

Development Control Committee



Forest Heath
District Council

Title:	Agenda		
Date:	Wednesday 6 July 2016		
Time:	6.00 pm		
Venue:	Council Chamber District Offices College Heath Road Mildenhall		
Full Members*:	<p style="text-align: center;">Chairman Rona Burt Vice Chairman Chris Barker</p>		
*Membership subject to confirmation by Council on 29 June 2016	<u>Conservative Members (9)</u>	David Bowman Ruth Bowman Louis Busuttil Stephen Edwards	Brian Harvey Carol Lynch Louise Marston
	<u>West Suffolk Independent Members (3)</u>	Andrew Appleby Simon Cole	David Palmer
	<u>UKIP Members (2)</u>	Roger Dicker	Peter Ridgwell
SITE VISITS WILL BE HELD ON MONDAY 4 JULY 2016 AT THE FOLLOWING TIMES:			
PLEASE NOTE - A coach will be provided for Members of the Committee to attend all the site visits listed below. Members are requested to convene at the District Offices, College Heath Road, Mildenhall at <u>9.00am</u> on Monday 4 July 2016 so that the coach can depart no later than 9.15am.			
<p>1. Planning Application DC/14/2073/FUL - Land Adjacent 34 Broom Road, Lakenheath 120 dwellings together with associated access, landscaping and open space, as amended. Site visit to be held at 9.30am</p>			
<p>2. Planning Application DC/15/0070/OUT - Rolfe's Coal Yard, Wilde Street, Beck Row Outline Planning Application (means of access to be considered) - up to 8 no dwellings and associated access. Site visit to be held at 10.00am</p>			
			Cont. overleaf

3. Planning Application DC/16/0317/VAR - Land Adjacent Smoke House Inn, Skeltons Drove, Beck Row

Variation of Condition 3 to enable occupation of Plot 151 before the completion of the Section 278 works, in association with planning application DC/14/1206/FUL: Proposed residential development of 166 no. market dwellings, including associated public open space, associated accesses, landscaping and ancillary works, including the part retrospective development of 24 residential units (as amended by drawings received 09 July 2015 which proposes 49 affordable housing units).

Site visit to be held at 10.20am

4. Planning Application DC/15/0802/FUL - Gymnasium Building, Herringswell Manor, Herringswell Road, Herringswell

Change of use of existing redundant gymnasium building to 15 dwellings (3 x one-bedroom apartments, 6 x two-bedroom apartments, 6 x three-bedroom apartments), residential office unit, new residential gym facility and ancillary works.

Site visit to be held at 10.50am

5. Planning Application DC/15/2120/FUL - Kininvie, Fordham Road, Newmarket

Erection of retirement living housing for the elderly (29 No. units), part one-and-a-half / part two-and-a-half / part single storeys, including communal facilities, landscaping and car parking (demolition of existing buildings), as amended.

Site visit to be held at 11.30am

Substitutes:	Named substitutes are not appointed
Interests – Declaration and Restriction on Participation:	Members are reminded of their responsibility to declare any disclosable pecuniary interest not entered in the Authority's register or local non pecuniary interest which they have in any item of business on the agenda (subject to the exception for sensitive information) and to leave the meeting prior to discussion and voting on an item in which they have a disclosable pecuniary interest.
Quorum:	Five Members
Committee administrator:	Helen Hardinge Democratic Services Advisor Tel: 01638 719363 Email: helen.hardinge@westsuffolk.gov.uk

**DEVELOPMENT CONTROL COMMITTEE:
 AGENDA NOTES**

Subject to the provisions of the Local Government (Access to Information) Act 1985, all the files itemised in this Schedule, together with the consultation replies, documents and letters referred to (which form the background papers) are available for public inspection.

All applications and other matters have been considered having regard to the Human Rights Act 1998 and the rights which it guarantees.

Material Planning Considerations

1. **It must be noted that when considering planning applications (and related matters) only relevant planning considerations can be taken into account. Councillors and their Officers must adhere to this important principle which is set out in legislation and Central Government Guidance.**
2. **Material Planning Considerations include:**
 - Statutory provisions contained in Planning Acts and Statutory regulations and Planning Case Law
 - Central Government planning policy and advice as contained in Circulars and the National Planning Policy Framework (NPPF)
 - The following Planning Local Plan Documents

Forest Heath District Council	St Edmundsbury Borough Council
Forest Heath Local Plan 1995	St Edmundsbury Borough Local Plan 1998 and the Replacement St Edmundsbury Borough Local Plan 2016
The Forest Heath Core Strategy 2010, as amended by the High Court Order (2011)	St Edmundsbury Borough Council Core Strategy 2010
Joint Development Management Policies 2015	Joint Development Management Policies 2015
	Vision 2031 (2014)
Emerging Policy documents	
Core Strategy – Single Issue review	
Site Specific Allocations	

- Supplementary Planning Guidance/Documents eg. Affordable Housing SPD
- Master Plans, Development Briefs
- Site specific issues such as availability of infrastructure, density, car parking
- Environmental; effects such as effect on light, noise overlooking, effect on street scene
- The need to preserve or enhance the special character or appearance of designated Conservation Areas and protect Listed Buildings
- Previous planning decisions, including appeal decisions
- Desire to retain and promote certain uses e.g. stables in Newmarket.

3. The following are **not** Material Planning Considerations and such matters must not be taken into account when determining planning applications and related matters:
 - Moral and religious issues
 - Competition (unless in relation to adverse effects on a town centre as a whole)
 - Breach of private covenants or other private property / access rights
 - Devaluation of property
 - Protection of a private view
 - Council interests such as land ownership or contractual issues
 - Identity or motives of an applicant or occupier
4. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that an application for planning permission must be determined in accordance with the Development Plan (see table above) unless material planning considerations indicate otherwise.
5. A key role of the planning system is to enable the provision of homes, buildings and jobs in a way that is consistent with the principles of sustainable development. It needs to be positive in promoting competition while being protective towards the environment and amenity. The policies that underpin the planning system both nationally and locally seek to balance these aims.

Documentation Received after the Distribution of Committee Papers

Any papers, including plans and photographs, received relating to items on this Development Control Committee agenda, but which are received after the agenda has been circulated will be subject to the following arrangements:

- (a) Officers will prepare a single Committee Update Report summarising all representations that have been received up to 5pm on the **Thursday** before each Committee meeting. This report will identify each application and what representations, if any, have been received in the same way as representations are reported within the Committee report;
- (b) the Update Report will be sent out to Members by first class post and electronically by noon on the **Friday** before the Committee meeting and will be placed on the website next to the Committee report.

Any late representations received after 5pm on the **Thursday** before the Committee meeting will not be distributed but will be reported orally by officers at the meeting.

Public Speaking

Members of the public have the right to speak at the Development Control Committee, subject to certain restrictions. Further information is available on the Councils' websites.

DEVELOPMENT CONTROL COMMITTEE DECISION MAKING PROTOCOL

The Development Control Committee usually sits once a month. The meeting is open to the general public and there are opportunities for members of the public to speak to the Committee prior to the debate.

Decision Making Protocol

This protocol sets out our normal practice for decision making on development control applications at Development Control Committee. It covers those circumstances where the officer recommendation for approval or refusal is to be deferred, altered or overturned. The protocol is based on the desirability of clarity and consistency in decision making and of minimising financial and reputational risk, and requires decisions to be based on material planning considerations and that conditions meet the tests of Circular 11/95: "The Use of Conditions in Planning Permissions." This protocol recognises and accepts that, on occasions, it may be advisable or necessary to defer determination of an application or for a recommendation to be amended and consequently for conditions or refusal reasons to be added, deleted or altered in any one of the circumstances below.

- Where an application is to be deferred, to facilitate further information or negotiation or at an applicant's request.
- Where a recommendation is to be altered as the result of consultation or negotiation:
 - The presenting Officer will clearly state the condition and its reason or the refusal reason to be added/deleted/altered, together with the material planning basis for that change.
 - In making any proposal to accept the Officer recommendation, a Member will clearly state whether the amended recommendation is proposed as stated, or whether the original recommendation in the agenda papers is proposed.
- Where a Member wishes to alter a recommendation:
 - In making a proposal, the Member will clearly state the condition and its reason or the refusal reason to be added/deleted/altered, together with the material planning basis for that change.
 - In the interest of clarity and accuracy and for the minutes, the presenting officer will restate the amendment before the final vote is taken.
 - Members can choose to
 - delegate the detailed wording and reason to the Head of Planning and Regulatory Services;
 - delegate the detailed wording and reason to the Head of Planning and Regulatory Services following consultation with the Chair and Vice Chair(s) of Development Control Committee.

- Where Development Control Committee wishes to overturn a recommendation and the decision is considered to be significant in terms of overall impact; harm to the planning policy framework, having sought advice from the Head of Planning and Regulatory Services and the Head of Legal and Democratic Services (or Officers attending Committee on their behalf)
 - A final decision on the application will be deferred to allow associated risks to be clarified and conditions/refusal reasons to be properly drafted.
 - An additional officer report will be prepared and presented to the next Development Control Committee detailing the likely policy, financial and reputational etc risks resultant from overturning a recommendation, and also setting out the likely conditions (with reasons) or refusal reasons. This report should follow the Council's standard risk assessment practice and content.
 - In making a decision to overturn a recommendation, Members will clearly state the material planning reason(s) why an alternative decision is being made, and which will be minuted for clarity.
- In all other cases, where Development Control Committee wishes to overturn a recommendation:
 - Members will clearly state the material planning reason(s) why an alternative decision is being made, and which will be minuted for clarity.
 - In making a proposal, the Member will clearly state the condition and its reason or the refusal reason to be added/deleted/alterd, together with the material planning basis for that change.
 - Members can choose to
 - delegate the detailed wording and reason to the Head of Planning and Regulatory Services
 - delegate the detailed wording and reason to the Head of Planning and Regulatory Services following consultation with the Chair and Vice Chair(s) of Development Control Committee
- Member Training
 - In order to ensure robust decision-making all members of Development Control Committee are required to attend annual Development Control training.

Notes

Planning Services (Development Control) maintains a catalogue of 'standard conditions' for use in determining applications and seeks to comply with Circular 11/95 "The Use of Conditions in Planning Permissions."

Members/Officers should have proper regard to probity considerations and relevant codes of conduct and best practice when considering and determining applications.

