

Forest Heath District Council

**DEVELOPMENT
CONTROL
COMMITTEE**

3 SEPTEMBER 2014

DEV14/133

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

**PLANNING APPLICATION DC/14/0632/OUT – LAND NORTH OF MILDENHALL
ROAD, WEST ROW**

Synopsis:

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

Recommendation:

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

CONTACT OFFICER

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Parish: West Row **Committee Date:** 3 September 2014

App. No: DC/14/0632/OUT **Date Registered:** 9 May 2014

Expiry Date: 8 August 2014

Proposal: Outline application – residential development of up to 26 dwellings with new vehicular access and creation of a new footpath link along Mildenhall Road (Major Development and Departure from the Development Plan)

Site: Land North of Mildenhall Road, West Row

Applicant: Mr Matthew Potter

Case Officer: Peter White

Background:

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

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

APPLICATION DETAILS:

1. The application is in outline form, and seeks planning permission for residential development (up to 26 dwellings). The means of access only to the site forms part of the application, with all other matters reserved. The submitted plans indicate that access to the development will be via a 'T' junction onto Mildenhall Road. Whilst matters of appearance, landscaping, layout and scale are reserved for future detailed applications, the application supporting material includes an indicative site layout.
2. The application includes the provision of a footpath along the entire frontage of the site and part way towards to Beeches Road.
3. The density of the proposed development will be just over 18.2 dwellings per hectare, based on a maximum of 26 dwellings and a total site area of 0.7 hectares.

AMENDMENTS:

4. The Highway Authority sought a footpath along the entire site frontage to Mildenhall Road. The applicant has submitted amended plans which achieve this.

SITE DETAILS:

5. The application site is located in the northern part of West Row. It is on the northern side of Mildenhall Road. It lies adjacent to and to the east of the defined settlement boundary for West Row. West Row is designated as a Primary Village in the Core Strategy Policy CS1. At 2009 it had an existing population of approximately 1805.
6. The site occupies a rectangular parcel of land which measures approximately 0.7 hectares in size. It comprises a large open field which is largely flat. Whilst the site is designated as agricultural land, officers understand that in recent times it has not been actively farmed. As a consequence, the site has developed the characteristics of a self-naturalised grassland.
7. All four boundaries of the site have hedges on them. The southern boundary is completely lined with a mature hedge whereas the northern, eastern and western have small breaks in them. One tree has been identified on the north eastern corner of the northern boundary.
8. The opposite side of Mildenhall Road is largely agricultural fields with a variety of hedges and open grassland. There are residential properties to the south west of the site towards the corner of Mildenhall Road and Beeches Road.
9. Surrounding the site on the west east and northern boundaries are residential properties. There is a large open field on some of the northern boundary and it is unclear if this is residential garden land in planning terms.

APPLICATION SUPPORTING MATERIAL:

10. The application is accompanied by the following documents:
 - i. Application forms and drawings – including location plan and indicative site layout plan
 - ii. Planning Statement
 - iii. Design and Access Statement
 - iv. Tree Survey and Arboricultural Impact Assessment
 - v. Contaminated Land Survey Report
 - vi. Extended Phase I Habitat Survey
 - vii. Transport Statement
 - viii. Energy Statement
 - ix. Unilateral undertaking
11. The supporting information provided by the applicant considers in detail the current planning policy context. It places significant weight on the National Planning Policy Framework ('the Framework'), with specific reference to the government's presumption in favour of sustainable development and the absence of a District wide five year housing land

supply. These considerations are discussed in more detail within the officer comment section of this report.

