

# Forest Heath District Council

**DEVELOPMENT  
CONTROL  
COMMITTEE**

**1 OCTOBER 2014**

**DEV14/137**

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

**PLANNING APPLICATION DC/14/0692/FUL - ANIMAL HEALTH TRUST,  
LANWADES PARK, KENTFORD (PARISH OF MOULTON)**

## **Synopsis:**

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

## **Recommendation:**

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

## **CONTACT OFFICER**

Case Officer: Philippa Kelly  
Tel. No 01284 757382

# Committee Report

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**App. No:** DC/14/0692/FUL      **Committee Date:** 01 October 2014

**Date Registered:** 08 April 2014      **Expiry Date:** 08 July 2014

**Case Officer:** Philippa Kelly      **Recommendation:** APPROVAL

**Parish:** Moulton      **Ward:** South

**Proposal:** Erection of 41 dwellings (including 12 affordable units) and associated works to include highway improvements, landscaping, and one new and one relocated foul water pumping station. (Major Development and Departure from the Development Plan)

**Site:** Animal Health Trust, Lanwades Park, Kentford

**Applicant:** Bloor Homes/Animal Health Trust

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## **BACKGROUND:**

**This application is referred to Development Control Committee due to its complex nature which raises District wide planning policy issues.**

**The application is recommended for conditional APPROVAL following completion of a Section 106 agreement.**

## **APPLICATION DETAILS:**

1. This application seeks full planning permission for the residential development of forty one dwellings, including associated work - highway improvements, landscaping, and one new and one relocated foul water pumping station. It is proposed that an existing access onto the B1506 (Bury Road) will serve the development via an improved 'T' Junction.
2. The development is designed around a residential cul-de-sac. Residential units will include a mix of types and sizes, and comprise both two and two and a half storey properties. The scheme proposes a total of twelve affordable units (approximately 29% of the total dwellings). The detailed housing mix is set out in the submitted Planning Statement.

3. The scheme incorporates Public Open Space, which includes space around the edges of the scheme, amongst existing trees, and a green at the entrance to the site.
4. The density of the proposed development will average approximately 32 dwellings per hectare, based on a total site area of approximately 2.4 hectares.

#### **AMENDMENTS:**

5. During the course of the application, amendments and additional information were received. In addition, further site investigations were undertaken by the applicant, in response to initial consultation advice offered by the County Archaeological Officer.
6. In terms of the detailed scheme design, six two-storey dwellings were replaced by two and a half storey designs. Minor amendments were also made to the scheme layout, in response to consultation advice received from the County Highways Engineer. A cycle path connection is proposed linking two turning heads within the site, and timber bollards are to be provided to prevent inappropriate parking on the grass verge. Following discussions with the Council's Ecology, Tree and Landscape Officer, amendments were also submitted in respect of the proposed boundary treatment and landscaping within the site.
7. An addendum to the Planning Statement was also provided during the course of the application, in respect of Infrastructure and Sustainability issues. This additional report expands upon the information contained within the planning submission regarding the potential infrastructure impacts of the development proposal. It also provides an up-to-date assessment of infrastructure types in Kentford, and evaluates potential infrastructure impacts with specific reference to the 2009 Infrastructure and Environmental Capacity Appraisal (IECA) report. Members are reminded that the IECA report was held at the planning appeal relating to the 2012 Meddler Stud, Kentford planning application (reference F/2012/0766/OUT), to be the best available evidence at that time, in relation to infrastructure capacity within the District's settlements.

#### **SITE DETAILS:**

8. The application site relates to an approximately rectangular shaped parcel of land which is situated on the western side of the village of Kentford. The site has an area of approximately 2.4 hectares, and is presently used as a paddock. Its use is unrelated to the Horse Racing Industry.
9. The site is bounded by Bury Road, which runs parallel to the northern edge of the site. The recently built Jeddah Way residential development is situated immediately to the east. The Animal Health Trust site, which provides research facilities for the treatment of animals, is situated immediately to the south and west.
10. The site is generally flat, and comprises of open paddock which contains a small utility building. It is screened on all sides by established boundaries which contain mature trees and are visually prominent in the locality.

11. The site is accessed from Bury Road to the north, via an existing secondary access which serves the Animal Health Trust. Bury Road is classified as the B1506 and provides a link to Newmarket.
12. The site lies outside of the defined settlement boundary for Kentford. Kentford is designated as a Primary Village in the Core Strategy Policy CS1, and is served by a number of basic local services and facilities. These include a post office and convenience store, two public houses, St Marys Church and employment areas at the eastern and western ends of the village. The village has a population of 1,184 (Source - Infrastructure and Environmental Capacity Appraisal, 2009)

**APPLICATION SUPPORTING MATERIAL:**

13. The application is accompanied by the following documents:
  - i. Application forms and drawings – including location plan and site layout plan.
  - ii. Planning Statement.
  - iii. Infrastructure and Sustainability Report (addendum to Planning Statement).
  - iv. Design and Access Statement.
  - v. Geophysical Survey.
  - vi. Tree Survey.
  - vii. Affordable Housing Statement.
  - viii. Arboricultural Impact Assessment.
  - ix. Cultural Heritage Desk Based Assessment.
  - x. Flood Risk Assessment.
  - xi. Transport Statement.
  - xii. Travel Plan.
  - xiii. Statement of Community Involvement.
  - xiv. Waste Management Plan.
  - xv. Site Investigation Report.
  - xvi. Ecological Risk Assessment.
14. The Planning Statement which accompanies the application sets out the potential impacts arising from the development, and the mitigation measures which have been designed into the scheme. The statement advises that the development proposals will provide many benefits to the site and the wider community.
15. The supporting information provided by the applicant considers in detail the current planning policy context. It places significant weight on the National Planning Policy Framework ('the Framework'), with specific reference to the government's presumption in favour of sustainable development and the absence of a District wide five year housing land supply. The Infrastructure and Sustainability Report assesses the infrastructure impacts of the development against up-to-date evidence relating to infrastructure capacity within Kentford. These considerations are discussed in more detail within the Officer Comment section of this report.
16. Prior to the submission of the subject planning application, the applicant sought a separate formal screening opinion from the Council under the provisions of

the Town and Country Planning 'Environmental Impact Assessment' (EIA) Regulations 2011. A formal Screening Response was issued by the Council on 07 May 2014. This takes the view that the development as proposed is not EIA development. As a consequence an EIA was not required as part of the planning application submission.

**PLANNING HISTORY:**

- 17. None relevant to this application site.
- 18. Members are asked to note that there have been several proposals for development in Kentford over the last two years, as summarised below:

<b>PROPOSAL SITE</b>	<b>SIZE</b>	<b>STATUS</b>	<b>REFERENCE</b>
Kentford Lodge	60 dwellings	Members resolved to approve subject to S106 (February 2014).	F/2013/0051/HYB
Gazeley Road	90 dwellings	Members resolved to refuse (February 2014).	F/2013/0221/FUL
Jeddah Way	16 dwellings	Members resolved to approve subject to S106 (May 2014).	F/2013/0355/FUL
Meddler Stud	102 dwellings	Refused December 2012. Public inquiry September 2013. Appeal dismissed November 2013.	F/2012/0766/OUT
Meddler Stud	64 dwellings	Current planning application.	DC/14/0585/OUT

**CONSULTATIONS:**

- 19. Members of the public and statutory consultees were consulted in respect of the scheme as submitted. The following is a summary of statutory comments received.
- 20. **West Suffolk Strategic Housing – No objection. Comments.** The Strategic Housing Team fully supports the planning application within Kentford. It meets the requirements of the Council's CS9 Policy of 30% affordable housing and provides a good mix and tenure of affordable housing.

21. **West Suffolk Planning Policy – Comments.** The following is a summary of the comments received:

### **Policy context**

The Authority would rather advance the allocation of sites such as this one within the context of the Site Allocations Local Plan, (LP), frame-work so that the infrastructure requirements for this and other 'strategic' allocations throughout the LP period can be properly considered and its delivery appropriately phased. This site does lie outside of the settlement's 'development boundary' and as a consequence of this the proposal is in conflict with retained LP, (1995), Policy 9.1. However, at this time the Authority is only able to demonstrate a 3.4 year supply of deliverable housing sites. With regard to this point, the NPPF, (para. 49), is clear in that policies for the supply of housing, (including Policy 9.1), should not be considered up-to-date where a planning authority is unable to demonstrate that it has a five-year supply of deliverable housing sites.

Whilst the Authority continues to have a five-year land supply 'deficit', then para. 14 of the NPPF, (the presumption in favour of sustainable development), must be a key consideration when it assesses any planning applications pertaining to residential development. For decision-making purposes, this will generally mean granting planning permission unless:

- Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, or,
- Specific policies in the NPPF indicate that development should be restricted, (the 'specific' policies that are identified at footnote 9, page 4, of the NPPF would not appear to be relevant in the assessment of this particular application).