Agenda

Procedural Matters

Part 1 - Public

- 1. Apologies for Absence**
- 2. Substitutes**
- 3. Minutes** **1 - 6**

To confirm the minutes of the meeting held on 1 June 2016 (copy attached).
- 4. Planning Application DC/15/0070/OUT - Rolfe's Coal Yard, Wilde Street, Beck Row** **7 - 28**

Report No: **DEV/FH/16/012**

Outline Planning Application (means of access to be considered) - up to 8 no dwellings and associated access.
- 5. Planning Application DC/16/0317/VAR - Land Adjacent Smoke House Inn, Skeltons Drove, Beck Row** **29 - 52**

Report No: **DEV/FH/16/013**

Variation of Condition 3 to enable occupation of Plot 151 before the completion of the Section 278 works, in association with planning application DC/14/1206/FUL: Proposed residential development of 166 no. market dwellings, including associated public open space, associated accesses, landscaping and ancillary works, including the part retrospective development of 24 residential units (as amended by drawings received 09 July 2015 which proposes 49 affordable housing units).
- 6. Planning Application DC/15/0802/FUL - Gymnasium Building, Herringswell Manor, Herringswell Road, Herringswell** **53 - 90**

Report No: **DEV/FH/16/014**

Change of use of existing redundant gymnasium building to 15 dwellings (3 x one-bedroom apartments, 6 x two-bedroom apartments, 6 x three-bedroom apartments), residential office unit, new residential gym facility and ancillary works.

7. Planning Application DC/14/2073/FUL - Land Adjacent 34 Broom Road, Lakenheath 91 - 208

Report No: **DEV/FH/16/015**

120 dwellings together with associated access, landscaping and open space, as amended.

8. Planning Application DC/15/2120/FUL - Kininvie, Fordham Road, Newmarket 209 - 274

Report No: **DEV/FH/16/016**

Erection of retirement living housing for the elderly (29 No. units), part one-and-a-half / part two-and-a-half / part single storeys, including communal facilities, landscaping and car parking (demolition of existing buildings), as amended.

Development Control Committee



Forest Heath
District Council

Minutes of a meeting of the **Development Control Committee** held on
Wednesday 1 June 2016 at **6.00 pm** at the **Council Chamber, District
Offices**, College Heath Road, Mildenhall IP28 7EY

Present: **Councillors**

Ruth Allen	Roger Dicker
Chris Barker	Stephen Edwards
David Bowman	Brian Harvey
Ruth Bowman	Carol Lynch
Rona Burt	Christine Mason
Louis Busuttil	David Palmer

135. **Election of Chairman for 2016/2017**

This being the first meeting of the Development Control Committee since the Council's AGM on 11 May 2016 the Lawyer opened the meeting and asked for nominations for Chairman of the Committee for 2016/2017.

Accordingly, Councillor Brian Harvey nominated Councillor Rona Burt as Chairman and this was seconded by Councillor David Bowman.

With there being no other nominations and with the vote being unanimous, it was

RESOLVED:

That Councillor Rona Burt be elected Chairman for 2016/2017.

Councillor Burt then took the Chair for the remainder of the meeting and requested nominations for the election of Vice Chairman for 2016/2017.

136. **Election of Vice Chairman for 2016/2017**

Councillor Rona Burt nominated Councillor Chris Barker as Vice Chairman and this was seconded by Councillor David Bowman.

With there being no other nominations and with the vote being unanimous, it was

RESOLVED:

That Councillor Chris Barker be elected Vice Chairman for 2016/2017.

137. Apologies for Absence

Apologies for absence were received from Councillors Andrew Appleby and Simon Cole.

Councillor Louise Marston was also unable to attend the meeting.

138. Substitutes

Councillor Ruth Allen attended the meeting as substitute for Councillor Simon Cole.

139. Minutes

The minutes of the meetings held on 20 April 2016 and 4 May 2016 were accepted as an accurate record and were signed by the Chairman, with 10 voting for the motion and with 2 abstentions.

140. Planning Application DC/16/0317/VAR - Land Adjacent Smoke House Inn, Skeltons Drove, Beck Row (Report No: DEV/FH/16/010)

Variation of Condition 3 to enable the occupation of Plot 151 before the completion of the Section 278 works, in association with planning application DC/14/1206/FUL: Proposed residential development of 166 no. market dwellings, including associated public open space, associated accesses, landscaping and ancillary works, including the part retrospective development of 24 residential units (as amended by drawings received 9 July 2015 which proposes 49 affordable housing units.

This variation application was referred to the Development Control Committee as it related to a major application which was approved by the Committee at their meeting on 7 October 2015. A Member site visit had been held prior to the meeting in October.

Members had raised concerns at the October meeting at the proximity of the private accesses serving Units 151 and 152 with the Holmsey Green/A1101 The Street junction. Hence, they resolved as part of the application's approval to include an additional condition to restrict occupancy of these units until the relevant highways works were carried out.

The application before the Committee for determination was submitted following a breach of condition notice having been served by the Council as Unit 151 was now privately owned and occupied and the highways works were yet to have been fully completed.

The Principal Planning Officer – Major Projects explained that as a short-term solution the applicant had allocated the occupants of Unit 151 with temporary car parking adjacent to (vacant) Unit 149 and a raised kerb had been installed at Unit 151 to prevent off road parking. The applicant had assured the Planning Officer that Unit 149 would not be occupied until the highways works were completed in their entirety.

The Officer advised Members that they were not to re-open the debate on the determination of the application which was approved in October; they were purely to consider the variation application before them.

The Committee was also informed by the Officer that most of the highways works had been completed and that the Highways Engineer consulted with the variation application was in support of the temporary parking arrangement. Accordingly, Officers were recommending that the application be approved as set out in Paragraph 52 of Report No DEV/FH/16/010.

Councillor Ruth Bowman spoke against the application and voiced her displeasure that the applicant had breached their original condition not to occupy Unit 151. She moved that the Committee be minded to refuse the application, contrary to the Officer recommendation, due to the impact on highway safety if the condition was varied. This was duly seconded by Councillor David Bowman.

The Service Manager (Planning - Development) explained that in order to refuse the application the Council would have to demonstrate that the impact on highway safety was severe; and there was no evidence to suggest that. Accordingly, if Members were minded to refuse the application a risk assessment would have to be carried out for consideration at the next meeting of the Committee on 6 July 2016. The Officer added that an update on the timescale and details of the outstanding highways works could also be provided at the July meeting.

With 11 voting for the motion and with 1 abstention, it was resolved that

Members were **MINDED TO REFUSE THE APPLICATION CONTRARY TO THE OFFICER RECOMMENDATION OF APPROVAL** due to the impact on highway safety if the condition was varied.

141. **Planning Application DC/15/2120/FUL -Kininvie, Fordham Road, Newmarket (Report No: DEV/FH/16/011)**

Erection of retirement living housing for the elderly (29 No. units), part one-and-a-half / part two-and-a-half / part single storeys, including communal facilities, landscaping and car parking (demolition of existing buildings), as amended.

This application was referred to the Development Control Committee at the request of Councillor Andrew Appleby, one of the Ward Members for the Severals Ward.

In addition, Officers were recommending that the application be approved as set out in Paragraph 125 of Report No DEV/FH/16/011, which was contrary to the views expressed by Newmarket Town Council.

A Member site visit was held prior to the meeting.

The Principal Planning Officer – Major Projects, as part of his presentation, drew attention to Paragraph 93 of the report which outlined the number of

measures the applicant had taken to address the concerns raised by neighbours and to reduce the impact of the development upon them.

For the benefit of the Committee the Officer also made reference to Paragraphs 11 – 15 of the report and clarified the position of the Highway Authority. In that, they had initially objected to the application but following an amended (reduced) scheme and further information from the applicant they had withdrawn these objections, subject to the inclusion of conditions which were listed in the recommendation within the report.

The Officer advised Members of the following updates since publication of the agenda:

1. An additional objection had been received from the residents of neighbouring Albion Lodge which included reference to previously raised issues such as noise, drainage and road safety;
2. The outstanding response from Suffolk County Council's Flood and Water Management team had been received (as made reference to in Paragraphs 16 and 17); who confirmed that they considered the application to be acceptable and did not object subject to the inclusion of a condition, which was listed in the recommendation within the report; and
3. There was a typographical error in Paragraph 118. The sentence midway through the paragraph should read "*...based on an assumption it will not be **decreased**...*" as opposed to increased.

Subsequently, Members were also informed of the following amendments to the recommendation in Paragraph 125:

1. Removal of the reference to the outstanding confirmation from the Flood and Water Management team at the beginning of the recommendation together with Roman numeral (iii.);
2. Removal of Roman numeral (ii.) with regard to public open space, as this was not relevant; and
3. The inclusion of an additional condition to restrict the occupancy of the development to individuals aged 55 and over (due to the reduced parking provision).

Councillor Ruth Allen spoke against the application and moved that the Committee be minded to refuse the application, contrary to the Officer recommendation, due to:

- i. Insufficient parking and the impact on highway safety;
- ii. Overdevelopment of the site;
- iii. The development was out of keeping of the character in the area due to its size and three storey height; and
- iv. The loss of mature trees.

This was duly seconded by Councillor Carol Lynch.

Councillor David Bowman spoke in support of the application and made reference to the lack of retirement properties currently within Newmarket. He moved that the application be approved as per the Officer recommendation.

The Service Manager (Planning - Development) explained that the Highways Authority had not objected to the scheme. Accordingly, if Members were minded to refuse the application for the reasons put forward by Councillor

Allen then a risk assessment would have to be carried out for consideration at the next meeting of the Committee on 6 July 2016.

The Chairman then put Councillor Allen's motion to the vote and with 6 voting for, 5 against and with 1 abstention it was resolved that:

Members were **MINDED TO REFUSE THE APPLICATION CONTRARY TO THE OFFICER RECOMMENDATION OF APPROVAL** due to:

- i. Insufficient parking and the impact on highway safety;
- ii. Overdevelopment of the site;
- iii. The development was out of keeping of the character in the area due to its size and three storey height; and
- iv. The loss of mature trees.

Speakers: Mrs Rogers (resident) spoke against the application.
Mr Neil Martyn (Agent) spoke in support of the application.

142. **Development Management Update (verbal)**

The Service Manager (Planning - Development) delivered a presentation to the Committee which set out relevant changes in legislation and updated Members on service improvement; including the Planning Improvement Plan (PIP).

The Officer explained that the intention was to regularly provide the Development Control Committees of West Suffolk with these updates at their meetings. The first of which would be similarly delivered to St Edmundsbury Borough Council at their meeting on 2 June 2016.

Members were advised that the presentation would be emailed to them following the meeting as it contained a number of useful website links for their reference.