PLANNING HISTORY:

12. F/88/812– Two bungalows – Refused and decision upheld at appeal.

CONSULTATIONS:

13. Members of the public and statutory consultees were consulted in respect of the scheme as submitted and as amended. The following is a summary of statutory comments received following consultation of the amended scheme (unless stated otherwise):
14. **West Suffolk Strategic Housing** - No objection. Supports the application. Requirement for 30% affordable housing under Council policies. This equates to 7.8 dwellings. The 0.8 units contribution is calculated at £5382
15. **West Suffolk Environmental Health** - No objection subject to conditions relating to hours of work, hours of use for generators, no burning, dust management, noise levels of Air Source Heat Pumps to be agreed.
16. **West Suffolk Ecology Tree and Landscape Officer** – No objection Detailed comments provided. Highlights that the illustrative layout does not show tree planting, amenity open space or Sustainable Urban Drainage (SUDs) provision. The recommendations of the ecology report should be conditioned to ensure protected species are safeguarded. Later details should include a scheme of ecological enhancement which could include bird boxes, enhancements for hedgehogs, bat boxes and some native planting.
17. **West Suffolk Leisure Services** - No objection. Confirmation that given the limited size of the proposed development that a commuted sum would be acceptable and should be allocated and spent within West Row.
18. **West Suffolk Sustainability Officer** – No objection subject to a condition which ensures the The development shall be constructed to accord with the minimum predicted energy and CO₂ savings set out in the EnPlanner Energy (ID: 1128).
19. **Suffolk County Council Planning Obligations** - Detailed advice received on a range of planning matters, including S106 developer contributions:
- Primary Education - Capital Contribution of £85,267 for the additional 7 primary school places for the expansion of the primary school.
 - Secondary Education - No contribution sought.
 - Pre-school Provision – Contribution of £18,273 sought for the additional 3 pre school places.
 - Transport issues - See separate SCC Highways consultation response.

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- Libraries – Contribution of £5,616 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.
20. **SCC Highways** – No objection subject to detailed conditions/informatives relating to the design of the access, bin storage, controlling surface discharge, estate roads and footpaths, management of HGV deliveries, cycle storage, parking and visibility splays
21. **Suffolk Fire and Rescue Service** – Comments. No objection. Recommends planning condition relating to the provision of fire hydrants.
22. **Suffolk County Council Archaeological Services** - No objection subject to conditions relating to an agreed programme of archaeological investigation.
23. **Mildenhall Internal Drainage Board** – No objection to the scheme in principle. However they would wish to see a detailed drainage design at the full planning stage.

REPRESENTATIONS:

24. **Mildenhall Parish Council** - Objects to the Planning Application for the following reasons:
- Plan queries
 - Residential Amenity
 - Traffic or Highways
 - The application is outside the Local Plan and the footpath is inadequate.
25. In addition, a total of three letters objecting to the application have been received from third parties, raising the following concerns:
- Too many dwellings proposed.
 - The proposed buildings are too close to the Cranford boundary and other boundaries have more separation.
 - The hedge on the western boundary is shared and not exclusively in the ownership of Cranford
 - The red line encroaches on Cranfords land.

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- The applicant states that there is no 5 year housing land supply but other houses will be built which will address this
- This site is outside of the Housing Settlement Boundary and other sites WR/25 are within the boundary
- The proposed footpath towards Beeches Road does not extend to Beeches Road and will require people to walk on the busy road.
- The scheme as shown will overlook properties, in particular Southview and other 18th and 19th Century character properties.
- Inadequate parking provision
- Mildenhall Road is very busy and the Transport Statement does not fully set this out
- The site should be less densely built upon
- How will existing hedges be maintained
- The development will not enhance the character and environment
- Ecological impacts.

POLICIES:

Development Plan

26. The following Forest Heath Local Plan (1995) saved policies are relevant in the consideration of this application:
- Policy 9.1 and 9.2 – The Rural Area and New Development
 - Policies 10.2, 10.3 and 10.5 – Open Space Provision
27. The following Forest Heath Core Strategy (2010) policies are relevant to the consideration of this application:
- Policy CS1: Spatial Strategy
 - Policy CS2: Natural Environment
 - Policy CS3: Landscape Character and the Historic Environment
 - Policy CS4: Reduce Emissions, Mitigate and Adapt to Future Climate Change.
 - Policy CS5: Design Quality and Local Distinctiveness
 - Policy CS9: Affordable Housing Provision
 - Policy CS10: Sustainable Rural Communities
 - Policy CS13: Infrastructure and Developer Contributions
28. Officer Note – Core Strategy Policy CS7 and, insofar as it relates to housing numbers, Policy CS1, relate to the supply of housing. In accordance with the National Planning Policy Framework they are considered to be out of date, given the fact that the Council cannot demonstrate a five year land supply.