### **Assessing the Current Proposal**

There would appear to be three key elements to the assessment of the current proposal given the status of the Authority's various LP documents and taking into consideration the fact that the Authority is unable to demonstrate 5 year supply of deliverable housing sites at this time. These are:

#### **1. Considering the benefits opposed to the adverse impact(s)**

Undoubtedly, there are **societal** benefits to be accrued from permitting the current proposal. The residential units provided as part of the scheme can contribute to FHDC's objectively assessed housing needs, (and as such will have a positive bearing on Forest Heath's land supply status). The scheme also makes provision for 12 affordable units in accordance with Core Strategy Policy CS9 and this will potentially bring even greater societal benefit(s). Further, were the scheme to be permitted, it would be subject to appropriate/proportionate provision for infrastructure requirements that bring the development in line with the objectives of 'sustainable development'. Such provision can potentially offer even greater 'benefit' for the local **environment** and community of Kentford in more general terms.

The aforementioned and potential 'benefits' must be weighed against the potential 'dis-benefits'. Consideration needs to be given to the impact(s), (economic, environmental and/or societal), of the proposal, both in isolation and cumulatively, that are likely to arise from permitting residential development on a site within 'open countryside', (as far as existing/retained development plan policies are concerned).

2. Is the settlement's 'environmental capacity' sufficient to facilitate the current proposal sustainably at this time?

The emerging Single Issue Review, (SIR), settlement allocations, broadly speaking, accord with those contained within Core Strategy Policy CS7, (which itself was found to be 'sound' at the examination stage and subsequently adopted in May 2010). The fact that the 'original' growth strategy was found to be a 'sound' one would suggest that Kentford does have the 'environmental capacity' to deliver the current proposal for up-to 41 dwellings, (notwithstanding the fact that the 2009 IECA evidence base is dated and should be supplemented with appropriate subsequent information which may include other consultation responses to the current application).

The IECA study identifies a range of capacity of some 240-420 dwellings in the plan period to 2031. This would suggest that the environmental capacity exists to facilitate this and indeed other 'recent' development(s) that the Authority has permitted since the IECA was published. However, this is not to say that incremental infrastructure improvements/enhancements would not be required as the settlement grows. These would need to be properly considered and planned for and are, in essence, the reason why the Authority would prefer a 'plan led' approach to the allocation of such sites.

3. Would allowing this development prejudice FHDC's plan making processes?

The Planning Practice Guidance, (e-PPG), confirms that 'prematurity' arguments are unlikely to justify the refusal of planning permission unless it is clear that the adverse impact of granting permission would significantly outweigh any benefits – taking account of the policies of the NPPF. Such circumstances are likely, but not exclusively, to be limited to situations where both:

- 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 pre-determining decisions about the scale, location or phasing of new development that are central to an emerging LP.
- The emerging LP is at an advanced stage but is not yet part of the development plan for the area. Importantly, the PPG notes that refusal of planning permission on grounds of prematurity will seldom be justified where a LP has yet to be submitted for examination.

Mindful of the stage that the Council has reached in preparing its Site Allocations LP, (Regulation 18, Further Issues and Options stage), refusal of this application on the grounds of prematurity ought to be 'unlikely'. However, this does not mean that this application cannot be refused on prematurity grounds, for example, where it can be demonstrated that the adverse impacts likely to

arise if the scheme were permitted, (either in isolation or cumulatively), are so severe as to constitute reasonable justification for it.

In terms of cumulative impact, the 'Animal Health Trust' proposal needs to be considered alongside other 'recent' development(s) in and around Kentford and certainly within the context of the approval of 60 dwellings, (including employment land), at Kentford Lodge, (Herringswell Road).

The 'Kentford Lodge' development amounted to 38% of the settlements allocation within the context of the emerging Site Allocations LP document, (160 dwellings to 2031), or 36% of the emerging SIR LP Primary Village allocation of 168 dwellings in the plan period, (were all four Primary Villages to receive an 'equal share'). Were this proposal to be permitted, the cumulative scale of development on both the 'Kentford Lodge' and the 'Animal Health Trust' sites would amount to 101 dwellings, (or 60% of the SIR 'even split' allocation).

The question, therefore, is whether or not the settlement has adequate environmental capacity to deliver such a cumulative scale of growth in a sustainable manner? The IECA, (p.50, para. 5.17 of the main report), indicates that Kentford has a 'very poor' range of services currently, with most types of 'required' infrastructure currently not located in the village including sports pitches, allotments, playgrounds, library and many of the identified key local services. The IECA found that Kentford's lack of existing facilities is a constraint that will need to be addressed to bring forward growth. Further and in light of the lack of required infrastructure, any development that comes forward should be either minor or of a sufficient level to attract such services and facilities to the village as part of a larger development scheme, (IECA p.51, para.5.18 of the main report).

In a recent appeal decision, (issued before the 'Kentford Lodge' application was approved), that related to another Kentford application, ('Meddler Stud'), reference was made to 'tipping points' for specific items of infrastructure, (as evidenced by the IECA). The Planning Inspectorate cited real concern that any physical expansion of Kentford, without infrastructure improvements, would have an impact upon existing facilities that are already at tipping point. Informed by the IECA, the Inspectorate suggested a benchmark, lying in the range of 50-100 new dwellings, beyond which there would be a significant impact, (APP/H3510/A/13/2197077, para. 39). The inspectorate concluded that on balance, the appropriate location and scale of housing development for this 'small primary village' was a matter that should, and would, be properly and robustly addressed through the local planning process, (APP/H3510/A/13/2197077, para.56).

It can only be deduced that the approval of the 'Kentford Lodge' application, (60 dwellings), will have significantly 'depleted' any 'spare' capacity as envisaged by the Inspectorate at the time of issuing their decision pertaining to the 'Meddler Stud' proposal.

In isolation, permitting 41 dwellings may not be considered to have such a negative impact, (in economic, environmental and/or societal terms), that the plan making process has been 'prejudiced' to an extent whereby refusal is warranted, (on 'prematurity' grounds). However, it may well be considered that the cumulative scale of growth does justify this course of action on the basis



that the scale and location of further new development within Kentford would 'better', (properly and robustly), be achieved via the plan-making processes. After all, this was the conclusion drawn by the Planning Inspectorate prior to the approval of the 'Kentford Lodge' application.

If the Authority considers that the cumulative impact of development on the aforementioned scale is 'acceptable', (i.e. 60% of the SIR 'even-split' allocation), the decision must be appropriately evidenced via a thorough appraisal of infrastructure requirements to ensure that the development will be sustainable in the broadest sense.

### **Conclusions**

The Authority needs to consider/balance the benefits of the proposal against the adverse impacts, (in economic, environmental and/or societal terms).

There are **societal** benefits pertaining to this proposal in terms of addressing the district's market and 'affordable' housing needs. Further, appropriate/proportionate provision for infrastructure will be expected to help ensure that the proposal is delivered sustainably in **environmental** terms.

The cumulative impact of this proposal alongside other recent permissions has been considered and reference has been made to the Planning Inspectorate's assertion, (as evidenced by the IECA), that that any physical expansion of Kentford, without infrastructure improvements, would have an impact upon existing facilities that are already at tipping point. However, it could be that you consider that settlement expansion on this scale, (when considered in isolation or cumulatively with other 'recent' permissions/proposals), is of a level sufficient to attract/make provision for the 'required' services and facilities that make delivery 'sustainable', (in the broadest sense).

On balance, a plan-led approach, involving the phased delivery of requisite infrastructure in support of this and future proposals, (as advocated by the Planning Inspectorate), may well be preferable and of less detriment, (in economic, environmental and/or societal terms).

22. **West Suffolk Environmental Health - No objection. Comments.** If during development, contamination is encountered which has not previously been identified, then the Local Planning Authority should be contacted as soon as possible. It should be made aware that the responsibility for the safe development and secure occupancy of the site rests with the developer. Recommends conditions relating to the hours of site demolition and construction works, and the burning of waste material during site preparation and construction.
23. **West Suffolk Landscape Tree and Ecology Officer – No objection. Comments.** . A management plan for the open space will be required. This could include for the creation of an informal path through the space by possibly differential mowing. Amenity grassland should not be used in the woodland/ treed area. It is vital that trees are protected during the construction period. The revised landscaping plan shows a blue box in the open space at the entrance to the site. If this is a SUDs crate it is unacceptable. There are no designated sites within the application site however there are a number of

statutory sites within the vicinity. Habitats Regulations Assessment (HRA) has been undertaken. The ecology risk assessment report proposes enhancements which should be implemented on site. The recommendations of the ecology and bat report should be conditioned to ensure protected species are safeguarded. The condition should require the submission of an enhancement details plan as part of the management plan (required above). In addition condition details of lighting for light sensitive biodiversity – standard condition (D3.3) in BS42020:2013 to be submitted prior to commencement on site (the interest feature is bats). Recommends relevant conditions.