The meeting concluded at 7.24 pm

Signed by:

Chairman

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Forest Heath District Council

**DEVELOPMENT
CONTROL COMMITTEE**

6 JULY 2016

DEV/FH/16/012

Report of the Head of Planning and Growth

PLANNING APPLICATION DC/15/0070/OUT – ROLFE’S COAL YARD, WILDE STREET, BECK ROW

Synopsis:

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

Recommendation:

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

CONTACT OFFICER

Case Officer: Sarah Drane
Email: sarah.drane@westsuffolk.gov.uk
Telephone: 01638 719432

Committee Report

Date: 14.01.2015 **Expiry Date:** 11.03.2015
Registered:

Case Officer: Sarah Drane **Recommendation:** Refuse
Parish: Beck Row **Ward:** Eriswell and the Rows

Proposal: Outline Planning Application DC/15/0070/OUT (means of access to be considered) - up to 8 no dwellings and associated access

Site: Rolfes Coal Yard, Wilde Street, Beck Row

Applicant: Mr R Taylor

Background:

This application is referred to the Development Control Committee following consideration by the Delegation Panel. The Parish Council raise no objections, contrary to the Officer recommendation of REFUSAL.

Proposal:

1. Outline planning permission is sought for the erection of up to 8 dwellings. The means of access to the development is included for consideration at this time. Matters of layout, scale, appearance and landscaping are reserved at this stage and do not therefore form part of the application.
2. An indicative layout has been provided showing how 8 dwellings could be accommodated on the site. The existing bungalow at the front of the site is shown to be demolished and replaced with a pair of smaller bungalows. All units are indicated on the plans to be bungalows. The plans also include details of a new footpath which would link the new development to the existing footpath further to the south west which leads into Beck Row.
3. The application has been amended since submission, altering the indicative layout to show a bund, fence and planting along the northern boundary. Plot 8 has been reconfigured to take account of this.

Application Supporting Material:

4. Information submitted with the application as follows:
 - Location plan
 - Proposed indicative layout
 - Noise impact assessment

- Landscape proposals and tree survey
- Footpath details
- Design & Access Statement
- Planning Statement
- Land contamination assessment
- Ecological Survey Reports (Hillier Ecology)

Site Details:

5. The site is situated to the east of the village of Beck Row and falls outside the settlement boundary (by approx. 440m when measured from the access along Wilde Street). The site was last used as a coal yard but has been vacant for some time. There is a commercial use (A & S Topsoils) to the east of the site. There are some trees on the site and along the northern boundary. There is a large corrugated tin barn towards the rear of the site, areas of hardstanding and other structures which are all in a poor state of repair. The existing access is shared with the bungalow at the front of the site and the adjacent commercial use.

Planning History:

6. **F/2005/0930/OUT** - Outline application: erection of a dwelling for occupation in connection with the adjacent business (commercial vehicle repairs). (Departure from the Development Plan) – refused & appeal dismissed
(NB. This relates to the adjacent site to the east of the application site)

Consultations:

7. Highway Authority: No objection subject to conditions

Public Health & Housing: No objection subject to conditions

Environmental Health: No objection subject to conditions

Ecology Tree & Landscape Officer: No objection subject to conditions

West Suffolk Housing Team: Support – delivers 20% affordable housing in accordance with CS9

Natural England: No objection

Suffolk Wildlife Trust: No objection subject to a condition to secure implementation of recommendations within the Ecological Reports.

Representations:

8. Parish Council: Support
9. Comments have been received from 'The Haven', raising the following concerns;

- Additional traffic onto an already busy road – 8 dwellings is too many
- If houses are let out to American service personnel, parking could be an issue as they often have parties and BBQs
- The new footpath includes a crossing point which will be on a bend and therefore dangerous
- Access is on a bend and shared with the adjacent commercial site which is dangerous
- Headlights will shine into their front windows when cars exit the site
- Noise from construction

Policy:

10.The Development Plan for Forest Heath comprises the following:

- The Forest Heath Local Plan (1995) as 'saved' by the Secretary of State in September 2007 and as subsequently amended by the adoption of the Forest Heath Core Strategy in May 2010, and the Joint Development Management Policies in February 2015.
- The Forest Heath Core Strategy adopted in May 2010, as amended following the High Court Order which quashed the majority of Policy CS7 and made consequential amendments to Policies CS1 and CS13.
- The adopted policies of the Joint Development Management Policies Document (JDMP) Local Plan Document (February 2015).

11.The following Development Plan policies are applicable to the application proposal:

Forest Heath Local Plan (1995) Saved Policies

12.A list of extant 'saved' policies is provided at Appendix A of the Forest Heath Cores Strategy (2010). The 'saved' policies subsequently replaced by the adoption of the Joint Development Managed Policies Document (2015) are identified in Appendix B of that document.

Inset Map No.6 – Beck Row

Forest Heath Core Strategy 2010

13.The Core Strategy was the subject of a successful legal challenge following adoption. Various parts of the plan were affected by the High Court decision, with Policies CS1, CS7 and CS13 being partially quashed 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

Spatial Objectives:

- **H1** – Housing provision
- **H2** – Housing mix and design standard
- **H3** – Suitable housing and facilities
- **C2** – Provision and maintenance of open space, play and sports facilities and access to the countryside
- **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

Policies:

- **CS1:** Spatial Strategy
- **CS2:** Natural Environment
- **CS3:** Landscape Character and the Historic Environment
- **CS4:** Reduce Emissions, Mitigate and Adapt to Future Climate Change.
- **CS5:** Design Quality and Local Distinctiveness
- **CS7:** Overall Housing Provision (sub-paragraph 1 only. Sub paragraphs 2,3, 4 and 5 were quashed by the Court Order)
- **CS9:** Affordable Housing Provision
- **CS10:** Sustainable Rural Communities
- **CS13:** Infrastructure and Developer Contributions

Joint Development Management Policies Document 2015

14. The following policies from the Joint Development Management Policies Document are considered relevant to this planning application:

- **DM1** Presumption in favour of sustainable development
- **DM2** Creating Places – Development Principles and Local Distinctiveness
- **DM5** Development in the Countryside
- **DM7** Sustainable Design and Construction
- **DM10** Impact of Development on Sites of Biodiversity and Geodiversity Interest
- **DM12** Mitigation, Enhancement, Management and Monitoring of Biodiversity
- **DM14** Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards
- **DM22** Residential Design
- **DM46** Parking Standards

Other Planning Policy

Supplementary Planning Documents

15. 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

16. Single Issue Review and Site Allocations Document: Consultation on two Local Plan documents began on 04 April 2016 and ends on 1 July 2016. The documents cover homes and sites, and are known as the Overall Housing Provision and Distribution (Single Issue Review of Core Strategy Policy CS7) – Preferred Options and Site Allocations – Preferred Options.

17. The Examination of the 'submission' Core Strategy Single Issue Review (CS7) and Site Allocations Local Plan documents is not expected before Spring 2017, with adoption in late 2017.

18. The emerging Single Issue Review and Site Allocations Documents have reached 'Preferred Options' stage but, the consultation period is yet to be completed. These emerging documents can therefore only be attributed limited weight in the decision making process.

National Planning Policy and Guidance

19. 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 (NPPF) is a material consideration for planning decisions and is relevant to the consideration of this application.

20. Paragraph 14 of the NPPF 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 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'.*

21. This presumption in favour of sustainable development is further reinforced by advice within the Framework relating to decision-taking. Paragraph 186 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*'.

22. Paragraph 215 of the NPPF states that due weight should be given to relevant policies in existing plans according to their degree of consistency with the framework (the closer the policies in the plan to the policies in the Framework, the greater weight that may be given).

23. 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.

Officer Comment:

24. The issues to be considered in the determination of the application are:

- Legislative context for outline applications
- Planning evaluation
- Principle of development
- Design and residential amenity
- Biodiversity
- Landscape impacts
- Noise impacts
- Sustainable Transport / Highways impact
- Affordable housing
- Infrastructure requirements

Legislative context for outline applications

25. This application is for outline planning permission. The National Planning Practice Guidance (NPPG) confirms that an application for outline planning permission allows for a decision on the general principles of how a site can be developed. Outline planning permission is granted subject to conditions requiring the subsequent approval of one or more 'reserved matters'.

26. Reserved matters are those aspects of a proposed development which an applicant can choose not to submit details of with an outline planning application, i.e. they can be 'reserved' for later determination. These are defined in Article 2 of the Town and Country Planning (Development

Management Procedure) (England) Order 2015 as:

Access – the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network.

Appearance – the aspects of a building or place within the development which determine the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture.

Landscaping – the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes: (a) screening by fences, walls or other means; (b) the planting of trees, hedges, shrubs or grass; (c) the formation of banks, terraces or other earthworks; (d) the laying out or provision of gardens, courts, squares, water features, sculpture or public art; and (e) the provision of other amenity features;

Layout – the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development.

Scale – the height, width and length of each building proposed within the development in relation to its surroundings.

27. An application for outline permission does not need to give details of any reserved matters, albeit information is often provided at the outline stage in 'indicative' fashion to demonstrate that the site is capable of accommodating the level of development proposed.

28. In this case only the access is included for consideration as part of the application. Matters of layout, appearance, landscaping and scale are reserved matters and are not therefore for consideration at this time.

Planning evaluation:

29. The subsequent section of the report considers whether the development proposed by this planning application can be considered acceptable in principle in the light of extant national and local planning policies. It then goes on to analyse other relevant material planning considerations, (including site specific considerations and Section 106 requirements) before concluding by balancing the benefit of the development proposals against the dis-benefits.

30. 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 are considered to outweigh its dis-benefits, as required by the Framework. Appropriate weight should be attributed to relevant policies in the Core Strategy, with greater weight

attributed to those policies consistent with national policies set out in the Framework.

Principle of development

31. At the heart of the NPPF is a presumption in favour of sustainable development. Paragraph 12 of the NPPF states that the Framework does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up to date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise. The NPPF is a material consideration.
32. Paragraph 49 of the Framework states that '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'.
33. Paragraph 215 of the NPPF requires the decision maker to assess the degree to which relevant policies in existing plans are consistent with the Framework: the closer they are to the policies in the Framework the more weight they should attract.
34. It has recently been held at planning appeal that the Council can demonstrate a five year supply of deliverable housing sites (APP/H3510/W/15/3070064 – Meddler Stud, Bury Road, Kentford – Appeal Decision Dated 05 May 2016). Policies relating to the supply of housing can therefore be considered up to date.
35. In terms of policies relating to the distribution of housing, the Forest Heath Core Strategy was adopted in May 2010, but was subject to a successful High Court challenge in April 2011. The judge concluded that, although the Local Planning Authority had followed the procedural stages of a Strategic Environmental Assessment, it had failed to provide adequate information and explanation of the choices made to demonstrate that it had tested all reasonable alternatives for residential growth. The judgement ordered the quashing of certain parts of Policy CS7 with consequential amendment of CS1 and CS13. The result was that the Local Planning Authority maintained the overall number of dwellings that it needed to provide land for and the overall settlement hierarchy, but no precise plans for where dwellings should be located.
36. The detailed settlement boundaries are set out in the 1995 Local Plan as Inset Maps. Local Plan policies which provide for settlement boundaries (and, indirectly, the Inset Maps of the 1995 Local Plan) were replaced by Policy CS1 of the Core Strategy upon adoption in 2010. Whilst Policy CS1 (and other Core Strategy policies), refer to settlement boundaries, the Core Strategy does not define them. Settlement boundaries are included on the Policies Map accompanying the Joint Development Management Policies Document (2015) and therefore do have Development Plan status. The settlement boundaries are illustrated at a small scale on the Policies

Map and it is difficult to establish their detailed alignment. Accordingly it is reasonable to read the Policies Map and Local Plan Inset Maps together to establish the precise locations of the settlement boundaries.

