence of information or assessment of the changes to the views from the existing track (which will be the permissive path) to the east of the site, although this does not appear to be a public track at present.
- The proposals do not force the removal of landscape features such as existing trees and woodland. However there will be a fundamental change from agricultural land to built development and loss of the open landscape which is a feature of this character type. The development does not contribute significantly to the wider landscape, there is little structural landscape planting proposed. The creation of a ditch network which will be located alongside the existing track proposed as a permissive path and the retention of linkage through the central part of the site to allow safe access to the sport area is welcomed. Future detailed layouts and landscaping proposals must acknowledge and protect the strong Breckland character of the surrounding areas and reflect this in the detailed landscape design and specification – a condition is recommended regarding soft landscaping.
- For the SPA mitigation site, the proposals to create 'Breck' grassland will lead to the removal of TPO trees close to the Icknield Way. The impact of this on visitor/user amenity will be limited by proposals for tree planting along the woodland edge (designed to reduce the potential for impact of recreational access on the newly created Stone Curlew habitat). As the resulting landscape will be open grassland which is also characteristic of this area and the Icknield Way will continue to pass through woodland, the residual impact is likely to be neutral.
- There is the potential for replacement tree planting that would have a significant contribution to public amenity within the development site, in particular within the land shown to be 'parks and recreation' space forming a corridor through the central part of the site.
- Within the wider landscape the visual impact of the proposals is relatively limited given that the site is well enclosed by existing trees and woodland to the east and south and that the western boundary is formed by the existing strategic growth of Red Lodge. The most sensitive receptors would be the existing homes that currently have an outlook to agricultural land. For these residents the change experienced is likely to be significant. The further expansion of Red Lodge was relatively foreseeable nevertheless mitigation in the form of a sensitive approach to landscaping of this western edge should be adopted and could be

controlled by a landscape condition. For 'Phase A' this has been accomplished by gardens backing onto existing back gardens.

- There are no designated sites within the application site however there are a number of statutory sites within the vicinity. These include Breckland SPA (1.2km), Breckland SAC (3.9km) and Red Lodge Heath SSSI (580m). Natural England has not objected to the proposals in respect of effects on Breckland SPA, Breckland SAC and Red Lodge Heath SSSI
- No effects on non-statutory sites including Worlington Chalk Pit CWS (550m) and Higham Grove ancient woodland (6.2km) are anticipated.
- The local planning authority, as the competent authority, is responsible for the Habitats Regulation Assessment (HRA) as required by The Conservation of habitats and Species Regulations 2010 (as amended). Aspect Ecology, on behalf of the applicant has submitted information to inform the HRA. This is in Section 3.4, Appendix 3, 5 and 6 of the Ecological Assessment (May 2013) and Aspect Ecology's letter of 5 February 2014. The local planning authorities HRA is in table 1 below. In undertaking the HRA the lpa has had regard to the advice of Natural England and other correspondence received in matters concerning the European sites.
- The proposals include an area of habitat restoration which is separated from the main area of residential development. This area forms the mitigation to be provided outside of the Breckland SPA to account for historic records of stone curlew in the Nesting Attempts Constraints Zone which may be subject to increased avoidance effects arising from the development. The impact of implementing this habitat restoration has also been assessed to ensure that impacts on protected species are minimised (Appendix 6 of the Ecological Assessment).
- The habitat restoration area will be created by deforestation of existing open woodland. The Forestry Commission has commented that the deforestation element of the works is not in keeping with the 'Open Habitats Policy' and an overall loss of woodland cover should be avoided. They would normally therefore require 3ha of compensatory planting in such circumstances (calculated loss of trees). In response 2 areas of compensatory planting (totaling 1.056ha) have been submitted (plan 2656/PLT1 rev A). These include an area of hardwood plantation and associated pine line and a pine shelter belt. Both areas are outside the SPA boundary.
- The land (4ha) for the habitat restoration was initially identified by Natural England (in 2012). The site is located between farmland and plantation forestry adjacent to the boundary of Breckland SPA and Breckland Farmland SSSI, south east of Herringswell and 1.4km from the development site. Aspect ecology has investigated the feasibility of this part of the project with the main aim to maximise the suitability of the site for stone curlew. The secondary considerations and objectives are set out in Appendix 5 of the Ecological Assessment. The restoration work will require tree felling and removal, cutting of grassland and cultivation of areas to create some bare ground habitat.

- Natural England considers that 'Breck' grassland of biodiversity value can be restored/created. However, the proximity of the site to woodland habitat and the Public Right of Way do not strictly comply with NE guidance for the location of stone curlew nest plots which ideally should be sited 300 – 400m from such features. In addition the presence of badgers on the site may limit its value as stone curlew nesting habitat.
- However, it has been shown by recent research that the proximity of semi-natural habitat enhances the value of nearby arable land to nesting stone curlew. Thus, stone curlew may use the mitigation site for foraging but there is a risk that it may not be used for nesting. Natural England has advised that in the event of this site or the immediately adjacent arable land not being used by stone curlew on average 4 years in every 10 (to provide mitigation for the identified impact of 0.4 pairs of stone curlew affected per year) in addition to current use, additional measures must be delivered, e.g. a nest plot on arable land on suitable soils outside the SPA.
- Measures to screen the right of way to hide human activity from the mitigation site, have been proposed along with monitoring of the site for its use by stone curlew. Natural England has advised that the effectiveness of the mitigation site should be reviewed after 5 years and that the habitat restoration and management must be secured by a legally binding agreement.
- The report assesses the impact of the proposals on habitats and species and includes recommendations to mitigate or safeguard against adverse effects. In addition the report proposes enhancements. The report has been assessed against NE standing advice. The recommendations of the report should be conditioned to ensure protected species are safeguarded. Some of the measures may require additional information to be submitted and approved – this would apply to the establishment and maintenance of habitats lighting strategy to minimise spillage to existing tree lines. Use of native species including additional tree planting in the existing tree lines and wildflower mixes would be demonstrated in submission of landscaping plans. Plans showing the positions of bat and bird boxes and reptile hibernacular should also be submitted – conditions are recommended to address these matters.
- The creation of the mitigation area which includes deforestation will also have secondary impacts on protected species. These have been assessed in Appendix 6 of the Ecological Assessment. Natural England standing advice has been used to assess the impact of the proposals.
- Badgers – There is potential for impacts during the restoration of this area such that the works may need to be implemented under a NE license.
- Reptiles and Great crested newts – There is potential for the habitat restoration works to impact on these species however given the context of the site on the edge of additional suitable woodland habitat the report recommends measures that would safeguard reptiles and amphibians.
- Bats – Whilst the site does offer potential for roosting and foraging, no roost sites were identified during survey and the surrounding woodland habitat offers extensive alternative opportunities such that the value of

the site for bats is considered low-negligible. Safeguards are recommended in the ecological report.

- Birds – Suitable safeguards are recommended to protect the common and widespread bird species that utilise the site.

**Consideration of whether planning permission would offend against Article 12(1) of the Habitats Directive: Bats**

- Imperative reasons of overriding public interest - This is a large housing site which includes affordable housing. There is a demonstrated housing need in the district – there is a clear social and economic benefit in the project.
- No satisfactory alternative - The site is within the Red Lodge Masterplan area (March 1998). The district is currently considering the allocation of sites for residential housing but this process has not yet been completed however this site is one of the alternatives which has been identified as suitable alternative. Retention of the existing building is not considered to appropriate in this context and tree T1 is dead could become a public safety issue.
- Favourable conservation status - Natural England has confirmed that the proposals including proposed mitigation would maintain the population identified in the survey report.
- It is likely that, should it be required, a licence would be granted by Natural England.

68. **FHDC (Environmental Health) – no objections** – the service repeats its earlier request for conditions to be attached to any grant of planning permission with some additional conditions regarding internal noise levels (near to the sports pitches) and in relation to the proposed village centre expansion.

**Further comments received following publication of Committee Report (report for 2<sup>nd</sup> July 2014 meeting of Development Committee)**

69. **Suffolk County Council (Highways Development Management) (received 1<sup>st</sup> July 2014)** provided the following clarification about their requests for highway related S106 contributions:

***Public Service Provision***

- Although there is a gap in service, the cost of filling this gap is considerable and therefore should be dropped from the S106 package. Suffolk County Council will continue to work closely with the bus service operators to see whether the gap can be filled in the future.

***Traffic Calming***

- This development will generate a reasonable amount of traffic which will travel through two nearby villages on the way to employment centres

such as the Air bases (RAF Mildenhall & RAF Lakenheath), Mildenhall and Bury St Edmunds.

- Nearly half of the traffic generated (62 vehicles out of 131 vehicles in the morning peak) is shown within the transport assessment to travel from the site into Kentford. A quarter of the traffic generated (35 out of 140 vehicles in the evening peak) would return to the site through Worlington.
- These vehicle trips are likely to bunch around much smaller peaks, as many people will be starting work at the same time. It is therefore likely that the effect of this development would be felt by the residents. Ideally, traffic from the site would be diverted to the major route. However, this is not feasible. Therefore mitigation would be in the form of traffic calming –such as additional village gateway signs and or vehicle activated signs. This may persuade some drivers to use more major routes; but it would reduce the speed of vehicles through the villages making the route choice a safer one for all road users. Without this, the site would not be acceptable in planning terms. The traffic calming would be targeted on Worlington and Kentford, making it directly related to the development.
- With the removal of the public service provision from the S106 obligation, this makes the highways obligation fairly and reasonably related in scale and kind to the development. A £45,000 contribution should be provided.

**70. Suffolk County Council (Strategic Planning) (received 2<sup>nd</sup> July 2014)**

– request that S106 contributions to be used towards early years education and libraries be secured from the development. At the Committee meeting on 2<sup>nd</sup> July 2014, these contributions (previously requested by the County Council Planning Obligations Officer) were recommended to be dropped in favour of boosting affordable housing. The following comments were received:

- It has come to the attention of the County Council that the District Council Development Control Committee, in considering the above proposal at its meeting of 2nd July, is being offered two options by way of a package of infrastructure and affordable housing requirements. I write to set out the County Council's view of the options and this approach. I hope that these views can be relayed to the Committee.
- The Committee is being offered an option which provides a range of planning obligations and a requirement for 14% of the housing to be affordable- the 'viable position'. A second option is to reduce elements of the package (Public Open Space, Pre-school, Library and Transport provision) by £1,421,933 in order to increase the affordable housing proportion to 20% - the 'officer adjustment'.
- The County Council recognises the pressing need for affordable housing,

throughout the county, but objects to the 'officer adjustment' option which reduces other contributions as it is inconsistent with national and local policy which seeks to mitigate the impact of development. In the absence of the District Council identifying alternative funding mechanisms, this approach would place an unacceptable burden on local services and would be contrary to the principle of sustainable development.

- The remainder of this letter sets out the County Council's position in detail, but it appears that, in order to address the County Council's concerns, there are a number of options available to the District Council.
  - District Council officers could recommend the removal of the 'officer adjustment' option as being inconsistent with national and local policy.
  - District Council officers could recommend that the determination of this application is postponed, pending further consideration of the viability of this development and the infrastructure package to be required.

### **Legislation and Ministerial Statements**

- The Committee Report (DEV14/122, in paragraphs 323-331) explores the relationship between viability, affordable housing and infrastructure contributions. As noted in paragraph 325, the 2013 Growth and Infrastructure Act introduced ability for developers to seek to renegotiate affordable housing requirements (specifically), where development is proven to be unviable. This, allied to Ministerial Statements, demonstrates that affordable housing needs to be treated differently to other requirements that are necessary to make the development acceptable in planning terms.
- In debating the provisions of the 2013 Act during the committee stage, the Parliamentary Under Secretary of State for Planning, Nick Boles MP, said:

*"The way in which section 106 works is this: in general, section 106, as the hon. Lady put it very well, is to compensate local communities for the impact of a development on infrastructure. It might be that a primary school will have its rolls overloaded or that a road will not be able to cope with the additional traffic that will be put on it, and that section 106 is therefore—in generality—in place to ensure that various developments can take place or financial contributions are made to alleviate the impact on the broader community of a particular development.*

*The one other element that we have introduced —I called it perhaps clumsy, even though we all support it—is the idea of affordable housing. There is no necessary, logical impact on the community [...] The road may be needed whatever happens if that development is built, and the affordable housing may be strongly desirable—we*



*may all wish to see it—but not absolutely necessary to alleviate the impact of that particular development. Hence, it is logical to treat those cases slightly differently when trying to unblock stalled sites.”*

*(27th November 2012, Hansard c.291-292)*

- The Government is, therefore, making a clear distinction between obligations that are necessary to alleviate the impact and the requirement for affordable homes when considering viability. Nick Boles repeated this point (demonstrating that this is a clear Government position) a little later when debating wider reviews of agreements:

*“there is a conceptual distinction; section 106 obligations that relate to alleviations of specific and direct impacts of a development and are hence inescapable—such as those where primary schools or a road that connects the development to a community must be built—are in a different category from a commitment to affordable housing, whether through land or financial contribution.”*

*(27th November 2012, Hansard c.293)*

- Furthermore, the introduction of the new mechanism was specifically to target viability. The standing committee (and Government) considered evidence submitted that advanced the variation on other planning matters, in the way suggested in the officer option, but this was not introduced.
- Ministerial Statements are capable of being material considerations. They are, along with the primary legislation (and its justification) relevant to this issue.

### **Local Policy**

- As noted in the Committee Report, the Forest Heath Core Strategy is consistent with the Government’s position. Paragraph 329 notes that Policy CS13 (Infrastructure and Developer Contributions) does not make any concessions on viability grounds. Policy CS9 (Affordable Housing) does, noting that the target is to be met ‘where it is viable to do so’.
- The Affordable Housing Supplementary Planning Document, in suggesting that all infrastructure should be reviewed and prioritised, without treating affordable housing differently, is inconsistent with the Core Strategy (which clearly takes precedence over an SPD) and Ministerial Statements.
- Whilst difficult in the context of Forest Heath’s admirable commitment to affordable housing, this planning decision must be taken in accordance with the development plan and material considerations, both of which point to the deletion or rejection of the ‘officer adjustment’ option.
- Early Years Provision in Red Lodge

- It may prove helpful to submit further evidence on the need for Early Years provision in Red Lodge. As per previous representations on this application, development of 371 dwellings is expected to generate a minimum of 37 additional 2-5 year olds who would be eligible for funded early years provision, in accordance with the 2006 Childcare Act, the 2009 Apprenticeship, Skills, Children and Learning Act and the 2011 Education Act.
- Red Lodge is currently served by two day nurseries and three registered child-minders, who can offer a total of 120 places. The latest data shows only one space being available in the area. Given the need to maintain a surplus of places to facilitate parental choice, this means that there is a pre-existing deficit. It should also be noted that there are children who have a place at the day nurseries who are unable to receive their full early education entitlement, due to there not being enough space at the current sessions available.
- From September 2014 there will be an additional 31 2 year-olds eligible for a funded early education place in IP28 8 and IP28 6. Not all 31 children will be from the Red Lodge, but this demonstrates the extent to which the current shortfall would be exacerbated by this development, if Section 106 payments were not provided.
- Given the scale of the development and the expectation of further housing (as per the forthcoming Single Issue Review Consultation), the County Council would seek to commission a new early education setting in Red Lodge. The requested £225,367 is a proportionate contribution toward such a setting, and is compliant with regulations and the approach set out in the Section 106 Developers Guide, which is adopted as Guidance by the District Council. The scale of this is intended to meet the needs of the residents of the housing which is the subject of this application, not to resolve the existing shortfall.
- In terms of harm to the objectives of the Forest Heath Core Strategy, Policy CS13 states that 'New development will be required to demonstrate that it will not harm the District's ability to improve the educational attainment...of Forest Heath communities.'
- The following is taken from the Impact Assessment on the 2011 Education Act, which demonstrates a correlation between early years provision and educational attainment:
- 'One way of improving disadvantaged children's educational development would be to increase their access to high quality childcare, particularly since they are currently much less likely to attend childcare than their peers. The evaluation of the Early Education for two year old children pilot aimed at disadvantaged children found that for children who attended high quality childcare settings at age two years old, there was a positive impact on language ability and on parent-child relationships. The Effective Pre-School Education Study (2004) provides further evidence of

the benefits of early entry into childcare, including greater cognitive gains and peer sociability, particularly where the childcare quality is high. Using data from the 1970 Birth Cohort Study, Feinstein (2003) found that intellectual and personal development of children at 22 months is a good predictor of educational qualifications at age 26. Taken together, the evidence suggests early education could help increase educational attainment in later life. Higher attainment is associated with increased lifetime earnings and employment prospects.'

- Therefore, it is reasonable to assume that exclusion of Early Years provision would be to the detriment of local education prospects and therefore inconsistent with the Forest Heath Core Strategy. The County Council would urge the District Council to retain the requested sum within the Section 106 agreement for the purposes of making suitable provision.

### **Library Provision in Red Lodge**

- Red Lodge is not currently served by a fixed library service. A mobile library; Bury St Edmunds Mobile Library Route 15; visits every fourth Sunday.
- A developer contribution of £80,136 is sought under the 'viable position'. This is consistent with the approach set out in the adopted Developers Guide.
- Libraries form a key part of sustainable communities, as described by the Framework and as noted in paragraph 3.12.1 of the Forest Heath Core Strategy. A modern Library is a hub at the heart of its community supporting the social, economic, and cultural needs of the people who live and work there. They provide digital services which include Wi-Fi, free internet access, and eBooks in addition to the print resources which help individuals to develop their skills, identify help for their well-being, interact in a group for pleasure and support their personal growth. Many libraries offer free computer classes for the digitally excluded; conversation and social interaction for people from new communities, activities for families and children, opportunities for job-seekers, and increasingly a space with support for older people who want to meet in a friendly and neutral environment. Increasingly local libraries will be working with local businesses using broadband to help them use social media for their business marketing.
- As per the Implementation Framework of the Forest Heath Core Strategy, the County Council would use this funding to establish a fixed library service in Red Lodge. This is unlikely to take the form of a 'conventional' library, in the sense of a standalone facility. It would be co-located with other community facilities, as an outreach point from another local library, using their staff. This would significantly increase the quality of local provision, as would be justified by the increase in population generated by this development. Any funding not spent by an identified date would be returned to the developer.

### **Transport Requirements**

- The County Council notes the District Council's comments on the justification for the transport component of the Section 106 package and, having regard to the viability of the site, is willing to accept the omission of £310,000 of public transport funding.
- Therefore, whilst a £45,000 package of traffic calming measures remains necessary and justified (as set out in the letter from Jon Noble dated 1st July 2014), a reduction from the overall figure of £355,000 (plus the travel plan costs) is accepted, potentially releasing an additional £310,000 toward affordable housing provision.

71. **Suffolk County Council (Strategic Planning) (received 23<sup>rd</sup> July 2014).** Members deferred their consideration of this planning application at their meeting on 2<sup>nd</sup> July 2014. One of the reasons for this decision was to enable officers to liaise with the County Council and confirm to Members whether it is appropriate to secure requested contributions towards early years education and libraries (in favour of affordable housing). Members also requested the Local Education Authority to comment further in response to their concerns about the potential impact of the proposed development upon Primary School provision at Red Lodge and the suitability of the Local Education Authority's strategy to deliver school places for this development in the short term. Officers requested delegated powers to consider the balance of S106 contributions at the meeting on 2<sup>nd</sup> July. The County Council has provided the following additional comments to justify their request for contributions for early years education and libraries and has further clarified its strategy for the provision of primary education:

### **Planning Obligations and viability**

- The County Council's position remains that, in order to ensure consistency with the Forest Heath Core Strategy and Ministerial Statements, developments must make provision for the mitigation of their impacts before maximising the proportion of affordable housing.
- Please see my letter dated 2nd July for a full justification of this approach [set out above]. The remainder of this letter deals with early years, library and education provision specifically.

### **Early Years Provision and State Aid**

- Questions were asked regarding the propriety of seeking developer contributions toward early years provision, and it is understood that reassurance is sought that state aid regulations will not be broken.
- As set out in the adopted Developers Guide and previous representations on this application, the County Council has a legal duty to ensure that sufficient provision exists. To summarise:

- The Childcare Act 2006 places a duty on the County Council to ensure sufficient provision of childcare. This includes a duty to secure 15 hours of free education per week for 3-4 year olds.
- The Education Act 2011 extended this duty to ensure the same provision for every disadvantaged two year old.
- Early years provision is made by the private, voluntary, independent (PVI) and maintained sectors. The state funds the places required by law through the County Council, which purchases provision from the PVI and maintained sectors.
- In order to meet its duties, the County Council seeks developer contributions toward the construction of facilities. The County Council retains the freehold of these facilities, and leases the buildings to PVI providers. Developer contributions are therefore not used to channel capital funding toward private individuals or organisations.
- The County Council seeks to provide buildings and retain ownership as there is often a time delay between new housing being built and PVI providers finding a suitable facility. PVI providers also often struggle to find suitable premises.
- It should be noted that the County Council's approach has been tested at appeal on numerous occasions and found to be consistent with national policy and the Community Infrastructure Regulations. Recently, in dismissing the Meddler Stud application in Kentford, a Planning Inspector supported the County Council's early years contributions.

### **Early Years- how contributions are spent**

- Members asked for information as to how the County Council has utilised Early Years contributions in the past. It should be noted that the County Council has only been seeking contributions for around five years, in response to the legislative changes described above, so there is very little information to report.
- Across Forest Heath District as a whole, only three developments with planning approval have justified Early Years provision. In each case, whilst there is a Section 106 agreement in place, the developments are yet to reach the trigger point at which the contributions can be accessed. Therefore, the County Council is yet to receive any developer contributions towards Early Years provision in Forest Heath.
- In line with regulations, all contributions must be directly related to the development. Therefore it would not be possible within law to spend contributions elsewhere in the county. The contributions from this development will be spent within Red Lodge.

### **Early Years- how the contributions from this development will be**

**spent**

- Previous representations on this application have set out the shortage of places affecting Red Lodge. The County Council has very recently become aware of a declared intention by a local PVI provider to open a new pre-school facility in Red Lodge in September 2014. However, this provision will not remedy the pre-existing sufficiency deficit in Red Lodge, meaning that full contributions are still justified.
- The evidence from local providers suggests that parents cannot always access places at times they need, even when the new entrant to the market is included. It is therefore expected that with additional dwellings the demand would increase over and above the current number of places available.
- In general terms, the County Council always seeks to co-locate early years provision with primary schools. The District Council is aware that a site search is underway to bring forward a new and additional primary school in Red Lodge.
- This new primary school will include an early years setting and the County Council intends to spend early years contributions from this development at the new school. Given recent changes to national school site area guidelines, it is believed that no additional contribution toward land will be required.

**Library Contributions**

- As stated in my letter dated 2nd July, the County Council (in partnership with Suffolk Libraries and working with the local community) would seek to open a 'satellite' fixed library service to be co-located with other community facilities. If it appears that this wouldn't be possible, the new library service would be designed into the new primary school, such that separate accesses could be provided.
- Libraries form a key part of sustainable communities, as described by the Framework and as noted in paragraph 3.12.1 of the Forest Heath Core Strategy. A modern Library is a hub at the heart of its community supporting the social, economic, and cultural needs of the people who live and work there. They provide digital services which include Wi-Fi, free internet access, and eBooks in addition to the print resources which help individuals to develop their skills, identify help for their well-being, interact in a group for pleasure and support their personal growth. Many libraries offer free computer classes for the digitally excluded; conversation and social interaction for people from new communities, activities for families and children, opportunities for job-seekers, and increasingly a space with support for older people who want to meet in a friendly and neutral environment. Increasingly local libraries will be working with local businesses using broadband to help them use social media for their business marketing.