24. **Suffolk County Council Planning Obligations – No objection. Comments.** Detailed advice received on a range of planning matters, including S106 developer contributions:
- Primary Education - Contribution of £121,810 sought in respect of primary school provision.
  - Secondary Education - No contribution sought.
  - Pre-school Provision – Contribution of £24,364 sought.
  - Transport issues - See separate SCC Highways consultation response.
  - Libraries – Contribution of £8,856 sought.
  - Waste – A waste minimisation and recycling strategy should be secured by planning condition.
  - Supported Housing – Sheltered housing provision may need to be considered as part of the overall affordable housing requirement.
  - Sustainable Drainage Systems (SUDs) – SuDS should be incorporated into the development, in the interests of reducing flood risk, improving water quality and biodiversity/amenity benefits.
  - High Speed Broadband – All development should be equipped with high speed (fibre optic) broadband.
  - Fire service – Fire hydrant issues should be covered by appropriate planning conditions (see separate SCC Fire and Rescue consultation response).
  - Play space provision – Consideration will need to be given to adequate play space provision.
  - Legal costs - SCC will require reimbursement of its own legal costs.
25. **SCC Highways – No objection.** Recommends conditions/informatives.
26. **Suffolk Fire and Rescue Service – No objection. Comments.**
27. **Suffolk County Council Archaeological Services – No objection.** Recommends planning conditions relating to the implementation of an agreed programme of archaeological investigation.
28. **Anglian Water- No objection. Comments.** Recommends planning condition relating to foul water drainage strategy.
29. **Environment Agency – No objection.** Recommends planning condition relating to surface water drainage.

**REPRESENTATIONS:**

30. **Moulton Parish Council –Objects** to the application. Summary of comments made:

- At their meeting on 19 May, the Parish Council unanimously resolved that the proposals for the Animal Health Trust were premature, contrary to the ideals of sustainable development, and to both national and local planning policy, and should therefore be refused.
- The Parish Council is firmly of the view that this site should not be considered for new housing. Moulton Parish Council had previously decided that development on this site should be rejected. There was already sufficient new housing planned, and further development at this end of the B1506 should not be permitted. Further consideration should instead be given to the development of sites along the Bury Road in order to spread the housing throughout the development area.
- It was also considered that the plans for a large scale development in the vicinity of Kentford should be deferred until all the necessary infrastructure was in place.
- It is also imperative to assess this application in tandem with other new housing developments in Kentford. The cumulative effect of these multiple development must be considered, until such time as adequate infrastructure is in place, the proposals for new housing should be resisted on the grounds of prematurity. It was viewed that the cumulative effect of all the applications would be so significant that they would have the potential to be prejudicial, since the strategic element of plan making would be removed in favour of ad hoc decisions.

**A further submission was received on behalf on Moulton Parish Council on 18.09.14. The following is a summary of the issues raised:**

- Moulton Parish Council believes that the site at the Animal Health Trust should not be developed.
- The Meddler Stud Inspector found that 'there are genuine concerns about the long-term implications upon Kentford's infrastructure because of scale and location of the development'. In addition, the appeal decision stated that large scale applications in Kentford should not be made through the ad hoc planning application route.
- It is vital that this unique site, located outside the settlement boundary, should be preserved and any decision regarding its future should be made following a Site Specific Allocation consultation.
- The Director of the Suffolk Preservation Society pointed out in her submission dated 12/8 that taking a decision, in advance of the single issue review for the Core Strategy Housing Policy, would pre-empt the proper operation of the development plan process. In addition, the Meddler Stud Planning Inspector had noted that the physical expansion of the Kentford area (including Moulton End), without any significant infrastructure improvements, would have a detrimental impact on existing facilities, which were already at tipping point. Also, in the light of the multi applications agreed, submitted, or pending, the cumulative effect would be so significant that these had the potential to be

prejudicial, since the strategic element of plan making would be removed in favour of ad hoc decisions.

- Moulton Parish Council is firmly of the view that this application must be rejected. Despite the absence of a Local Plan and a five year supply of deliverable housing sites, it is demonstrably clear that the Animal Health Trust site would be unsustainable development on commercial, social and environmental grounds.
- The necessary infrastructure improvements to support an application of this size are yet to be put in place. Roads, schools, play areas, doctors and employment are lacking. (The District Council only recently approved plans to build more houses, instead of reserving the front of the Kennett Park site, by the Veterinary practice, for business use). Moulton School is full and there is no footway or cycle link between Kentford and Moulton.
- The NPPF outlines that the purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF includes as a core planning principle that policies and decision should always seek to secure a good standard of amenity for existing and future occupants of land and buildings. Should this application be approved the necessary amenities, and infrastructure would not be present for the future occupants of this proposed development.
- It is also important to assess this application in tandem with the other new housing developments which have recently been approved in Kentford (60 on the Herringswell Road & 16 at Kennett Park), and an additional 374 at Red Lodge. The cumulative effect of these multiple developments currently either approved, pending or on the radar, must be considered, and until such time as adequate infrastructure is in place, this application must be rejected as being unsustainable and premature.
- Moulton Parish Council is conscious of the Government's position with regard to the use of conditions and planning obligations. The NPPF states that planning obligations should only be used where it is not possible to offset unacceptable impacts of development through a planning condition. They should only be sought where they meet all of the following tests: necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. If, despite our submission, the local authority decides to ignore the view of the Parish Council and recommends approval of this application, the Parish Council is unanimous in its view that funding direct for Moulton School, which is already at capacity, to absorb the additional pupils, and better traffic management at the Bell at Kennett crossroads are essential. The B1506 Newmarket Road, Kentford is already very congested and any more traffic entering this road, from potential new development at the Animal Health Trust will result in gridlock at peak hours.
- Any development has the potential to impact upon services, facilities and amenity, and should be subject to a requirement to overcome the impacts. The developer will be expected to meet the costs of purchase,

installation and maintenance of such furniture including dog, waste and grit bins, and a parish notice board. Dog bins are an important sustainable feature, they promote clean streets and good quality living environments for all. Dog ownership is estimated in around 27-31% of UK households. A development of 41 dwellings therefore is likely to include over 10 dog owning households, and the inclusion of dog bin facilities, as well as other street furniture is essential.

- In addition, works to the existing mature trees around the site at the Animal Health Trust must be undertaken by the developer prior to works commencing on the new homes, and diseased and dying trees must not be incorporated into the scheme. A full arboriculture assessment should be a planning condition as well as a requirement for the Developer to undertake all the necessary tree works prior to the start of build.

31. **Kentford Parish Council – Objects** to the application. Comments: Kentford Parish Council has the same opinion as that expressed in Moulton Parish Council’s comments. In particular, the issue of lack of infrastructure within the village.

32. **Suffolk Preservation Society – Comments.** This application is for a development of 41 dwellings within the parish of Moulton, which is defined as a secondary village and therefore suitable for only ‘nominal housing growth’ (Core Strategy Policy CS1). Due to the site’s proximity to Kentford, the applicant has referred only to Kentford in the assessment of the site. CS1 defines Kentford as a primary village, and therefore suitable and to be able to take modest growth over the period of the plan.

The Society is concerned that the infrastructure improvements required to counter the Planning Inspector’s concerns in respect of the dismissed 2013 appeal decision for the Meddler Stud site in Kentford have not been forthcoming, and therefore contrary to CS1. Kentford does not have the capacity to accommodate this amount of growth. The proposed development of housing is unsustainable and also contrary to Core Strategy CS13.

The applicant’s submitted infrastructure report concludes that the existing infrastructure can accommodate the development. The Society stresses that in order to assess whether this development can be accommodated, it is imperative to consider it in tandem with other new housing developments. The cumulative effect of these applications would be so significant that they have the potential to be prejudicial since the strategic element of plan making would be in favour of ad hoc decisions. This is contrary to NPPF paragraph 17 which lays out a core principle of the planning system to be genuinely plan led.

33. One third party representation has been received, raising the following issues:
- Lack of footpath link near the NE corner of the site to Jeddah Way and onward to Moulton Road – this reduces the likelihood of integration with the existing local community, and will increase the number of car journeys by the new occupiers.

**POLICIES:**

## **DEVELOPMENT PLAN**

34. 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**

35. 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 partly 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 7** – Beck Row, Exning, Kentford, West Row

### **Spatial Objectives**

- **H1** – Housing provision
- **H2** – Housing mix and design standard
- **H3** – Suitable housing and facilities
- **C1** – Retention and enhancement of key community facilities
- **C2** – Provision and maintenance of open space, play and sports facilities and access to the countryside
- **C4** – Historic built environment
- **ENV1** – Habitats and landscapes and improving biodiversity
- **ENV2** – Climate change and reduction of carbon emissions
- **ENV3** – Promotion of renewable energy and energy efficiency
- **ENV4** – Design and architectural quality respecting local distinctiveness
- **ENV5** – Designing out crime and anti-social behaviour
- **ENV6** – Reduction of waste to landfill
- **ENV7** – Achievement of sustainable communities by ensuring services and infrastructure are commensurate with new development
- **T1** – Location of new development where there are opportunities for sustainable travel
- **T3** – Supporting strategic transport improvements

### **Policies**

- **Policy CS1:** Spatial Strategy
- **Policy CS2:** Natural Environment
- **Policy CS3:** Landscape Character and the Historic Environment
- **Policy CS4:** Reduce Emissions, Mitigate and Adapt to Future Climate Change.
- **Policy CS5:** Design Quality and Local Distinctiveness
- **Policy CS6:** Sustainable Economic Development and Tourism
- **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 CS13:** Infrastructure and Developer Contributions
36. Officer Note – Core Strategy Policy CS7 and, insofar as it relates to housing numbers, Policy CS1, relate to the supply of housing. In accordance with the National Planning Policy Framework they are considered to be out of date, given the fact that the Council cannot demonstrate a five year land supply.
37. Officer Note: The application site is a paddock associated with the Animal Health Trust. It is not directly related to the horse racing industry. Its re-development will not result in the loss of a facility that is connected with horse racing. On this basis, there is no requirement to assess this proposal against any of the Horse Racing policies.