37. The settlement boundaries included on the Policies Map were not reviewed prior to adoption of the Joint Development Management Policies Document and thus have not been altered from the 1995 Local Plan Inset Maps. Core Strategy Policy CS10 confirms the settlement boundaries will be reviewed as part of the emerging Site Allocations Development plan Document.
38. Officers consider the requirement in Core Strategy CS10, combined with the fact that settlement boundaries and policies underpinning them, have not been reviewed since the introduction of the NPPF, means the current settlement boundaries are to be afforded reduced weight (but are not to be overlooked altogether) in considering planning applications. They will be attributed greater weight as the Site Allocations Plan progresses towards adoption. The Planning Inspector at the Meddler Stud confirmed this approach, noting that there is no up to date development plan for housing provision (APP/H3510/W/15/3070064 – Meddler Stud, Bury Road, Kentford – Appeal Decision Dated 05 May 2016).
39. On the basis that settlement boundaries and the policies underpinning them pre-date the NPPF, Paragraph 14 of the NPPF and Policy DM1 of the Joint Development Management Policies Document is engaged. These state that 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 as a whole.
40. Whilst Beck Row is identified as a Primary Village in Core Strategy Policy CS1, the site lies outside of the defined settlement boundary for the village (in the 1995 Local Plan and in the April 2016 Preferred Options Site Allocations Local Plan) and is therefore classed as countryside. This is a physically distinct site some distance from the settlement boundary. With the status that the emerging Site Allocations document has, the prospects of this site being allocated, having a separate settlement boundary in this location or it being otherwise subsumed by another allocation are very limited. Consequentially, it is your Officer's view that greater weight can be given to the 1995 Local Plan policies, relative to the NPPF.
41. Policy CS10 states that in villages and small settlements not identified for a specific level of growth in Policy CS1, residential development will only be permitted where there are suitable sites available inside the limits of a defined settlement boundary, or where the proposal is for affordable housing, a gypsy and traveller site, the replacement of an existing dwelling or the provision of a dwelling required in association with an existing rural enterprise.
42. Development Management Policy DM5 states that areas designated as countryside will be protected from unsustainable development. New residential development will only be permitted in the countryside where it is for affordable housing for local needs, a dwelling for a key agricultural,

forestry or commercial equine worker, small scale development of 1 or 2 dwellings (in accordance with Policy DM27) or the replacement of an existing dwelling.

43. In addition to the planning policy context above, it is important to note the evidence underlying the emerging Site Allocations Preferred Options. The 2009 Infrastructure and Environmental Capacity Appraisal (IECA) considers the environmental capacity of settlements in the district and infrastructure tipping points which are utilised to evaluate potential impacts on infrastructure. The IECA identifies a capacity range of 240-420 new dwellings in Beck Row in the plan period to 2031. The Planning Policy team advises that since April 2011, a total of 558 dwellings have either been committed or completed within Beck Row, exceeding the upper capacity range identified in the 2009 IECA study. The lack of available infrastructure, assessed robustly and objectively, must be taken as being a factor which weighs against the scheme in the balance of considerations, whilst also noting that this is only a scheme of up to 8 dwellings.

44. The principle of development in this case is therefore contrary to the Development Plan policies identified above. This alone weighs heavily against the scheme in the balance of considerations. Furthermore, as will be set out below, and in any event, any 'presumption in favour' is only offered in relation to 'sustainable' development, not any development per se. Sustainability is a judgement that is only informed by consideration of matters of detail as well as principle.

What Is Sustainable Development?

45. The policies contained in Paragraphs 18 to 219 of the Framework, taken as a whole constitute the Government's view of what sustainable development means in practice for the planning system. It goes on to explain there are three dimensions to sustainable development:

- i) economic (contributing to building a strong, responsive and competitive economy),
- ii) social (supporting strong, vibrant and healthy communities) and,
- iii) environmental (contributing to protecting and enhancing our natural, built and historic environment;)

46. The Framework explains (paragraph 9) that in order to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system. It is Government policy that the planning system should play an active role in guiding development to sustainable solutions.

47. Paragraph 9 of the Framework further explains that pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life, including (but not limited to):

- making it easier for jobs to be created in cities, towns and villages;

- moving from a net loss of bio-diversity to achieving net gains for nature;
- improving the conditions in which people live, work, travel and take leisure; and
- widening the choice of high quality homes.

48. An officer discussion to assist consideration of whether the development proposed by this planning application is 'sustainable' development is set out below on an issue by issue basis. A balancing analysis is then carried out at the end of the report.

Design and residential amenity

49. Access is the only detail to be considered at this stage, but an indicative site layout has been provided which shows how the development could be accommodated within the site. The layout plan indicates all dwellings to be bungalows, but no indicative elevations have been provided. There are dwellings to the north and west of the site which front Wilde Street and these are all bungalows, so a further development of bungalows in this context is considered appropriate. The layout is linear in character due to the shape of the site. Dwellings relate appropriately to one another and provide sufficient amenity space and parking for each plot, the further detail of which would be considered at the reserved matters stage were the development otherwise acceptable.

50. The existing dwelling adjacent to the site would not be affected by the development proposed if the proposed dwelling on plot 3 remains single storey. Impact on the amenity of future occupants has been considered and the plans amended to incorporate a bund/fencing/landscaping along the eastern boundary adjacent to the commercial site which is unrestricted in relation to its hours of operation. Noise impact is considered in more detail below.

Biodiversity

51. Natural England has confirmed that although this site is in close proximity to the Wilde Street Site of Special Scientific Interest (SSSI), the proposed development, as submitted, will not damage or destroy the interest features of the site and that this SSSI does not represent a constraint in determining this application.

52. This application is also in close proximity to the Breckland Forest Site of Special Scientific Interest (SSSI) which forms part of the Breckland Special Protection Area (SPA). However Natural England has confirmed their opinion that the proposals are not likely to have a significant effect on the interest features for which Breckland has been classified and an Appropriate Assessment to assess the implications of this proposal on the site's conservation objectives is not required.

53. Natural England has also confirmed that the proposed development will not damage or destroy the interest features for which the Breckland Forest SSSI has been notified and this SSSI does not represent a

constraint in determining this application.

54. Suffolk Wildlife Trust have commented that whilst they are satisfied with the findings of the ecological report, the recommendations made should be implemented in full via a condition of planning consent, should permission be granted. In addition any reserved matters should be informed by up to date ecological information.
55. The application is also supported by a bat survey. A full mitigation strategy and a Natural England Protected Species Licence would be required. If permission is granted, this would also need to be conditioned. With a suitably designed landscaping scheme, the site could achieve some biodiversity enhancement of the site which would weigh in its favour.

Landscape impacts

56. The site is not visible on the approach along Wilde Street (travelling north east). From The Paddocks, Wilde Street resembles a quiet country lane, with grass verges and a substantial hedge screening views on the south eastern side of the road with farmland on either side.
57. The site itself in its current state is not of high amenity value in the wider landscape. The indicative layout plan shows proposed planting along the site boundaries as well as retention of boundary trees along the eastern boundary. Were this scheme to be granted planning permission a suitable landscaping scheme could be secured to ensure any wider visual impacts are suitably mitigated.
58. There are some trees within the site which would be lost if the development was to go ahead. The Tree, Landscape and Ecology Officer has not raised any concerns in this respect. The tree report submitted with the application indicates that most of these trees are category 'C' and are therefore of low quality, so their retention could not be justified. Proposed landscaping would mitigate the loss of any trees removed on the site if the development were to be otherwise acceptable.

Noise impacts

59. The application site is adjacent to an unrestricted commercial use currently occupied as a builders yard by A & S Topsoils. The applicant was therefore asked to provide a noise impact assessment to enable full consideration to be given to the potential noise impact from the adjacent commercial operation on the new dwellings. This report has been assessed by the Public Health and Housing Officer who has confirmed that the recommendations within the report will suitably mitigate any potential noise impact from the adjoining site. The mitigation measures include a bund and acoustic fencing to a total height of 2.7m along the eastern boundary. The proposals in this respect are considered acceptable if the development were to be otherwise satisfactory.

Sustainable Transport / Highways Impact

60. The proposals include a new footpath link to the village from the site. The footpath runs from the site access along a very short section on the southern side of Wilde Street before crossing to the northern side and running for approx. 155m, crossing to the southern side again and running for approx. 135m to tie in with the existing footpath to the west of The Paddocks. This footpath has been included by the applicant to make the development more sustainable and is a benefit which weighs in the schemes favour. Exploiting opportunities for more sustainable transport modes (like cycling and walking) is encouraged by the NPPF.
61. The Framework confirms that the transport system needs to be balanced in favour of sustainable transport modes giving people a real choice about how they travel. There is, however, recognition that opportunities to maximise sustainable transport solutions will vary from urban to rural areas.
62. It is Government policy that planning decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable modes of transport can be maximised. However, the Framework confirms this policy needs to take account of other policies in the document, particularly in rural areas.
63. The Framework also confirms that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. It goes on to state that planning decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised recognising that this needs to take account of policies set out elsewhere in the Framework, particularly in rural areas.
64. 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.
65. The Core Strategy categorises this location as 'Countryside'. The nearest settlement to the site is Beck Row which is defined in the Core Strategy as a primary village (Policy CS1) which has basic local services. It is therefore very likely that potential occupiers of the proposed dwellings would need to travel by car to meet their employment, retail and entertainment needs. Similarly, the range of services and facilities that might have reduced the need for some car trips are limited.