## **Primary Education Strategy**

- Following queries from the Committee, the County Council again confirms that the primary education strategy, as set out in previous representations, is considered appropriate and sufficient to meet the requirements of national and local policy.
- The County Council recognises the concerns raised in relation to school place provision, which is a vital component of a sustainable community. The demographic profile of Red Lodge is unlike almost everywhere else in Suffolk, and the rate at which children have emanated from development has been very unusual; a sudden and very large increase since 2012. The Governors and Head teacher of St Christopher's Primary School are understandably concerned about the impacts of further housing growth on the school, exacerbating the pre-existing issues. The County Council will work with the school to manage the temporary expansion, prior to the opening of the new primary.
- Since the Committee met on 2nd July, further progress has been made toward securing a site for a second primary school in Red Lodge. Negotiations are underway with landowners on several sites, each of which would be appropriate. Therefore the County Council is confident of securing a site in time to open a new primary school in September 2017.
- On the matter of temporary provision, it is noted that the governors of St Christopher's Primary School have expressed a concern about the location of temporary classrooms, the length of time that they will be in place and the risk of disruption to the education of children at the school.
- Contrary to concerns raised, the temporary classrooms are not envisaged as being placed on the temporary land being provided by Crest Nicholson. The temporary land is planned to be used as playing fields, with temporary classrooms to be located adjacent to the permanent school buildings.
- As noted above, the County Council is working toward September 2017 as the opening date of the new school. Therefore the temporary classrooms are intended to be in place for a maximum of three years.
- Finally, the temporary classrooms would be put in place during summer holidays, meaning that the 'construction' would not impact upon lessons.
- The school has requested that the County Council considers reopening Tuddenham Primary School, as an alternative to the temporary classroom provision. This option will be reconsidered, though it remains unlikely to present an effective solution, given expected refurbishment and transport costs. Should this option be taken up, the County Council would not need to make use of the temporary land.
- As a matter of clarity it would be appreciated if the committee report could be amended to note that, as a matter of principle, temporary

classroom provision is capable of being compliant with the Community Infrastructure Levy Regulations when necessary, proportionate and related to the development. In this particular case, the development is expected to make a proportionate contribution to temporary primary school provision by way of land, rather than classrooms.

**Representations:**

**Comments received following initial consultation upon registration of the planning application (June 2013)**

72. **Red Lodge Parish Council – objects** – and provides the following comments (summarised);

- Would prefer brownfield sites in the village to be developed prior to greenfield sites.
- Concerned about infrastructure for the proposed development; the access (Hundred Acre Way) is not suitable because of its narrowness, close proximity of housing in some areas and on-street parking; the traffic surveys have taken place in the day, but the problems occur in the evenings.
- A new access road should be constructed if this development goes ahead.
- The vast amount of development that has taken place in Red Lodge has caused huge problems with the sewerage and drainage infrastructure in the village and, despite the reports of Anglian Water Services that the system can accommodate the new development, the Parish Council considers they are not capable of dealing with current levels of development, regardless of this proposed new development.
- The Parish Council consider the required extension to the school and school grounds should be addressed (developer providing/funding both) before any permission is granted for this development.
- The Parish Council supports the comments and objections made by “5 Villages Preservation Trust”.

73. **Herringswell Parish Council – objects** – and provides the following comments (summarised)

- A village that has been defined as a Primary village will, “provide basic local services and will accommodate small scale housing growth to meet local needs”
- The village centre remains a building site.
- Furthermore, 374 houses is NOT small scale housing growth, meeting a LOCAL need.
- Policy CS1 states; Due to the recent expansion of Red Lodge (in accordance with the Red Lodge Master Plan) no greenfield urban extensions will come forward prior to 2021. Despite the High Court



Challenge quashing parts of the Core Strategy, this policy remains active and valid; it was not quashed and should not be overlooked.

- Approval of this application would be in direct conflict with national planning policy, our local plan and the saved Red Lodge Master plan and should be refused.
- Approval of this application at this time would be premature and should not be considered until the work supporting the single issue review is complete. The allocation of such a large number of houses on a Greenfield site, in an area of the district void of infrastructure, could prejudice any decisions that should be taken through the single issue review.
- Red Lodge has a large number of brownfield sites which came forward through the SHLAA assessment 2012 and as part of the site allocations consultation before this document was suspended. Approval of this application in advance of this review would fail to support sequential development and would be in conflict with the local plan on this matter which states; "the large brownfield capacity will be built upon prior to further Greenfield development taking place.
- Not only is the application site a Greenfield site, but it is also adjacent to the Brecklands SPA and falls within the buffer zone for the protection of the rare stone curlew.
- In our opinion, we do not believe that the applicant has been able to prove that the development to the East of Red Lodge will not have an adverse effect on the Stone Curlew.
- Until an EIA and HRA including an Appropriate Assessment are carried out, we believe the council must not grant permission for this development. It is not possible to conclude that the SPA and qualifying feature (stone curlew) will not be adversely affected, as the information provided by the applicant is unable to support such a conclusion. When it is not possible to demonstrate that development will not have an adverse effect, the "precautionary principle" should be adopted by the LPA and development should be refused.
- In order to try and mitigate the effects of the development on the nesting stone curlew, the applicant has submitted a 4ha woodland site in Herringswell. This mitigation site is covered with a woodland TPO and is part of the woodland management grant scheme (WGMS).
- Stone Curlews are found in areas with light, free draining, stoney soils. In conflict to this, the mitigation site chosen is woodland and even when felling of the woodland has taken place, thus destroying any existing habitats within the suggested mitigation site, it is extremely doubtful that the site will offer any benefits to nesting stone curlews in the area. We believe the mitigation site to be nothing more than a token gesture or red herring on the part of the developer.
- The stone curlew breeds on semi-natural grassland, chalk downland, grass heaths, and on agricultural land, such as that surrounding the proposed development site. It appears that this mitigation site would seem an unlikely choice for the stone curlew.

- It is alarming that Natural England appears to be overlooking these anomalies, especially when the developer has pointed out that the “proposed development would have the potential to adversely affect any part of the SPA that currently functions for nesting stone curlew and that falls within the zone of influence of the proposed development”.
- The applicants report assumes that because we have seen an increase in the stone curlew population, any increase in housing numbers is not having an impact on the stone curlew population.
- The work undertaken by Footprint Ecology however does not agree with this conclusion. Their evidence shows that despite the population increase in the stone curlew, the number of birds found nesting close to settlements has remained un-changed. (i.e. as the population of birds increases, they have not bred closer to settlements) and the bird still demonstrates an avoidance of the built environment.
- They also found evidence to support the birds tendency to avoid nesting sites close to woodland (such as the mitigation site offered), stating, “Nest density on arable land tends to be lower where there is more woodland nearby, especially amongst those otherwise favourable areas not near many buildings”.
- This report concludes that development occurring in the 1500m protection zone is likely to have significant effect on the SPA and therefore development should only proceed if it can show no adverse effect on the integrity of the SPA.
- We would respectfully recommend that the District Council should carry out an appropriate assessment in order to ensure that there is solid scientific evidence to conclude that there will not be an adverse effect on the SPA and to consider if the mitigation offered is appropriate.
- After completing a HRA and appropriate assessment, we would further recommend detailed discussions should take place with the Forestry Commission. They have indicated to the Parish Council that they would require 3ha of compensatory planting to take place for this application to be considered acceptable by them. The applicants on the other hand state they are only going to provide 1ha of compensatory planting.
- Employment opportunities are very limited at Red Lodge. There is one main employer who relocated to the area from another location and so many of the staff employed by the company are not local residents of Red Lodge or the surrounding villages and are required to commute to and from work daily.
- This application has made no attempt to create employment opportunities for local residents and will be unable to offer people who move into the homes, job opportunities within the village.
- If people do not access the A11 directly they will be using the narrow rural local roads, which are unable to support this number of additional vehicles. The train station at Kennett only offers a very limited service and the car park is often at capacity and commuters are left unable to

park their vehicles. On these occasions they are forced to travel to their place of work/school in their car rather than by train.

- It is our belief that the school now needs time to adjust to its new setting and staff should be able to return their focus to the running of the school and the children's education. This is a time for SCC and other bodies to support the school and ensure the education of those children studying at the school is not compromised due to the over expansion of the village.
- Anglian Water (AW) over the years has seriously failed to meet their obligations to residents in Red Lodge, Herringswell and Tuddenham. For years, residents have experienced raw sewerage leaking into their homes and gardens at Red Lodge and Herringswell. Herringswell pumping station underwent "improvements" about 12 months ago, but unfortunately residents living close to the pumping station are still blighted by obnoxious smells.
- AW are currently performing a capacity increase at Tuddenham Waste Water Treatment Works and some of the pumping stations in Red Lodge are being relocated off the highway to enable maintenance work to be undertaken without creating congestion.
- These programmes are unlikely to improve the overall situation, as it is an old system and the infrastructure between the villages is failing. An increase in capacity, will not relieve those residents plagued by odours or blockages in the system as the waste is trying to progress through the system to TWTW.
- Anglian Water have acknowledged that the system is old and that there isn't enough gradient in order to remove the waste from Red Lodge to Tuddenham. Until this is addressed, there is no confidence left amongst the residents to believe that these "upgrades" as defined by AW will make a difference.
- It is imperative on health and safety grounds to ensure that any upgrades performed to the system are functioning efficiently before allowing additional houses to feed into the same sewerage network.
- Development at Red Lodge has been prohibited through policy until 2021 and this is one such area where good reason is demonstrated for that policy.

74. **Moulton Parish Council – objects** – and provides the following comments (summarised);

- The Parish Council endorses the objections made by the 5 Villages Preservation Trust (5VPT) which demonstrate the development is contrary to many national and local planning policies.
- The Parish Council is concerned the development of a further 374 dwellings will have serious infrastructure consequences for the residents of Moulton parish.
- Schools and Red Lodge and Moulton are full. Any additional homes at Red Lodge, in cumulation with other proposed developments at Kentford

and Moulton will only increase the pressure for school places and result in an unacceptable burden on educational services in the locality.

- The 5VPT submission highlights the unsustainable situation of train services to and from Kennett Station meaning further development will only result in more residents having to rely on the car for travel.
- The route from Moulton to the A11 and A14 is already congested and the crossroads at Kennett hazardous at peak hours. An additional 374 houses at Red Lodge would increase the volume of traffic and road safety issues. It is essential that the road network is improved (including completion of the A11 dualling and construction of an A11/A14 link) before any further development at Red Lodge is considered.

75. **Chippenham Parish Council – objects** to the planning application for the following reasons (summarised);

- This development will inevitably increase pressure on local roads and services. Adding further houses to this location will only encourage an unsustainable situation where new residents will move to Red Lodge and commute by car to their places of work.
- It is becoming evident that Anglian Water are not coping with the current sewage situation, and are therefore not in a position to be able to handle the projected increase. This affects Chippenham, because our system is inadequate, and needs to be supplemented by lorries taking sewage away.
- Local schools are already at capacity.

76. **Suffolk Preservation Society – comments** – have commented on a range of issues which are summarised as follows;

- The Society supports plan-led development and therefore proposals which are in line with the extant 1998 Red Lodge Masterplan and the 2010 Core Strategy.
- The development proposals are contrary to policy CS1 of the Core Strategy given the village centre is far from complete and the primary school is unable to cater for additional pupils.
- Red Lodge is presently a 'Primary Village' (as defined in the Core Strategy) and will not be considered a 'Key Service Centre' until the village centre and school developments have been completed.
- It is also contrary to Vision 7 of the Core Strategy which aims to accommodate additional housing in Primary Villages within settlement boundaries only through small settlement expansions.
- The Single Issue Review of Policy CS7 notes that 1229 dwellings were built in Red Lodge between 2006 and 2012. Further expansion should only occur once infrastructure improvements to support this growth have been successfully met. This is particularly important with regard to the capacity of the sewerage system, the road network and the provision of school places. Further development would be contrary to Policy CS13 of the Core Strategy.

- The Society also considers that the current proposal does not adequately meet Spatial Objective ECO2 of the Core Strategy in providing accompanying jobs with the new dwellings in order to satisfy the NPPF requirement for 'sustainable' development.
- The Society is aware of the issues surrounding Forest Heath's current housing supply falling short of the required 5 year supply. However, Core Strategy Policy CS1 clearly states the majority of housing sites in Red Lodge will not be built until after 2021. This is important and necessary to allow time for infrastructure provision for existing development and for facilities necessary to build a community to become established before the village is further extended.
- A decision on the future expansion of Red Lodge in advance of the completion of the Single Issue Review would pre-empt the proper operation of the development plan process and the application should be refused on grounds of prematurity.
- The effect of the proposed development on Red Lodge would be so significant that it would potentially be prejudicial since the strategic element of plan making would be removed in favour of an ad hoc decision. This is contrary to the NPPF para 17.
- The proposed development is also contrary to policy CS1 which states that no urban greenfield extensions will come forward prior to 2021. In addition Vision 6 states brownfield capacity will be built upon prior to further greenfield development taking place.
- Brownfield capacity has not been exhausted in the village, therefore the sequential approach to site selection has not been followed (and would thus be premature and contrary to the NPPF para 17).
- It is important that a thorough assessment of the impact of the proposed development on the Breckland SPA should be available to enable the LPA to make a fully informed decision (NPPF para 18). The assessment must include the potential of the site to support species rather than the current condition of the site which may have been detrimentally affected by previous development in the vicinity.
- It is important that the suitability of mitigation is given thorough consideration given the requirements of Policy CS2 of the Core Strategy that mitigation should lead to a net gain of biodiversity in the District.

77. **Five Villages Preservation Trust – objects** on the following grounds;

- In accordance with the Core Strategy, no further development should take place in Red Lodge until after 2021. At the moment and for the foreseeable future, Red Lodge is unable to sustainably support its current population and that of the surrounding villages.
- Reference is made to paragraph 119 of the Framework and Five VPT are of the view that the planning application should not be determined until appropriate assessment has been carried out under the Habitats Regulations (otherwise the Council would be open to potential judicial review).

- The 5VPT believes this requirement (and in accordance with paragraph 119 of the Framework) overrides the need for the district to demonstrate a 5-year housing supply and removes the need to make hasty decisions in advance of the Single Issue Review of the Core Strategy.
- The provision of Vision 6 of the Core Strategy remains unmet in Red Lodge.
- Many red Lodge residents are forced to out-commute for employment, adding further houses will only encourage an unsustainable situation.
- Kennett station has very limited parking leading to increases in vehicular trips. The service provided is infrequent and over subscribed leading to commuters travelling on to Newmarket station where parking is limited.
- Red Lodge must provide a “variety of shops” to become a recognized Key Service Centre. The retail outlets required by the Red Lodge Masterplan have not been provided and the village centre remains unoccupied. It is unlikely the shops proposed in this application would be delivered.
- We believe that this application would have such a significant bearing on the housing numbers to be placed on Greenfield sites, that the granting of permission would prejudice the District’s review. Large-scale Greenfield development of this nature would clearly prejudice any decisions that should be taken through the single issue review about the scale and location of new development.
- Forest Heath is currently at an advanced stage of its single issue review of its CS and taking a decision on this application in advance of the completion of this review would pre-empt the proper operation of the development plan process and would fail to support sequential development, which should first take place on Brownfield sites prior to Greenfield locations.
- It should also be noted that a large number of brownfield sites have been identified through the site allocations document, (first consulted on in 2006) and the SHLAA document of 2012. Until this process is finished and consultation is completed for the single issue review and site specific allocations, it is not possible to determine the amount of Greenfield development which would be required.
- Foul drainage in the village and surrounding villages is a major environmental issue and one that still hasn’t been resolved. The District Council along with residents and Parish Councils of Red Lodge, Herringswell and Tuddenham have all repeatedly highlighted the failings of the sewage system to Anglian Water.
- Residents have suffered the failure of the system on many occasions at various locations along the route between Red Lodge, Herringswell and Tuddenham. They have experienced raw sewage penetrating their homes and gardens and foul and offensive smells from the pumping stations.
- To date AW have failed to make the improvements required to this aging, failing infrastructure. In a bid to limit the flooding, AW send tankers to the various pumping stations along the route to flush the system or to

deal with blocked pumping stations when flushing has failed and sewage is leaking from the system.

- A recent application by AW for an increase in capacity at Tuddenham Waste Water Treatment works was based on inaccurate and out of date figures, leaving one to conclude that they are completely unaware of what demands the system is actually working under or able to accommodate. Our advice is that the work undertaken by AW will be insufficient to cope with the demand.
- It is clear that Red Lodge has failed to evolve into the sustainable location as visualized through CS Vision 6 and will require more time in order to achieve those stated strategic planning aims.
- Until this village has had time to absorb the growth from the previous development and to adapt to the demands placed upon it, and to ensure the infrastructure is in place to support existing residents, further development would be contrary to both local and national planning policy.
- Until the Red Lodge Master Plan has been fully implemented and the village centre completed, then according to our local planning policy (Core Strategy CS1), Red Lodge does not function as a Key Service Centre.
- It should be noted that when planning permission on the "Yellow Land" (Crest application on land that forms a large part of land contained in this application) was refused in 2007, a reason for refusal by the County Council was that they had identified a requirement within Red Lodge for a second primary school and as the application made no provision for this, it was contrary to the ideals of sustainable development and refusal was recommended.
- Red Lodge Ward has a population profile distinctly different from the rest of the District. Red Lodge has been shown to contain a greater proportion of younger working age adults aged 25-40 with a greater proportion of school age children aged 0-15. It should therefore be of no surprise that the school has very quickly become unable to cope with the growing demand and that this trend will continue.
- Policy CS 1 clearly states that the village centre requires completion in order to provide adequate facilities and services to meet day to day requirements of the existing residents. Residents have waited for retail units at Red Lodge since the formation of the Red Lodge Master Plan in 1998! One small post office in Red Lodge does not suggest sustainable shopping needs and lifestyle choices for current residents or those purchasing houses if permission was misguidedly granted. The policy clearly states the need for adequate facilities and services to meet day to day requirements of the existing residents are required before considering additional growth in this location.
- Red Lodge is NOT a Key Service Centre. The incomplete nature of these two elements of this policy we believe prevent this village operating as such. According to the local plan until such a time when the school and village centre have been completed, Red Lodge has been identified within the district based on evidence, as a Primary Village.

- The focus needs to remain on the completion of the Red Lodge Master Plan and the provision of the infrastructure for the existing residents as agreed.
- This is the only village within the district where policy has been strictly forbidden until a particular date and that part of our planning policy was not removed during the High Court Challenge. If we ignore this policy we may as well open the doors to a whole barrage of development applications, all of which will be prepared to take on our planning policy across the whole of the district and challenge it to the limits. This is planning policy for Red Lodge and must not be over looked and ignored.
- No Environmental impact assessment has been performed and in our opinion the data submitted by the applicant is deficient. It is critical this is requested and performed in order for the Council to avoid a potential Judicial review.
- We note that this development lies within the 1500m buffer zone designated for the protection of the Stone Curlew. In the UK, stone-curlews have suffered from a long term decline in population size and distribution. The Stone Curlew is highly sensitive to disturbance.
- Recent evidence has demonstrated that there are impacts on Stone Curlew from housing and from road traffic. Nesting attempts on arable land showed a clear and highly significant lower density of nests close to housing and roads. Stone Curlew will leave their nests in response to approaching dog walkers at distances of excess of 500m. It should be noted that the closer the source of disturbance, the greater the likelihood that birds would abandon their nests. For suitable habitats within 1500m of development, nest density has been found to be significantly lower than in similar habitats located further from development. Sharp et al (2008) concluded that residential development results in an adverse effect on Stone Curlew, namely significant avoidance of development up to 1500m.
- Only when an application can demonstrate "no harm" to the SPA qualifying feature (in this case the Stone Curlew) can permissions for development be approved.
- The applicants own HRA framework document acknowledges that development would have potential to adversely affect the nesting Stone Curlew population, stating, "Since the casual factors which result in avoidance are unknown, it must be assumed that the proposed development would have the potential to adversely affect any part of the SPA that currently functions for nesting stone curlew and that falls within the zone of influence of the proposed development."
- Until the findings of the site allocations consultation is completed, it is impossible to say if alternative locations exist which could be located on land not designated for the protection of the stone curlew. Alternative locations that do not impact on the integrity of the stone curlew and the SPA may be available in other areas in the district. This application predetermines suitable alternative sites and may lead to other ad-hoc developments in Forest Heath.



- It is our opinion that the proposal for 374 houses at Red Lodge, can not fail but to impact on the numbers of nesting Stone Curlew in and around Red Lodge.
- The area of land chosen for mitigation comprises of 4ha of woodland and is unsuitable for the needs of the Stone Curlew who would require short, swathy, open grassland. The site is currently covered with a woodland TPO and has a Woodlands management Grants Scheme attached to it. It would be necessary to fell the woodland and create in its place an area of 4Ha of short, swarthy, grassland which will still be adjacent to woodland on at least 2 sides which would deter the Stone Curlew from benefiting from this location.
- This mitigation site is adjacent to the ancient footpath the "Icknield Way", which is often frequented by many walkers accompanied by dogs. The site is also part of the "Upton Suffolk Farm Estate" and is frequented by large shooting parties and often plays host to many horses who attend the cross-country course as part of the family's equestrian business. A recent review of woodland management in this area also supported the shooting of minkjac deer in order to reduce the damaging effects they have on the trees. All these factors are reasons which will prevent the Stone Curlew gaining any benefit from this alternative site.
- Recent studies on the proposed Stone Curlew mitigation site have shown evidence of badger and bat occupation. Early involvement with the Forestry Commission resulted in their recommendation for the provision of an additional 3ha of woodland to be replanted as a woodland mitigation to the proposed Stone Curlew mitigation site. This recommendation has been ignored by the applicants.
- The applicant has made great play of the fact that the nesting birds have not been observed in this area since 2005 and the effects Herringswell village are having on nesting attempts by the bird. We believe that these are just such reasons to refuse this application and to start to address any fall in nesting attempts by this bird. The effects of development and human activity around Herringswell will only be made worse when an additional 374 houses are built increasing the local population.
- We believe there is a direct correlation between the increase in development at Red Lodge and a reduction in the occurrence of nesting Stone Curlew. We do not believe this is a time to turn our backs on the conservation of this rare bird in support of ad-hoc applications.
- The applicants have failed in their application to present a plan that addresses the employment opportunities for residents living in Red Lodge.
- Further housing will bring further pressure on an already stretched school (St Christopher's).
- The foul water system is already stretched and with further housing development and no infrastructure upgrades other than a capacity increase at Tuddenham and moving pumping stations out of the highway onto the verges, it is impossible to agree that sewerage issues in this area have been addressed as per vision 6, Policy CS7.