### **Local Plan**

38. A list of extant saved policies from the Forest Heath Local Plan (1995) is set out at Appendix A of the adopted Core Strategy (2010). The following saved policies are relevant to these proposals:
- **Policy 9.1** – The Rural Area and New Development
  - **Policy 10.2** – Outdoor Playing Space

### **Other Planning Policy**

#### **Supplementary Planning Documents**

39. The following Supplementary Planning Documents are relevant to this planning application:
- Joint Affordable Housing Supplementary Planning Document (October 2013)
  - Open Space, Sport and Recreation Supplementary Planning Document (October 2011)

#### **Emerging Development Plan Policy**

40. The Council is in the process of finalising the details of two Development Plan Documents (Single Issue Review of the Core Strategy and Site Allocations Document). These documents will be the subject of a Local Plan Working Group meeting in October 2014.
41. Forest Heath District and St Edmundsbury Borough Councils 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 was the subject of an examination held in July 2014.
42. With regard to emerging plans, the National Planning Policy Framework ('the Framework') advises at Annex 1 that decision takers may give weight to relevant policies in emerging plans (unless material considerations indicate otherwise) according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the Framework, the greater weight that may be given.

Single Issues Review and Site Allocations Documents:

43. The Single Issues Review and Site Allocations documents were agreed by Members for consultation in November 2013. However, these documents have not been published for public consultation. On this basis, and in accordance with the advice offered in the Framework, they can be attributed limited weight in this planning decision.
44. Members are asked to note that, for the purposes of public consultation for the Site Allocations Document, the application site is actually a 'preferred site' (i.e. not excluded at this stage). However, this initial draft 'allocation' should not be attributed significant weight, given the uncertainty as to whether this site will actually be included in any later draft of the Plan that is submitted to the Planning Inspectorate for examination.

Development Management Policies:

45. The Development Management Policies document has been published. It has been the subject of public consultation, and has been formally submitted for examination. The policies were considered by an independent Inspector at an Examination which was held in July 2014. Accordingly, some weight can be attributed to this plan in the decision making process.
46. 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
  - **DM5** – Development in the Countryside
  - **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
- **DM18** – Conservation Areas
- **DM21** – Archaeology
- **DM23** – Residential Design
- **DM28** – Housing in the Countryside
- **DM41** – Community Facilities and Services
- **DM42** – Open Space, Sport and Recreation Facilities
- **DM44** – Rights of Way
- **DM45** – Transport Assessments and Travel Plans
- **DM46** – Parking Standards

47. Following review of the emerging Development Management Policies, and on the basis of the above evaluation, Officers consider that none of the policies are determinative to the outcome of this planning application. The Officer Comment below therefore does not include reference to these policies.

### **National Planning Policy and Guidance**

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

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

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

- *Approving development proposals that accord with the development plan without delay; and*
- *Where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:*
  - *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this framework taken as a whole;*
  - *or specific policies in this framework indicate development should be restricted.”*

50. This presumption in favour of sustainable development is further reinforced by advice within the Framework relating to decision-taking. Paragraph 186 of the Framework requires Local Planning Authorities to *“approach decision taking in a positive way to foster the delivery of sustainable development”*. 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.”*

51. The relevant parts of the Framework are discussed below in the officer

comment section of this report.

52. The Government published its National Planning Practice Guidance in March 2014 following a comprehensive exercise to view 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:**

53. This section of the report discusses whether the development proposed by this 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 benefit of the development proposals against the dis-benefits.

### **Principle of Development**

#### National Policy Context and Forest Heath's Five-Year Housing Supply

54. Paragraph 47 of the Frameworks 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.
55. 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.
56. Paragraph 49 of the Framework is fundamental to the evaluation of this planning application:  
  
*'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'.*
57. The surviving extant elements of Core Strategy Policy CS7 requires the provision of 6400 new dwellings in the period 2001 – 2021, and a further 3700 new homes in the period 2021 – 2031. As at March 2012, a total of 3089 dwellings had been completed since 2001. In order to meet the 6400 requirement, 3311 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.
58. It is acknowledged that the Council is currently not able to demonstrate a five-year supply of deliverable housing sites (the supply was recorded at 3.6 years

at March 2012 – or 3.4 years with a 5% buffer required by the Framework). There is little evidence of a significant recovery over the period since. The National Planning Practice Guidance advises 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) five-year housing supply in Forest Heath (as at March 2012) drops to approximately 3.15 years.

59. In the light of the Council not being able to demonstrate a five-year supply of housing, any extant Development Plan policies which relate to the supply of housing must be considered as being out of date. This includes the 'settlement boundaries' illustrated on the Inset maps attached to the Local Plan (Including the Inset Map for Kentford) and Development Plan policies which seek to restrict housing developments in principle. Such policies are therefore of little weight in the decision making process.
60. In such circumstances, planning applications for new housing development 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, advises in Paragraph 14 that planning permission should be granted unless *'any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole...'*
61. 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.
62. The Framework 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 proposals significantly and demonstrably outweigh the benefits, then planning permission should still be refused – even in areas without a five year supply of housing. This was demonstrated at the 2012 Meddler Stud appeal case in Kentford, where a proposal for 102 dwellings was dismissed (reference F/2012/0766/OUT and APP/H3510/A/13/2197077).
63. The absence of a five year supply of land lends significant weight in support of this development proposal, not least given the Government's aim to boost the supply of housing and to stimulate the economy. However, this does not mean that the absence of a five year supply of housing land is in itself sufficient justification to warrant the support of development elsewhere. The fundamental planning principle is that each case must be considered on its own merits.

#### Development Plan Policy Context:

64. Kentford is designated as a Primary Village within the Forest Heath Core Strategy (Policy CS1). Under this policy, limited housing growth to meet local housing needs is generally supported in principle. The subject application site relates to land which is outside of the defined settlement boundary of Kentford and as such is classified as countryside. The proposed residential development would therefore be contrary to retained policies within the Council's existing

local development plan - including Policy 9.1 of the Saved Local Plan (which allows residential development in rural areas in only certain specific circumstances).

65. The surviving elements of Core Strategy Policy CS7 provide for 11,100 dwellings and associated infrastructure in the plan period (2001 – 2031). The policy also confirms the phasing of development to ensure appropriate infrastructure is provided. Policy CS13 states that 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.
66. The Council's Planning Policy Officer, in consultation correspondence, confirms that the 'original' growth strategy in respect of the District's settlement hierarchy was found to be sound. This would suggest that Kentford has the environmental capacity to deliver the 41 dwellings proposed by this planning application.
67. In terms of the potential environmental capacity of infrastructure in Kentford, it was held at the planning appeal in respect of the 2012 Meddler Stud application (reference F/2012/0766/OUT) that the 2009 Infrastructure and Environmental Capacity Assessment ('IECA report') represents the best available evidence.
68. The IECA report 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.
69. The IECA report identifies a range of capacity in Kentford of some 240-420 new dwellings in the plan period to 2031 (although this would be subject to significant infrastructure improvements in line with growth). This would suggest that there is environmental capacity to facilitate not only the quantum of development that is proposed by this planning application, but also the other residential developments that the planning authority has already permitted (subject to the completion of a Section 106 agreement) in Kentford: 60 dwellings at Kentford Lodge (F/2013/0061/HYB) and 16 dwellings at Jeddah Way (F/2013/0355/FUL). It would also suggest that there is capacity for the residential development proposed by the current outline planning application for the development of Meddler Stud (the report for which is found elsewhere on this Agenda).
70. The IECA report suggests that, in broad terms capacity exists for the subject development. However, this is not to say that incremental infrastructure improvements/enhancements would not be required. Indeed, the Planning Inspector who considered the planning appeal in respect of the 2012 Meddler Stud planning application was informed by the evidence contained in the IECA report. It was his conclusion that given the pressure upon existing facilities identified by the IECA report as being at tipping point, there is a need to plan infrastructure improvements through the local planning process.
71. In terms of specific infrastructure issues, officers acknowledge that at the time of the planning appeal relating to the 2012 Meddler Stud application, the IECA

report was found to contain the most up-to-date information. However, given that the IECA report was written approximately 5 years ago, Officers are of the opinion that it can no longer be considered an accurate reflection of infrastructure provision within settlements. In the context of the subject planning application, officers have evaluated the IECA evidence against the advice contained in consultation responses, and the Infrastructure and Sustainability report provided by the applicant.