Other Planning Policy

29. 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.

30. 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."*

31. In addition, Paragraph 49 states:

"Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up to date if the Local Planning Authority cannot demonstrate a five-year supply of deliverable housing sites"

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

OFFICER COMMENT:

Principle of Development

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

34. The Framework advises that where a Council does not have a five year supply of land, development plan policies for the supply of housing cannot be considered up to date. Forest Heath District Council cannot currently demonstrate a 5 year housing land supply - current housing land supply is 3.6 years. In these circumstances, Paragraph 14 of the Framework is of relevance. This supports the granting of planning permission for development proposals, unless *'any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole'*.

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

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

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

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

Sustainable Development

37. The objectives of the Framework and its presumption in favour of sustainable development are clearly fundamental to the consideration of the application, given that the District does not have a five year land supply for housing. The three dimensions to sustainable development (economic, social and environmental) and the importance of these overarching roles within the planning system are summarised in Paragraph 7 of the Framework. Within this context, Paragraph 17 sets out a number of core land-use planning principles that should underpin decision making.

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38. For the purposes of local planning policy, West Row is categorised as a Primary Village because of the type and nature of the available facilities and local services. This includes a primary school/ pre-school, one church, one chapel, one public house, two hot food takeaway, a local convenience store/post office, hair dressers and vehicle repair workshop. The principle of modest growth in West Row is accepted and has been established through Core Strategy Policy CS1.
39. The emerging Core Strategy Single Issue Review, (SIR), of Policy CS7 Submission, (Regulation 19), version consultation draft document, (the content of which was agreed by Elected Members for consultation in November 2013), allocates some 670 dwellings to the four Primary Villages in the period 2012 to 2031, (or 168 each based on an equal share). The emerging Site Allocations 'Further Issues and Options', (Regulation 18), consultation draft document, the content of which was also agreed for consultation in November 2013, allocates some 211 dwellings to West Row in the plan period 2012-2031. The site that is the subject of the current application was not identified as a 'preferred option' for development within the context of this draft Site Allocation document but the fact that the Authority is at such an early stage in the plan's preparation means that this should not prejudice the outcome of the assessment of the current application.
40. The IECA, (p.12 Final Report), identifies a broad range of capacity of some 140 -250 new dwellings for West Row in the plan period to 2031. This would suggest that the environmental capacity exists to facilitate not only this proposal, but also the other developments that the Authority has permitted, (in West Row), subsequent to the IECA's publication.
41. Although, in broad terms, capacity exists for this and other development, this is not to say that incremental infrastructure improvements/enhancements would not be required as and when 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. If the current proposal is to be permitted ahead of the plan-making process then it must make provision for infrastructure that brings it in line with the objectives of sustainable development in order that the potential for 'harm' is mitigated if necessary.

Environmental Capacity

42. The provision of services and facilities within the District's settlements has been the subject of investigation and assessment through the 2009 Infrastructure and Environmental Capacity Appraisal (IECA), which informed the local plan process. The IECA report considers the environmental capacity of settlements, and recognises the need for a mechanism to provide social, physical and environmental infrastructure to support growth. The report also considers settlement infrastructure tipping points, which are utilised to evaluate potential impacts on infrastructure.

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43. In terms of the environmental capacity of settlement infrastructure, it has been held at the Meddler Stud, Kentford planning appeal that the IECA report is the best available evidence. The Inspector's Decision Letter also provides useful guidance in respect of settlement tipping points. In the context of Kentford, the Inspector raised concern that any physical expansion of Kentford without infrastructure improvements would have an impact on existing facilities.
44. The IECA report acknowledges that West Row has a reasonable network of existing infrastructure for a primary village. Since the publication of the IECA study the play equipment in the centre of the village has been upgraded and invested in significantly. There are also no GP's or dentists which ordinarily a settlement of this size would be able to support. The report also recognises that the local transport network is a potential constraining factor to development.
45. In terms of the environmental capacity of West Row, the IECA report identifies capacity for some 140 – 250 new dwellings to 2031. The report notes that the rural road network is a constraint to high levels of growth (circa 100-200) without further mitigation.
46. The subject application proposes up to 26 new dwellings in West Row, which is well below the top end of the range considered by IECA to have a significant impact on existing infrastructure in the village. Officers have carefully considered the content of the IECA report, with specific reference to Appendix 5 which provides a break down of each type of infrastructure in West Row, and an assessment according to its capacity. This process has highlighted the following types of infrastructure as being at the 'critical' or 'essential' stage.