- The system remains unable to cope without intervention and AW has chosen to use a “sticking plaster method” in order to contain the flooding. These methods are still failing and residents are suffering flooding from sewage and offensive odours.
- Until Anglian Water demonstrate that the issues have been resolved and that the system is capable of running without intervention, we can not support housing in this area as it is clearly against planning policy and residents require the support of the council to get this issue resolved. We request that an independent survey is performed to fully understand the limitations and capacity levels of this system.
- The proposed application only provides a single route for cars into and out of the development off Hundred Acre Way. This will be insufficient to accommodate the number of vehicles accessing the development site.
- Hundred Acre Way is already a safety hazard, and further development will compound the problem.
- A single road will also be unable to support residents required to evacuate the village in the event of a major disaster. We would recommend that the Council inspects Hundred Acre way outside of normal working hours to experience the parking congestion of this road.

78. **Red Lodge Eye – objects** to the proposals for the following reasons (summarised);

- Red Lodge is defined in the Core Strategy as a Primary village, CS1 Primary Villages. According to local planning policy a Primary village is expected to accommodate allocations up to 50 dwellings to meet a local need and support rural sustainability.
- Red Lodge only becomes a Key service centre once the school and village centre are completed. The village centre is not completed and the school is unable to accommodate any further pupils through additional development. The village must then be able to meet the day-to-day requirements of existing residents. Employment at Red Lodge is extremely limited.
- Red Lodge contains many brownfield sites which are more suitable for development and would be supported by national planning policy.
- Development would be contrary to the 2021 embargo imposed by CS1.
- This application is premature. The district council is currently undergoing a single issue review to determine the amount of housing required within the district and the distribution of that housing across the district. We believe that to allocate such a large number of houses in this location ahead of the release of that consultation would pre-empt this process.
- An EIA and appropriate assessment should be performed to be able to accurately determine if this development will have any adverse effect on the stone curlew and SPA.

- It is proposed by the developer that it will be necessary to relocate the balance pond into land designated as "countryside". This is not supported by planning policy.
- The village is suffering from a lack of necessary infrastructure to support any further housing, or much of the infrastructure present is unable to support any additional development (education, shops, incompleteness of the village centre, road capacity, local parking issues, access, sewerage and rail).

79. Twenty-seven letters/e-mails were received from **local residents** (Red Lodge and surrounding parishes) **objecting** to the planning application. This issues and objections raised against the proposals are summarised as follows;

- Proposal is contrary to national policy which defines that development should be sequentially located.
- This is a greenfield site in a rural area void of any services or support for growth.
- The proposal would pre-determine decisions in advance of the Single Issue Review
- The Local Plan states no urban extensions will come forward prior to 2021; the policy was required to ensure village infrastructure deficit was resolved.
- Red Lodge is a Primary Village until such time as the school and village centre are completed.
- 374 dwellings is beyond the number required to satisfy local need.
- Red Lodge must be considered sustainable before further development can be brought forward.
- St Christopher's' School needs to be given time to adjust to its new location and increase in pupil numbers.
- The application site is set aside for the protection of Stone Curlew and should not be developed.
- The mitigation site is unrealistic and inappropriate.
- It is not possible to demonstrate whether this application is able to support this level of development without causing harm to the qualifying feature of the SPA (Stone Curlew). An Environmental Assessment is required as approximately 94% of the site is within the 1500m SPA constraint zone and approximately 73% of the site is within the 1500m nest attempts constraint zone.
- Existing habitat would be destroyed at the mitigation site in order to create habitat for Stone Curlew.
- The local roads (including to Kentford and the back roads to Mildenhall) are not able to cope with more houses.
- The development makes inadequate provision for car parking. Car parking problems will prevail.
- Kennett train station is at capacity (parking) and is poorly serviced by trains.
- Residents of the development are likely to have to commute long distances; Red Lodge is not a sustainable village.
- The sewerage network is unable to cope with current demand.
- An independent assessment should be carried out into the existing sewerage infrastructure within Red Lodge to ascertain any shortcomings and identify that an adequate system is in place to accommodate the increased flows generated by this development.

- Dental care at Red Lodge is at capacity meaning people will have to travel.
- Loss of agricultural land.
- This development will destroy the village atmosphere.
- Access to the site is not adequate; existing estate roads are dangerous.
- The doctor's surgery will not be able to cope with the increase in population.
- Extra police resources will need to be planned.
- Emergency services in the area are inadequate already; the proposed expansion will place additional pressure.
- Emergency vehicles already struggle to negotiate the existing estate roads which are congested with parked vehicles.
- There will be negative impacts upon the environment. Trees with nesting birds have already been felled in advance of planning permission.
- Public transport in the village is poor.
- This application is premature.

**Comments received during consultation following receipt of amended plans and additional drainage information (September 2013 consultation)**

80. Three further letters/e-mails were received from **local residents** objecting to the proposal. These largely repeated those objections receive in response to the first consultation reported above with the following additional issues/matters raised:

- I do not wish for affordable properties to be built next to my property.
- The development is profit driven and is not intended to meet the needs of the community.

**Comments received during consultation following receipt of further amended plans and additional ecological representations from the applicants (January 2014 consultation)**

81. **Red Lodge Parish Council – objects** to the amended proposals and provides the following comments:

- The original comments that where made by Red Lodge Parish Council have not been taken into account. The village still has recurring problems with sewage that Anglian Water has not been able to solve. It looks like the only things that have changed on the plans are some buildings that have been moved around & there is no space for the new allotments.

82. **Moulton Parish Council – objects** to the amended proposals, refer to their earlier comments (summarised above in this report) and comment as follows:

- Moulton Parish Councilors are still firmly of the view that these issues are valid, and the plans for a further 268 dwellings at Red Lodge must be rejected until all the necessary infrastructure is in place. It is not viable to allow the dwellings to be built and occupied, and then at a later date construct a new school, improve public transport and rail facilities at Kennett Station, construct new foul water and surface water drainage system, and address the highway issues including the A11/A14 link. All

these essential services for the growing community at Red Lodge are needed before further housing is considered.

- This application is premature, is contrary to the ideals of sustainable development, and councilors consider is contrary to both national and local planning policy and should therefore be refused.

83. **Herringswell Parish Council – objects** to the amended proposals, to their earlier comments (summarised above) and provide the following additional comments (summarised);

- Herringswell Parish Council have grave concerns regarding the determination of planning applications on a local and national level following the release of the NPPF and the high court challenge to our local plan.
- We recognize the call from central government for the “presumption in favour of sustainable development”, but are increasingly concerned that the need for applications to be “sustainable” is often over looked or forgotten, and the decision is more often taken in favour of the lack of a 5 year housing land supply.
- The way the NPPF is being interpreted is causing massive, irreversible damage to the countryside and the tragedy is that this damage is quite unnecessary.
- We have a free-for-all at the moment with planning applications, creating an avalanche of opportunistic applications because our local plan has been challenged and has been under review for too long.
- We believe that this application is not sustainable and are extremely concerned that the developer has submitted this application in the hope the lack of a 5- year housing land supply will “trump” the need for the application to be sustainable.
- The rapid expansion of Red Lodge has failed to address the infrastructure deficit and it remains an unsustainable location. Local plan working group members at the meeting held on Friday 8th November 2013 raised their concerns regarding the pressures being placed on Red Lodge and the lack of infrastructure to support its inclusion as a Key Service Centre. Their comments were duly minuted and noted “Members wished their continuing concerns to be noted with regard to the pressures being placed on Red Lodge and the lack of infrastructure to support Red Lodge as a Key Service centre”.
- We are fully in support of Members comments and believe it would be reckless to grant approval of this application at the current time under the current circumstances.
- SCC has identified the need for a second school and as this application is been brought forward ahead of the completed local planning consultation, no site within Red Lodge has been identified which would satisfy this immediate need. We believe that granting permission for these houses outside the planning process would circumvent the necessary procedures which are required to ensure compliance with local plan policy CS13.

- In addition to their current dilemmas, the school is already at capacity and needs to build an extension in order to accommodate the current demand faced in this area. This will only create further disturbance and turmoil for those children already being educated at the school. It is considered essential that the school does not face further upheaval without the necessary time to adjust to their expanded and extended site.
- Planning permission should therefore be refused because;
  - It is contrary the local planning policy CS13.
  - There is no site identified for a new school.
  - An extension to the school is already required to accommodate current capacity and this work has not even started.
  - Policy CS1 promotes no further development at Red lodge until after 2021 to ensure the village has time to absorb the current growth and adjust to the increased growth before commencing any further development.
- It is of extreme importance that planning policy is supported when determining planning applications. It should therefore be noted the many national and local planning policies this application contravenes, for example NPPF para 12, CS1, CS2, CS6 and CS13, but not solely limited to these.
- One of the reasons protective no development prior to 2021 policy was introduced into policy CS1 was to ensure the infrastructure deficit was addressed and to ensure the failing sewerage system was updated and improved; ensuring it is able to cope with the current level of growth and future predicted levels. This issue has not been satisfactorily addressed.
- This policy has not been quashed and so remains very pertinent when considering this application.
- It is essential planning permissions are based upon evidence. Indeed during the preparation of our local plan the "Water Cycle Study", formed part of the evidence base. This document, was prepared in consultation with Anglian Water Services, the Environment Agency, Natural England and the Ely Group of Internal Drainage Boards and states;

*Lakenheath and Red Lodge remain areas of concern; however, FHDC policy to postpone additional development here will allow the stakeholders to design and implement the required infrastructure improvements.*

- A Stage 2 Water Cycle study has also been prepared and supports the earlier findings of the previous document. The purpose of this Stage 2 WCS is to "*analyse in detail the water and wastewater infrastructure requirements*"
- This document notes that according to Anglian Waters (AW) own projections, the committed growth expected at Red Lodge WILL exceed the current volumetric discharge consent with the Environment Agency (EA). Despite this fact, the EA have not been invited nor had the

opportunity to engage with the district council regarding the removal of the protective planning policy CS1.

- We have tried on numerous occasions to engage with AW to understand the situation surrounding future upgrades and capacity issues. We have also approached the council for this additional information and to date have only received a diagram of how the sewerage is transported around Red Lodge and onto Herringswell.
- AW's own "evidence" to suggest this development can be accommodated comprises of a brief e-mail to the developer suggesting they can accommodate the additional growth. There has not been opportunity to view any data, or for interested parties or former consultees to engage at any level. It is clear to all those involved at a grass roots level that the sewerage infrastructure can not support the existing housing numbers and continues to fail on numerous occasions. Photographs are provided of some of the more recent occasions. These photographs are not to be mistaken for the "wet well cleans" which also take place on a regular basis in order to try and minimize breakdowns. The very fact that frequent wet well cleans are necessary would indicate that the system is under performing and unable to cope.
- The PC go on to explain and timetable their efforts to liaise with Anglian Water and other agencies to raise their concerns about the local sewerage infrastructure before commenting that residents and Parish Councils live with the knowledge that the system is unable to cope and so were most concerned when it was promoted by officers at a local plan working group meeting that based upon a brief e-mail from AW, that the protective planning policy preventing development at Red Lodge until after 2021 could be removed.
- In an attempt to offer residents some form of comfort, an independent study was requested by councilors who are already aware of the issues residents have/are experiencing. It was agreed on the 17th October 2013 that an independent study should be commissioned, followed by the consultation of residents and Parish Councils etc. before the removal of that policy. To date this has not been undertaken and so there is currently no evidence to support the removal of this policy, making it unlawful.
- We have submitted complaints to AW and FHDC on numerous occasions regarding flooding from the pumping station, strong offensive odours and our concerns that the system is not coping with the current demands. We have no reason to believe this will change if more housing is fed into the system.
- It is most unfortunate that this representation does not allow us to capture the smells that often emanate from the pumping stations associated with the removal of sewerage from Red Lodge to Herringswell; which is so over powering, it confines residents to their properties, forcing them to close their windows in the summer months, rather than been able to enjoy their own gardens.
- Planning permission should therefore be refused;
  - because it is contrary to planning policy CS1

- evidence from AW has not been provided to demonstrate the claim that the system can cope with additional development in this location ahead of the plan period for Red lodge
- the water cycle study does not support development at this location until after 2021.
- We continue to object to this application for ecological reasons and nothing in the amended documents has allowed us to reconsider our position over this issue.
- We support and agree with the RSPBs' comments to this application and are extremely concerned by the approach taken by Natural England in their recommendation to the Council.
- The need or not for an Environmental Impact Assessment, does not preclude the application and the decision taken from other laws and certainly does not mean that a permanent or significant impact would not occur as a result of this development.
- The Breckland SPA is a European designated site, classified under the European Wild Birds Directive which affords this area enhanced protection. The Habitats Regulations Appraisal refers to the whole process, including appropriate assessment and is required when an application affects a European site.
- We note and agree with NE that the proposal is not necessary for the management of the European site and that in the opinion of the RSPB and other consultees, that the proposal is likely to have a significant effect on the European site.
- The designation of SPA's first began at the end of the 1970's and beginning of the 1980's. References to the village of Herringswell were most certainly present at the time the SPA boundaries were selected. It is strange therefore that NE should question the boundaries chosen for the designation of the SPA now and to indirectly conclude with the developer that the boundaries as drawn, could in some way have just been included for "mapping or ownership purposes". The effects of this proposed development on the protection of the Stone Curlew will be seen in addition to the effects the presence of the village of Herringswell already has and should not be seen as an opportunity to ignore these protective areas.
- We remain concerned that the applicant has failed to provide scientific support for the applicants' claim that this development will be not have any significant effects upon the designated species.
- As it still remains impossible to conclude what exactly causes a negative impact upon the stone curlew, it is impossible to support suggestions for mitigation and it is impossible to consider that any additional screening put into place along the public footpath would offer this timid bird the reassurance it requires and support appropriate mitigation.
- It should also be noted that the amended plans promoting the suggestion of mitigation, do not comply with the Forestry Commissions (FC)



recommendation for compensatory planting for the loss of woodland taken for the mitigation site. We do not support the applicant in this approach and whilst objecting to the granting of this application would insist on the minimum level of alternative planting as suggested by the FC if permission were approved.

- It would be possible however, to avoid the likely significant effects development will have upon the protected species, by ensuring any development occurs outside the designated buffer zones. To bring this application forward ahead of the completed single issue review and site specific allocations would be premature. We are confident sites can be found in the district for development, if a sequential approach to development is taken across the district. This would prevent harm to the protected areas within our district and the designated species.
- Planning permission should therefore be refused;
  - Because it is contrary to planning policy CS2
  - An EIA has not been requested
  - The application would be premature
  - Mitigation for the stone curlew can not be identified as the reasons for avoidance are not understood
- We previously objected to the inclusion of the large drainage pond to be sited outside the development boundary of Red Lodge and in open countryside. We note that the developer provided a 40 page document to support their need for this extended drainage pond. It now appears that the developer believes (or hopes!) there is in fact no need to provide this additional pond and in fact it is possible for the developer to remove the existing pond as well!
- We are therefore left questioning the reliability of the applicant's submission documents.
- Development viability has become an impossible area for any interested parties to engage in. The documents as originally submitted by the applicant committed to the provision of 30% affordable housing. In the few short months this application has been awaiting determination, these have now been amended and the developer is seeking to negotiate down their affordable housing contribution.
- A Freedom of Information request was made by us to enable an informed discussion to be had on these matters, but our request was refused. We further requested that the council ask the developer for a summary of the documents (normal practice for most authorities and developers) which would provide us with an overview of the situation and all areas they are looking to negotiate and that has also been refused. I have requested a redacted version of the viability appraisal and any associated documents and that too has been refused.
- The document "Section 106 affordable housing requirements", states in paragraph 13 that; "The developer will need to submit clear, up-to-date

and appropriate evidence. Wherever possible, this should take the form of an open book review .....

- We believe this is clearly encouraging developers to put the information in to the public forum and supports our request. For all parties to accurately assess and test the viability, it is essential that this information is made publically available.
- We remain concerned that this information is outstanding and prevents us from making fully informed observations to the application.
- The report produced by the Planning Inspectorate to Forest Heath District Council in April 2010, agreed that larger sites (10 or more) should be subject to the 30% affordable housing provision which was an agreed lower amount than the previous figure of 35% and was supported by the viability evidence submitted for the examination in public. It should also be noted that FHDC strategic housing team support an affordable housing requirement of 30 houses per hectare as defined in planning policy CS9.
- We strongly object to this application and would request the refusal of planning permission. If permission is granted we believe approval will have been granted behind a facade of democratic processes and would leave the Council liable to legal challenge in the future.

84. **Kennett Parish Council – objects** to the planning application on the following grounds (summarised);

**1. Foul Water Drainage**

- The method of foul drainage and the problems associated with it experienced by Red Lodge and the neighbouring villages of Herringswell and Tuddenham has been brought to the attention of Anglian Water, Forest Heath District Council, the Environmental Agency, Mathew Hancock MP, the consumer council for water, to name but a few. Please confirm that the sewerage system serving and connecting Red Lodge to Tuddenham Waste Water Treatment Works has been sufficiently upgraded to bring to an end the current problems experienced and which will allow for an additional 374 houses to be added to the system.
- Crest and Anglian Water have worked hard to present an illusion of an “improved system”. They have claimed that reversing the flow of sewerage around Red Lodge would prevent further problems. The reversal they speak of was done some years ago and is obviously not the answer to the problem or residents would not continue to experience the misery of flooding and offensive odours.
- We note through emerging planning policies that the Local Plan Working Group and Cabinet members of the Council are promoting the removal of the restriction placed upon development at Red Lodge until after 2021. We believe it would be premature of the council to disregard this part of our adopted current planning policy when assessing this application, as the Single Issue Review and Site Specific Allocations Development Plan Documents have not passed into the public sector for consultation. I am sure the removal of this important policy, which is still not supported by ANY evidence, will be challenged during the

consultation period and subsequent examination by an independent inspector. As indicated by the planning inspector for the Meddler Stud appeal, due to the early stage of preparation of this document, limited weight should be given to these emerging documents when considering this application.

- We have no confidence in either the developer or AW to deliver over this issue; we want the Council to be aware that any failings experienced in the future with the provision of foul water drainage, will result in a legal challenge and proceedings. We believe many of the residents affected by the sewage may qualify for legal aid, which could support a legal class action.
- We are aware that you have had several letters of objection on this matter from other Parish Councils and we support all those.

## **2. Stone Curlew**

- We would like to impress that any comments we make regarding the suitability of appropriate mitigation should not be read as evidence in support of mitigation and therefore in support of the application site. We remain of the opinion that development of this site WILL lead to an adverse effect on the SPA, the buffer zone and the stone curlew.
- The applicant has failed to address through their amended submissions, the concerns raised by a number of objectors over this very important matter.
- The applicant has ignored the recommendations of the Forestry Commission. Amended documents submitted by the applicant, have only identified a compensatory re-planting total of 1.056 ha, set against the Forestry Commissions recommended 3ha. 66% less than the recommended amount. In an e-mail to the Council on 14th August 2013, the Forestry Commission Officer states that if the Forestry Commission were to grant felling of the 4ha as requested by the applicant, "I would suggest that it be on the condition of 3ha were planted as compensation, so as to comply with the Open Habitat Policy". Therefore the felling and clearing of this site should be refused.
- Natural England agrees with the findings that the Stone Curlew would naturally avoid the presence of human activity and avoid nesting sites close to woodland. We object to this chosen mitigation site due to its proximity to the Icknield Way and the fact the site is adjacent to woodland, which this timid bird would naturally avoid due to the presence of predators.
- NE has indicated that they are unable to suggest the mitigation site would be used for nesting and at best "may" only be used for foraging.
- The mitigation site shows evidence of badger occupation. Research has shown that predation of a high proportion of nests during the incubation of the Stone Curlew eggs occurs at night; indicating that the predators are mammalian rather than avian. The presence of badgers in this location would most definitely prevent Stone Curlews either nesting OR using this site for foraging. Even if the badger move off the newly created "open space" into the adjacent woodland as suggested by NE,

badgers have been known to travel up to a mile in search of food, once again preventing the occupation of this mitigation site for either nesting or foraging.

- We agree with NE that “even a low level of disturbance may be sufficient to deter stone curlew from using the site”, but cannot agree with their suggestion that “some form of screening could be erected alongside the right of way to hide human activity from the site” This ancient road is extremely popular with walkers and horses. It is impossible to suggest that dogs will remain behind any screening erected and that the effects of the activities of the shooting parties who have complete and total access to all areas, both on and adjacent to the mitigation site can be dealt with in this manner.

### **3. Surface Water Drainage**

- We note the amended documents include changes to the existing SUDS drainage system by way of the removal altogether of the previously proposed balance pond and in addition removal of the existing balance pond. (Presumably to make way for more housing in the future!)
- Whilst we did not support the location of the pond in the previous application as it extended beyond the development boundary for Red Lodge, we are extremely concerned that in the original application the developer did not just suggest the relocation of the current balance pond to another site, but felt it should also be a larger pond. It now appears that the developer considers that a balance pond is no longer required at all for either the new development or the current Kings Warren estate. It seems incredulous their amended data is suggesting a balance pond of any form, is no longer required, and that even the existing pond serving the current development, can now be removed.
- Are their figures to be believed? Is the developer trying to maximize the “hope value” in the land that would otherwise be consumed by a balance pond?
- The evidence as submitted by the applicant does not include sufficient details to conclude that the surface water drainage scheme will be suitable and we would request that ground water monitoring for peak seasonal groundwater levels should be performed in order to fully and accurately in form this planning application.
- We hope the council seriously questions and interrogates the figures provided by the applicant, as flood damage to houses on new developments would end in costly legal expenses if a case of negligence was brought against the developer and Council and would suggest the advice of an expert independent consultant is sought.

### **4. Education**

- We object to this application as the educational needs of current and future children are seriously deficient. We have concerns regarding educational provision and the limitations on school places.
- We note SCC have:-

- a. Recommended that the Single Issue review should inform development at Red Lodge in terms of housing numbers.
  - b. Requested that a second new 420-place primary school to be provided.
- We support the SCC recommendation to allow the single issue review to inform development and we agree with SCC that a new school would be required to provide adequate educational facilities for the primary school age if additional housing numbers are approved through consultation. We therefore do not consider that Red Lodge is the right place to be locating additional housing at this time.
  - As you are aware the council is engaging in the preparation of their site allocations document.
  - We wish to point out that this document has still not entered the public arena for consultation, but are aware that there has been no allocation made through this document for the provision of an additional school.
  - Only when a site has been identified and approved for an additional school, should housing applications be supported in this area as the provision of school places in other schools in some of the surrounding villages would not be considered a sustainable option.
  - We believe that this application is premature, would be contrary to the ideals of sustainable development and is therefore considered contrary to both national and local planning policy and should be refused.

## **5. Viability**

- It appears incredulous that this developer is making claims that housing is needed in this particular area when such large numbers of houses in Red lodge and the surrounding villages are let to American Air Force personnel and it is unlikely that this tranche of housing will follow similar patterns. But in addition to providing unnecessary houses which does not fulfil a local need, the developer is now making claims that the project is not financially viable and that they want to negotiate their commitments down. Unfortunately, exactly what they are looking to negotiate on in order to make their profits greater is not clear as despite several Parish Council requests and a Freedom of Information appeal. We strongly object to such an approach and find it totally unacceptable that the developer is not even prepared to produce a summarised version for public scrutiny. We question why this would be and can only conclude that the developer is hoping to negotiate a nice package which leaves local residents with no gain from their over development of the area.