72. The submitted Infrastructure and Sustainability report explains the improvements which have been made to infrastructure provision in Kentford since the preparation of the IECA report, and the aspects of infrastructure which will be improved through the proposed development and its associated developer contributions. Whilst the report advises that Kentford's local infrastructure is able to accommodate the proposed development, these matters are considered in further detail in the relevant sections of this report.

### Sustainable Development

73. The objectives of the Framework and its presumption in favour of sustainable development are clearly fundamental to the consideration of the application, given that the District does not have a five year land supply for housing.
74. Parts 18 -219 of the Framework, taken as a whole, constitute the Government's view of what sustainable development means in practice for the planning system. This includes reference to the three dimensions to sustainable development:
- (1) **Economic** – contributing to building a strong, responsive and competitive economy;
  - (2) **Social** – supporting strong, vibrant and healthy communities; and
  - (3) **Environmental** – contributing to protecting and enhancing our natural built and historic environment.
75. The Framework explains at 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 locations.
76. Paragraph 9 goes on to explain that pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in peoples 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 biodiversity 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

77. This planning application has been submitted in advance of the Core Strategy Policy CS7 Single Issue Review and the Site Specific Allocations Document, which will determine future housing numbers and distribution within the District. The 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.
78. Some of the representations received during the course of the application raise concern that approval of this planning application would be premature - specifically that the development would prejudice the proper consideration of site options for development within Kentford - and that consideration of the application should await the adoption by the Council of an appropriate Local Policy Framework.
79. Officers note that in the context of the 2012 Meddler Stud appeal, the Planning Inspector made reference to policy guidance on prematurity contained within the 2005 document *'The Planning System: General Principles'*. Paragraphs 17 and 18 of this document state that a refusal of planning permission may be justifiable in some circumstances on the grounds of prematurity, where a Development Plan Document is being prepared or is under review, but has not been adopted. Such justifiable circumstances would be *'where a proposed development is so substantial, or where the community effect would be significant that granting planning permission could prejudice the DPD by predetermining decisions about the scale, location or phasing, of new development which are being addressed in the policy in the DPD...'*
80. Guidance on prematurity is not addressed directly by the Framework. However, more recent advice about the approach the decision maker should take is set out in the National Planning Practice Guide which was published in March 2014. This 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 it 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'.*

81. In the circumstances of this planning application, the development proposal of 41 dwellings represents 26% of the emerging Single Issue Review allocation for Kentford. This proportion of growth is considered relatively small when compared with other planning approvals which have been issued by Forest Heath District Council ahead of the plan making process.
82. Officers acknowledge that each settlement has its own unique characteristic (for example infrastructure 'tipping points') that govern its ability to accommodate growth and at what stage. Moreover, this development proposal needs to be considered cumulatively - with committed residential development on the Kentford Lodge and Jeddah Way sites (F/2013/0051/HYB and F/2013/0355/FUL respectively), and the current planning application for the Meddler Stud site (DC/14/0585/OUT). The cumulative scale of development on these sites amounts to 171 dwellings.
83. Officers do not consider the cumulative scale of residential development proposed in Kentford to be substantial in comparison to the overall quantum of development to be provided across the District, 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).
84. Given the context of the current guidance as outlined above, officers consider that it would be difficult to justify any decision that approval of this scheme would be premature. 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 that the proposed development would contribute towards the overall number of dwellings required by Core Strategy Policy CS7.
85. 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.

#### Summary

86. The absence of a five year housing supply in the District means that Development Plan policies which seek to restrict the supply of housing are deemed out of date by the Framework, and thus currently carry reduced weight in the decision making process. This means that the planning application proposals must, as a starting point, be considered acceptable 'in principle'.
87. 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). Even if it is concluded that the proposals would not be 'unsustainable' following analysis, further consideration must be given to whether the benefits of development outweigh its dis-benefits, as required by the Framework.

88. A balancing exercise is carried out towards the end of this section of the report as part of concluding comments. An officer evaluation 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.

### **Sustainable Transport/Impact upon the Highway Network**

89. National planning policy in relation to the transport planning of developments is set out in the Framework. Section 4, paragraphs 29 to 41 deal specifically with transport planning and the promotion of sustainable transport.
90. 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. Paragraph 32 of the Framework requires all developments that generate significant amounts of movements to be supported by a Transport Statement or Transport Assessment. It goes on to advise that development should not be prevented or refused on transport grounds, unless the residual cumulative impacts of development are severe.
91. Paragraph 34 of the Framework states 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 recognises that different policies and measures will be required in different communities, and opportunities to maximise sustainable transport solutions will vary from urban to rural areas.
92. 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 the partners (including developers) to secure necessary transport infrastructure and sustainable transport measures, and ensure that access and safety concerns are resolved in all developments. Spatial Objective T3 seeks to support strategic transport improvements serving Forest Heath, especially the A14 and A11 road and rail corridors, in order to minimise the adverse impacts of traffic on communities, improve safety, improve public transport facilities and ensure the sustainable development of the area is not constrained.
93. In the specific context of Kentford, the IECA report considers that the village has a reasonable road network, although acknowledges that the difficult access to Kentford railway station means that the majority of journeys from the village would be by car. The report identifies local highway works as 'fundamental and essential infrastructure' required for the level of growth associated with 500 new homes.

### **Access Arrangements**

94. The site is accessed from Bury Road from an existing access which currently



provides secondary access to the Animal Health Trust via a simple 'T' junction. The existing access is gated and appears to have limited use.

95. The IECA report notes that junction works would be required to accommodate development beyond 50-100 residential units. Although the scale of the proposed development falls below this threshold, the Transport Assessment which accompanies the application confirms that alterations will be made to the junction to serve the proposed development – a right turn filter lane will be implemented. This will allow eastbound traffic to decelerate and wait to turn into the site, without impeding the flow of through traffic.
96. Officers understand that the junction improvements were drawn up in consultation with the County Highways Engineer. The acceptability of this arrangement has been confirmed by the Highway Authority, subject to the alterations being carried out prior to occupation. A relevant planning condition can be recommended.

#### Impact on Highways Network

97. In accordance with the Department for Transport's best practice guidance, the Transport Assessment considers the impact of the proposed development on the existing highways network.
98. Whilst the development will generate a multi modal increase, the Transport Assessment confirms that this will not be measureable on the local road network. Officers are satisfied that transport users can be adequately accommodated on the local road network within the area, with the proposed improvements. In addition, officers note from the applicants Infrastructure and Sustainability report, that Suffolk County Council has applied to reduce the speed limit at the application site junction, from 60mph to 40mph.

#### Parking Provision

99. The proposed parking provision complies with and exceeds the Suffolk Advisory Parking Standards (2002). The submitted plans confirm that there will be seven additional parking spaces provided, beyond that which is required by the 2002 Standards. Cycle parking is also provided in a mix of cycle sheds within the rear garden, space within garages and cycle stands. One cycle space per unit is to be provided, in accordance with the 2002 Standards. Relevant conditions can be recommended to secure these levels of parking provision, in accordance with the advice offered by the County Engineer.

#### Public Transport

100. The IECA report noted that Kentford had reasonable public transport provision, and that it had the potential to be better. It also acknowledged that physical links to Kennett railway station are poor. Officers understand that since the IECA report was published, a footpath to the railway station has been provided, linking Kentford to Kentford railway station. This link will facilitate better access by foot. The Infrastructure and Sustainability Report provided by the application also identifies that local rail services have improved from the two hourly single coach railcar service which served the station at the time the IECA report was published – it is understood that as of May 2014, most services use

three coach trains. A new footbridge has also been constructed and cycle lockers are available at the station.

101. The application site is located close to bus stops, on routes 11 and 16, although it is understood that the bus service serving the village has remained the same since the publication of the IECA report.
102. The Travel Plan which was submitted as part of the application confirms that a number of public transport service options are available in Kentford. It also outlines the measures to be taken to encourage prospective residents of the scheme to use more sustainable means of transportation.

#### Summary

103. The Framework directs that applications should only be refused on transport grounds if the residential cumulative impacts of the development are severe. Officers are satisfied that the proposed development can be accommodated in highways terms, and will bring about local transport improvements which can be secured through planning conditions. In reaching this decision, Officers are mindful that the County Highways Engineer has raised no objection to the proposals.

#### **Flood Risk, Drainage and Pollution**

104. Policies for flood risk set out in the Framework aim to steer new development to areas with the lowest probability of flooding. The Framework policies also seek to ensure that new development does not increase the risk of flooding elsewhere.
105. 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.
106. 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 Schemes (SUDS) into all new development proposals, where technically feasible.

#### Flood Risk

107. The application site lies within Flood Zone 1 on the Environment Agency Flood Risk maps, representing an area at low risk of flooding and suitable for all forms of development.
108. The application submission included a Flood Risk Assessment (FRA). The FRA states that the proposals would not have an adverse impact on flood risk or drainage related issues. The Environment Agency, in consultation comments, has confirmed the acceptability of the submitted FRA, and raised no objection to

the proposals on flood risk grounds.