66. The site is approx. 500m from the nearest bus stop on Holmsey Green. There is one bus in the morning (0705) which goes to Lakenheath, Brandon and Thetford (but no return bus). There is also a service to Mildenhall (Monday to Saturday), leaving at 0618 or 0807 and returning at 1605, 1735 and 1835, so the service is very limited. The site is approx. 1.3km from the nearest shop (Londis on Holmsey Green). Notwithstanding the proposed footpath link, the site is still some distance to the nearest bus stop and even further to the nearest shop. The site is therefore considered to be in an unsustainable location with a lack of local services, leisure, retail and employment opportunities to support new development and the resultant reliance on the car is a significant dis-benefit of the scheme.

Impact on Highways

67. Suffolk County Council as the Highways Authority, after initially raising a few queries about the access and footpath link have raised no objections to the proposed development. This recommendation is subject to a number of conditions to secure the new access, details of bin storage, means to prevent the discharge of surface water onto the highway, details of parking and turning space, visibility and provision of the new footway and crossing points (uncontrolled). The indicative layout plan shows how up to 8 dwellings could meet these highway requirements, the detail of which would be considered at the reserved matters stage if the development were to be otherwise acceptable.

Affordable housing

68. Core Strategy policy CS9 requires a development of this size to provide 20% affordable housing. The policy is supported by Supplementary Planning Guidance which sets out the procedures for considering and securing affordable housing provision (including mix, tenure, viability and S106). The applicant has agreed to secure this provision by signing a S106 to secure 2 dwellings as affordable on site (25%). The Council's Housing Officer supports the application on this basis, so the development in this respect is acceptable. Provision of affordable housing is clearly a benefit of the scheme to be taken into account in the planning balance.

69. However, it should be noted that there are now specific circumstances where contributions for affordable housing and tariff style planning obligations (section 106 planning obligations) should not be sought from small scale and self-build development. This follows the order of the Court of Appeal dated 13 May 2016, which give legal effect to the policy set out in the Written Ministerial Statement of 28 November 2014 and should be taken into account. This states that contributions should not be sought from developments of 10 units or less or with a total floor area of 1000 square meters or less. Whilst this is a development of less than 10 dwellings it would not be clear until the reserved matters stage whether the total floor area would be more or less than 1000 square meters. Notwithstanding this scenario, the s106 has already been signed to secure the 2 affordable dwellings and this would be enforceable.

Infrastructure requirements

70. As with affordable housing, (as stated above), the recent change in Government policy means that other infrastructure requirements like play and open space provision may no longer be required for a development of this size.

Conclusions and Planning Balance:

71. 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. Officers consider that national planning policies set out in the Framework should be accorded significant weight as a material consideration in the assessment of this planning application, especially the presumption in favour of sustainable development.

72. National planning policy is clear that permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the Framework as a whole.

73. In terms of the economic role of sustainable development, the development proposals would provide economic benefits relating to the creation of short term jobs in the construction industry, local spending likely to be generated by the residents, and monies from the new homes bonus payments.

74. From a social perspective, the development would make a modest contribution to the District's housing needs (up to 8 dwelling), including 25% affordable housing provision on site.

75. In the context of the environmental role of sustainable development, the benefits of reusing a site which is not of high environmental quality will enable biodiversity enhancement through an appropriately designed landscaping scheme.

76. A carefully considered evaluation of the benefits and dis-benefits of the scheme has been undertaken. Officers acknowledge that the application site is a brown field site, and that the Applicant considers the benefits of the scheme should be considered in its favour. The application proposes new residential development in a countryside location and is clearly contrary to a number of Local Plan policies. Whilst the proposal would have some benefits, these are limited and officers are not convinced that the benefits outweigh the need to avoid residential development of this scale in the countryside - on a site some distance from a settlement with services and facilities and with no direct public transport links, given the context provided by national and local policy.

77. Officers consider this to be a balanced decision, but have reached the final conclusion that the benefits of the scheme would not outweigh the potential dis-benefits. For this reason, officers have come to the 'on balance' conclusion, that the proposal would not constitute sustainable

development as set out in the Framework.

78. Having regard to the Framework and all other material planning considerations, the proposal is considered to be contrary to the NPPF and Development Plan policy. The recommendation is one of refusal.

Recommendation:

79. It is recommended that planning permission be **REFUSED** for the following reason:

The site falls outside of the defined settlement boundary of Beck Row which is defined as a Primary Village under policy CS1 of the Forest Heath Core Strategy (May 2010). There are exceptions to allow for housing development in the countryside as set out under policies DM5, DM26, DM27 and DM29 of the Forest Heath and St Edmundsbury Local Plan Joint Development Management Policies Document (February 2015), these being affordable housing, dwellings for rural workers, small scale infill development of 1 or 2 dwellings, and the replacement of an existing dwelling. The proposal does not represent any of these exceptions and as such fails to comply with policies DM5, DM26, DM27 and DM29 of the Joint Development Management Policies Document. The Authority is presently able to identify a deliverable five year (plus buffer) supply of housing sites. The site is deferred in the current Strategic Housing Land Availability Assessment (2016) on the grounds of unsustainability, and the emerging Site Allocations Local Plan Preferred Options document (April 2016), is not proposing to allocate the application site or extend the settlement boundary in this location.

The application proposals are unsustainable, as defined by the Framework, insofar as they would result in development at an unsustainable location in the rural area (countryside, outside of the defined settlement boundary), contrary to well established settlement policies which seek to direct new development within sustainable locations. The proposals therefore harm the aim of securing a sustainable pattern of development. The Local Planning Authority considers the dis-benefits of this development it has identified in relation to locational unsustainability, significantly and demonstrably outweigh the limited benefits otherwise provided, such that the development is not sustainable development (as defined by the policies of the NPPF taken as a whole). Accordingly, the presumption in favour of sustainable development set out at paragraph 14 of The Framework does not apply to this development. The proposal is therefore considered unacceptable as a matter of principle.

Documents:

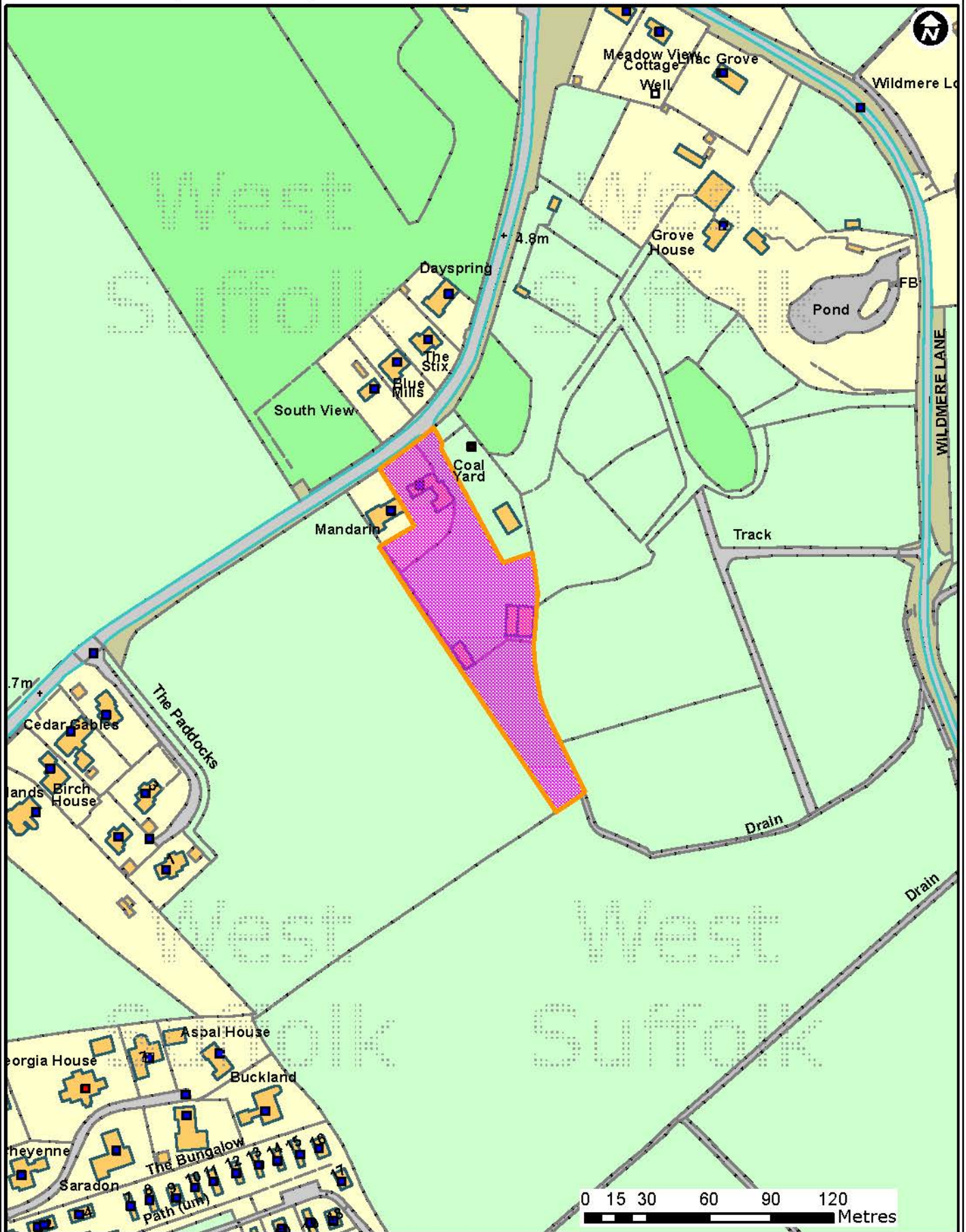
All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online:

<https://planning.westsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=NI5XHFPD02G00>