Critical Infrastructure - Healthcare Provision

47. The IECA report lists healthcare provision in West Row as 'critical' infrastructure being already at tipping point. National standards suggest that the village has sufficient population to support both a GP surgery and dental practice, although neither of these facilities are available at the moment.
48. Officers are aware that there is currently a capacity deficit in the catchment GP surgery (Mildenhall). Whilst it is acknowledged that the future population of the proposed development will add pressure on existing healthcare services - no consultee advice on this issue has been forthcoming because the scale of the development (up to 26 units) is below the threshold of 50 units which would ordinarily trigger a formal response on behalf of NHS Property Service Ltd. In the absence of formal advice on healthcare provision, officers do not consider it would be appropriate or reasonable to seek to require the development proposal to mitigate the capital cost to the NHS for the provision of additional healthcare services arising directly as a result of this development proposal.

Critical Infrastructure - Education

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49. The ongoing Schools Organisation Review and consultation advice received on behalf of Suffolk County Council supersedes the evidence contained in the 2009 IECA report with regard to the provision of education in West Row. Officers understand that that a critical infrastructure tipping point has been reached with regard to local primary school provision. West Row Primary School is almost at capacity but the primary school is capable of being expanded to take the additional pupils.
50. In terms of pre-school provision, it is the responsibility of the County Council to ensure that there is sufficient early year's provision for pre-school children. A capital contribution based on the potential number of places generated by the development proposal has been requested, to be secured by S106 agreement. The County Council has confirmed that these contributions would be invested in the local area to improve local early year's provision. The request for both primary school and pre-school contributions can be secured through the S106 process.
51. With regard to secondary school provision, the County Council has confirmed that there are sufficient surplus places available at Mildenhall College of Technology, which is the catchment secondary school which serves the proposed development.

Fundamental/Essential Infrastructure – Transport

52. Consultation advice received on behalf of the Suffolk County Council as Highway Authority has raised no objection to the scheme as proposed. The County Engineer has not requested developer contributions towards investment in public transport infrastructure. The scale of the development is not considered to cause any significant strain on the existing highway network. On the basis of this evaluation, officers are of the opinion that existing infrastructure in West Row is not under such severe pressure as to warrant the refusal of the scheme on these grounds.

Prematurity

53. The subject application has been submitted in advance of the Core Strategy Policy CS7 Single Issue Review and the Site Specific Allocations Document, which will determine future housing numbers and distribution within the District. The proposal therefore raises the issue of prematurity - specifically whether the development would prejudice the proper consideration of site options for development within west Row.
54. Relevant government advice on this matter is contained in the 2005 document 'The Planning System General Principles', which is a material consideration. The document advises that in some circumstances it may be justifiable to refuse planning permission on the grounds of prematurity, where a DPD is being prepared or is under review, but has not yet been adopted. This may be appropriate where the proposed development is so substantial or where the cumulative effects would be so significant, that granting permission could prejudice the DPD by predetermining decisions about the scale, location or phasing of new development which are being

addressed in the local plan policy.

55. The application site is split into two sites for the 2012 Strategic Housing Land Availability Assessment (SHLAA). Namely WR/05 and WR/06. It should be noted that the WR/05 site was excluded from the SHLAA as it was below the threshold of sites to be considered based on size.
56. The proposed development would represent approximately 12% (of 211) of the allocation for West Row as set out in the context of the emerging Site Allocations document. It is considered that this does not represent a significant proportion of the West Row allocation. Officers consider that the development scheme is well related to the village in terms of proximity to existing services and facilities, and would not cause unacceptable harm. Moreover, the environmental, social and economic benefits of the scheme are considered to outweigh concerns regarding prematurity. On this basis it would not be appropriate to object to the scheme on these grounds.
57. To summarise, it has been demonstrated that West Row has the environmental capacity to accommodate the proposed level of growth in a sustainable manner. Furthermore, the proposed new development will help to support the provision of a range of local services and as such encourage the vitality and viability of West Row. In the absence of a 5 year supply of housing land, the principle of the development proposal is considered justified, subject to the following assessment of planning matters.