109. Surface water run-off from the site during construction may have the potential to cause local flooding. The submitted FRA advises that surface water run-off can be appropriately handled on the site, through soakaways and the use of permeable surfaces, without increasing flood risk elsewhere. In accordance with the advice offered by the Environment Agency, details of the surface water drainage scheme for the site, based on sustainable drainage principles, can be secured by way of planning condition.

#### Foul Drainage

110. The foul drainage from the development is in the catchment of Newmarket Sewage Treatment Works (STW). Anglian Water, in consultation correspondence, has confirmed that this STW has the capacity to treat the flows from the proposed site. A pumping station is proposed to serve the development.
111. The application is accompanied by a Pre-Planning Assessment Report which has been prepared by Anglian Water. This advises that part of the sewer at Anvil Way will require relaying to accommodate the proposed development. It is understood that this is to be paid for by the developer and the projected future revenues from the expected residents, by agreement with Anglian Water.
112. No objection to the development proposals has been raised by Anglian Water, subject to the recommendation of a planning condition regarding the details of the foul drainage strategy for the site.

#### Potable Water Supply

113. The IECA report does not consider potable water supply to be a significant constraint to development in Kentford, noting that it is well served by existing large diameter-mains.
114. The Pre-Planning Assessment Report assesses the capacity of the potable water network to supply the proposed development. It confirms that there is sufficient capacity in the water mains to be able to supply the development.

#### Sustainable Drainage Systems (SuDS)

115. The submitted Flood Risk Assessment sets out the measures which will be taken to minimise any risk of surface water flooding which may affect the application site and adjacent sites. The SuDS will operate independently of other systems in dealing with excess water, and will not adversely impact upon existing provision within the village. The Environment Agency has confirmed the acceptability of the SuDS.

#### Ground Contamination

116. The site has no history of ground contamination. In accordance with the advice offered by the Council's Environmental Health Officer, conditions have been recommended, should contamination be found during the construction process.

## Summary

117. The Environment Agency, Anglian Water Services and the Council's Environmental Health team 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. On this basis, the proposals are considered acceptable with regard to flood risk, surface water/foul drainage, potable water supply, SuDS and ground contamination.

## **Impact upon Landscape**

118. The Framework confirms the planning system should *inter alia* protect and enhance 'valued landscapes' and promotes development of previously used land, other than continuing the protection of formal Greenbelt designations (of which there are none in the District) 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.
119. Core Strategy Policies CS2 and CS3 seek to protect, conserve and (where possible) enhance the quality, character and local distinctiveness of the landscape, and refer to the Forest Heath Landscape Character Assessment to inform detailed assessment of individual proposals.
120. The application site is undeveloped land on the edge of the village of Kentford. It is outside the Kentford settlement boundary, and is situated in the countryside for the purposes of applying planning policies, including those set out in the Framework. The proposed residential development in the countryside is thus contrary to extant Development Plan policies which seek to direct such development to locations within defined settlement boundaries or allocated sites. Those policies which restrict the supply of housing are deemed to be out of date by the Framework, given the absence of a five- year supply of housing sites in the District.
121. The site is well screened from public viewpoints, with established tree and hedgerow boundaries along its sides, and has no distinctive landscape character or features of interest. Officers consider that the residential development of this parcel of land would not be out of context, given existing residential development to the immediate east. It is acknowledged that the landscape character will change irreversibly in the long term as a result of the development proposals. The extent of the visual impact of the proposed development on the landscape is considered acceptable, given that the site is generally well screened. This limits visual impacts to glimpsed views.
122. The precise details of the landscaping proposals can be secured by planning condition, should planning approval be forthcoming.

## Summary

123. Officers have considered the submitted documentation, and visited the application site and surrounding area. Whilst the proposals would irreversibly change the character of the immediate locality, the wider impact of the development proposals upon landscape quality and character are considered to

be acceptable.

### **Impact upon the Natural Environment**

124. 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.
125. 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. 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.
126. There are no designated sites within the application site however there are a number of statutory sites within the vicinity. These include Breckland Special Protection Area (SPA)(2.2km),
127. Habitats Regulations Assessment (HRA)  

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). The HRA has been undertaken by the local planning authority. This concludes that an Appropriate Assessment is not required.

### Ecology

128. An Ecological Risk Assessment accompanies the planning application. This advises that the site has limited habitable value, but notes that the surrounding boundary trees are suitable for roosting by protected bats. A Method Statement has also been prepared, explaining the measures to be taken to mitigate any disturbance upon bats at the site. Habitat enhancements are also proposed, which will complement the existing vegetation around the site in providing an enhanced habitat for wildlife.
129. The ecology risk assessment report proposes enhancements which can be secured by way of planning condition. In accordance with consultation advice received, conditions have also been recommended to ensure protected species are safeguarded.

### Trees

130. The application site is surrounded on all sides by mature trees which provide a significant natural screen for the development and contribute towards the

character of the site and its surroundings. The application submission confirms that the retention of the trees has informed the layout of the development proposals.

131. A number of the existing trees are to be removed to facilitate the development. Their replacement can be secured by planning condition, which will help to mitigate against the impact of the loss of existing trees. Officers are in general agreement with the submitted Tree Survey, Arboricultural Impact Assessment, Method Statement and Tree Protection Plan, which demonstrate that there are no arboricultural constraints that would preclude the development of the site.

#### Summary

132. On the basis of the above evaluation, officers are of the opinion that the development proposals would not have an unacceptable impact on the nature conservation value of the application site. Subject to the implementation in full of recommended mitigation and enhancement measures, as secured through relevant planning conditions, the proposed development is considered to satisfactorily address ecological issues.

#### **Impact upon the Historic Environment**

133. 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 interest.
134. The Framework advises that local planning authority'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. Core Strategy Spatial Objective aims to protect and enhance the Historic Environment. This objective is implemented through Policy CS3.

#### Archaeology

135. The proposed development affects an area of archaeological potential. The site is located on the edge of the historic settlement core, recorded in the Suffolk Historic Environment Record. It is also located in a topographically favourable location for early occupation for all periods, above the floodplain of the River Kennett.
136. The County Archaeological Officer, in initial consultation correspondence, advised that there is high potential for the discovery of important hitherto unknown heritage assets of archaeological interest within the application site. In accordance with the advice received, the applicant undertook a geophysical survey. This was submitted during the course of the application. The County Archaeological Officer subsequently advised that, on the basis of this

information, there are no grounds to consider refusal of planning permission in order to achieve preservation *in situ* of any important heritage assets.

137. In accordance with the advice offered, a condition can be secured to ensure a scheme of archaeological investigation. This would accord with Core Strategy Policy CS3 and the advice offered in the Framework with regard to the conservation of heritage assets of archaeological interest.

### Summary

138. Officers have considered the application proposals in the context of the impact on the historic environment. Subject to the recommendation of appropriate archaeological conditions as described above, the proposal would not cause significant harm to the historic environment.

### **Design of the Built Environment**

139. 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.
140. 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.
141. Saved Local Plan Policy 4.4 requires the layout and design of new housing developments to respect the established pattern and character of development in the locality.
142. The Design and Access Statement which accompanies the application explains how the development proposed responds to the site and its surroundings, with specific reference to the design principles of the scheme. These principles include accessibility, safe and accessible environments and sustainability. The Statement also provides detail about the design process for the scheme, and explains the evolution of the design approach in response to pre-application consultation.
143. The layout of the scheme has been designed so that the residential units face onto the existing mature trees that frame the site. A perimeter road gives easement between the properties and the trees. In addition the amenity value of the mature tree screens has been maximised by allowing this area to be retained with public access.

144. The architectural design of the dwellings takes reference from the local vernacular and building materials. Conditions can be recommended regarding the detailed design, including the type of materials to be used. Officers consider that the overall layout of the scheme responds well to the site and its surroundings – particularly the distinctive trees bordering it. The density of the proposals, at approximately 30 dwellings per hectare, is considered to make efficient use of land

#### Summary

145. Subject to planning conditions as described above, the proposals are considered to comply with relevant Development Plan policies in respect of design and layout.

#### **Impact upon Local Infrastructure (Utilities)**

146. 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*'.

147. 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'*.

148. Policy CS13 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). It concludes that all development will be accompanied by appropriate infrastructure to meet site specific requirements and create sustainable communities.

149. Matters relating to highways, education, health and open space 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 (waste water treatment and energy supply).

#### Waste Water Treatment

150. The Flood Risk Assessment (FRA) which accompanies the planning application advises that foul flows from the development will be connected to the Anglian Water public sewer network. Anglian Water has confirmed that there is capacity within Newmarket Sewage Treatment Works to cater for flows from the development. The application proposals include a pumping station, which will



be constructed on the site to cater for foul flows arising from the development.

### Energy Supply

151. The IECA report indicates that substation works may be required in order to secure extra capacity for new development in Kentford. Officers understand that the applicant has engaged with the electricity supplier, and that there is no capacity issue that prevents the development from proceeding.