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DC/15/0070/OUT

Rolfes Coal Yard, Wilde Street, Beck Row



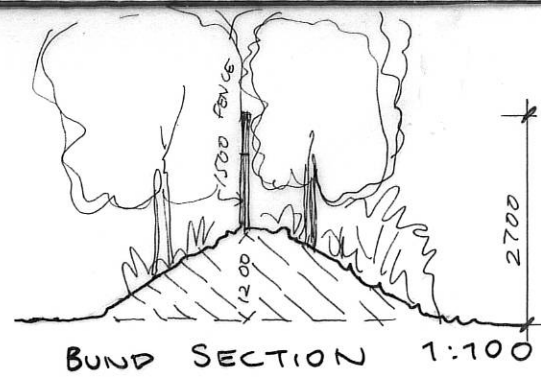
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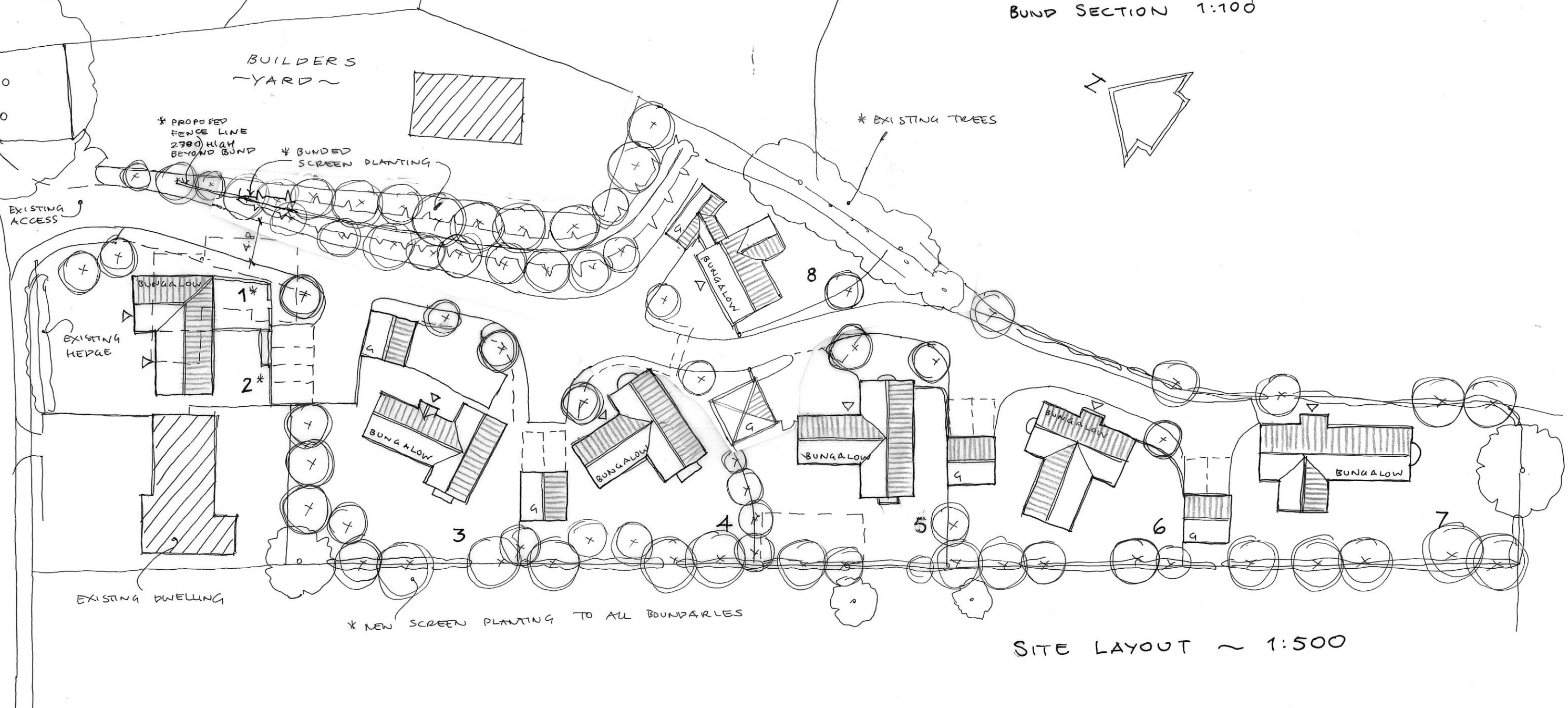
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Date: 20/06/2016

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SITE LAYOUT ~ 1:500

Client: MR R TAYLOR	Scale: 1:500	BROWN & SCARLETT ARCHITECTS Old School Studios, 140 Eastgate Street Bury St Edmunds IP33 1XX Tel: 01284 768800 info@brownandscarlett.co.uk
Project: NEW DEVELOPMENT OF FORMER COAL YARD, BECK ROW	Date: MAY 2014	
Drawing: INDICATIVE LAYOUT PLAN	Contract: 3855 Drg No. /02 B	

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Forest Heath District Council

**DEVELOPMENT
CONTROL
COMMITTEE**

6 JULY 2016

DEV/FH/16/013

Report of the Head of Planning and Growth

**PLANNING APPLICATION DC/16/0317/VAR – LAND ADJACENT SMOKE
HOUSE INN, SKELTONS DROVE, BECK ROW**

Synopsis:

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

Recommendation:

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

CONTACT OFFICER

Case Officer: Philippa Kelly
Email: Philippa.kelly@westsuffolk.gov.uk
Telephone: 01284 757382

Update Paper & Risk Assessment Report

App. No:	DC/16/0317/VAR	Committee Date:	16 May 2016
Date Registered:	15 February 2016	Expiry Date:	31 July 2016 (with agreement)
Case Officer:	Philippa Kelly	Recommendation:	APPROVAL
Parish:	Beck Row	Ward:	Eriswell and the Rows
Proposal:	Planning Application DC/16/0317/VAR: Variation of Condition 3 to enable occupation of Plot 151 before the completion of the Section 278 works, in association with planning application DC/14/1206/FUL: Proposed residential development of 166 no. market dwellings, including associated public open space, associated accesses, landscaping and ancillary works, including the part retrospective development of 24 residential units (as amended by drawings received 09 July 2015 which proposes 49 affordable housing units).		
Site:	Land adjacent Smoke House Inn, Skeltons Drove, Beck Row		
Applicant:	Persimmon Homes, (Anglia)		

Background and Summary

This application was deferred from consideration at the Development Control Committee meeting on 1 June 2016.

Members resolved they were 'minded to refuse' planning permission, contrary to the officer recommendation of approval. Members were concerned that the proposal would have an adverse impact on highway safety.

The previous Officer report for the 1 June 2016 meeting of the Development Control Committee is included as Working Paper 1 to this report.

This report sets out an update from the Officer report presented to the meeting of Development Committee on 1 June 2016, and includes a Risk Assessment of the potential reason for refusal.

In addition, this report provides an update regarding the Road Safety Audit and time frame for completion of the outstanding highways work.

The Officer recommendation, which is set out at the end of this report, remains that planning permission should be GRANTED.

APPLICATION DETAILS:

1. Members are directed to the Committee Report in Working Paper 1, in relation to the description of the development, site description, summary of representations received, etc. This is the report that was presented to Members at the 01 June 2016 meeting of Development Control Committee.

OFFICER COMMENT:

Planning Update:

2. Officers can confirm that the highway improvement work associated with the Section 278 application has progressed to the third iteration of a Safety Audit. This has been undertaken by third party consultants and submitted to Suffolk County Council as Highway Authority for review. The submission of the Stage 3 Safety Audit follows completion of all works to the highway as agreed by the Highway Authority.
3. Members are advised that the works to the highway relate primarily to the re-alignment of Holmsey Green Road, where it meets the new estate road which serves the Persimmon development. A new road junction has been created on Holmsey Green Road, which allows the estate road to take priority.
4. As part of the work to the new road junction on Holmsey Green Road, new road markings have been provided, and lighting columns have been relocated. The work also includes the build out of the kerb and pavement close to the Londis shop on Holmsey Green Road.
5. The Section 278 highway work also includes improvements to the junction of The Street/A1101 and Holmsey Green Road (including new road markings, works to the kerb and new tactile paving). Members are reminded that whilst the stopping up of this junction was proposed as part of a previous, historic planning application, it does not form part of the Section 278 work. The stopping up of this junction is not required by the Highway Authority.
6. The Stage 3 Safety Audit which has been submitted to the Highway Authority for review considers the acceptability of the highway work which has been carried out. The Safety Audit is a standard mechanism to ensure that no inherent road safety defects have arisen as a result of this work. The Safety Audit ensures full consideration of the design changes arising from the highway improvement scheme - including visibility issues, junction layout and carriageway markings.
7. Officers are informed that the Stage 3 Safety Audit has been considered by the Highway Authority Audit Team. This review has identified a small number of design issues which must be resolved prior to the next stage and eventual adoption of the works by the Highway Authority. The issues can be addressed by way of further highway work.
8. A meeting to discuss the exact details of the additional highway works to be carried was held on site on Wednesday 22 June. The meeting was attended by District Council and County Council Officers, and representatives from Persimmon Homes. At the meeting, it was agreed that a further design revision would be submitted as an addendum to the Stage 3 Safety Audit. Following agreement of the design amendments by the audit team, it is anticipated that the works on site will be undertaken during a two week period.

Attendees at the meeting were confident that the outstanding work could be finished by mid August 2016.

9. Officers have prepared a Risk Assessment as part of this update report. The Applicant is in a position that if a decision is not made at this committee meeting, then they could appeal 'non determination' on the grounds of the failure of the Authority to determine the application within the prescribed timeframe.
10. If Members are minded to refuse this application, there are potential risks to the Council. Officers consider it helpful to set such risks out in the report below.

Highway Safety:

11. This application seeks the variation of condition, to enable the occupation of Plot 151 (which is now in private ownership), before highway work associated with the Section 278 highways application has been carried out in its entirety. The application proposes alternative car parking for Plot 151, as a short term temporary arrangement.
12. The owner of Plot 151 has stated that the alternative parking arrangements are being used. This has been confirmed by officer site visit. Members are advised that off road car parking at Plot 151 cannot presently be achieved without some difficulty and risk of damage to vehicles, given that the kerbs to this property have not been lowered.
13. Members are reminded that the highway improvement scheme identified in the Section 278 application has already been carried out. The Stage 3 Safety Audit has identified a limited number of alterations to the highway improvement scheme, which will need to be addressed before the works can be adopted by the Highway Authority. None of the proposed alterations to the design of the highway improvement scheme are in the immediate vicinity of Plot 151, or have an impact on this property.
14. In assessing the application to vary the condition, Suffolk County Council as Highway Authority has confirmed the principle of the alternative car parking arrangement is acceptable and raises no objection on highway safety grounds. The consultation comments of Suffolk County Council as the Highway Authority are set out within Working Paper 1 (Paragraph 20). However, the following point is repeated below for clarity:

'The proposal to temporarily locate the parking for Plot 151 at Plot 149 is acceptable to the Highway Authority as a short term solution'.
15. The alternative car parking arrangement offers an alternative to off road car parking at Plot 151. Officers acknowledge that the occupant of Plot 151 could still park on the roadside to load and unload his vehicle. Yellow lines prevent vehicular parking on the roadside outside this property.
16. Whilst the occupant of Plot 151 could still park on the roadside to load and unload his vehicle, officers consider that this does not represent a significant risk to highway safety.