Landscape Character, Design and Local Distinctiveness

58. This is an outline planning application; there is no assessment of landscape impact and no proposals for landscaping within the submission. However the proposals include for the retention of the existing hedgerows which contribute to the character of this part of the village. The illustrative layout sets the houses back from Mildenhall Road allowing for garden land to contribute to the village street scene.
59. The illustrative layout does not include opportunities for tree planting, for amenity open space, or for SUDs provision. The indicative layout also presents some issues with regard to accessing individual plots (plots 6 and 16). Other third party issues have been raised regarding balance of the layout and distance to surrounding dwellings. Officers could at this stage seek amended plans to the illustrative layout to satisfy themselves that up to 26 dwellings could be accommodated within the site. The points raised above are relatively minor and given the density of 26 dwellings would represent 18 dwellings per hectare it is not considered unreasonable that an entirely satisfactory reserved matters scheme could be agreed upon for Layout, Appearance, Landscaping and Scale.
60. On the basis of the above evaluation, officers are satisfied that the existing landscape character will not be compromised by the proposed development. The proposals are therefore considered to accord with

Policies CS3 and CS5 of the Core Strategy.

Residential Amenity

61. Comments have been received concerning loss of residential amenity to the scheme. The site does have adjoining residential properties and as such consideration to the potential loss of amenity is extremely important. As previously stated the application is only in an outline form and although it is supported by an illustrative layout the layout is only illustrative and is no way binding on what might be proposed at a reserved matter stage. The only matter being considered is access and the proposed footpath at the southern edge of the site. The internal layout and the internal road are not considered part of the application. They have been submitted by the applicant in an effort to help interested parties appreciate how the site could be developed. It is considered by officers that if outline consent is granted then the reserved matters of a residential scheme could be agreed which would not give any significant harm to surrounding properties.
62. Environmental Health have raised no objection to the scheme subject to the condition detailed above. Given the relationship of the site with existing properties, your officers do not consider it unreasonable to control the construction activities in terms of the hours of operation, when generators can be used on site, dust management and no burning on site. A relevant condition can be included. A condition around the location and noise levels of Air Source heat pumps is also considered appropriate and necessary.
63. Officers note that the Council's Ecology, Tree and Landscape Officer, in consultation advice, has commented that the submitted layout does not demonstrate how tree planting can be addressed. Third party representations have also raised concern regarding the potential impacts of the proposed development on existing residential amenity. It is an expectation that a full assessment of the potential impacts of the scheme on residential amenity will be carried out at the detailed planning stage when parameters such as building scale and layout are formalised. Officers consider that sufficient safeguards existing within the Development Plan and the NPPF to protect the interest of occupiers of existing residential properties.
64. On the basis of the above evaluation, officers are satisfied that the residential amenity of the occupants of existing properties should not be compromised by what is proposed.

Highway Issues

Access Issues

65. The proposed access forms part of the application. The submitted details demonstrate that the proposed new primary access onto Mildenhall Road is achievable without comprising highway safety. The Highways Engineer has confirmed the acceptability of this aspect of the scheme, subject to

the precise details of the new access arrangements, and the provision of visibility splays. These elements can be secured by planning condition.

Proposed Footpath

66. The application includes a proposed footpath on the northern edge of Mildenhall Road towards the corner of Beeches Road and Mildenhall Road. Due to the narrowness of the road and the lack of highway verge the footpath would finish approximately 25 metres short of the junction. During the application the proposal was amended to include another footpath that travels from the proposed access, on the northern side of Mildenhall Road towards Mildenhall which finishes at the boundary of the site. Although the footpath will not join with other footways on Beeches Road the applicant proposes the best length of footpath possible. The Highway Authority has not objected and officers are minded that this will improve the current pedestrian provision for existing residents on Mildenhall Road.