## **6. Kennett station**

- The situation for users of Kennett station remains extremely dangerous. Our small rural station is unable to support the number of users currently wishing to use the limited service available and if additional houses are to be approved at Red Lodge on top of the recent planning approvals at Kentford, a serious accident is waiting to happen. It is essential this small station sees an improvement in the frequency of trains and that sufficient car parking is provided for those users wishing

to use the station which allows both car users to park safely and those arriving on foot to be able to negotiate the car park without fear for their lives.

## **7. Sustainability**

- We strongly object to this application on the basis of the site being unsustainable. We strongly object to this development on these grounds. Red Lodge does not have the fundamental infrastructure; it does not have the sewerage system, the transport links, the employment prospects or the schools to support a development on this scale in this location. The unsustainable nature of this application will make huge negative impacts on the surrounding villages that will be unable to find places for their children at catchment schools, or be swamped by sewerage from the development which will undoubtedly overload the current failing system.
- Government policy insists that the golden thread running through national planning Policy (NPPG), insists that development should and needs to be sustainable, even when the council are lacking in a 5 year housing land supply.
- We would respectfully remind those making the recommendations for this application and those ultimately determining it, that;
- The Government statement heralding the introduction of the new PPG document states: 'The Coalition Government is committed to reforming the planning system to make it simpler, clearer and easier for people to use, allowing local communities to shape where development should and should not go. Planning should not be the exclusive preserve of lawyers, developers or town hall officials. We are also committed to ensuring that countryside and environmental protections continue to be safeguarded, and devolving power down not just to local councils, but also down to neighbourhoods and local residents.'

85. **Tuddenham St Mary Parish Council – objects** to the planning application and provides the following comments (summarised)

- The Parish Council has no objections in principle and agrees that new housing is essential, but have to object to this planning application and any future development until there has been adequate infrastructure improvement in the immediate area.
- Current infrastructure inadequacies are a valid objection and include inadequate drainage, both in the immediate and surrounding area; in our view it does not meet current demand or the standards for any future developments. The Parish Council has received numerous complaints over the last few years regarding overflowing of the pumping station on the Icklingham Road; a direct result of it receiving excessive inflow from Red Lodge that exceeds its capacity. This has been reported to Anglian Water on several occasions over the last few years. Not only is the smell from the pumping station unpleasant but overflow onto the road is self-evidently a health hazard. This needs to be considered and the decision on the planning application deferred until such time as there is a thorough survey carried out and released on the drainage.

- Schools in the area are currently oversubscribed; St Christophers is already at capacity and any additional capacity planned via an extension to the school buildings will quickly be exhausted. We do not believe that adequate planning has gone into a longer term strategy to provide schooling for even greater numbers of children that must inevitably come from the proposed scale of development at Red Lodge.
- We also feel that local hospital and GP services are also already at full capacity and it is inevitable that health care in the area will be hugely impacted by the increase in the population this application will bring.
- Telecommunications and broadband networks are not sufficient in the area.
- There is a need for highways improvement; namely a need for a full A11/A14 interchange with a 2-way dual carriageway A11 south bound linking to the A14 east bound (and vice versa) which presently does not exist.
- Tuddenham St Mary is a C Class road and it carries the traffic level of a busy A Class road. The High Street and connecting roads in Tuddenham St Mary act as the missing A11/A14 link road at present. The single track road from Herringswell to the junction at Cherry Hill is wholly unsuitable for any significant increase in traffic and further the double junction at Cherry Hill is inherently dangerous as witnessed by the frequent accidents there. This can only be worsened by increased traffic from Red Lodge that will surely use this road as the shortest route to Bury St Edmunds. Therefore highway improvements are a must if Tuddenham ST Mary is not to feel the effects of increased traffic flow and further problems with speeding and accidents due to the proposed application.

86. **Five Villages Preservation Trust – objects** to the amended proposals and point out that all previous letters and communications regarding their opposition to this application still remain and should be considered alongside these additional comments (summarised);

- The method of foul drainage and the problems associated with it experienced by Red Lodge and the neighbouring villages of Herringswell and Tuddenham has been brought to the attention of Anglian Water, Forest Heath District Council, the Environmental Agency, Mathew Hancock MP, the consumer council for water, to name but a few. Both 5 VPT and local Parish Councils have sought on numerous occasions to gain the information from all parties to confirm that the sewerage system serving and connecting Red Lodge to Tuddenham Waste Water Treatment Works has been sufficiently upgraded to bring to an end the current problems experienced and which will allow for an additional 374 houses to be added to the system.
- To date the information has not been delivered and the amended documents as submitted by the applicant have still failed to provide ANY "evidence" that the system can accommodate the growth.

- Crest and Anglian Water have worked hard to present an illusion of an “improved system”. They have claimed that reversing the flow of sewerage around Red Lodge would prevent further problems. The reversal they speak of was done some years ago and is obviously not the answer to the problem or residents would not continue to experience the misery of flooding and offensive odours.
- It appears that no one from the council is willing to ensure AW provides the evidence and that the council is prepared to take AW at their word without the necessary evidence to support their claims.
- We note through emerging planning policies that the Local Plan Working Group and Cabinet members of the Council are promoting the removal of the restriction placed upon development at Red Lodge until after 2021. We believe it would be premature of the council to disregard this part of our adopted current planning policy when assessing this application, as the Single Issue Review and Site Specific Allocations Development Plan Documents have not passed into the public sector for consultation. I am sure the removal of this important policy, which is still not supported by ANY evidence, will be challenged during the consultation period and subsequent examination by an independent inspector. As indicated by the planning inspector for the Meddler Stud appeal, due to the early stage of preparation of this document, limited weight should be given to these emerging documents when considering this application.
- As our requests have been repeatedly ignored and because we have no confidence in either the developer or AW to deliver over this issue, we want the Council to be aware that any failings experienced in the future with the provision of foul water drainage, will result in a legal challenge and proceedings. We believe many of the residents affected by the sewage may qualify for legal aid, which could support a legal class action.
- We are aware that you have had several letters of objection on this matter from Parish Councils and we support all those. We have not attached any pictures as we are aware you have already received several from Herringswell Parish Council.
- We would like to impress that any comments we make regarding the suitability of appropriate mitigation should not be read as evidence in support of mitigation and therefore in support of the application site. We remain of the opinion that development of this site WILL lead to an adverse effect on the SPA, the buffer zone and the stone curlew.
- The applicant has still failed to address through their amended submissions, the concerns raised by a number of objectors over this very important matter. The applicant continues to ignore the recommendations of the Forestry Commission. Amended documents submitted by the applicant, have only identified a compensatory re-planting total of 1.056 ha, set against the Forestry Commissions recommended 3ha. 66% less than the recommended amount!! In an e-mail to the Council on 14th August 2013, the Forestry Commission Officer states that if the Forestry Commission were to grant felling of the 4ha as requested by the applicant, “I would suggest that it be on the condition of 3ha were planted as compensation, so as to comply with the



Open Habitat Policy". Therefore the felling and clearing of this site should be refused.

- Natural England agrees with our findings that the Stone Curlew would naturally avoid the presence of human activity and avoid nesting sites close to woodland. ( e-mail response 16<sup>th</sup> December 2013) We continue to object to this chosen mitigation site due to its proximity to the Icknield Way and the fact the site is adjacent to woodland, which this timid bird would naturally avoid due to the presence of predators.
- NE has indicated that they are unable to suggest the mitigation site would be used for nesting and at best "may" only be used for foraging. The mitigation site shows evidence of badger occupation. Research has shown that predation of a high proportion of nests during the incubation of the Stone Curlew eggs occurs a night; indicating that the predators are mammalian rather than avian. The presence of badgers in this location would most definitely prevent Stone Curlews either nesting OR using this site for foraging. Even if the badger move off the newly created "open space" into the adjacent woodland as suggested by NE, badgers have been known to travel up to a mile in search of food, once again preventing the occupation of this mitigation site for either nesting or foraging.
- We agree with NE that "even a low level of disturbance may be sufficient to deter stone curlew from using the site", but cannot agree with their suggestion that "some form of screening could be erected alongside the right of way to hide human activity from the site" As previously mentioned this ancient road is extremely popular with walkers and horses. It is impossible to suggest that dogs will remain behind any screening erected and that the effects of the activities of the shooting parties who have complete and total access to all areas, both on and adjacent to the mitigation site can be dealt with in this manner.
- We note the amended documents include changes to the existing SUDS drainage system by way of the removal altogether of the previously proposed balance pond and in addition removal of the existing balance pond. (Presumably to make way for more housing in the future)
- Whilst we did not support the location of the pond in the previous application as it extended beyond the development boundary for Red Lodge, we are extremely concerned that in the original application the developer did not just suggest the relocation of the current balance pond to another site, but felt it should also be a larger pond. It now appears that the developer considers that a balance pond is no longer required at all for either the new development or the current Kings Warren estate. It seems incredulous their amended data is suggesting a balance pond of any form, is no longer required, and that even the existing pond serving the current development, can now be removed. Are their figures to be believed? Is the developer trying to maximize the "hope value" in the land that would otherwise be consumed by a balance pond?
- The desk top evidence as submitted by the applicant does not include sufficient details to conclude that the surface water drainage scheme will be suitable and we would request that ground water monitoring for peak seasonal groundwater levels should be performed in order to fully and accurately inform this planning application.

- We hope the council seriously questions and interrogates the figures provided by the applicant, as flood damage to houses on new developments would end in costly legal expenses if a case of negligence was brought against the developer and Council and would suggest the advice of an expert independent consultant is sought.
- We continue to object to this application as the educational needs of current and future children is seriously deficient. Our previous objections have outlined our concerns regarding educational provision and the limitations on school places and we would request that they are read in conjunction with these additional comments.
- We note SCC have:-
  - a. Recommended that the Single Issue review should inform development at Red Lodge in terms of housing numbers.
  - b. Requested that a second new 420-place primary school to be provided.
- We support the SCC recommendation to allow the single issue review to inform development and we agree with SCC that a new school would be required to provide adequate educational facilities for the primary school age if additional housing numbers are approved through consultation. We therefore do not consider that Red Lodge is the right place to be locating additional housing at this time.
- As you are aware the council is engaging in the preparation of their site allocations document. We wish to point out that this document has still not entered the public arena for consultation, but are aware that there has been no allocation made through this document for the provision of an additional school.
- Only when a site has been identified and approved for an additional school, should housing applications be supported in this area as the provision of school places in other schools in some of the surrounding villages would not be considered a sustainable option.
- We believe that this application is premature, would be contrary to the ideals of sustainable development and is therefore considered contrary to both national and local planning policy and should be refused.
- It appears incredulous that this developer is making claims that housing is needed in this particular area when such large numbers of houses in Red lodge and the surrounding villages are let to American Air Force personnel and it is unlikely that this tranche of housing will follow similar patterns. But in addition to providing un necessary houses which does not fulfil a local need, the developer is now making claims that the project is not financially viable and that they want to negotiate their commitments down. Unfortunately, exactly what they are looking to negotiate on in order to make their profits greater is not clear as despite several Parish Council requests and a Freedom of Information appeal. We strongly object to such an approach and find it totally unacceptable that the developer is not even prepared to produce a summarised version for public scrutiny. We question why this would be and can only conclude

that the developer is hoping to negotiate a nice package which leaves local residents with no gain from their over development of the area.

- The situation for users of Kennett station remains extremely dangerous. This small rural station is unable to support the number of users currently wishing to use the limited service available and if additional houses are to be approved at Red Lodge on top of the recent planning approvals at Kentford, a serious accident is waiting to happen. It is essential this small station sees an improvement in the frequency of trains and that sufficient car parking is provided for those users wishing to use the station which allows both car users to park safely and those arriving on foot to be able to negotiate the car park without fear for their lives.
- In our last consultation submission we strongly objected to this application on the basis of the site being unsustainable. We maintain our strong objections to this development on these grounds. Red Lodge does not have the fundamental infrastructure; it does not have the sewerage system, the transport links, the employment prospects or the schools to support a development on this scale in this location. The unsustainable nature of this application will make huge negative impacts on the surrounding villages that will be unable to find places for their children at catchment schools, or be swamped by sewerage from the development which will undoubtedly overload the current failing system.
- Government policy insists that the golden thread running through national planning policy (NPPG), insists that development should and needs to be sustainable, even when the council are lacking in a 5 year housing land supply.
- We would respectfully remind those making the recommendations for this application and those ultimately determining it, that; The Government statement heralding the introduction of the new PPG document states: 'The Coalition Government is committed to reforming the planning system to make it simpler, clearer and easier for people to use, allowing local communities to shape where development should and should not go. Planning should not be the exclusive preserve of lawyers, developers or town hall officials. We are also committed to ensuring that countryside and environmental protections continue to be safeguarded, and devolving power down not just to local councils, but also down to neighbourhoods and local residents.'

87. Seven further letters/e-mails were received from **local residents** objecting to the proposals. These largely repeat those objections received during previous consultations reported above, with the following new issues/matters raised:

- Why are the 1-bed flats not on the ground floor?
- Will the bus service be improved?
- Why is no accommodation for the elderly provided?
- There should be space reserved within the site for a future skate park.
- Separate emergency vehicle access should be provided.
- One block of flats should include ramps and lift and be suitable for the elderly & disabled.
- Poor quality living environment for the residents.
- Internet connections are not fast enough.

- Detrimental impact of additional traffic on the road through Worlington.

**Further comments received following publication of Committee Report (report for 2nd July 2014 meeting of Development Committee)**

88. A letter was received (2<sup>nd</sup> July 2014) from the Acting Chair of Governors at St Christopher's Primary School in response to the planning application. The following comments were made:

- I am writing on behalf of the Governing Body at St Christopher's School. The above planning application was brought to our attention a day ago and as a result we have not had the opportunity to fully consider the implications of the proposal or had an opportunity to see the plans. It is my understanding that "it was felt critical to fully consult with the head teacher, school governors and local community before any decisions are made on the application." This has not occurred and we would ask that we are given time and copies of plans prior to any application being agreed. We are aware that Iain Maxwell is able to submit a Holding Direction until consultation has taken place and we would support this to provide us with the necessary time required for a meaningful consultation to take place.
- Our initial immediate concerns surround the impact of adding temporary classrooms to the land adjacent to the playing field. From a practical point of view the existing facilities i.e. the kitchen, school hall/dining room etc. are already over stretched with the addition of the four classrooms being built. The school is continually underfunded due to the unbending financial rules we have to abide by within Suffolk County Council and we are managing a deficit budget for 5 years as a result - although not strictly a planning issue the introduction of further classrooms and/or a further school will undoubtedly impact upon St Christopher's and we need time to fully consider the impact of this on the existing school.
- Having relocated the children from the school in Tuddenham, which had "temporary" classrooms for a period of 20 plus years. We have concerns that portacabins may become a long-term stopgap whilst builders and planners continually revise their plans and assess whether a further school does need to be built, as there seems to be some uncertainty over the predicted growth of Red Lodge. It surprises us that the infrastructure and long-term strategic plan for Red Lodge is not more robust as we have already found ourselves building additional classrooms ahead of schedule.

89. A petition letter signed by nine residents of The Street, Herringswell **objecting** to the planning application was received on 2<sup>nd</sup> July 2014. The following issues and objections were raised:

- We have made complaints in the past for many years to our Parish Council which has actively engaged with our local MP, our County

Councillor and our ward representatives in an attempt to ensure Anglian Water is able to effectively remove sewerage from Red Lodge to Tuddenham. We have also attended meetings in the village with our MP Matt Hancock to ensure that our problems are addressed.

- Unfortunately it has come to our attention that you have recommended approval at the meeting tonight for this application.
- Our gardens and homes have been blighted by sewerage flooding issues from the pumping station in Herringswell and offensive odours penetrating our homes despite the “upgrade” to the pumping station and despite the changes to the flow route in Red Lodge.
- We are unable to have bar-b-que’s in our gardens and are forced to keep our windows and doors closed. I doubt we could even sell our houses now?
- We are aware that a sewerage study has been requested by the Council to determine if the system is able to cope. We can categorically inform you that the system isn’t coping, hasn’t coped for years and will not cope once another 374 houses are added into it and despite repeated efforts by our Parish Council, you have been ignoring our plight.
- We do not consider a report that has failed to burrow down into our problems and truly investigate why we are having issues can possibly be considered evidence when it has failed to interview or speak to those people affected. It makes no sense to ask for comments off Anglian Water when they are destined to profit out of an additional 374 houses!
- We are appealing for Councillors here tonight to support our request and refuse this application.

90. One further letter has been received from a resident of Red Lodge raising **objections** to the planning application. The letter raises no new matters to those already reported in this report at paragraphs 79, 80 and 87 above.

**Policies:  
Development Plan**

91. 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:

Core Strategy

92. The Core Strategy was the subject of a successful legal challenge following adoption. Various parts of the plan were affected by the High Court decision, with Policies CS1 CS7 and CS13 being partially quashed (sections deleted) and section 3.6 deleted in its entirety. Reference is made to the following Core Strategy policies, in their rationalised form.

*Visions*

- **Vision 1** – Forest Heath
- **Vision 6** – Red Lodge

*Spatial Objectives*

- **Spatial Objective H1** – Housing provision.
- **Spatial Objective H2** – Housing mix and design standard.
- **Spatial Objective H3** – Suitable housing and facilities (life time homes).
- **Spatial Objective C1** – Retention and enhancement of key community facilities.
- **Spatial Objective C2** – Provision and maintenance of open space, play & sports facilities and access to the countryside.
- **Spatial Objective ENV1** – Habitats and landscapes and improving biodiversity.
- **Spatial Objective ENV2** – Climate change and reduction of carbon emissions.
- **Spatial Objective ENV3** – Promotion of renewable energy and energy efficiency.
- **Spatial Objective ENV4** – Design and architectural quality respecting local distinctiveness.
- **Spatial Objective ENV5** - Designing out crime and anti-social behavior.
- **Spatial Objective ENV6** – Reduction of waste to landfill.
- **Spatial Objective ENV7** – Achieve sustainable communities by ensuring services and infrastructure are commensurate with new development.
- **Spatial Objective T1** – Location of new development where there are opportunities for sustainable travel.

*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 CS7** – Overall Housing Provision (Sub-paragraph 1 only. Sub paragraphs 2, 3, 4 and 5 were quashed by the Court Order).
- **Policy CS9** – Affordable Housing Provision.
- **Policy CS10** – Sustainable Rural Communities.
- **Policy CS11** – Retail and Town Centre Strategy.
- **Policy CS13** – Infrastructure and Developer Contributions.

**Local Plan**

93. A list of extant saved policies is provided at Appendix A of the adopted Core Strategy (2010). The following saved policies from the adopted Local Plan are relevant to these proposals:

- **Policy 4.15** – Windfall Sites – Villages.
- **Policy 10.2** - Outdoor Playing Space (new provision).
- **Policy 10.3** – Outdoor Playing Space (as part of new development proposals).
- **Policy 13.1** – Expansion of Red Lodge by 2006.

- **Policy 13.2** – Red Lodge Masterplan (concept).
  - **Policy 13.3** – Red Lodge Masterplan (content).
  - **Policy 13.4** – Infrastructure requirements and development contributions for Red Lodge.
  - **Policy 13.5** – Completion of Masterplan and legal agreements for Red Lodge.
  - **Policy 13.6** – Red Lodge Development Diagram.
  - **Policy 14.1** – Securing Infrastructure and Community Facilities from Major New Developments.
- **Inset Map 4 (Red Lodge Development Boundary)**

## **Other Planning Policy**

### Supplementary Planning Documents

94. 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)
  - Red Lodge Master Plan (August 1998)
  - Suffolk Advisory Parking Standards (2002)

### Emerging Development Plan Policy

95. 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.
96. 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 in December 2013 following public consultation and has been the subject of examination (July 22-25 2014). The outcome of the examination is presently awaited.
97. 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:
98. The stage of preparation of the emerging plan (the more advanced the preparation, the greater weight that may be given)
99. 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

100. 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.
101. The emerging Single Issue Review and Site Allocations documents have not been published for public consultation so can be attributed very little weight in this decision. The Development Management Policies document has been published has been the subject of public consultation and formally submitted for examination. Accordingly some weight can be attributed to this plan in the decision making process.
102. 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. The policies have been reviewed but none are considered determinative to the outcome of this planning application so reference is not included in the officer assessment below.
103. 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
  - DM3 – Masterplans
  - DM4 – Development Briefs
  - 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
  - DM15 – Safeguarding from Hazards
  - DM21 – Archaeology
  - DM23 – Residential Design
  - DM41 – Community Facilities and Services
  - DM42 – Open Space, Sport and Recreation Facilities
  - DM45 – Transport Assessment and Travel Plans
  - DM46 – Parking Standards

#### National Policy and Guidance

104. The National Planning Policy Framework (the Framework) sets out government's planning policies for England and how these are expected to be applied.
105. 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."

106. 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".
107. The relevant policies of the Framework are discussed below in the officer comment section of this report.
108. 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. Relevant parts of the NPPG are discussed below in the officer comment section of this report.

**Officer Comment:**

109. This section of the report begins with a summary of the main legal requirements before entering into discussion about whether the development proposed by this planning application can be considered acceptable in principle in the light of extant national and local planning policies. It then goes on to analyse other relevant material planning considerations (including site specific considerations) before concluding by balancing the proposals benefits against its dis-benefits.

**Legal Context**

The Town and Country Planning (Environmental Impact Assessment) Regulations 2011

110. Given the scale of development proposed, the planning application has been screened under the provisions of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. The Council's formal Screening Opinion concluded that the proposal is not 'EIA development' and an Environmental Statement was not required to accompany the planning application.
111. Subsequent to the Council's formal Screening Opinion, Herringswell Parish Council submitted a formal request to the Secretary of State for a Screening Direction (pursuant to Regulation 4(8)). The Secretary of State in directing that the development is not 'EIA Development' within the meaning of the 2011 Regulations reached the following conclusions;

*"the proposal is not particularly complex and does not have hazardous effects it is therefore considered that an Environmental Statement is not required for the proposal and that the comprehensive advice already provided by Natural England and the Environment Agency regarding the impact of the proposal should enable Forest Heath District Council to determine the application".*

The Conservation of Habitats and Species Regulations 2010

112. Given the location of the various designated nature sites in the vicinity (including the Breckland Special Protection Area) consideration has been given to the application of these Regulations. If a plan or project is considered likely to give rise to significant effects upon a European site, Regulation 61 requires the decision maker to make an appropriate assessment of the implications for that site before consenting the plan or project.
113. The application site is in the vicinity of a designated (European) site of nature conservation but is not within the formal designation. Setting aside the 4ha of land at Herringswell that is within the application site for mitigation purposes, the element of the application site proposed to be developed with the new housing straddles the 1.5km buffer to the Special Protection Area. The Council's Environmental Impact Assessment Screening Opinion concluded that the proposals are unlikely to give rise to significant effects on the conservation objectives of the designated sites. Furthermore, the Council's screening of the project under Regulation 61 of the Habitats Regulations concluded there is unlikely to be significant effects upon a European site. This conclusion is supported by Natural England (statutory advisor under the Habitats and Species Regulations) which has confirmed its view that the Council is not required to carry out Appropriate Assessment of the project before deciding to consent to it.
114. Copies of the results of the Council's adopted Environmental Impact Assessment and Habitats Regulations screening exercises are attached as background papers to this report. Further discussion is presented below under the 'Natural Heritage' section of this report.