17. The National Planning Policy Framework states that planning applications should only be refused on transport grounds if the residual cumulative impacts of the development are severe. Officers are satisfied that the alternative car parking arrangements proposed by this application are acceptable. The application does not raise significant highways issues such as to refuse the application to vary the condition.
18. In reaching this decision, it is material that Suffolk County Council as the Highway Authority has raised no objection to the application. The Highway Authority is a statutory consultee in relation to the proposal and, as such, its expert advice in relation to highway matters can reasonably be given considerable weight.
19. Whilst Members have raised concerns regarding local traffic conditions and highway safety, there is no technical evidence to support these concerns. There are no compelling reasons to find against the application. The highway improvement scheme has been completed almost in its entirety (subject to design changes arising from the Stage 3 Safety Audit and final handover to Suffolk County Council), and officers are confident that these changes will be implemented by the middle of August 2016. It is therefore unlikely that the Council will pursue enforcement action, should this application be refused.
20. The application to vary this condition has the full support of the Highway Authority. The application was submitted by Persimmon Homes on the advice of District Council and County Council Officers, following the serving of a Breach Of Condition notice by the District Council. There are considered to be no material technical grounds for refusal of the application on highways grounds. When assessed on this basis, it must be concluded that the proposal will not have an adverse impact upon highway safety, such that a refusal could be justified.
21. Accordingly, and for the reasons set out in the original Committee report (Working Paper 1), it remains the Officer's firm and considered recommendation that planning permission be granted.
22. If Members remain minded to refuse the application, then they must be satisfied that the implications upon highway safety will be significant, such that they justify a refusal of planning permission.

RISK ASSESSMENT:

23. If Members remain of the opinion that this application should be refused then they must be aware of any potential risks that may arise. A significant risk is that the applicant will lodge a successful appeal which, if the Authority is unable to defend its reason for refusal, may leave it vulnerable to an award of costs.
24. The Local Planning Authority is required to defend any reason for refusal at appeal and this is clearly outlined in the National Planning Practice Guidance. This states that one of the aims of the costs regime is to encourage local planning authorities to properly exercise their development management responsibilities, to rely only on reasons for refusal which stand up to scrutiny on the planning merits of the case, and not to add to development costs through avoidable delay.

25. Local planning authorities are at risk of an award of costs if they behave unreasonably with respect to the substance of the matter under appeal, for example, by unreasonably refusing or failing to determine planning applications, or by unreasonably defending appeals. Examples of this include:

- preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations.
- failure to produce evidence to substantiate each reason for refusal on appeal.
- vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis.

26. For the reasons set out above, and in particular, the comments given by the Highway Authority (which indicate that there are no technical grounds for refusing this application), it is officer opinion that any appeal would have a very reasonable prospect of success. Furthermore, it is considered that an award of costs against the Authority is likely on the basis that it is unable to objectively and robustly defend its reason for refusal. To refuse on the basis of highway safety impacts, when it is considered conclusively by the relevant Authority that there are no grounds for such would most likely lead, in the opinion of Officers, to only 'vague' and 'generalised' concerns being given through any appeal, and which would be 'unsupported by any objective analysis'. For this reason Officers' advice to Members is to proceed with care in this regard.

27. The other risk to the Authority from a refusal is considered to be reputational, particularly if an application for costs against the Council is awarded, which is considered likely in this case.

28. Taking all the above factors into account, the overall risk to the Authority of a refusal is considered to be significant in this case.

CONCLUSION:

29. It remains the opinion of Officers that the application to vary the planning condition is acceptable, when considered on objective technical grounds. Any such approval would be subject to the conditions set out within the original Officer report.

30. However, should Members remain of the opinion that the proposal is unacceptable, it is suggested that the following reason be used:

'The proposal would not result in a safe form of car parking and vehicular loading/unloading. Accordingly, the proposal will lead to material harm to matters of reasonable highway safety at the application site. This is contrary to the requirements of Paragraph 32 of the National Planning Policy Framework and Policy DM2 of the Joint Development Management Policies Document, which seek to ensure the safety of the highway network is not compromised'.

31. It must be reiterated that this is not a reason that Officers consider would withstand the scrutiny of a planning appeal. Officers further advise that an award of costs against the Authority would be likely on the basis that it is

unable to objectively defend this reason. Within this context, the recommendation below remains.

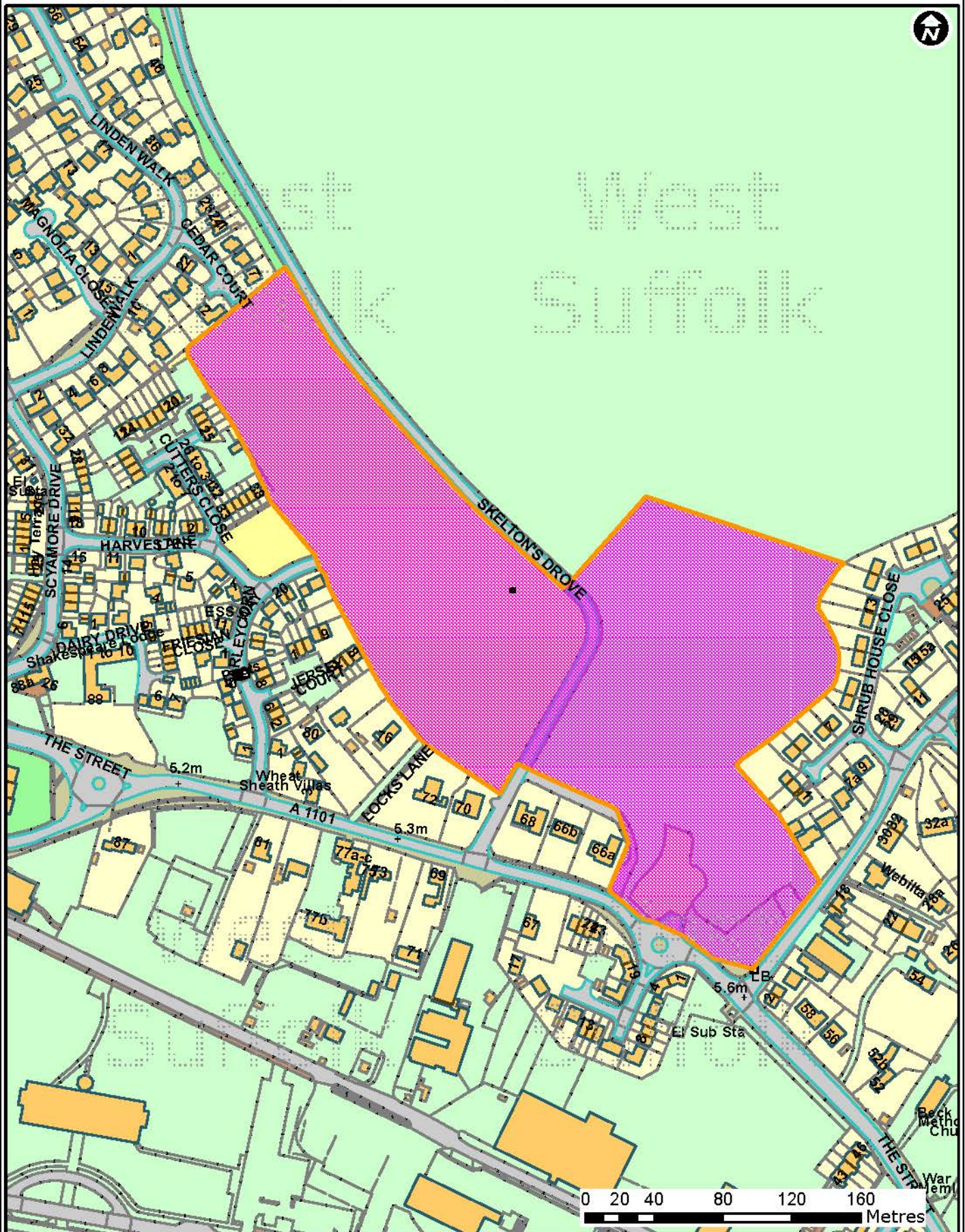
RECOMMENDATION:

32.It is **RECOMMENDED** that planning permission be **APPROVED** subject to the conditions outlined within Working Paper 1.

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DC/14/1206/FUL

Land Adjacent Smoke House Inn, Skeltons Drove, Beck Row



Forest Heath • St Edmundsbury

West Suffolk
working together

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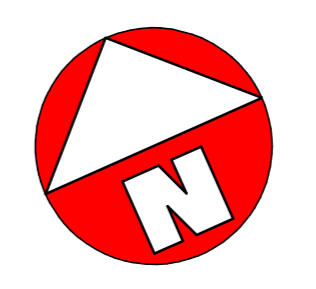
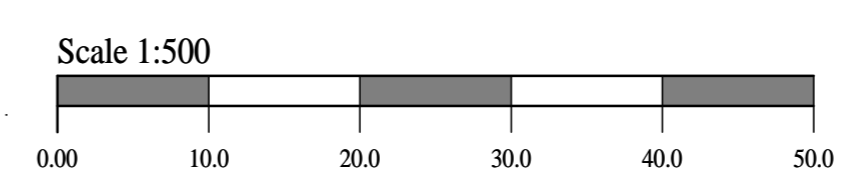
Scale: 1:3,000
Date: 23/09/2015

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ACCOMMODATION SCHEDULE				
TYPE	BEDS	HT	CP	No.
PRIVATE HOUSES				
NEW	4	2.5	4	14
TAUN	4	2	4	13
LONG	3	2	2	17
HAT	2	2	2	22
SOU	2	2	1.5 min	12
HAN	3	2	2	8
ALN	2	2	1.5 min	7
TOTAL				93
AFFORDABLE HOUSES				
LEI	4 (6 Person)	2.5	3 min	4
CHE	3 (5 Person)	2	2	9
STOH	2 (4 Person)	2	1.5 min	26
OUL	1 (2 Person)	2	1 min	10
TOTAL				49
TOTAL				142

ACCOMMODATION SCHEDULE for dwellings already approved				
TYPE	BEDS	HT	CP	No.
PRIVATE HOUSES				
T91	3	2	2	3
T86 (84)	3	2	2	10
T95	3	2	2	3
T71	2	2	2	2
T62	2	2	2	3
T116	4	2	2	1
T83	3	2	2	1
T85	3	2	2	1
TOTAL				24

KEY	
	Existing Planting and roof protection areas
	Proposed Planting
	Trees to be felled
	Proposed Shrubs
	Landscaping Shown Indicative Only For Details See Landscaping Plan
External Surface Treatments	
	CORE GRAVEL SYSTEM - SHINGLE DRIVES
	BRINDLE COLOURED BLOCK PAVING - DIFFERING PATTERNS
	BLACK TARMAC ROADS
External Boundary Treatments	
	1.8m High brick wall
	1.8m high close boarded fence
	1.5m high close boarded fence with 300mm trellis to top
	Affordable housing shown thus
	Private Market housing shown thus



NOTE
Additional side windows to be provided to plots 39, 40, 54, 55, 58 & 59 to overlook parking areas