Parking Provision

67. Objection has been received concerning the level of parking. This objection is derived from the illustrative layout. The layout and the parking shown are not part of the application and as such are not binding on future applications if this outline application is granted. The Local Planning Authority would assess any future layout, and its parking provision against the relevant standards at that time.
68. The third party representations which raise concern regarding the potential highway impacts of the development are noted. Given that the Suffolk County Council as Highway Authority has raised no objection to the development scheme, it would not be reasonable for the local planning authority to raise an objection on highway grounds. In reaching this decision, your officers are mindful of government advice contained in Paragraph 32 of the Framework. This states that *'development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe'*.
69. Subject to the recommendation of appropriate planning conditions out above, the development proposal is considered appropriate in terms of highways issues.

The Natural Environment

70. There are no designated sites within the application site or within the vicinity. The applicant has submitted an 'Extended Phase 1 Survey'. The reports assess the impact of the proposal on habitats and species and includes recommendations to mitigate or safeguard against adverse effects. The Ecology Tree and Landscape officer has no objection to the scheme and recommends the ecology report should be conditioned to ensure protected species are safeguarded. However it is highlighted that the scheme proposes no ecological enhancements and it is considered that these should be required by condition. Such improvements could include bird boxes, enhancements for hedgehogs, bat boxes and some native

planting.

71. On this basis, the proposed development is considered to satisfactorily address ecological issues. The proposal is therefore in accordance with Core Strategy Policy CS2.

Environmental Issues

Contaminated Land

72. The entire application site has an agricultural history. The submitted ground contamination report suggests that there is little evidence to indicate that any of the site is contaminated. The Council's Environmental Health Officer, in consultation correspondence, confirms that there is no significant contamination risk but recommends a condition requiring further investigative work, should contamination be found during development.
73. Subject to the recommendation of the relevant conditions as detailed above, the proposed development is considered acceptable with regard to environmental issues.

Archaeology

74. The Suffolk County Council Archaeological Service has clarified that the proposed development affects an area of archaeological potential. The site lies within the historic core of West Row and there is high potential for encountering medieval roadside settlement.
75. The Archaeological Officer has no objection to the proposed development – subject to the recommendation of a two part archaeological condition, should approval be forthcoming.
76. Subject to the recommendation of the archaeological condition, the proposal is considered in accordance with Core Strategy Policy CS3 and the advice offered in the Framework with regard to the conservation of heritage assets of archaeological interest.

Section 106 Planning Obligation Issues

77. 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.
78. 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.

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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

79. The Council's Strategic Housing team has confirmed support for this development. The proposal triggers the requirement for up to 30% affordable housing under Policy CS9 of the Core Strategy, and the Council's Supplementary Planning Document (SPD) for Affordable Housing. Based on the proposal for up to 26 dwellings, this equates to 7.8 units (of which the 0.8 will be required as a commuted sum). This can be secured by way of S106 agreement, which can also include details of the tenure requirements.

Open Space Provision

80. The councils Leisure services have stated that given the limited size of the proposed development a commuted sum would be acceptable and should be allocated and spent within West Row

Education

81. The capacity of West Row Primary School to accommodate addition of pupils that are likely to arise from the proposed development is an important consideration. West Row Primary School is currently at capacity however the school is capable of being expanded to take additional pupils.
82. Suffolk County Council has expanded on its original comments by saying that whilst the primary school is capable of being expanded to take additional pupils, this is based on known development currently being promoted in the village and if a large developer-led application is submitted then the implications will need to be carefully considered. However it should be noted that the primary school adjoins farmland and subject to negotiation with the owner it may be possible to enlarge the school site in the event that a developer-led application necessitates that."
83. Based on the consultation advice offered by the Suffolk County Council Planning Obligations Manager has identified the infrastructure requirements associated with this scheme as £85,267 for primary school provision.

Pre School Provision

84. Suffolk County Council has identified the infrastructure requirements associated with this scheme as 18,273 for pre-school provision.