Natural Environment and Rural Communities Act 2006

115. The Act places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity. The potential impact of the application proposals upon biodiversity interests is discussed later in this report.

Planning and Compulsory Purchase Act 2004 (as amended)

116. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise. The Forest Heath Development Plan is comprised of the saved policies of the Local Plan and the adopted Core Strategy (as amended by the judgement handed down by the High Court). National planning policies set out in the Framework are a key material consideration.

Planning (Listed Buildings and Conservation Areas) Act 1990

117. The application proposals would not affect any listed buildings or their settings or any Conservation Area designations. Accordingly the provisions of the 1990 Act which require decision makers to have special regard to these designations do not apply to this development.

Crime and Disorder Act 1998

118. Consideration has been given to the provisions of Section 17 of the Crime and Disorder Act, 1998 (impact of Council functions upon crime and disorder), in the assessment of this application but the proposal does not raise any significant issues.

**Principle of development**

National Policy context and Forest Heath's 5-year housing supply.

119. Paragraph 47 of the Framework states that to boost significantly the supply of housing, local planning authorities should use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area (as far as is consistent with policy), including identifying key sites which are critical to the delivery of the housing strategy over the plan period.
120. In addition, the Framework requires authorities to identify and update annually a supply of specific deliverable sites sufficient to provide five-years worth of housing against their housing requirements with an additional buffer of 5% (or a 20% buffer if there is evidence of a persistent under-delivery of new housing) to ensure choice and competition in the market for land.
121. Crucially for this planning application the following policy is set out at paragraph 49 of the Framework;
- "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".
122. The surviving extant elements of Core Strategy policy CS7 requires the provision of 6,400 new dwellings in the period 2001 – 2021 and a further 3,700 homes in the period 2021 – 2031. As at March 2012 a total of 3,089 dwellings have been completed since 2001. In order to meet the 6,400 requirement 3,311 dwellings would need to be built to March 2021. This equates to around 367 dwellings annually or 1839 over the five-year period 2012-2017.
123. It is acknowledged that the Council is currently not able to demonstrate a 5-year supply of deliverable housing sites (the supply was recorded at 3.6 years at March 2012 (or 3.4 years with the 5% buffer required by the Framework) and there is little evidence of a significant recovery over the period since. Indeed the National Planning Practice Guidance confirms that any shortfall in the supply of housing should be made up as soon as possible (i.e. within the 5 year period). This means the adjusted (true) 5-

year housing supply in Forest Heath (as at March 2012) drops to approximately 3.15 years.

124. In the light of the Council not being able to demonstrate a 5-year supply of housing any extant Development Plan policies which affect the supply of housing must be regarded by the decision maker as out of date. This includes the 'settlement boundaries' illustrated on the Inset maps attached to the Local Plan and Development Plan policies which seek to restrict (prevent) housing developments in principle. Such policies are rendered out of date and therefore carry little weight in the decision making process.
125. In circumstances where a Council is not able to demonstrate a 5-year supply of deliverable housing sites, planning applications for new housing development essentially fall to be considered against the provisions of the Framework and any Development Plan policies which do not relate to the supply of housing. The Framework places a strong presumption in favour of sustainable development and where Development Plans are silent or out of date confirms that planning permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole or specific policies in the Framework indicate development should be restricted.
126. Since the Framework was introduced there have been numerous examples nationally (including some in the Forest Heath District) where planning permission has been granted at appeal for new housing developments contrary to the Development Plan because the need for housing to be delivered was considered to outweigh identified negative effects.
127. The absence of a five year supply of land lends significant weight in support of granting planning permission for these development proposals, not least given the Government's aim to boost the supply of housing and to stimulate the economy. However, whilst the various appeal decisions provide useful general guidance, the fundamental planning principle that each case is to be considered on its own merits prevails.
128. The Framework (advice set out at paragraph 14 of the document in particular) does not equate to a blanket approval for residential development in locations that would otherwise conflict with Local Plan policies. If the adverse impacts of the proposal (such as harm to the intrinsic character and beauty of the countryside) significantly and demonstrably outweigh the benefits, then planning permission should still be refused, even in areas without a 5-year supply of housing (as occurred at the recent Kentford appeal case where a proposal for 102 dwellings was dismissed by the Inspector (planning application number F/2012/0766/OUT and appeal reference APP/H3510/A/13/2197077)).

What is sustainable development?

129. The policies in paragraphs 18 to 219 of the Framework, taken as a whole, constitute the Government's view of what sustainable development means in practice for the planning system. It goes on to explain there are three dimensions to sustainable development:
  - i) economic (contributing to building a strong, responsive and competitive economy),

- ii) social (supporting strong, vibrant and healthy communities) and,
- iii) environmental (contributing to protecting and enhancing our natural, built and historic environment;)

130. The Framework explains (paragraph 9) that in order to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system. It is Government policy that the planning system should play an active role in guiding development to sustainable solutions.
131. Paragraph 9 of the Framework further explains that pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life, including (but not limited to):
- making it easier for jobs to be created in cities, towns and villages;
  - moving from a net loss of bio-diversity to achieving net gains for nature;
  - replacing poor design with better design;
  - improving the conditions in which people live, work, travel and take leisure; and
  - widening the choice of high quality homes.

#### Prematurity

132. The Council is shortly to consult on a 'Single Issue Review' of the Core Strategy (housing distribution) prior to submission for Examination. At the same time it will begin the formal process of preparing a Site Allocations Development Plan document both of which will subsequently form part of the Development Plan. Concerns have been raised locally that approval of this planning application would be premature and its consideration should await the formation (adoption) by the Council of an appropriate Local Policy Framework.
133. The NPPF does not address 'prematurity' directly, but advice about the approach the decision maker should take is set out in the National Planning Practice Guide. It states:

*Annex 1 of the National Planning Policy Framework explains how weight may be given to policies in emerging plans. However in the context of the Framework and in particular the presumption in favour of sustainable development – arguments that an application is premature are unlikely to justify a refusal of planning permission other than where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, taking the policies in the Framework and any other material considerations into account. Such circumstances are likely, but not exclusively, to be limited to situations where both:*

*(a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging Local Plan or Neighbourhood Planning; and*

*(b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.*

*Refusal of planning permission on grounds of prematurity will seldom be justified where a draft Local Plan has yet to be submitted for examination, or in the case of a Neighbourhood Plan, before the end of the local planning authority publicity period. Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how the grant of permission for the development concerned would prejudice the outcome of the plan-making process.*

134. In this case the development proposal for 374 dwellings is not particularly substantial in comparison to the overall quantum of development to be provided over the Plan period. Furthermore, the emerging Single Issue Review of the Core Strategy is in its infancy and carries limited, if any, weight in the decision making process (given that it has not yet been published for consultation).
135. It would be difficult to justify any decision that approval of this scheme would be premature in the context of current guidance. This advice is further re-enforced by the fact that the Council has a significant shortage in its five year land supply, is already 13 years into the Plan period (2001 – 2031) and the proposed development would contribute towards the overall number of dwellings required by Core Strategy Policy CS7.
136. On the basis of national guidance on the issue of prematurity and relevant national policies providing for the delivery of sustainable development without delay, officers do not consider it would be reasonable to object to the planning application on the grounds of it being premature to the Development Plan.

Development Plan policy context relating to the principle of development

137. Vision 1 of the Core Strategy confirms development will be focussed in the towns and key service centres. Vision 6 confirms Red Lodge will become a sustainable location and will be developed to provide a variety of jobs, shops and community services and facilities to cater for the planned population growth and to enhance its ability to provide for the needs of the surrounding villages. The large brownfield capacity will be built upon prior to further greenfield development taking place and the foul drainage issues will have been addressed.
138. Core Strategy Spatial Objective H1 seeks to provide sufficient homes in the most sustainable locations to meet the needs of communities. Policy CS10 confirms the Towns and Key Service Centres will be the focus of new development (providing service to surrounding rural areas). Saved Local Plan Policy 4.15 states new housing development will be in the defined development boundaries.
139. The surviving elements of Core Strategy policy CS7 provides for 11,100 dwellings and associated infrastructure in the plan period (2001 – 2031) and confirms development will be phased to ensure appropriate infrastructure is provided. Policy CS13 confirms the release of land for development will be dependent on there being sufficient capacity in the

existing local infrastructure to meet the additional requirements from development.

140. Policy CS1 confirms Red Lodge is identified as a key service centre recognising the completion of the school and village centre is required in order to provide adequate facilities for residents. The School and village centre have been completed. The policy also states the existing outline planning permission for (inter alia) 1,659 dwellings will be implemented in accordance with the most up to date Red Lodge Master Plan. The policy confirms 800 further dwellings are allocated on brownfield or mixed brownfield/greenfield sites, the majority of which are to be built after 2021, but no greenfield urban extensions will come forward prior to 2021. The Red Lodge section of Policy CS1 finishes with a promise to improve links to countryside rights of way and resolve gaps in the bridleway network.
141. Core Strategy policy CS6 states that economic and tourism growth at Red Lodge will be in broad alignment with the scale of housing development to discourage commuting and achieve a homes / jobs balance.
142. The Red Lodge Master Plan, which emerged as a consequence of policies of the 1995 Local Plan, is nearing completion. The application sites (for the proposed housing and village centre extension) are both situated within the village settlement boundaries defined by the Master Plan. However, the location within the settlement boundary defined by the Local Plan does not lend support in principle to this development because the dwellings proposed by the current application would be additional to those planned for via the Master Plan and therefore contrary to those 1995 Local Plan policies which direct it.

Officer comment on the principle of development

143. The absence of a 5-year housing supply in the District means that Development Plan policies which seek to restrict the supply of housing (i.e. those discussed at paragraphs 137-142 above) are deemed out-of-date by the Framework and thus currently carry reduced weight in the decision making process. This includes the Red Lodge Masterplan, the Local Plan settlement boundary and the Core Strategy 'embargo' on new housing development on greenfield sites in advance of 2021. This means the planning application proposals must, as a starting point, be considered acceptable 'in principle'.
144. A key determining factor will be whether the proposed development can be deemed 'sustainable' in the context of the policies contained in the Framework (as a whole) and even if it is concluded the proposals are 'sustainable' following analysis, further consideration must be given to whether the benefits of development are considered to outweigh its dis-benefits, as required by the Framework.
145. A balancing analysis is carried out towards the end of this section of the report as part of concluding comments. An officer discussion to assist with Members consideration of whether the development proposed by this planning application is 'sustainable' development is set out below on an issue by issue basis.

**Natural Heritage**

146. This section of the report considers the legal and planning policy context for biodiversity before going on to consider the potential impact of the proposals upon European and other designated sites and other biodiversity interests outside these designations. This section includes a discussion on the application of Regulation 61 of The Conservation of Habitats and Species Regulations 2010 as to whether 'Appropriate Assessment' of the project is required. A copy of the Council's Habitats Regulations screening of the project (which has been carried out separately to this Committee report) under Regulation 61 is attached as a background paper to this report.

*Legal Context*

147. The Legal context relating specifically to potential biodiversity impacts is set out above at paragraphs 112 to 115.

*Policy Context*

148. The Framework confirms the planning system should contribute to and enhance the natural environment by (inter alia) minimising impacts on biodiversity and providing net gains where possible. The Framework states that protection of designated sites should be commensurate with the status of the site, recognising the hierarchy of international, national and local designations. The presumption in favour of sustainable development set out at paragraph 14 of the Framework does not apply where development requires appropriate assessment under the Birds or Habitats Directives.
149. Spatial Objective ENV1 of the Core Strategy aims to conserve and enhance the habitats and landscapes of international, national and local importance and improve the rich biodiversity of the District. This objective forms the basis of Core Strategy policy CS2 which sets out in greater detail how this objective will be implemented. The policy states that proposals for development within 1500m of the Breckland SPA will require a project level Habitats Regulation Assessment and development that is likely to lead to an adverse effect on the integrity of the SPA will not be allowed.
150. Saved Local Plan policy 4.15 sets out criteria against which proposals for new housing development are considered. One of the criteria requires that such proposals are not detrimental to significant nature conservation interests.

*Information supplied with the planning application*

151. An Ecological Assessment (including a 'Habitats Regulations Assessment' at Appendix 3) has been submitted with the planning application. The report makes a number of recommendations to ensure the development safeguards or enhances biodiversity, all of which could be secured by means of condition or S106 Agreement. The following conclusions are reached;
- "...based on the evidence obtained from the ecological survey work undertaken and with the implementation of the recommendations set out in this report, there is no reason to suggest that any ecological designations, habitats of nature conservation interest or any protected species would be adversely affected by the proposed development. As



such, there is no evidence to suggest that there are any overriding ecological constraints to the proposals”.

152. The applicants Habitats Regulation Assessment (appendix 3 to the Ecological Statement) reaches the following conclusions:

- “A combination of factors, principally including the presence of existing development on the margins of the arable land, render the section of the SPA within 1,500m of the proposed development unsuitable for nesting Stone Curlew. This conclusion is supported by an absence of Stone Curlew nesting records from this area. Therefore, it can be safely concluded that the proposals will not result in any likely significant effects on the interest features of Breckland SPA.
- The site is situated within the periphery of a 1,500m nest attempts constraints zone, identified within the Core Strategy for Stone Curlew nests recorded outside of the SPA. As such, there may be potential for some minor effects from the development on nesting Stone Curlew. However, through liaison with, and with agreement from Natural England, avoidance measures will be brought forward to ensure there will be no likely significant effect in respect of Stone Curlew nesting outside the SPA. These measures form an integral part of the development proposals.
- Accordingly, it is concluded that there are no likely significant effects on the integrity of the SPA arising from the proposed development. Therefore, there is no requirement to proceed further with the Habitats Regulations Assessment (i.e. no requirement for the Competent Authority to undertake an Appropriate Assessment) and no reason for refusal of permission on the basis of HRA matters”.

153. Following receipt of objections on ecological related grounds including potential impact of development upon the SPA (specifically from the RSPB but also from local Parish Council’s and other representees) the applicants submitted further information to respond to the points raised. In particular, the following pertinent points were made in the supplementary document (dated September 2013):

- The previously submitted ‘Habitats Regulations Assessment Framework Report’ notes that the area of the Breckland Special Protection Area within 1500 metres of the proposals represents an unusually small promontory of land out-with the main body of the SPA, likely included in the designation for mapping or land ownership purposes (i.e. it does not follow that all the land within the SPA boundary will support the ecological interest for which the SPA as a whole is designated.
- The area within the SPA within 1500 metres of the application site is adjacent to the settlement of Herringswell. Settlements are known to act as deterrents to Stone Curlew. Footprint Ecology (2008) established that the deterrent effect is greatest in close proximity to development and declines with distance. Herringswell is located adjacent to the SPA with all of the Herringswell extremity lying within 200m of built development and therefore the deterrent effect will be at its maximum.
- Stone Curlews are highly disturbed by views of the human form and dogs. Back gardens from the properties at Herringswell directly overlook

the area of the SPA in question many of which have no intervening screening vegetation.

- In addition, public rights of way are present on two sides of the SPA promontory such that further views of the human form and dogs are experienced.
- Stone Curlews are known to require large expanses of open habitat to nest in. No such expanse is present at the area of the SPA in question. Rather it is framed by woodland (which provides enclosure and perches for predators) and development.
- Recent work by Footprint Ecology published in the report entitled 'Further assessments of the relationships between buildings and Stone Curlew distribution' June 2013 finds that Stone Curlews show avoidance of woodland and in particular areas containing woodland and buildings, i.e. as at the SPA parcel at Herringswell.
- Stone Curlews particularly require large expanses of open space to nest in so that they avoid potential locations where predators may sit. The zone of the SPA in question is bisected by overhead wires which provide predator perches across the SPA parcel while such perches are also provided by the adjacent woodland.
- Any one of these factors in its own right might be expected to result in an avoidance of nesting by Stone Curlew. However, it is strongly concluded that on the basis of the presence of the above factors acting in concert, further confirmed by the absence of any Stone Curlew nesting activity previously recorded within this area (with records available since 1995), this section of the SPA does not function for Stone Curlew nesting and, therefore, the proposed development cannot have an adverse effect on the designated interest feature (i.e. Stone Curlew) of the SPA.
- The features discussed above are permanent in nature and indeed pre-date the designation of the SPA. There is therefore no scope for enhancing land within the SPA that will change this situation. In view of the existing and permanent unsuitability of this part of the SPA for Stone Curlew, there can be no scope for an adverse effect to result from the proposed development now or in the future and nor can there be any scope for in-combination effects.

*Impact of the proposed development upon Breckland Special Protection Area (SPA)*

154. The designated Special Protection Area (SPA) is situated to the east of Red Lodge approximately 1.5km away from the nearest existing built form of the village. Its qualifying features include the Stone Curlew (breeding), the European Nightjar (breeding) and the Woodlark (breeding). It comprises a number of SSSI's which are designated for similar reasons.
155. The approach to be taken to considering a development proposal that might affect an SPA is set out in ODPM Circular 06/2005. The first stage in the process is to establish whether the proposed development is directly connected with, or necessary to, nature conservation management of the SPA. That is not the case with the application proposals, so consideration passes to the second stage.

156. The second stage is to determine whether the proposals are likely to have a significant effect on the interest features of the site, either alone or in combination with other plans or proposals. Two of the three qualifying features of the SPA, namely Nightjar and Woodlark breeding areas are located sufficient distances away from the application site such there would be no adverse effects on them. The potential impact of development upon Stone Curlews within the SPA, however, requires closer examination and consideration.

*Qualifying feature – breeding Stone Curlew*

157. The Appropriate Assessment of the Breckland Core Strategy (carried out by Footprint Ecology in 2008) established, inter alia, an inverse correlation between the nesting propensity of Stone Curlews and the distance to and quantity of human habitation, irrespective of the presence of any intervening screening. The Footprint Ecology report was a major breakthrough in understanding the behaviour of Stone Curlew and how the species are thought to be negatively impacted by new development. The findings of the Footprint Ecology study form the evidence base for and justification behind the 1.5km buffers which have been formed around the boundaries of the designated SPA via adopted Core Strategy Policy CS2.
158. The main findings of the Footprint Ecology report influenced Forest Heath District Council's own Appropriate Assessment of its Core Strategy Development Plan Document (March 2009) and the consequential introduction in Core Strategy Policy CS2 of various buffer zones outside of the designated sites and the policy requirement for a Habitats Regulations Assessment to accompany new development proposals within (inter alia) the 1,500m buffer that relates to Stone Curlew within the SPA.
159. Research subsequent to Footprint Ecology carried out by the Landscape Science Consultancy Ltd (LSC) found no avoidance of development by nesting Stone Curlew and offered reasons for the differences with the Footprint Ecology study. However, it has been found that Landscape Science Consultancy's work is not sufficiently well founded, particularly in relation to the likely impact of development on breeding protected species, to justify over-riding the precautionary protection offered by the 1,500m buffer.
160. The part of the application site proposed for new housing development is within the 1,500m buffer to the boundary of the SPA. The application site (for housing) is situated approximately 1,180 metres from the closest part of the SPA boundary which lies to the east at Herringswell. There is no 'bar' on new development within the designated buffers per se, but extant policies (Core Strategy policy CS2 in particular) require close attention to be given to the potential impact of development upon the integrity of the designated site which the buffer is seeking to protect.
161. The 'Wadenzee' High Court Judgement ruled that an Appropriate Assessment of a proposal is required if the possibility cannot be excluded, on the basis of objective information, that the proposal will have a significant effect on that site, either individually or in combination with other plans or projects.

162. If a significant effect is likely, or the decision maker is uncertain based on objective information, the assessment moves onto the third stage as set out in Circular 06/2005. The third stage is for the decision maker to undertake an Appropriate Assessment of the proposal's implications for the SPA in view of the SPA's conservation objectives.

Regulation 61 – Consideration of impact and whether Appropriate Assessment is required.

163. The applicants have submitted a project level Habitats Regulation Assessment (HRA) with the planning application in order assist the decision maker (the Local Planning Authority at this point) and consultees with their consideration of potential impact upon the SPA and to determine whether Appropriate Assessment is required in accordance with Regulation 61 and Circular 06/2005. The applicants' HRA (the conclusions of which are summarised above and set out in full at appendix 3 of the applicants Ecological Assessment) concludes there would be no adverse effects on the SPA from the proposed development.
164. Natural England has been consulted at each stage of the planning application and has consistently confirmed they are satisfied the development proposals would not have significant effects upon the SPA. Natural England has offered its view to the District Council that a Regulation 61 'Appropriate Assessment' will not be required before the Council determines the planning application. Representations received from Natural England are summarised above in the 'Consultations' section of this report at paragraphs 31, 48-49 and 55 above.
165. Natural England is the Secretary of State's scientific adviser on the subject of biodiversity and its evidence should only be rejected where there is clear objective scientific evidence which contradicts it. Nonetheless, the decision as to whether Appropriate Assessment is required rests with the decision maker, in accordance with processes set out in Circular 06/2005.
166. The RSPB has also commented on the planning application at various points, but have expressed contrary views to those held by Natural England. The RSPB has raised concern about the quality and depth of the ecological assessment (incorporating a Habitats Regulations Assessment) submitted with the planning application and has challenged its conclusions. The RSPB's position is that in the absence of thorough and definitive evidence to the contrary, a likely significant effect would occur on the SPA and, thus, the Council needs to carry out Appropriate Assessment in advance of determining the planning application. Comments received from the RSPB are reported above in the 'Consultations' section of this report at paragraphs 32 and 56.
167. The Council has screened the development proposals in the light of all of the information available. The screening, which is attached to this report, concludes "*the proposals will not have a likely significant effect on any European site and can therefore be screened out from any requirement for further assessment*".
168. Based on the information supplied with the planning application and baseline evidence set out in the Appropriate Assessments supporting the Breckland District Council (Footprint Ecology) and Forest Heath District Council Core Strategies and having had careful regard to advice provided by

Natural England, the RSPB and the Council's Landscape and Ecology Officer, officers consider that the effects of the proposals upon the Breckland SPA would not adversely affect its integrity. The proposals therefore accord with policy CS2 of the Core Strategy in this respect. This policy provides that planning permission may be granted for development in buffer zones to the SPA following consideration of a project level Habitats Regulation Assessment demonstrating that it would not lead to a likely significant adverse effect on the integrity of the SPA.

169. The Council has determined that it is not required to carry out an Appropriate Assessment of the project in advance of determining it (consenting to it). The formal requirements of Regulation 61 are not triggered by the proposals and the 'presumption in favour of sustainable development' set out at paragraph 14 of the Framework is therefore material to this planning application. The Committee is able to resolve to determine the planning application.