### Summary

152. On the basis of the available evidence, the development proposal is considered acceptable with regard to impact on infrastructure (utilities).

### **Impact upon Residential Amenity**

153. The protection of residential amenity is a key component of good design. The Framework states (as part of its design policies) that good planning should contribute positively to making places better for people. The Framework also states that planning decisions should aim *inter alia* to avoid noise from giving rise to significant adverse effects on health and quality of life as a result of new development.
154. 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.
155. Following a visit to the site, officers are satisfied that the proposed development will not comprise the existing residential amenity currently occupied by residents of the nearby Jeddah Way development. In terms of prospective residential amenity, the proposed separation distance between dwellings across the site is approximately 25m. This is considered acceptable to ensure the privacy of occupants.
156. On this basis, and subject to a planning condition relating to construction hours and contractors working arrangements, the development proposals are considered acceptable with regard to residential amenity.

### **Sustainable Construction and Operation**

157. 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*'.
158. The Framework confirms planning has a key role *in helping shape 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. The document expands on this role with the following advice:

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

- *Comply with adopted Local Plan policies on local requirements for de-centralised 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.*
159. The importance the Government placed 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 the requirement for sustainable construction methods, and a range of expectations of new sites.
160. Documentation submitted in support of the application advises that waste arising from the construction process will be managed in accordance with a Site Waste Management Plan. This can be secured by way of planning condition.
161. On the basis of the above evaluation, officers are satisfied that the proposal is generally acceptable in terms of sustainable construction and operation.

### **Cumulative Impacts**

162. Members will be aware that there are currently two planning applications for residential development in Kentford, both of which are before the Committee for decision at this meeting. In addition, two residential development schemes have been approved in the village in recent months. In total, these schemes will provide 171 residential units.
163. Whilst the evidence base behind the Development Plan documents will assess potential cumulative impacts of any formal site allocations, no such assessments have been carried out with regard to the potential cumulative impacts of these planning applications.
164. This sub-section of the officer assessment considers potential cumulative impacts upon village infrastructure of the two current planning applications on this Committee Agenda (references DC/14/0692/FUL and DC/14/0585/OUT), and the previously approved schemes at Kentford Lodge and Jeddah Way (reference F/2013/0051/HYB and F/2013/0355/FUL).

### **Education**

165. The two current planning applications together (105 dwellings) would generate approximately 26 children of primary school age, once all dwellings have been built and occupied. The planning applications which have previously been approved would provide an additional 76 dwellings, which would generate additional children of primary school age.
166. The existing catchment primary school (Moulton Primary School) has reached capacity. By the time the construction of these developments is underway (if all are granted and commence early), the school will have filled its pupil place capacity, and there will be no surplus places available.
167. Suffolk County Council, in consultation correspondence, has raised no objection

to the development proposals. The County Council has advised that, in view of there being no surplus spaces available at Moulton Primary School, a financial contribution will be sought to provide additional facilities. Officers understand that this will take the form of temporary classroom provision. It is understood that there are no apparent constraints to the expansion of this site, which would prevent such provision.

168. The third party comments raising concern regarding primary school education provision are noted. The application proposals would provide funding to mitigate the impacts of the development on primary school provision, in accordance with the consultation advice offered on behalf of Suffolk County Council. Accordingly, the applicants have done all they can do (and that they have been asked to do), to mitigate the impact of their developments upon primary school provision.

#### Highways

169. Third party comments have raised concern regarding the highway impacts of the development proposals upon Kentford. The Local Highway Authority has raised no objection to any of the individual planning applications (subject to the imposition of planning conditions as referred to in the relevant section above).
170. The third party concerns are not supported by evidence, or a considered analysis of the nature of the possible impacts. In this context, Members are reminded that the Framework advises that new development should only be prevented or refused on transport grounds, if the residual cumulative impacts of development are severe.
171. Officers are satisfied that the application proposals would mitigate the impacts of the development on the highways network, by way of both planning conditions and developer contributions, which can be secured through the Section 106 process. Accordingly, the applications will mitigate the impact of the development upon the highways network.

#### Healthcare

172. NHS healthcare services in the Kentford area is organised by the West Suffolk Clinical Commissioning Group (CCG). The IECA report identified that a GP surgery in Kentford would help to improve available services and would also support new development. Based on the suggested standards, the report suggests that a GP could be supported with a population of 1,700 (equivalent to 213 new homes). Officers note that the cumulative level of growth proposed by these applications would be below the suggested standards to support a GP and surgery.
173. In terms of existing GP facilities in the Kentford area, the Infrastructure and Sustainability report submitted by the applicant advises that there are several doctors surgeries accepting new patients located within travelling distance of Kentford. Furthermore, it is understood that three of the five nearest surgeries are operating with a good ratio of GPs to patients. This would imply that there is capacity in existing GP provision to accommodate not only the residents arising from the proposed development, but the cumulative number of residents arising from other residential development schemes in Kentford.

174. With regard to dental provision, national standards for the provision of dental services recommend a ratio of one dentist per 2000 population. The IECA report suggests that Kentford could support a dentist after the completion of 337 dwellings. Officers note that this figure is in excess of the expected scale of growth for the village.
175. The Infrastructure and Sustainability Report submitted by the applicant advises that there are seven dental surgeries within close proximity to Kentford which are currently accepting new patients. This would imply that existing surgeries would be able to accommodate some of the population arising from the development proposals.

#### Open Space

176. The IECA report did not quantify the provision of amenity open space in Kentford, and did not assess whether it affected capacity for growth. However it did note that provision was limited, and that 'tipping points' had been reached with regard to these infrastructure types. The report noted that any new development should incorporate amenity open space.
177. All of the development schemes incorporate provision for open space – both in terms of on-site provision, and contributions in respect of off-site provision (secured through the Section 106 process). In this regard, the proposals are considered in accordance with Council's Supplementary Planning Document in respect of Open Space.

#### Landscape

178. Given the locations of these four housing development schemes around Kentford, no cumulative landscape impacts are anticipated.

#### Utilities

179. Anglian Water Services did not object raise objection to the development proposals, and has confirmed that there is adequate capacity within the system to accommodate the increased flows arising from the current planning applications. Officers are satisfied that the development proposals would not have adverse cumulative impacts upon the sewerage systems serving Kentford.
180. There is no evidence to suggest that there would be significant cumulative impacts upon water and energy (electricity) supplies to the village, given the respective capacities identified in the IECA report.

#### Summary

181. On the basis of the above evaluation, officers are satisfied that the cumulative infrastructure impacts of the proposed residential development (in terms of utilities, landscape, open space, healthcare, transport and education) would be acceptable. There is no evidence to demonstrate that the development proposal should be refused on these grounds.

### **Section 106 Planning Obligation Issues**

182. Planning obligations secured must be in accordance with the Community Infrastructure Levy Regulations 2010, which came into force on 06 April 2010. In particular, Regulation 122 states that a planning obligation may only constitute a reason for approval if it is:

- (a) Necessary to make the development acceptable in planning terms;
- (b) Directly related to the development; and
- (c) Fairly and reasonably related in scale and kind to the development.

183. These are the three principal tests set out in Paragraph 204 of the Framework and are of relevance in guiding the negotiation of planning obligations sought prior to the coming into force of the CIL Regulations. In assessing potential S106 contributions, officers have also been mindful of Core Strategy Policy CS13 and the Suffolk County Council guidance in respect of Section 106 matters, 'A Developers Guide to Infrastructure Contributions in Suffolk'.

#### Affordable Housing

184. 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.

185. 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 a target of 30% of the number of net new dwellings in residential schemes of 10 or more dwellings (or sites of more than 0.33 hectares) to be sought as affordable. This policy is supported by the Joint Affordable Housing Supplementary Planning Document (SPD), which was adopted by the Council in October 2013. This document sets out the procedures for considering and securing affordable housing provision (including mix, tenure, viability and Section 106 arrangements).

186. The application proposes 12 of the dwellings as 'affordable'. These are to be situated in the north-east corner of the development site. The following mix has been agreed:

<b>One bed flat</b>	<b>4</b>
<b>Two bed house</b>	<b>5</b>
<b>Three bed house</b>	<b>2</b>
<b>Four bed house</b>	<b>1</b>
<hr/>	
<b>Total</b>	<b>12</b>

187. In terms of housing tenure, the adopted SPD seeks a tenure split of 70% rented and 30% intermediate in Forest Heath, based on current housing needs evidence. The precise detail of the affordable housing scheme, including tenure mix and their transfer to a registered provider can be secured through the S106 planning obligation.