Libraries

85. A developer contribution of £5,616 has been sought by the County Council for libraries, with detailed calculations based on an average of 2.4 persons per dwelling.

Summary

86. The requests for developer contributions as described above will ensure improvements to existing infrastructure within West Row and the local

area, to accommodate the growth of the village and meet the needs of the community, in accordance with Core Strategy Policy CS13. Officers are satisfied that they meet the three tests of planning obligations set out in Paragraph 204 of the Framework, and are therefore entirely justified. The planning agent has confirmed the 'in principle' acceptability of entering into a S106 planning obligation to secure these benefits - subject to further discussion with Suffolk County Council regarding the scale of contributions to be secured in respect of primary school provision.

Other Issues:

87. The majority of third party comments have been dealt with above
88. In accordance with the consultation advice offered by the County Fire Officer, it is appropriate that fire hydrants are secured by way of planning condition.

Conclusion

89. The development proposal has been considered against the objectives of the Framework and the government's agenda for growth, which identifies housing development as a key driver for boosting the economy – particularly given that the Council does not currently have a five year land supply.
90. West Row has been identified as a Primary Village that can accommodate some growth within the Council's Core Strategy. The proposed development has a number of positive attributes which lend support to the scheme. The indicative site layout shows that a satisfactory layout can be achieved. The design would be capable of achieving good design with dwellings whilst respecting local character and appearance. The development would also provide economic benefits – these relate to the creation of short term jobs, local spending likely to be generated by the proposed residents, and monies from the new homes bonus payments. In addition it would bring about societal benefits in terms of contributing towards the objectively assessed housing need within the District.
91. The infrastructure pressures generated by the proposed development have been assessed. Officers are of the opinion that the infrastructure identified as at a critical and fundamental/essential phase can be satisfactorily mitigated without harm to the village. It would therefore be difficult to robustly defend a reason for refusal on these grounds. On this basis, the proposal is considered to constitute sustainable development as set out in the Framework. There are not considered to be any adverse planning matters that would significantly and demonstrably outweigh the benefits of the scheme. It is considered that on balance the environmental, economic and societal benefits which the scheme would bring would outweigh the prejudice to the plan making process.
92. 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:

93. The application was supported by a unilateral undertaking. The agent has stated that the signing of a S106 agreement to secure appropriate mitigation is entirely acceptable to his client.

That outline planning permission is **granted** subject to the following figures which are all "up to":

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

- Affordable housing - 7 units; contribution for 0.8 units
- Primary school contribution –£85,267 (indicative)
- Pre-school contribution - £18,273
- Libraries contribution - £5,616
- Open space contribution - £135,315
- The implementation of the complete footpath as shown on drawing no. WR – MR – 1.2 – Rev A before the first house is occupied

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

(2) And the following conditions:

1. Outline time limit
2. Reserved Matters to be agreed (appearance, scale, layout [including internal site layout of roads and ways] and landscaping).
3. Compliance with approved plans.
4. Highways – details of proposed access.
5. Highways – details of bin storage.
6. Highways – details of surface water drainage.
7. Highways – details of carriageways and footways.
8. Highways – details of car parking and manoeuvring areas, including cycle storage.
9. Highways – details of visibility splays.
10. Highways – details of estate roads and footpaths.
11. Retain garage/ parking spaces.
12. Archaeology – investigation and post investigation assessment.
13. Contamination – Work required if contamination is discovered
14. Development carried out in accordance with predicted energy and CO2 savings.
15. Detailed drainage details.
16. Construction management plan – to include details around hours of work, hours that generators are used, no burning, and dust management strategy.

WORKING PAPER 1

17. Details of the Air source heat pumps noise and location to be submitted to and agreed in writing with the LPA.
18. Details of boundary treatment.
19. Samples of materials.
20. Detailed scheme of hard and soft landscaping to be agreed and implemented.
21. Recommendations of Ayers Tree Services Tree Survey dated 8/5/2014 to be implemented.
22. Recommendations of Ecological Report to be implemented.
23. Details of ecological enhancements to be submitted to and agreed and implemented.
24. Provision of fire hydrants.
25. Details of the Sustainable Urban Drainage Strategy to be agreed and implemented.
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 7Y

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