*Impact upon ecology outside the Special Protection Area*

a) *Stone Curlew*

170. The Stone Curlew species is protected in its own right irrespective of the SPA designation. There is evidence that nesting attempts have been made on land to the east of Red Lodge (outside of the application site), outside the SPA. Because this is arable land the Footprint Ecology research is valid and suggests that birds making further attempts at nesting might be disturbed by the closer proximity to housing which the appeal site would represent. The applicant's Ecological Assessment confirms any potential impact upon Stone Curlew nesting attempts outside the SPA is likely to be minor in magnitude and is capable of mitigation (impact avoidance).
171. In mitigation of this possible effect the applicants have proposed that circa 4 hectares of land outside the site proposed for development but within their control at Herringswell should be cleared of tree cover and actively managed to provide suitable nesting habitat for Stone Curlew. Furthermore, the planning application proposes a circular path as part of the development proposals to encourage recreational walkers away from the existing eastward footpath link towards Herringswell which ultimately enters the SPA designation. This is an attempt to contain recreational activity within the site (both existing and additional foot trips), particularly dog walkers, such that impacts upon nesting attempts outside the SPA (and indirectly, the SPA itself) are avoided.
172. Natural England has supported this mitigation strategy in principle and has requested monitoring is carried out to enable the success of the mitigation proposals at the Herringswell site to be measured for effectiveness and to enable alternatives to be devised should the mitigation proposals fail or prove to be ineffective.
173. The mitigation proposals, including the monitoring and review mechanisms requested by Natural England for the Herringswell site can be secured via appropriately worded obligations as part of any S106 Agreement.
174. With this mitigation in place, the effects of the proposal on Stone Curlew outside the SPA (in the area of influence of the application site) would be acceptable.

*b) Other species*

175. The applicant's ecological assessment confirms the application site has been surveyed for a range of rare species. It comments that the survey area itself comprises agricultural land, dominated by a number of arable fields with associated grassy margins and tree lines. A residential dwelling, 'Hundred Acre Farm' is also present within the centre of the survey area comprising two buildings with associated hardstanding, garden and a single ornamental pond. Other habitats present within the survey area include semi-improved grassland, woodland, hedgerow, re-colonising ground, tall ruderal vegetation, scrub, buildings and (on adjacent land) SUDS features.
176. The Ecological Assessment concludes that with the following measures the site could be enhanced for local wildlife post-development;
- Implementation of general construction safeguards;
  - Mature trees and woodlands within the site to be retained where possible and protected through erection of protective fencing;
  - Soft felling techniques be implemented under a watching brief for any trees identified as having elevated bat potential that are to be lost to the proposals;
  - Sensitive placement of lighting to maintain dark corridors for wildlife movement, including bats;
  - Safeguards to protect reptiles in the form of habitat manipulation and dismantling of log piles/debris;
  - Bird sensitive timing of vegetation clearance;
  - New landscape planting to incorporate native species;
  - Creation of areas of wildflower grassland;
  - Provision of bird and bat boxes;
  - Provision of reptile hibernacula.
177. Natural England (statutory advisor under the Habitats and Species Regulations) has not raised concerns or objections in response to the proposals, including their potential impact upon the hierarchy of designated nature conservation sites and recognises the potential to secure biodiversity enhancements in the event that planning permission is granted.

*c) Red Lodge SSSI*

178. Having considered the evidence available and advice offered by Natural England, officers are satisfied the development proposals would have no adverse effects upon the Red Lodge SSSI.

Summary

179. Officers are satisfied that the development proposals would not adversely affect important sites of ecological interest in the area and would not harm populations or habitats of species which are of acknowledged importance (protected or unprotected). There is no evidence to dispute the applicant's conclusions that carefully a constructed development is likely to result in net ecological gains. The implementation of the enhancement measures set out in the Ecological Assessment could be secured by means of an appropriately worded planning condition.

**Trees**

*Replacement of trees felled at the Herringswell mitigation site.*

180. Part of the strategy to mitigate potentially minor adverse impacts of the development upon stone curlew nesting attempts outside the Special Protection Area is to provide and manage an area of land to replicate conditions favourable to Stone Curlews. The area of land selected is the 4ha of land at Herringswell which is included within the application site.
181. The site contains a number of trees protected by Tree Preservation Order. The degree of tree cover varies across the site from relatively isolated and well-scattered specimens to areas of more or less continuous canopy cover. The trees are predominantly self-sown and dominated by a mixture of common native species (silver birch) and non-native species (predominantly False Acacia). Other trees are present, including Scots Pine, Sycamore, Wych Elm, English Oak, Ash and European Larch. The site is situated adjacent to extensive plantation woodland (off site) comprising a number of semi-mature and mature trees.
182. All of the trees within the identified 4ha site would be felled as part of the mitigation proposals save for one mature scots pine specimen to the north which is considered of high amenity and arboricultural value. This tree is to be retained.
183. The applicant has proposed to replace the trees felled at the Herringswell site with 1.056ha of compensatory planting provided in two areas; one to the north-west of Red Lodge (0.42ha) and a second at Herringswell to the east of the Mitigation site (0.636ha). The new planting would be comprised of English Oak, Field Maple, Scots Pine and Sweet Chestnut with native scrub planting comprised of Hazel, Hawthorn, Blackthorn, Privet, Guelder Rose, Rowan and Crab Apple.
184. The replacement planting proposals have encouraged comment (but not objection) from the Forestry Commission that 3ha of compensatory planting should be provided to comply with the Commissions Open Habitats Policy. The Commission has identified that only approximately 1ha of the existing mitigation site could be considered to be 'open land' at the present time with the remaining 3 hectares being deemed 'woodland' for the purposes of the Open Habitats policy.
185. The applicants' have confirmed that proposals for replacement planting on the compensatory sites will contain the same number of trees as they are proposing to fell at the Mitigation site but these would be planted at higher densities than the sporadic nature of the trees to be felled, thus the actual area of new woodland cover would be less than the existing woodland cover at the mitigation site.
186. The Governments Open Habitats policy (full title – 'When to Convert Woods to Open Habitat in England: Government Policy') is generally applied by the Forestry Commission as they are normally the consenting authority relating to felling licenses. The policy is not part of the (planning) Development Plan for the area and is not referenced by the NPPF. Nonetheless given that the policy is Government policy and applied in England by the Forestry Commission, it is the view of your officers that it is reasonable to have regard to the policy as a material planning consideration.

187. One of the aims of the Forestry Commissions Open Habitats Policy is to;

*Balance the rate and extent of woodland removal with the rate and extent of woodland creation so that (inter alia) the total area of woodland in England does not go down.*

188. The policy recognises that converting some types of woodland to open habitat can be good for several key species (i.e. Stone Curlew in this case). The policy lends support to woodland conversion schemes where (inter alia) high quality habitat would be extended or buffered, the trees are in a designated site (including Special Protection Areas) or where there are opportunities for enhancing species of conservation concern.

189. The Open Habitats policy document goes on to explain that the current rate of woodland removal for expansion and restoration of open habitats is about 500ha per year. In 2008/09 the rate of woodland creation was about 2,100ha per year (although this rate has been falling). The ambition is to achieve a rate of conversion (from woodland to open habitat) of approximately 1,000ha per year, hand in hand with an acceleration of the woodland expansion rate.

190. Section 5.3.3 of the Open Habitats Policy sets out the criteria for requiring compensatory tree planting. This requirement is triggered by the development proposals given that the main reason for felling is to enable development to proceed elsewhere as opposed to being solely for significant ecological benefit. The policy does not, however, refer specifically to a rate of replacement (i.e. whether the determining factor is replacement of tree numbers or quantity of land). The aims of the policy, set out early in the document, to protect the *area* of woodland in England suggests the criteria for replacement planting should be area based.

191. In this respect, the application proposals to fell circa 3ha of mixed density woodland and replace it with circa 1ha of new high density planting fails to meet with the policy aspirations of the Open Habitats policy and is thus a disbenefit of the application proposals. This is not in its self a sufficient reason to justify a refusal of planning permission, but needs to be considered in the overall balance when considering whether the disbenefits of the development (as a whole) significantly and demonstrably outweigh the disbenefits (i.e. the NPPF test).

192. The planning balance is considered later in this report, but to assist with that assessment the benefits of the creation of the open habitat at Herringswell to ecological interests and the fact that it would enable a significant housing development to be realised also need to be considered in the balance. It is also significant that the Forestry Commission has decided not to object to the planning application on the grounds of the applicants' strategy for tree felling at Herringswell and the related proposals for compensatory planting on a smaller land area.

*Trees at the application site.*

193. The planning application is accompanied by an arboricultural report which is in two parts. The first part contains a tree survey; the second the impact assessment. The impact assessment recognises that no trees need to be removed at the housing site in order to accommodate the development and there are tolerable intrusions into the roof protection area of a few trees



within the detailed Phase A proposals (with negligible impact). Some trees will need to be removed to accommodate the later development phases although the report considers these to be of low quality and value, being associated with the existing farmhouse, proposed for demolition. The report considers the planting of new trees enhances the sustainability and ecological credentials of the site. Amenity provided by the retained significant trees will be retained albeit these will need to be carefully protected during construction.

### **Transportation and accessibility**

194. The Framework confirms that the transport system needs to be balanced in favour of sustainable transport modes giving people a real choice about how they travel. There is, however, recognition that opportunities to maximise sustainable transport solutions will vary from urban to rural areas.
195. It is Government policy that planning decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable modes of transport can be maximised. However, the Framework confirms this policy needs to take account of other policies in the document, particularly in rural areas.
196. The Framework confirms that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. It goes on to state that planning decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised recognising that this needs to take account of policies set out elsewhere in the Framework, particularly in rural areas.
197. Core Strategy Spatial Policy T1 aims to ensure that new development is located where there are the best opportunities for sustainable travel and the least dependency on car travel. This is reflected in Policies CS12 and CS13 which confirms the District Council will work with partners (including developers) to secure necessary transport infrastructure and sustainable transport measures and ensure that access and safety concerns are resolved in all developments.
198. The applicants have submitted a Transport Assessment with the planning application, the scope of which having been agreed in advance with the Local Highway Authority (Suffolk County Council) and the Highways Agency. The document considers the accessibility of and the existing transportation situation in, Red Lodge and cumulative traffic impact of committed development to form baseline data. It then considers the impact of the proposed development on junction capacity of various key road junctions in and around the village (the furthest from the site being the B1506 Bury Road / Herringswell Road / Gazeley Road junction at Kentford). The following key conclusions are drawn by the document;
  - *This report has assessed the accessibility of the site via non car modes of transport and has shown that the site is accessible via foot and cycle, with a reasonable frequency of bus services. It is therefore deemed that the proposals are well suited to the location of the site and are appropriate from a transportation and highways perspective.*

- *In order to further promote sustainable travel and target a reduction in car borne journeys to the site a Framework Travel Plan is provided and a further iteration will be submitted for approval prior to the occupation of the first dwelling.*
- *With respect to relevant national guidance, the proposed development is in line with the NPPF as the cumulative transport impacts of the development are deemed to not be severe.*
- *The proposals are deemed to be appropriate for the site from a transportation and highways perspective and would not have any detrimental effect upon highway safety or upon the free flow of traffic. TPA has demonstrated that the proposed development is consistent with the sustainable development objectives of national and local transport planning policy guidance.*
- *It is therefore concluded that there are no highways reasons why the application should not be granted planning permission.*

### Accessibility

199. Following completion of construction of the St Christopher's' School and the 'village centre' facilities (both secured as part of the 'Kings Warren' development), the Core Strategy categorises Red Lodge as a Key Service Centre. The village is thus regarded as a 'sustainable' location which could support growth.
200. Local employment opportunities are restricted in the village and whilst land at the north side is allocated for employment related uses, market take up has been slow with only one business (albeit a major business) having been established. The working communities at Red Lodge are likely to need to travel to access their place of work. There are a range of community facilities in the village, including shops, services, a school, public open space and sports and recreation infrastructure and community/meeting rooms which serve to contain a number of trips within the village. The village does not have a large grocery supermarket (there is however a new convenience store in the village centre).
201. It is likely that potential occupiers of the dwellings proposed in this planning application would need to travel to meet their employment, retail and entertainment needs. Some of these journeys could be lengthy and the majority are likely to be taken by car. However, there are a range of services and facilities in the village that will prevent the need for travel to some facilities. Given the village scale of Red Lodge and its situation in a rural area distant from the nearest urban centres of Mildenhall, Newmarket, Bury St Edmunds and Cambridge, the development proposals are considered to accord with relevant accessibility policies in the Framework and are, on balance, considered sustainable in transport terms.

### Traffic impact (highway safety and congestion)

202. The planning application is accompanied by a Transport Statement which examines the potential impacts of development on highway safety and congestion (peak times). The conclusions of the document are summarised above. Neither the Highway Agency (strategic road network) nor the Suffolk County Council (local road network) has objected to the planning

application and thus these bodies accept the findings of the assessment. The County Council has, however, as part of their response to the planning application requested that developer contributions to be used towards traffic calming measures in local villages are secured from the development proposals, as part of any S106 Agreement.

203. The Transport Assessment has not identified a particular highway safety issue arising in local villages as a consequence of the development. The Highway Authority has, however, offered sufficient justification and evidence to support its request for the contribution. Your officers consider the request for this developer contribution meets with the lawfulness tests for planning obligations which are set out at Regulation 122 of the CIL Regulations. Further discussion about the request for this contribution and the CIL tests in particular are included later in this section of the report under the 'Planning Obligations' heading (from paragraph 303).
204. Access to the proposed development is considered safe and suitable and the development would not lead to significant highway safety issues or hazards on approaches to the site, around the village or further afield, including in cumulation with other planned/emerging developments. Furthermore, satisfactory evidence has been submitted to demonstrate the proposed development would not lead to congestion of the local highway network, including during am and pm peak hours.

#### Car Parking

205. The applicants have responded to concerns raised at early consultation stages by the Local Highway Authority by increasing the parking spaces available to various four bed properties from two to three spaces. The development is now considered acceptable with regard to the quantity and distribution of car parking spaces which accord with emerging Car Parking Standards (and exceed extant parking standards dating back to 2002). The implications of the car parking strategy upon the scheme layout and its design quality is discussed later in this section of the report under the heading 'Design Discussion'.

#### Travel Planning

206. A Framework Travel Plan has been submitted with the planning application and sets out the range of sustainable travel measures and initiatives that are to be brought forward as part of the planning application. These include measures to encourage and support walking and cycling, promotion of existing bus services to the new residents, a contribution towards car sharing initiatives, travel information provided to purchasers of the new dwellings (including a dedicated website) and facilitation of homeworking.
207. The developer would also appoint a Travel Plan Co-Ordinator to manage the implementation of the Travel Plan and compliance would be monitored by the Co-Ordinator and Suffolk County Council (at the expense of the developer). This Co-Ordinator would remain employed for 5-years following the occupation of the final dwelling. The Travel Plan includes an Action Plan setting out the various steps that would be taken to implement, review and monitor the plan.
208. The submitted Travel Plan has been approved by the Travel Plan Co-Ordinator at Suffolk County Council and the proposals made within it could

be formally secured by means of an appropriately worded clause in a S106 Agreement.

209. The Local Highway Authority has requested a developer contribution to be used towards the provision of new bus services for the village. They have explained that the bus services would be used by the residents of the new development to access employment (away from the village). The submitted travel plan acknowledges the frequency of bus services may act as a barrier to travel by that mode (circa 90% of Red Lodge residents travel to work by car or van (driver or passenger), but the Travel Plan does not propose additional bus services. Instead the plan is to promote existing bus services including subsidised/paid for bus tickets in order to encourage modal shift.
210. The Travel Plan has been approved by the Travel Plan Co-Ordinator at Suffolk County Council, so it is perhaps surprising that the Development Management section of the Highway Authority initially requested a bus contribution without objecting to the planning application. The request for the public transport contribution has since been withdrawn by the Highway Authority given that it was not able to fully justify securing the request.

*Public footpath provision*

211. The planning application includes a proposed loop footpath around the perimeter of the application site linking back into Red Lodge at the north end of the site (connecting from the existing public footpath which runs along the south boundary of the site). The footpath is provided, in part, as passive mitigation, functioning as a destination for local dog walkers with the intention of diverting some of these trips away from the Special Protection Area and in the buffer zone (outside the SPA) where Stone Curlew nesting attempts have been recorded. The provision of the footpath loop is considered a positive feature of the proposed development.

**Built Heritage**

212. The Framework recognises that heritage assets are an irreplaceable resource which should be conserved in a manner appropriate to their significance. When considering the impact of proposed development upon the significance of a designated heritage asset, great weight should be given to the asset's conservation. The term 'heritage asset' used in the Framework includes designated assets such as Listed buildings, Scheduled Ancient Monuments, Registered Parks and Gardens and Conservation Areas and also various undesignated assets including archaeological sites and unlisted buildings which are of local historic interest.
213. The Framework advises that LPA's should require an applicant to describe the significance of any heritage assets affected, the level of detail being proportionate to the importance of the asset and sufficient to understand the potential impact upon their significance.
214. Core Strategy Spatial Objective C4 aims to protect and enhance the Historic Environment. This objective is implemented via Policy CS3.
215. The development proposals would not impact upon any listed buildings, (including their settings) and would not impact upon any Conservation Area (there is no Conservation Area designation at Red Lodge).

216. The application site contains no designated heritage assets and would not affect the setting of any designated heritage assets.
217. An Archaeological Evaluation Report has been prepared on behalf of the applicants to establish whether the site might support any important archaeological remains (undesigned archaeological sites are deemed to be undesignated heritage assets). The report explains the work that carried out to investigate the archaeological potential of the site and concludes that some areas of the site have high archaeological potential although these may have been damaged through the passage time by field ploughing. The report confirms that any archaeological remains are unlikely to survive the proposed development and recommends further intrusive archaeological investigations are carried out (secured via planning conditions).
218. The Archaeological Service at Suffolk County Council has been consulted of the planning application and commented that extensive remains of archaeological interest have been confirmed by the applicants report, with the potential for encountering further heritage assets of archaeological interest across the rest of the proposed development area. The Service considers there are no grounds to consider refusal of permission in order to achieve preservation in situ of any important heritage assets and has recommended the imposition of conditions to ensure further archaeological investigations are carried out following the determination of the planning application but prior to commencement of any development.
219. The application site contains a single dwellinghouse, Hundred Acre Farmhouse. The building is proposed for demolition in favour of the proposed development. The building is not listed and is not of sufficient age or architectural interest to warrant retention. Furthermore, and given the building is not considered to be an 'undesigned heritage asset', there is no requirement for a photographic survey of the building to be carried out prior to its demolition.

### **Design discussion**

220. The Framework states the Government attaches great importance to the design of the built environment and confirms good design is a key aspect of sustainable development and is indivisible from good planning. The Framework goes on to reinforce these statements by confirming that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
221. Core Strategy Spatial Objective H2 aims to provide a sufficient and appropriate mix of housing that is ... designed to a high standard. Design aspirations are also included in Spatial Objectives ENV4 (high standard of design) and ENV5 (community safety and crime reduction through design). The Objectives are supported by policies CS5 and CS13 which require high quality designs which reinforce local distinctiveness and take account of the need for stronger and safer communities. Policy CS5 confirms design that does not demonstrate it has had regard to local context and fails to enhance character will not be acceptable.
222. Saved Local Plan policy 4.14 requires the layout and design of new housing developments to respect the established pattern and character of

development in the locality and saved Policy 9.2 requires development proposals in rural areas to be of a high standard of layout and design.

223. The planning application is a 'hybrid' application being partly detailed with matters to be considered (phase A) and partly in outline with all matters reserved (later phases). The design of phase A (the full application) is therefore to be considered at this stage.

*Design and Access Statement.*

224. The planning application submitted last year was accompanied by a Design and Access Statement. The document was updated in January 2014 following the submission of amended drawings. The design and access statement explains the design rationale and strategies which have informed the proposals. Both versions are available on the Council website.

*Relationship to context.*

225. Red Lodge is not a typical Suffolk village, as it does not have a recognisable historic or central core, having developed along the A11 after the Second World War. Until the 1995 Local Plan, the village was dominated by the A11, associated transportation businesses and a large low density mid 20<sup>th</sup> Century housing estate.
226. The allocation of land for new development by the 1995 Local Plan and associated Red Lodge Masterplan has seen the village rapidly expand in last 15 or so years, predominantly to the east of Turnpike Road but also various land parcels to the west of the village. The largest expansion has been the 'Kings Warren' housing development which has delivered circa 1250 dwellings, a new village centre, a primary school, sports pavilion and large areas of public open space and formal sports areas. That development was delivered by the current applicants and other partners.
227. The application site effectively 'bolts-on' to the 'Kings Warren' development and proposes to develop spare land within the masterplan area. The proposal's organic, informal layout, mixture of standard house types, and materials reflects the character of the existing housing in the 'Kings Warren' development.

*Connectivity.*

228. Owing to the 'backland' location of the site away from the main village roads there are limited opportunities for road connections to be made back into the village footpath and highway network. However there are two points of access from the site back into Larch Way towards the south east corner (vehicular and pedestrian/cycle) and Larch Way to the north-east (pedestrian/cycle and emergency vehicle) so the development maximises its opportunities to connect back into the village. Furthermore, opportunities to make vehicular connections to any further future development to the north of the site are safeguarded.
229. The site is well connected to the existing footpath network, both in the village and into the countryside. An additional footpath is proposed around the perimeter of the application site to provide a loop around the development connecting into existing footpath networks. The proposed housing development is within easy walking distances of key village

facilities including the new shops in the village centre, St Christopher's primary school, and the playing fields and sports pitches. The footpath connections are also 'high quality' such that their condition will not affect the attractiveness to occupiers of the proposed development.

*Existing trees and new planting.*

230. Trees within and adjacent to the site are protected by Tree Preservation Orders No. 360 1974 and No.3 1994. A protected tree belt running east to west defines the northern edge of the main housing site and the extent of the expanded playing fields, therefore breaks to accommodate the emergency access route. The SUDS ditch will need to be carefully positioned to minimise the loss of trees. Protected woodland belts abut the eastern boundary of the site, with further areas of protected woodland to the south.
231. Existing trees within the site (predominantly within the curtilage of the existing dwelling known as Hundred Acre Farm) would be felled to make way for the housing development. These specimens are not of high amenity value to merit retention and there are no objections to their loss. The loss of these trees would be more than compensated by the provision of new tree planting about the site as part of the development proposals. Existing tree belts to the perimeter of the housing site are important as they enclose the village (and the proposed development) from exposure in the landscape from the south and east. These trees are to be retained and will be afforded protection during the construction phases of development.
232. Details of a proposed new planting scheme are illustrated. More precise details, including species, planting densities, implementation and subsequent maintenance could be secured by condition. The landscaping proposals for the housing site are considered acceptable.

*Design implications of car parking*

233. It is important to ensure car parking provision is well designed and adequate such that it would not lead to on-street parking on the new and existing estate roads in unsuitable locations. The vast majority of the dwellings proposed in phase A have parking contained within the curtilage (garaged or open). Communal parking courts are not required which is a plus for the design quality (visual in particular) of the development layout.
234. In the main, car parking is provided to the side of dwellings with garages or car ports provided with additional space/s provided. There are some areas where car parking is provided forward of buildings (plots 10-13 and 103-106 in particular) with the consequence that vehicles will be prominent in various sporadic areas of the some streets. However, there are relatively few examples of this parking solution in the layout of the scheme.
235. There are unlikely to be general parking problems arising from the proposed design and layout of the scheme.