#### Education

188. The Framework, in Paragraph 72, places significant emphasis on the need to provide school places. In particular, local planning authorities are required to take a *'proactive, positive and collaborative approach'* giving *'great weight to the need to create, expand or alter schools'*. This approach is supported by Policy CS13 of the Forest Heath Core Strategy, which establishes requirements for infrastructure in the District, with *'new development...[being]...required to demonstrate that it will not harm the District's ability to improve the educational attainment...of Forest Heath's communities'*.
189. The Section 106 Developer's Guide to Infrastructure Contributions in Suffolk sets out the process by which contributions to school infrastructure will be secured. Contributions are based upon an assessment of existing capacity. In line with the policy approach summarised above, developer contributions would usually be sought to provide additional places generated by new residential development.
190. Education provision in Suffolk is currently in the process of a major restructuring: middle schools are being phased out and their functions are transferring to primary and secondary schools. In the Newmarket area, the transition took place during 2011 and 2012, resulting in the closure of Scaltback Middle School and St Felix Middle School in Newmarket. The functions of these schools were transferred, with Years 5 and 6 reverting to the primary schools, and Years 7 and 8 taken on by the secondary schools. The information contained within the IECA report relating to education is therefore out of date.

#### Pre School Provision

191. The Infrastructure and Sustainability report submitted by the applicant explains that there are several childcare settings located within convenient travelling distance from Kentford. Preschools are located in Kennett, Moulton, Gazeley, Barrow, Red Lodge and Newmarket. Officers understand that there are nine child-minders based within a five mile radius of Kentford.
192. The consultation response from the Suffolk County Council Planning Obligation's Manager anticipates that the proposed development will yield four pre-school age children. A contribution of £24 364 has therefore been requested by the County Council, to mitigate infrastructure demands generated by the development proposal.
193. The planning applicant has confirmed the acceptability of this request, which can be secured through the S106 planning obligation process.

#### Primary Schools

194. The local catchment primary school is Moulton CEVP. The County Planning Obligation's Manager has confirmed that there is currently forecast to be no surplus available at Moulton Primary School.
195. Officers understand that there are no apparent constraints to the development of the Moulton Primary school site. This suggests that there is space for future building expansion. On this basis, full contributions have been sought by Suffolk County Council (£121,810), to provide additional facilities for the 10

pupils which the proposed development is anticipated to yield. The planning applicant has confirmed the acceptability of this request.

#### Upper Schools

196. The catchment secondary school for the proposed development is Newmarket College. Officers are advised that there are currently forecast to be sufficient surplus places available at this school. On this basis, Suffolk County Council is not seeking contributions in respect of secondary school provision.

#### Libraries

197. Kentford is currently served by a monthly Mobile Library, which stops at Moulton Avenue, close to the application site. The village is also within travelling distance of Newmarket Library. In order to sustain a permanent library in Kentford itself, the IECA report suggests that over 1500 new dwellings would be required. This scale of growth is in excess of the anticipated level of development in the village, or the level identified in the emerging Core Strategy Single Issue Review.
198. Suffolk County Council has identified a need to provide library facilities for the occupiers of this development. A capital contribution of £8,856 has been requested. This can be secured through the S106 planning obligation. The applicant has confirmed the acceptability of this request.

#### Healthcare

199. Members are asked to note that a consultation response has not been received on behalf of the CCG in respect of this planning application. Officers understand that this is because the scale of residential growth proposed by the planning application is below the CCG's threshold of 50 dwellings units.
200. In the absence of formal consultation advice on behalf of the healthcare provider, it would not be reasonable to seek developer contributions in respect of health care provision through the Section 106 process.

#### Public Open Space Provision

201. 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.
202. Core Strategy Spatial Objective CS2 seeks to promote an improvement to 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.
203. 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. The policies also state that provision will be made for a wider area than just the development site. These policies are expanded upon via the Council's adopted SPD for Public Open Space, Sport and Recreation. This

document sets out the requirements for on-site and off-site provision and maintenance.

204. The proposed development incorporates areas of informal open space and formal open space suitable for children's play. The Council's Parks Manager has verbally confirmed the acceptability in principle of the quantum of on-site open space proposed. In accordance with the Council's Supplementary Planning Document in respect of open space, off site provision can also be secured by way of S106 agreement.
205. The planning applicant has confirmed the acceptability of entering into a S106 planning obligation to secure these elements.

#### Summary

206. The provisions as described above ensure that the effects of the development proposal on local infrastructure within Kentford, in terms of affordable housing, education, libraries and public open space, would be acceptable.
207. 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. Officers are satisfied that the proposed planning obligations meet the three tests of planning obligations set out in the Framework, and are therefore entirely justified.
208. The planning applicant has confirmed the acceptability of entering into a S106 planning obligation to secure these benefits. This is currently in draft form.
209. The requests for developer contributions as described above will ensure improvements to existing infrastructure within Kentford and the local area, to accommodate the growth of the village and meet the needs of the community, in accordance with Core Strategy Policy CS13. Officers are satisfied that they meet the three tests of planning obligations set out in Paragraph 204 of the Framework, and are therefore entirely justified. The planning agent has confirmed the 'in principle' acceptability of entering into a S106 planning obligation to secure these benefits.

#### **OTHER ISSUES:**

210. The third party comments have been dealt with above. In accordance with the consultation advice offered by the County Fire Officer, it is appropriate that fire hydrants are secured by way of planning condition.
211. Officers note the third party comments regarding the provision of a public footpath link from within the site to the Jeddah Way development to the east. The provision of an additional link was explored with the applicant. However it is understood that the applicant does not control all the land necessary to enable a footpath connection to be made. Whilst an additional link to existing development would be welcomed, its absence would not warrant the refusal of the scheme on these grounds.

#### **CONCLUSIONS AND PLANNING BALANCE:**



212. The development proposal has been considered against the objectives of the Framework and the government's agenda for growth (which identifies housing development as a key driver for boosting the economy), given that the Council does not currently have a five year land supply. This means that Development Plan policies relating to the supply of housing are out of date.
213. Against this background, national planning policy advice states that planning 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 that 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 this proposal is considered to represent.
214. Kentford has been identified as a Primary Village that can accommodate some growth within the Council's Core Strategy. The proposed development has a number of positive attributes which lend support to the scheme. The site layout shows that a satisfactory layout can be achieved. The design would be capable of achieving good design whilst respecting local character and appearance.
215. In terms of the economic role of sustainable development, the development would provide economic benefits – these relate to the creation of short term jobs in the construction industry, local spending likely to be generated by the proposed residents, and monies from the new homes bonus payments.
216. With regard to the social role of sustainability, the development would provide a level of much needed market and affordable housing to meeting the needs of present and future generations.
217. The infrastructure pressures generated by the proposed development have been carefully evaluated, with reference to the 2009 IECA report, and additional up-to-date evidence (including consultation responses and the applicant's Infrastructure and Sustainability report). Officers are of the opinion that the infrastructure which has been identified within the IECA report as being at a 'critical and fundamental/essential phase' can be satisfactorily mitigated without significant harm to the village.
218. The absence of capacity at the catchment primary school to cater for the pupils emerging from this development on a permanent basis is a dis-benefit of the scheme. The in-combination effects of this development with other planned developments in Kentford could have significant impacts on primary school education provision. However, in the absence of objections from the Local Education Authority, it would be difficult to robustly defend a reason for refusal on these grounds.
219. In the context of the environmental role of sustainable development, the landscape would be irreversibly changed as a result of the development proposals – although this would have only limited impact on the immediate environment. Good design and the retention of existing trees would assist in the mitigation of this impact. Furthermore, the site does not benefit from any specific ecological, landscape or heritage designation. On this basis, the effect on the character of the settlement is considered acceptable.

220. 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. 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.
221. The lack of a five year supply of deliverable housing land, combined with the historic under supply of housing, is an important material consideration. There are not considered to be any planning matters that would significantly and demonstrably outweigh the benefits of the scheme. Officers consider that the benefits of this development would outweigh the dis-benefits of the scheme, and point towards the grant of planning permission.
222. Having regard to the Framework and all other material planning considerations, with the S106 package as set out below (which is necessary for the development to be acceptable in planning terms), the proposal is considered to comply with the NPPF and Development Plan policy. The recommendation is one of approval.

**RECOMMENDATION:**

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

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

- Affordable housing – 12 units.
- Primary school contribution - £121,810.
- Pre school contribution - £24 364.
- Libraries contribution - £8,856.
- Open space contribution – to be confirmed.

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

**(2) And the following conditions:**

1. Time.
2. Compliance with approved plans.
3. Highways – details of vehicular access.
4. Highways – details of bin storage.
5. Highways – details of surface water drainage.
6. Highways – details of estate roads and footpaths.
7. Highways – details of carriageways and footways.
8. Highways – details of car parking and manoeuvring areas, including cycle storage.
9. Highways – visibility splays.

10. Archaeology – investigation and post investigation assessment.
11. Contamination – further investigative work if found.
12. Foul water disposal details.
13. Surface water drainage details.
14. Construction management plan.
15. Hours of construction.
16. Details of boundary treatment.
17. Samples of materials.
18. Detailed scheme of hard and soft landscaping.
19. Tree protection.
20. Details of tree works for retained trees.
21. Detailed Arboricultural Method Statement and Tree Protection Plan.
22. Open space management plan.
23. Details of lighting.
24. Recommendations of Ecological Risk Assessment and Bat Method Statement to be implemented.
25. Provision of fire hydrants.
26. Waste minimisation and recycling strategy.

**Documents:**

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

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

Case Officer: Philippa Kelly  
Tel. No 01284 757382