*Efficiency of layout*

236. The use of single-sided access roads serving plots around the perimeter of the site (phase A) would be an inherently inefficient use of land, but this needs to be balanced against the design benefits softening the edge of the

development to the countryside and enabling these dwellings to face out of the site (avoiding the unsatisfactory and potentially harmful situation arising where countryside boundaries are bounded by rear gardens of dwellings).

237. The site is clearly pressured, in terms of the quantity and mix of housing it is expected to accommodate, and in consequence it needs to be laid out efficiently in order to achieve an acceptable result. The design and access statement explains how the applicants have tested the efficiency of the layout proposed to demonstrate that the potential of the site had been optimised in the way sought by the third bullet point of paragraph 58 of the NPPF;

*Planning decisions should aim to ensure that developments ... optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses and support local facilities and transport networks.*

238. Some inefficiencies of layout are an inevitable result of the absence of a highway frontage at the site and the consequential fixed points of access which, to an extent, constrain the layout. Other inefficiencies flow from the demands of the local authorities, such as the requirement to provide secondary access for emergency vehicles (Thistle Way) and for the provision of public open space and the need to provide it with natural surveillance and enclosure. Consequences flow, in terms of place-making, from the efficiency with which the site is used. These are considered in the following paragraphs.

#### Placemaking

239. It is perfectly reasonable to use standard house types in new development but essential to configure them to contribute to quality of place. The quality of the urban design of the phase A scheme has been established by the configuration of standard house types which provide a sense of quality of space.
240. It is possible to discern, from the proposed site layout, that there would be a creation of a sense of place; for example the use of perimeter block strategy for the layout which conceals rear gardens from key public movement routes through the development, the provision of on-curtilage parking for the vast majority of the plots (with most of these being to the side/off-set from dwellings) the enclosure of the small area of public open space to the north of phase A and the close knit spacing of the built form to create enclosed streets but punctured with street trees and small green spaces (front gardens).
241. There are some examples which would be less successful in place-making terms including parking being provided in front of buildings to some of the plots and terraced (up to 3) garage buildings, but such examples are rare and are not significant when looking at the design of the scheme (phase A) as a whole and the quality of the streets and spaces that would be created.
242. Assessment of any proposal on design matters is a matter of judgement and balance; criticism is normally comprised of 'missed Opportunities' and matters which could be improved upon rather than significant concern which actually causes harm. The future residents of the proposed scheme



(Phase A) would experience a high quality living environment with well designed homes, pleasant streets and open spaces, off-street parking, large areas of public open space (to be extended as part of this planning application and private gardens.

*External materials*

243. The proposed materials (ref paragraph 4 above) would be contiguous with those used to face the existing adjacent housing development known as 'Kings Warren' using similar colours and textures. The materials palette is considered acceptable.

*Cycle and bin storage provision*

244. Occupiers of the private and affordable dwellings would be able to utilise their own space to provide for bin and cycle storage. All have access to private rear amenity spaces such that these could be stored away from the public realm. Nonetheless if the development is approved, it should be ensured that occupiers have opportunity to be able to store bins away in their rear gardens (by providing easy access to the streetside from each plot) and be provided with adequate cycle parking/storage facilities. A strategy for delivering these facilities can be the subject of a condition attached to any planning permission granted.

*Conclusions on design matters*

245. The relatively hard, urban character of the housing area would be adequately balanced by the open spaces, landscaped internal spaces and existing mature planting adjacent to the southern and eastern boundaries.
246. Some elements which would contribute to the character of the development are as yet not fully specified or would require to be secured by conditions (e.g. public lighting). However, there is no indication that any of these matters would not result in a satisfactory outcome if left to be resolved through conditions.
247. The proposal would be as connected to adjoining development as it could be. The layout takes a consistent approach to the question of frontages which leads to efficient use of land and creation of attractive streets and spaces. Efforts at place making are evident and a strong sense of character would be created by the development, with examples of less successful place making being few and far between.
248. After considering the elements which would contribute to the character of the development itself, it is concluded that the scheme would deliver a high quality, well connected and liveable housing development. The proposal is considered to comply with the NPPF and relevant design policies in the Development Plan.

**Impact upon local infrastructure (utilities)**

249. The 'economic' dimension of the definition of sustainable development set out in the Framework confirms the planning system should (inter alia) identify and co-ordinate development requirements, including infrastructure. Furthermore, one of the core planning principles set out in the document states that planning should "proactively drive and support

sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs.”

250. These requirements are, however, tempered somewhat later in the document in circumstances where viability is threatening delivery of a development scheme. It confirms the costs associated with policy burdens and obligations (including infrastructure contributions) likely to be applied to development proposals should (when taking account of the normal cost of development and mitigation), provide competitive returns to a willing landowner and willing developer to enable the development to be deliverable.
251. Core Strategy Policy CS13 sets out infrastructure requirements and developer contributions. The policy opens with the following statement:

“The release of land for development will be dependent on there being sufficient capacity in the existing local infrastructure to meet the additional requirements arising from new development”.
252. The policy lists the main areas as health and social care facilities, educational requirements, strategic transport improvements, waste water treatment capacity, energy supply (electricity), access and safety, open space, sport and recreation. The policy confirms arrangements for the provision or improvement of infrastructure will be secured by planning obligation or (where appropriate) conditions attached to planning permission to ensure infrastructure is provided at the appropriate time.
253. The policy concludes that all development will be accompanied by appropriate infrastructure to meet site specific requirements and create sustainable communities.
254. Matters pertaining to highway, education, health and open space (including sport and recreation) infrastructure are addressed later in this report when potential planning obligations are discussed. This particular section assesses the impact of the proposals upon utilities infrastructure (specifically waste water treatment, water supply and energy supply).

*Infrastructure and Environmental Capacity Appraisal*

255. 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 has informed preparation of the Development. The IECA report (commissioned jointly with St Edmundsbury Borough Council) considers the environmental capacity of settlements in the District, 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.
256. The IECA report is the most up to date evidence base of the infrastructure capacity in the District unless it has been superseded/updated by more contemporary evidence. The IECA report was a key document proving an infrastructure evidence base to inform the recent appeal for new housing development at Kentford (referenced at paragraph 128 above). In that case

(and in the absence of more up-to-date evidence) the Inspector relied upon the IECA's document.

Waste water treatment infrastructure

257. Details submitted with the planning application confirm the proposed development would connect to existing foul water systems in the village. The village is served by Tuddenham Waste water Treatment Works (WwTW) with waste water being pumped to that facility via the Herringswell pumping station. The applicant's supplementary foul drainage statement (received August 2013) provides information about foul water drainage;

- *Section 7.3 of the Preliminary Infrastructure Appraisal Report submitted with the planning application identified that Crest Nicholson is aware that there have been historical occurrences of flooding and odour problems attributed to the operation of the local foul sewerage network. The report noted that Anglian Water was carrying out a programme of improvement works to mitigate such issues.*
- *Following a recent meeting and correspondence with Anglian Water, however, it has now been confirmed that the network on which the issues have been experienced are separate to that to which the flows from the Land East of Red Lodge will discharge.*
- *Specifically, it has been confirmed by Anglian Water that the Warren Road pumping station at the southern end of Red Lodge discharges flows to the King's Warren pumping station at the northern end. Previous information that had been made available suggested that the flows from the King's Warren pumping station were pumped to the Warren Road pumping station and from there to Herringswell. The recent correspondence has identified that when Kings's Warren was developed, the Warren Road pumping station and associated sewers were reconfigured such that flows are now pumped to the King's Warren pumping station, via one of two rising mains constructed parallel to Warren Road. Flows from the King's Warren pumping station are pumped in a southerly direction, via the second of these rising mains, with a connection to the rising main from Red Lodge to Herringswell to which the Warren Road pumping station was previously connected, but by-passing the pumping station itself.*
- *Foul water flows from the King's Warren development on the east side of Warren Road are conveyed via a gravity network directly to the King's Warren pumping station and are not connected to the network on the west side of Warren Road. The flows from the Land East of Red Lodge are to be connected into the gravity network which serves the King's Warren estate.*
- *Any flooding or odour issues attributed to the operation of the Warren Road pumping station and any of the pumping / lifting stations located along Warren Road and within the housing estate to the west are therefore wholly unrelated to the King's Warren development, nor will they in any way be exacerbated by the development of the Land East of Red Lodge.*

258. IECA comments that the Strategic Flood Risk Assessment and Water Cycle Study identifies that the rising main runs to the south east of Red Lodge

and that Tuddenham WwTW has limited headroom and is significantly constrained due to its location adjacent to a SSSI.

259. The IECA report refers to the Strategic Flood Risk Assessment and Water Cycle Study which identifies that the Tuddenham WwTW can accommodate 1,310 new dwellings within its existing headroom, which is due to be reached by 2025 and the plant is potentially unsuitable for upgrade.
260. Anglian Water Services (AWS) has not objected to the planning application and has advised there is capacity in the foul water system to accommodate the additional flows generated by the development. AWS are, however, concerned about the potential point of access and has advised of a suitable connection point. This would need to be secured by condition otherwise the developer would be able to determine where connection is made.
261. The position AWS has taken on these proposals has been met with scepticism locally as many local residents are reporting to have experienced problems with the sewerage system over the years which they are attributing to capacity issues. A number of Parish Councils have included sewerage network capacity issues in their objections to these proposals.
262. At its meeting on 30th October 2013 the Council's Local Plan Working Group resolved to commission an independent study of sewerage infrastructure capacity issues serving Red Lodge to assist with their consideration of whether any amendments need to be made to the phasing of development within the village (the 2031 development 'embargo' imposed at Red Lodge by Core Strategy policy CS1). Whilst the consultants' full report is yet to be received, two Technical Memorandums have been provided to the planning department with the specific purpose of informing the Council's consideration of the implications of this planning application on the Red Lodge foul water infrastructure.
263. The first Technical Memorandum was received by the Council in May 2014. This document was shared with the Parish Councils and some other local groups for information purposes.
264. A second Technical Memorandum was received on 17<sup>th</sup> June 2014. The document, which updated the first Memorandum, is attached as a background paper to this report, reached the following conclusions;
  - *The Independent Study will confirm the potential impact of the additional development up to and beyond 2021; however the above suggests that there is no short term constraint on development due to sewerage network capacity.*
  - *Whilst the Independent Study report is still being finalised, the findings to date suggest that the 2021 embargo placed on further development (over and above extant permissions) proposed by FHDC is no longer appropriate.*
  - *The driver for this original embargo was wastewater treatment capacity at Tuddenham WRC. Hyder have witnessed the near completion of additional hydraulic/process capacity at Tuddenham WRC, the design documents supporting this capacity increase, and evidence to confirm that the original flow data used during the WCS analysis was erroneously high.*

- *The level of development currently being proposed by FHDC prior to 2021 can be accommodated within the new treatment capacity provided at Tuddenham WRC, and the existing discharge consent/ environmental permit.*
- *Data received from AWS as part of this Independent Study is still being processed, however with regards to the 374 property site being promoted by Crest Nicholson, the following conclusions are apparent:*
  - - *The change in sewerage network connectivity in 2007/08 means that flows received at Kings Warren SPS are no longer pumped to Warren Road SPS. This appears to have alleviated capacity concerns at Warren Road SPS. As future flows will also be connected directly to Kings Warren SPS, neither the capacity of Warren Road SPS nor the sewer network to the west of Warren Road are a constraint to development;*
  - - *Customer complaints regarding sewerage network in the area, particularly near Herringswell TPS were primarily related to blockages. Prior to 2010/11, TPS capacity was a known issue – however this was addressed by AWS with a capital scheme. More recent events at the TPS appear to have been caused by power outages, which are not indicative of a capacity constraint.*
- *The remaining tasks to be included in the Independent Study are:*
  - - *Identification of a development threshold when further capacity improvements may be required at Kings Warren SPS and Herringswell TPS; and*
    - *Assessment of the ability to accommodate the full plan growth (development to 2031) within the Tuddenham WRC hydraulic/ process capacity and discharge consent, and identification of development thresholds (post 2021) where additional investigation and capital investment may be required by AWS.*

265. Officers are content the existing sewerage network is not a constraint on these development proposals. In the absence of up-to-date evidence to the contrary and given the independent advice which has been provided to the Council, it is apparent that refusal of planning permission on sewerage infrastructure grounds cannot be sustained. Furthermore, it is apparent that the greenfield embargo on new development prior to 2021 is no longer relevant to the consideration of this planning application (given that the village centre and primary school have both now been provided and sewerage issues addressed).

Water supply

266. IECA comments that according to the Strategic Flood Risk Assessment and Water Cycle Study the potable water supply network should not be a major constraint to development around Red Lodge and no tipping points are identified.

Energy supply

267. The village is served by Kennet substation. The IECA report states that EDF Energy has identified that the substation is nearing capacity but have identified this and are planning to upgrade it. IECA identifies the tipping point (500 dwellings) may be nearing additional capacity is likely to come forward in due course.

**Flood risk, drainage and pollution**

268. Policies for flood risk set out in the Framework aim to steer new development to areas with the lowest probability of flooding. Its policies also seek to ensure that new development does not increase the risk of flooding elsewhere.
269. The Framework states that to prevent unacceptable risks from pollution and land instability, planning decisions should ensure that new development is appropriate for its location. It also confirms that where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.
270. Core Strategy Policy CS4 states the Council will support development proposals that avoid areas of current and future flood risk and which do not increase the risk of flooding elsewhere. The policy confirms sites for new development will be allocated in locations with the lowest risk of flooding (Environment Agency Zone 1 flood category) and will seek the implementation of Sustainable Urban Drainage Systems (SUDS) into all new development proposals, where technically feasible.

*Flood risk assessment*

271. The applicants have submitted a 'Statement on Floodrisk and Proposed Drainage Strategy' document with the amended planning application (January 2014). The document acknowledges there is no history of surface water flooding at the Red Lodge Area and concludes the porous ground at the site is capable of absorbing surface water which will infiltrate through the chalk strata to the aquifer some ten metres below existing ground levels. Factors of safety incorporated with the proposed design parameters for the ditch, soakaway and infiltration trenches will ensure that the site remains free of any flooding risk.

*Sustainable Urban Drainage System (SUDS)*

272. The application proposes a SUDS system to ensure surface water is disposed of in an appropriate manner without overloading existing engineered and natural systems thus avoiding an increased risk of flooding during inclement weather conditions. A detailed SUDS scheme was submitted with the planning application back in 2013 but following concerns expressed by officers and others about the inappropriate location of a balancing pond, and having received advice that alternative designs are likely to be suitable that do not require a balancing pond, the applicants opted to withdraw the detailed SUDS scheme from the application (January 2014).
273. A drainage strategy has been submitted to demonstrate the site is capable of accommodating an appropriately engineered SUDS scheme to cater for surface water flowing from the development and ensure surface water is discharged from the site at existing 'greenfield' rates. Precise details of a

SUDS scheme would be required be condition which would need to be approved prior to commencement of development and provided at appropriate trigger points.

274. The Environment Agency has not objected to the application on flood risk grounds, subject to the imposition of conditions (including the SUDS drainage details).

**Contaminated land**

275. The planning application is accompanied by a Phase I Contaminative Uses Desk Study. Whilst the preliminary recommendations suggest the risk of soil contaminants being present and risk of groundwater contamination and from ground gases is low. The document also anticipates favourable geotechnical conditions for construction. Nonetheless the document recommends a Phase II investigation is carried out to closer assess the contamination risk and confirm geotechnical data for the site.
276. The Council's Environmental Health team has requested the imposition of a condition requiring the submission of a detailed scheme of investigation into potential contamination, including measures to secure any remediation necessary.

**Air Quality**

277. There are no areas in the vicinity of the site which are subject to Air Quality Improvement Action Plans. The application proposals would not generate significant levels of traffic movement or congestion such that there are unlikely to be any significant air quality issues arising from the operation (occupation) of the proposed development.
278. The construction phase/s of development may give rise to the creation of air-borne dust in the local area and, given the presence of existing residential development adjacent to the site ('Kings Warren' to the west) this could give rise to amenity concern if left unmanaged. Dust generation is capable of mitigation by various measures and strategies and a requirement for submission, approval and implementation of a dust management strategy can be secured by means of planning condition (being part of a construction management plan).

**Summary**

279. The Environment Agency (risk of flooding, contamination and pollution control and drainage), Anglian Water Services (drainage and pollution control) and the Council's Environmental Health Team (contamination and pollution control) have not objected to or raised concerns about the application proposals. All have recommended the imposition of reasonable conditions upon any potential planning permission to secure appropriate mitigation.
280. The proposals are considered acceptable with regard to flood risk, surface water drainage and pollution (contaminated land and potential contamination of water supply) considerations.

**Residential amenity**

281. The protection of residential amenity is a key component of 'good design'. The Framework states (as part of its design policies) good planning should contribute positively to making places better for people. The Framework also states that planning decisions should aim to (inter alia) avoid noise from giving rise to significant adverse effects on health and quality of life as a result of new development.
282. Vision 1 of the Core Strategy seeks to provide 'a higher quality of life' for residents. Saved Local Plan policy 4.15 seeks to ensure new housing developments do not result in the loss of residential amenity.

*Impact upon residents of the proposed development*

283. The planning application is accompanied by a noise assessment relating to the impact of noise associated with existing sports pitches on the proposed residential development. The report concludes that external noise levels will be within World Health Authority guidelines, but a combination of careful layout, provision of appropriate boundary fencing and (where appropriate) mitigation works will be required to facades of dwellings proposed to face towards and overlook the sports pitches.
284. The proposed residential development adjacent to the sports pitches is in outline form at this stage, but a condition could be imposed upon any planning permission granted requiring the submission of precise details of mitigation proposals to specific dwellings proposed with the relevant Reserved Matters submission. The proposals have not raised concerns or objections from the Council's Environmental Health Team and, subject to the imposition of appropriate conditions to secure the necessary design and fencing mitigation is acceptable with regard to potential impact upon the future residents of the proposed development.

*Impact upon existing residents*

285. The occupants of some existing dwellings may be affected by the proposed development. In particular there are some existing dwellings which front towards the agricultural land comprised in the application site and will lose that outlook to housing. Other dwellings, particularly those fronting the highway of Thistle Drive would experience increases in traffic past their frontages. Furthermore, there is likely to be an increase locally in the noise environment whilst the proposed development is constructed. However, these impacts are common to developments of this type where large sites are developed adjacent to existing settlements. The impacts, although adverse would not be significant such that the occupiers enjoyment of their property would be compromised. Accordingly the proposals are considered acceptable with respect to their potential impact upon existing residents.

**Landscape impact**

286. The Framework confirms the planning system should (inter alia) protect and enhance 'valued landscapes' and promotes development of previously used land but, other than continuing protection of formal Greenbelt designations (of which there are none in Forest Heath) and recognising the hierarchy of graded agricultural land, national policy stops short of seeking to protect the 'countryside' from new development in a general sense.



287. Core Strategy Policies CS2 and CS3 seek to protect, conserve and (where possible) enhance the quality, character and local distinctiveness of the landscape and refers to the Forest Heath Landscape Character Assessment to inform detailed assessment of individual proposals.
288. The planning application is accompanied by a 'Landscape and Visual Impact Assessment' prepared by specialist consultants on behalf of the applicant. The assessment considers the impact on the landscape of two key parts of the site being the site for the proposed housing at Red Lodge (referred to as site A in the assessment) and the mitigation site at Herringswell (referred to as site B in the assessment). The document concludes by summarising the landscape impacts of both sites before its final statement;
- *"The assessment ... concludes that the proposed development for both Sites A and B are suitable for the location and the surrounding area, with the proposals providing enhancements to the landscape and respectful of the landscape character and potential visual impacts limited to near distance views".*
289. The application site is categorised as 'Estate Sandlands' by the Suffolk Landscape Character Assessment (SLCA). The Assessment states that despite the presence of so much forestry, the views in this landscape are often long and there can be a powerful sense of isolation. The 'planned' nature of the landscape over such a large area does, however, mean that there is little variation in the views.
290. The SLCA recognises that one of the key forces for change is the expansion of existing settlements into this landscape and creation of new settlement patterns and clusters associated with infrastructure development.
291. In respect of visual impact the SLCA considers the regular nature of the estate sandlands landscape means that it does have more potential capacity to accept significant settlement expansion than the ancient countryside of the claylands. The assessment recognises (in a general sense) the sandland plateau, with its simpler and more modern land cover pattern and extensive regular pattern of tree cover, can be adapted to accept larger growth. However, the area does not have a history of substantial settlements. Therefore, the impact on the character of the landscape both directly and indirectly can, depending upon circumstances, be highly significant and damaging.
292. The proposed development would be harmful to the character of the countryside as a matter of principle given that it would ultimately change currently undeveloped agricultural land into a developed housing estate and this would be a dis-benefit of the proposals.
293. The impact of the development proposals upon the landscape qualities and character of the wider countryside would not be significant given the highly contained character of the site, the presence and screening influence of existing mature landscaping to the south and east and the site abutting the existing village (to the west). The site benefits from existing built development which has a shielding affect along the west boundary and which would form a backdrop to new development at the site. Furthermore, new planting is proposed throughout the development which will mature to soften the landscape impact. Similarly, the loss of existing tree cover at the Herringswell mitigation site would not have significant landscape impacts

given the cleared site would be contained in the landscape within the remaining (existing) adjacent mature woodland.

294. The impact of the proposed development upon the landscape is considered acceptable with any significant adverse effects capable of mitigation via the introduction of new landscaping (the precise details of which could be secured by means of condition).

### **Loss of agricultural land**

295. The Framework states where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.
296. The development of agricultural land (green field sites) in the District is inevitable given the level of growth planned for by the Core Strategy to 2031. There is not a sufficient stock of available previously developed land (brownfield land) at appropriate locations to accommodate new development in this period. Accordingly, the future development of greenfield sites is inevitable.
297. The part of the application site intended for the housing development is classified as Grade 4 agricultural land (poor quality) and its loss (in policy terms) is not considered significant and is not a constraint on this development.

### **Sustainable construction and operation**

298. Section 19 (1A) of the Planning and Compulsory Purchase Act 2004 requires local planning authorities to include in their Local Plans "policies designed to secure that the development and use of land in the local planning authority's area contribute to the mitigation of, and adaptation to, climate change".
299. The Framework confirms planning has a key role in helping shape placed to (inter alia) secure radical reductions in greenhouse gas emissions and supporting the delivery of renewable and low carbon energy. The Government places this central to the economic, social and environmental dimensions of sustainable development.
300. The document expands on this role with the following policy:

*In determining planning applications, local planning authorities should expect new development to:*

- *comply with adopted Local Plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and*
- *take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.*

301. The importance the Government places on addressing climate change is reflected in the Core Strategy Visions (Vision 1) and Spatial Objectives (ENV2 and ENV3). Core Strategy Policies CS4 and CS5 set out requirements

for sustainable construction methods. There are also emerging policies relating to sustainable construction set out in the Joint Development Management Policies document (DM2, DM7 and DM8), but these are the subject of currently unresolved objections which means the policies can be attributed only limited weight at the present time.

302. The documentation submitted in support of this planning application confirms that the proposed development will be sustainable, by ensuring that sound design principles will be incorporated into the development - including measures to assist with adapting to and mitigating effects of climate change. Planning conditions could be imposed to secure these measures. On this basis, the development proposals are considered acceptable with regard to sustainable construction and operation.

### **Planning Obligations**

303. The Framework repeats the tests of lawfulness for planning obligations which are derived from Regulation 122 of The Community Infrastructure Levy Regulations 2010. The tests are that planning obligations should:

- be necessary to make the development acceptable in planning terms.
- be directly related to the development, and
- be fairly and reasonably related in scale and kind to the development.

304. The Framework also states that pursuing sustainable development requires careful attention to viability and costs, such that sites should not be subject to a scale of obligations that their ability to be developed viably is threatened.

305. The Framework advises that in order to ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.

306. Core Strategy Spatial Objective ENV7 seeks to achieve more sustainable communities by ensuring facilities, services and infrastructure are commensurate with development. Core Strategy Policy CS13 sets out requirements for securing infrastructure and developer contributions from new developments.

307. Given that three dwellings from Phase 4a of Kings Warren are to be foregone to make way for the village centre extension (and S106 contributions for these dwellings have already been provided) the S106 contributions have (where relevant) been calculated against 371 of the 374 dwellings proposed.

308. The following Heads of Terms are triggered by the development proposals (by policy requirement, evidenced requests or development impacts)

#### **Affordable Housing**

309. The Framework states that local planning authorities should use their evidence base to ensure that their Local Plan meets the full objectively assessed needs for market and affordable housing. It also states that policies should be set for meeting the identified need for affordable housing, although such policies should be sufficiently flexible to take account of changing market conditions.
310. Core Strategy Spatial Objective H2 seeks to provide a sufficient and appropriate mix of housing that is affordable, accessible and designed to a high standard. Core Strategy policy CS9 requires 30% of the proposed dwellings (111.3 dwellings in this case) to be 'affordable'. The policy is supported by Supplementary Planning Guidance which sets out the procedures for considering and securing affordable housing provision (including mix, tenure, viability and S106).
311. Core Strategy Policy CS9 requires 111.3 of the 371 dwellings (net) to be secured as 'affordable' (70% (78no) for affordable rent and 30% (33no) for shared ownership (0.3 units to be provided by means of a commuted payment to be used towards delivery of affordable housing elsewhere).

*Education*

312. The Framework states the Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. It advises that Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education.
313. Core Strategy Policy CS13 (b) considers educational requirements as a key infrastructure requirement.
314. The Local Education Authority (Suffolk County Council) has confirmed there is no capacity at the existing St Christopher's primary school (including with its planned extension) to accommodate the additional pupils forecast to be resident at the proposed development. They have also confirmed the school would be stretched beyond its capacity in the next few years owing to 'natural growth' in pupil numbers in the catchment and pupils arising from other committed new development in the village.
315. The Education Authority has made a decision to provide a second primary school in the village in order to tackle the shortage of school places. The Authority is presently scoping the village for potential sites for a new school with a view to acquiring the land and erecting a new school as soon as possible (currently forecast to be the start of the 2017/2018 academic year). In the meantime and in order to accommodate pupils arising from this development proposal for 374 dwellings (371 net) whilst a site is acquired and a new school is built, the Authority has requested the applicant provides St Christopher's' school with a parcel of land (currently benefiting from planning permission for housing development – Phase 4a Kings Warren) located adjacent to the school site on a temporary basis to ensure pupils generated from the proposed development can be provided with a school place whilst a new school is erected elsewhere. The applicants have agreed, in principle, to this request (on a temporary basis) and this land could be secured for these purposes as part of a S106 Agreement.

316. A request is also made for the developer to fund the provision of temporary classrooms directly attributable to the development. This is not considered to be a reasonable request when merely considered as a package with the over-provision of land to extend the school grounds. The applicants would provide the school a larger plot of land on a temporary basis than could reasonably be attributed to the impact of their development. The provision of the 0.8ha plot of land in its entirety is considered crucial to enable temporary classrooms to be provided at the school to cater for both the needs of the development and natural growth. The larger parcel of land would therefore be secured in lieu of the suggested cash contribution towards temporary classroom to balance the S106 contribution towards 'temporary primary education'. Whilst securing all of the 0.8ha of land would not strictly comply with the tests set out at Regulation 122 of the CIL Regulations (fairly and reasonably related in scale to the development proposals), it is a matter of planning judgement that securing all of the land is necessary to make the development acceptable in planning terms. The land can therefore reasonably be secured in its entirety as part of the S106 Agreement.
317. Whilst the Local Education Authority is already committed to providing a new primary school facility in the village owing to existing forecast demand for school places, these development proposals for an additional 371 dwellings (net) in the village will generate additional demand for primary school places such that any new facility would need to be enlarged to accommodate them. The Authority has forecast that the development proposals would generate 93 primary school pupils (one primary school pupil per four proposed dwellings) and has requested that a proportionate contribution (land and build costs) is secured from this development to be used towards the construction of the new primary school. Officers consider this request is reasonable, backed up with evidence and, thus, compliant with the CIL Regulation 122 legal tests.
318. Suffolk County Council has also confirmed a need for the development to provide a contribution to be used towards pre-school provision in the area to cater for the educational needs of pre-school children (aged 2-5) that are forecast to reside at the development. The Authority has confirmed there is no requirement for a contribution to be secured for secondary school provision.

Public Open Space

319. The Framework confirms that access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities.
320. Core Strategy Spatial Objective CS2 seeks to promote an improvement in the health of people in the District by maintaining and providing quality open spaces, play and sports facilities and better access to the countryside. Policy CS13 (g) considers provision of open space, sport and recreation as a key infrastructure requirement.
321. Saved Local Plan policies 10.2 and 10.3 address play space requirements and state such areas will be provided as an integral part of new residential development. It is also stated that provision will be made for a wider area than just the development site.

322. These Development Plan policies are supported via the adopted Supplementary Planning Document for public open space, sport and recreation. This document sets out the requirements for on-site and off-site provision and maintenance. In this case, 55,321 sq. m (5.53ha) of open space is provided as part of the development and a contribution of circa £1,198,537 is required and will be used for sport, recreation and open space provision/enhancement away from the site (£813,294 – predominantly for play space) and for maintenance (£385,243). The amount of 'open space' (of various category) proposed by the development is considered acceptable. A condition (or clause in a S106 Agreement) could be imposed upon any planning permission granted to ensure the open space area provided at the site is properly provided, managed and maintained.

Libraries

323. The Suffolk County Council has identified a need to provide library facilities for the occupiers of this development and has requested a capital contribution of £80,136.

Health

324. The NHS Property Services has confirmed (paragraph 37 above) the development proposals would impact upon the delivery of health services at the catchment GP surgery. They have confirmed there is a capacity deficit in the area and a developer contribution of £130,000 would be required to mitigate the impact of development. This could be secured as part of any S106 Agreement.

Transportation

325. As reported earlier in this report, the Local Highway Authority has requested development contributions towards traffic calming in local villages (£45,000). Following receipt of sufficient justification for this request, the proposed obligation is considered to meet the CIL Regulation 122 legal tests.

326. The implementation of the travel plan and collection of related monitoring fees could be secured as part of the planning obligation.

Other

327. Other obligations to be secured as part of a S106 Agreement (on the assumption that Members resolve to grant planning permission) will include the following;

- Conversion of the Stone Curlew Mitigation site (Herringswell)
- Replacement planting to compensate for trees felled at the Mitigation site (timing of new planting at the two sites at Herringswell and Red Lodge)
- Phasing (timing of delivery of various features, including the village centre extension and footpaths).
- Securing construction vehicle access route over third party land.

*Development Viability*

328. The Framework states under the heading of 'Ensuring viability and deliverability' (paragraph 173);

*"Pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-taking. Plans should be deliverable. Therefore, the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable."*

329. The National Planning Practice Guidance sets out the following advice on development viability:

*"Decision-taking on individual applications does not normally require consideration of viability. However, where the deliverability of the development may be compromised by the scale of planning obligations and other costs, a viability assessment may be necessary. This should be informed by the particular circumstances of the site and proposed development in question. Assessing the viability of a particular site requires more detailed analysis than at plan level.*

*A site is viable if the value generated by its development exceeds the costs of developing it and also provides sufficient incentive for the land to come forward and the development to be undertaken."*

330. The Growth and Infrastructure Act inserts a new Section 106BA, BB and BC into the 1990 Town and Country Planning Act. These sections introduce a new application and appeal procedure for the review of planning obligations on planning permissions which relate to the provision of affordable housing. Obligations which include a "requirement relating to the provision of housing that is or is to be made available for people whose needs are not adequately served by the commercial housing market" are within scope of this new procedure. The purpose of this legislative amendment is to unlock stalled developments that have 'unrealistic' planning obligation requirements by allowing the developer opportunity to review (and reduce) affordable housing requirements if it can be demonstrated that delivery of the development is being stalled on financial viability grounds. Whilst not directly relevant to this planning application (which is not a S106 Agreement review) it does serve to demonstrate the direction of travel for S106 Agreements and that viability (the ability to deliver housing development) is a material planning consideration which must be taken into account, particularly when negotiating financial contributions from developments.

331. The applicants forewarned officers of concerns about delivery of the scheme on viability grounds as early as October 2013, although a viability assessment was not received until February 2014. The viability report (which remains a confidential document) claims that the development proposals would not be deliverable with a 'policy compliant' level of S106

contributions (which in this case is circa £3.4M in financial contributions - including the now deleted public transport contributions - and 30% affordable housing provision).

332. There are no Development Plan policies that relate specifically to development viability although Core Strategy policy CS9 (Affordable Housing) states that targets for affordable housing provision are subject to viability being demonstrated, using whatever public subsidy may be available in the case. If the target cannot be achieved, the affordable housing provision should be the maximum that is assessed as being viable.
333. The Joint Affordable Housing Supplementary Planning Document provides further guidance about testing development viability, including commissioning independent advice, at the developers expense. In this case, the Council commissioned Peter Brett Associates (PBA) to critique the confidential viability assessment submitted by the applicant. Whilst PBA and the applicants' viability consultant could not reach agreement on the actual viability case, the applicants have agreed to the higher S106 package PBA is advising could reasonably be secured from the proposed development. As a baseline (and assuming a cash contribution of circa £3.4M for other obligations) PBA has concluded the development can afford to provide up to 14% of the dwellings as affordable (52 units) on the assumption that all of these units are for shared ownership.
334. Core Strategy Policy CS13 (Infrastructure and Developer Contributions) does not make any concessions on viability grounds so when this policy is considered alongside CS9 which does make those concessions, it suggests that where a viability case is demonstrated, it is the level of affordable housing that should be reduced. Indeed this approach is supported by the new provisions of the Planning Act discussed at paragraph 3 above.
335. Nonetheless, the provision of affordable housing is a key corporate and political priority of the West Suffolk Authorities and policy CS9 does require the maximum level of affordable housing should be provided from new developments, within the parameters of scheme viability. Furthermore the Affordable Housing SPD confirms, in cases where viability is demonstrated to justify a reduction in affordable housing provision, other obligations should be reviewed (on a priority basis) to establish whether the affordable housing offer could be increased.
336. A review of the other planning obligations sought from the development is therefore warranted to establish whether some of these potential S106 contributions would be better used for delivery of additional affordable housing units, without harm being caused or leading to an otherwise sustainable development becoming unsustainable as a consequence.

*Options for a Viable S106 Package*

337. On the assumption that the public transport contribution is not secured as part of the S106 Agreement, officers have reviewed the other planning obligations and concluded that S106 requests for contributions towards (some) 'public open space' provision (off-site financial contribution) could reasonably be set aside in favour of boosting the amount of affordable housing secured. The primary school contribution, early years contribution, libraries contribution, health contribution and other 'in-kind' contributions (i.e. on-site public open space contributions) would be retained in full. This



adjustment to the S106 package would enhance the affordable housing secured (assuming all are shared ownership) from 14% (54 units) to 17% (circa 74 units). The full impact of the suggested adjustments on the S106 package is illustrated in the table below.

<b>Obligation</b>	<b>PBA viable position</b>	<b>Officer adjustment</b>
Public open space on site)	5.53ha	5.53ha
Public open space (contribution)	£1,198,537	£437,107
Affordable housing provision (assuming all in shared ownership)	14% (54 units)	17% (74 units)
Primary School	£1,508,416	£1,508,416
Secondary School	£0	£0
Pre-School	£225,367	£225,367
Libraries	£80,136	£80,136
Health	£130,000	£130,000
Transport (excluding travel plan)	£355,000	£45,000
<b>Total package</b>	<b>£3,497,456 + 14% AH</b>	<b>£2,426,026 + 17% AH</b>

338. Given that costs and values in the housing market are constantly changing and that S106 contributions would be secured at a level below a policy compliant position, review clauses could be inserted into the Agreement to ensure scheme viability is re-reviewed at various key stages. Such clause would ensure that any improvement in the viability (profitability) of the scheme over time would lead to additional affordable housing being secured (i.e. over the 17% secured from Phase A) from later phases of the development.
339. Members will note that 100% of the affordable housing units have been assumed with 'shared ownership' tenures for the purposes of the viability modelling exercise. The adopted affordable housing SPD confirms the Strategic Housing Market Assessment demonstrates that need for affordable housing is biased towards affordable rent tenure. The SPD therefore advises a 70/30 ratio of affordable rent/shared ownership tenures be secured from developer led affordable housing contributions. The applicants have indicated they are content for the Council to decide upon the most appropriate tenure mix for inclusion in the S106 Agreement, but given that Housing Associations are generally able to afford to pay less for affordable rent tenures than shared ownership products, this would have implications for the total number of affordable units that could be secured. The impact predicted by the applicants is illustrated in the table below;

<u>Officer adjusted S106 package</u>	<b>100% shared ownership</b>	<b>70% affordable rent and 30 % shared ownership</b>
<b>Percentage (number) of affordable units secured from the development</b>	17% (63)	14% (52)

340. The Council's Strategic Housing Team has considered the question of whether it would be preferable to secure a higher number of affordable shared ownership units or a lower level of affordable housing but a tenure mix (70% affordable rent and 30% shared ownership) that better meets identified need. The team concluded the mix which secures the affordable rent tenure should be secured despite the fact that lower numbers would be secured overall. The Team added that should Members consider it appropriate to secure a lower level of affordable housing from the 30% policy compliant level, they would like opportunity to review the affordable housing mix to be secured given the reduction in numbers of units that would be secured. This could be negotiated as part of the S106 negotiations with the applications with changes to the layout of Phase A being only minor in nature and resolved post committee.

*Summary*

341. The viability of the scheme does not allow for a policy compliant level of S106 contributions to be gained from the development. However, in accordance with Government policy (paragraph 173 of the NPPF in particular), whilst counting as a dis-benefit of the scheme in the planning balance, the adjustment in the S106 package is not so significant that the proposals would be deemed unsustainable and cannot therefore cannot on its own justify a refusal of planning permission.

342. With the S106 provisions in place, the effects of the proposals upon local infrastructure, including affordable housing, open space, recreational facilities, libraries, highways and local education, would be acceptable. The proposal would comply with Core Strategy Policy CS13 by which the provision or payment is sought for services, facilities and other improvements directly related to development. The proposed planning obligations are considered to meet the CIL Regulation 122 tests set out at paragraph 303 above.

**Conclusions and Planning Balance**

343. Development Plan policies relating to the supply of housing are out of date, by virtue of the fact that a five year supply of deliverable housing sites cannot be demonstrated.

344. With this background it is clear that permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole. There are no specific policies in the Framework which indicate this development should be restricted. National policy should therefore be accorded great weight in the consideration of this planning application, especially the presumption in favour of sustainable development, which officers consider this proposal represents.

345. Following the provision of the village centre retail facilities and St Christopher's Primary School, Red Lodge is now regarded as 'Key Service Centre' in the settlement hierarchy set out in the adopted Core Strategy (policy CS1). This village is thus regarded as a strategic location capable of accommodating sustainable growth through the plan period. Furthermore, it has been satisfactorily demonstrated (including via independent expert advice) that the embargo on new greenfield development in the village until 2021 cannot be justified in relation to this specific planning application.

346. In considering whether the dis-benefits of the proposed development would significantly and demonstrably outweigh the benefits, the three key components of sustainable development set out in the Framework (Economic, Social and Environmental) need to be considered together.
347. In relation to the economic role of sustainable development, the proposal would generate direct and indirect economic benefits, as housing has an effect on economic output both in terms of construction employment and the longer term availability of housing for workers. The development would provide additional infrastructure of wider benefit – including, education provision, libraries, traffic calming measures and public open space.
348. Officers have not identified any economic dis-benefits arising from the development proposals.
349. In terms of the social role of sustainability the development would enhance the local community and provide a level of much needed market and an element of affordable housing to meet the needs of present and future generations. A financial contribution towards the land and build costs of a new primary school in the village with early years and library facilities would also be secured from the proposals. The development would result in a built environment of high quality to complement that achieved from the adjacent 'Kings Warren' Masterplan development. The proposal would rely on and enhance the provision and accessibility of existing local services – both within Red Lodge and further afield.
350. The social dis-benefits of development include the pupils being educated in temporary classrooms for a period of time whilst a new school site is sourced and the facility provided. This is tempered somewhat by the fact that a new school facility will be required even without new development and the developer will be providing land to accommodate the inevitable temporary solution that would not otherwise be available, whilst a new school is provided.
351. The Environmental benefits of development proceeding include enhancements to ecology arising from development both at the housing site and Herringswell mitigation site. The development would also provide new native species planting at the two replacement planting sites (Red Lodge and Herringswell) and within the new built development.
352. In relation to the environmental dis-benefits, it is self-evident that the landscape would be changed as a result of the proposal albeit this would only be perceptible at the immediate location of the application site. This would be the case for any development on a greenfield site - which will inevitably have to happen in order to meet the pressing housing needs of the District. Good design and the retention of existing vegetation and provision of new planting would mitigate this effect to a degree. Longer landscape views of development would be very limited, if at all.
353. Development would lead to the permanent loss of agricultural land which is an environmental dis-benefit of the proposals, however, given the acknowledged poor quality of the soils, the significance of the loss is much reduced. The net loss of areas of woodland as a consequence of the mitigation proposals arising from development is also a dis-benefit

(although the woodland clearance and subsequent maintenance of the land at Herringswell would have potentially significant benefits for ecology).

354. The absence in the village of employment facilities for the new occupants of the proposed development and the consequential need to travel to places of employment (and for significant retail and leisure needs) is a significant environmental dis-benefit of the proposals. Whilst implementation of a travel plan could go some way to encouraging sustainable travel patterns, realistically this is unlikely to fully mitigate the impact of development.
355. The development proposals would have no significant effects upon the nearby Special Protection Area and impact upon Stone Curlews nesting outside the SPA designation is capable of mitigation. Furthermore, minor biodiversity enhancements could be achieved within the proposed development by various means.
356. The progress of the LDF has been slow to date owing largely to the successful challenge of the Core Strategy (CS7) in the High Court, and its future progress is uncertain, given that the Single Issue Review and Site Allocation documents have reached only the early preparatory stages in the process with public consultation yet to be carried out. In any event, there is no evidence that the proposal would be premature to or prejudice the development plan process.
357. The lack of a five year supply of deliverable housing land, combined with the historic (but not persistent) under supply of housing, is an important material consideration. To the limited extent that the evidence demonstrates material considerations against the proposal – essentially relating to the limited local landscape effects, loss of agricultural land of low quality, net loss of woodland planting, travel behaviour and a reduction in S106 contributions for affordable housing and off-site public open space provision as a consequence of financial viability – these dis-benefits are not considered to significantly and demonstrably outweigh the significant benefits of development and points clearly towards the grant of planning permission in this case.

## **Recommendation**

358. That outline planning permission is granted subject to:

The completion of a S106 agreement to secure:

- Affordable housing: 14% for Phase A with a tenure mix of 70% affordable rent and 30% shared ownership (and a revised housing mix to be agreed with the developer prior to release of any planning permission).
- Education contribution: £1,508,416 (towards land and build costs for a new primary school)
- Healthcare contribution: £130,000
- Open space contribution: circa £437,107 (dependant upon the housing mix of the later phases and development viability of the later phases).

- Phasing (including delivery and management of the circular footpath and delivery village centre extension and land required temporarily for St Christopher's Primary School)
- Travel plan implementation and monitoring.
- Delivery and management of the Herringswell Mitigation site and the 2 (no.) replacement planting sites.
- Provision of 0.8ha of land adjacent to St Christopher's Primary School for a temporary period for education use (precise term to be agreed with the applicant and Local Education Authority).
- Review and re-appraisal of the scheme proposals for viability (Phase A to be re-appraised if not implemented within a reasonable period, later phases (currently at outline stage) to be re-appraised at reserved matters submission stage (and re-appraised should a policy compliant scheme not be secured from later phases and the later phase/s are not implemented within a reasonable period)
- Right of passage for construction vehicles over third party land (the route as generally illustrated on applicants drawing number CN059-PH1-13 Rev00)

359. And subject to conditions, including:

- Outline time limit (later phases).
- 3-year commencement (Phase A)
- Reserved Matters to be agreed (appearance, scale, layout [including internal site layout of roads and ways] and landscaping)
- Compliance with approved plans.
- As recommended by the Local Highway Authority (not including S106 contributions)
- Archaeology – investigation and post investigation assessment.
- Contamination – further investigative work.
- Drainage details, including foul water and SUDS.
- Construction Management Plan.
- Details of boundary treatments.
- Use of materials as proposed (phase A).
- Details of Materials with subsequent Reserved Matters submissions (later phases)
- Detailed scheme of hard and soft landscaping, including the open spaces.
- Details of informal play equipment.
- Tree protection.
- Landscaping management plan.
- Recommendations of Ecological Assessment to be implemented.
- Provision of fire hydrants
- Waste minimisation and recycling strategy (including for demolition of

Hundred Acre Way)

- Quality assurance plan for each development phase, with particular focus on energy and water efficiency.
- Bin and cycle storage strategy
- Noise mitigation (later phases – dwellings adjacent to sports pitches)
- Ecological and Landscape Management Plan.
- Any additional conditions considered necessary by the Head of Planning and Regulatory Services.

360. That, in the event of the Head of Planning and Regulatory Planning Services recommending alternative (reduced) Heads of Terms from those set out at paragraph 358 above, the planning application be returned to Committee for further consideration.

361. That in the event the applicant declines to enter into a planning obligation in full or in part to secure the Heads of Terms set out at paragraph 358 above for reasons considered unreasonable by the Head of Planning and Regulatory Services, planning permission be refused for the following reasons (as may be appropriate):

i) Unsustainable form of development not mitigating its impact upon, education provision, open space, sport and recreation and libraries (contrary to the Framework and Core Strategy policy CS13 and saved Local Plan policy 10.3).

ii) Non-compliance with affordable housing policy (contrary to Core Strategy policy CS9 and supporting SPD document).

iii) Adverse impact upon the SPA and/or Stone Curlews nesting attempts outside the SPA.

## **Documents:**

### Application documents

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

<http://planning.stedmundsbury.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=ZZZZVSH HXB036>

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

### Other background documents

The following documents are attached to this Committee report as background documents;

- i) EIA Screening Opinion
- ii) Secretary of State Screening Direction
- iii) Habitats Regulations screening.
- iv) Independent Interim Sewerage Report (Technical Memorandum)

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