REV	DESCRIPTION	DATE
A	Plot 141 added	03/06/2014
B	Minor amendments, F.W. pumping station added; EEB Sub station repositioned.	13/06/2014
C	Revisions to House types, F.W. Pumping station removed and plot added.	16/06/2014
D	Revisions to Schedule, Landscape hatched thickened.	17/06/2014
E	References of approved dwellings added and minor adjustments to layout.	18/06/2014
F	Bin collection points (BCP) added and minor adjustments to layout.	25/06/2014
G	Road network updated to include roundabout to the east east of site.	23/07/2014
H	Layout revised as SK04	04/02/2015
J	Bin collection point added to plot 3-8.	18/03/2015
K	Boundary added outside plot 17.	10/04/2015
L	Revised to Secured by Design comments	24/06/2015
M	Revised to include Affordable housing	2/07/2015
N	Revised to move buildings away from trees adj plots 7 & 16	9/07/2015
P	Handing confirmed	29/07/2015
Q	Parking adjusted	24/08/2015
R	Landscaping house type replaced with Laticrete type	27/08/2015
S	New house type added 'Oulder' see plots 116-125	08/09/2015
T	Affordable house type S70H added in lieu of Almswick type	18/09/2015

CLIENT:
PERSIMMON
PERSIMMON HOMES
Persimmon House
Colville Road Works
Oulton Broad, Lowestoft, NR33 9QS.
Telephone: 01502 516784.
Facsimile: 01502 561656.
E-mail: gillian.keiley@persimmonhomes.com

PROJECT:
**RESIDENTIAL DEVELOPMENT.
LAND OFF SKELTONS DROVE
BECK ROW,
SUFFOLK.**

DRAWING TITLE:
SITE LAYOUT

SCALES - 1:500 @ A1 DATE - AUG 2014

ASD ARCHITECTURE Ltd
16A Bridge Street - Halesworth - Suffolk - IP19 8AQ
Tel: (01986) 872250
Fax: (01986) 872228
enquiries@ASD-architecture.co.uk
www.ASD-architecture.co.uk

JOB NO. 6740 DWG NO. SL01 REV. T

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Forest Heath District Council

**DEVELOPMENT
CONTROL
COMMITTEE**

1 JUNE 2016

DEV/FH/16/010

Report of the Head of Planning and Growth

**PLANNING APPLICATION DC/16/0317/VAR - LAND ADJACENT SMOKE HOUSE
INN, SKELTONS DROVE, BECK ROW**

Synopsis:

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

Recommendation:

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

CONTACT OFFICER

Case Officer: Philippa Kelly
Telephone: 01284 757382
Email: Phillippa.kelly@westsuffolk.gov.uk

Committee Report

Date: 15 February **Expiry Date:** 16 May 2016
Registered: 2016

Case Officer: Philippa Kelly **Recommendation:** Grant

Parish: Beck Row **Ward:** Eriswell and the Rows

Proposal: Planning Application DC/16/0317/VAR: Variation of Condition 3 to enable the occupation of Plot 151 before the completion of the Section 278 works, in association with planning application DC/14/1206/FUL: Proposed residential development of 166 no. market dwellings, including associated public open space, associated accesses, landscaping and ancillary works, including the part retrospective development of 24 residential units (as amended by drawings received 09 July 2015 which proposes 49 affordable housing units.

Site: Land adjacent Smoke House Inn, Skeltons Drove, Beck Row

Applicant: Persimmon Homes (Anglia)

BACKGROUND:

This application is referred to the Development Control Committee, because it is a Major Application relating to a site which has had complex planning policy issues.

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

APPLICATION PROPOSAL:

1. Planning permission is sought for a variation of Condition 03 of DC/14/1206/FUL which was granted on 25 November 2015.
2. Condition 03 of DC/14/1206/FUL requires that prior to the first occupation of both Units 151 and 152 within Phase 1, the highway works associated with separate Section 278 and Section 38 applications shall be carried out in full.

3. This application to vary Condition 3 of DC/14/1206/FUL was submitted following a breach of condition notice being served by the Council, and follows advice offered to the applicant by highways officers and planning officers.
4. The application proposes alternative temporary car parking for Unit 151, adjacent to Unit 149.

APPLICATION SUPPORTING MATERIAL:

5. The application is supported by the following documents:
 - (i) Application form.
 - (ii) Drawing No. BR3-SK01 – Temporary Parking Plot 151.

SITE DETAILS:

6. The application relates to a site which is located in the village of Beck Row, in part within the defined settlement boundary. Beck Row is designated as a Primary Village in the Core Strategy Policy CS1. It has a population of 3897 (including Holywell Row and Kenny Hill (2011 Parish Profile).
7. The site is situated centrally within Beck Row, to the north of The Street (A1101). It occupies an area of approximately 5 hectares which is divided into two distinct land parcels which are separated by Skelton's Drove. Skelton's Drove is a private road which was owned by Defence Estates until recently. It is understood that it was sold during the summer of 2015.
8. Skelton's Drove demarks the northern and eastern boundaries of the western land parcel, and part of the western boundary of the eastern land parcel.
9. Land to the immediate north of the application site comprises arable farmland and land which was until recently in the ownership of the RAF. Existing residential development is situated adjacent the site. This includes properties to the north—west which are occupied by USAF personnel.
10. To the south-west of the site is new residential development on the site of the former Smoke House hotel complex. Rear gardens of existing dwellings which front The Street/Locks Lane back onto the southern boundary of the site.
11. Existing residential development is also located adjacent the eastern boundary of the site, which comprises predominately single storey properties. The opposite side of Holmsey Green consists of one and two storey cottages and some local retail/commercial uses.

12. Construction has already commenced on twenty four of the residential units on the eastern side of Skeltons Drove, in accordance with an extant permission (planning reference F/2203/0177/OUT and 2007/0492/RMA).
13. Units 151 and 152 front Holmsey Green Road, and are situated close to its junction with the A1101 ('The Street'). It is understood that Unit 151 has been occupied since December 2015. Unit 152 is not currently occupied.

PLANNING BACKGROUND:

14. Planning application DC/14/1206 proposed 166 residential dwellings. It was taken to the October 2015 meeting of the Council's Development Control Committee, with the officer recommendation of approval.
15. At the committee meeting, some Members raised concern regarding the proximity of the private accesses serving Plot 151 and Plot 152, due to their close proximity to the Holmsey Green/A1101 The Street junction. Members resolved to grant planning permission, subject to the inclusion of an additional condition requiring the additional highway work required under separate highways applications (but not part of the planning application) to be implemented prior to occupation of these units.
16. The wording of this condition (Condition 3 of the decision notice) was agreed by the Suffolk County Council Highways Engineer and the Planning Applicant prior to the issue of the decision notice:

'PRIOR TO FIRST OCCUPATION OF PHASE 1 - UNITS 151 AND 152

Prior to the first occupation of units 151 and 152 within Phase 1 (as shown on the Phasing Plan, Approved Drawing No. 6740 SL01 W), the highway works associated with the S278 and S38 highways work shall be carried out fully in accordance with the approved details.

Reason: In the interests of highway safety'.

17. For the avoidance of doubt, applications made under Section 38 of the Highway Act 1980 relate to the means by which a road becomes a public highway. In the context of this development site, the Section 38 work relates to the new estate road which runs through the application site from the A1101 roundabout onto Holmsey Green Road. Section 278 applications under the Highway Act 1980 relate to the detailed highways works. In this context, the Section 278 work relates to, *inter alia*, the road configuration where the estate road joins Homsey Green Road; highway/footway works at the junction of the A1101 and highway/footway works relating to the new priority junction of the estate road with Holmsey Green Road.

PLANNING HISTORY:

Extant Planning Permission

18. The application site has a lengthy and complex planning history.

DC/16/0676/S106BA Application under S106BA - Variation of affordable housing requirements (Refused 28 April 2016).

DC/14/1206/FUL Proposed residential development of 166 no. market dwellings, including associated public open space, associated accesses, landscaping and ancillary works, including the part retrospective development of 24 residential units (as amended by drawings received 09 July 2015 which proposes 49 affordable housing units). (Granted 25 November 2015)

F/2007/0492/RMA - Reserved matters for 150 dwellings for occupation by USAF personnel (resubmission) (Granted 2008)

F/2003/1077/OUT - Outline planning permission for residential development of the site (Granted 2005).

F/2007/0014/RMA - reserved matters for 150 dwellings for occupation by USAF personnel (withdrawn)

F/2002/524/OUT - residential development and means of access for occupation by USAF personnel (Refused).

F/98/568/OUT - Residential development and means of access for occupation by USAF personnel (Refused. Appeal Dismissed).

F/93/260/OUT - Residential development and means of access for occupation by USAF personnel (Refused. Appeal Dismissed).

F/91/611/OUT - Residential development and means of access for occupation by USAF personnel. (Refused. Appeal dismissed).

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 in relation to the scheme as originally submitted and as amended.

20. **Suffolk County Council Highways – No objection. Comments.** The proposal to temporarily locate the parking for Plot 151 at Plot 149 is acceptable to the Highway Authority as a short term solution (until S278 works are complete). As previously discussed, if Plot 152 should become occupied prior to the S278 being completed, additional accessible parking will be required.

21. **West Suffolk Strategic Housing – No further comments.**

22. **West Suffolk Public Health and Housing – No further comments.**

23. **West Suffolk Environmental Health- No objection.**

24. **Suffolk County Council, Flood and Water Manager – No comments to make.**

25. **Environment Agency – No comments to make.**

26. **Mildenhall Drainage Board. No objection.**

REPRESENTATIONS:

27. **Third party representations** have been received from the residents of the following property:

- 1 Harvester Lane

28. The following is a summary of the issues raised:

- Car parking already a problem in this area.
- More car parking should be encouraged.
- Existing green space should be used for car parks.
- Open space should be properly managed and maintained.

POLICIES:

DEVELOPMENT PLAN

29. The Development Plan for Forest Heath comprises the following:

- The Forest Heath Local Plan (1995) as 'saved' by the Secretary of State in September 2007 and as subsequently amended by the adoption of the Forest Heath Core Strategy in May 2010, and the Joint Development Management Policies in February 2015.
- The Forest Heath Core Strategy adopted in May 2010, as amended following the High Court Order which quashed the majority of Policy CS7 and made consequential amendments to Policies CS1 and CS13.
- The adopted policies of the Joint Development Management Policies Document (JDMP) Local Plan Document (February 2015).

30. The following Development Plan policies are applicable to the application proposal:

Forest Heath Local Plan (1995) Saved Policies

Inset Map No.6 - Beck Row Development Boundary.

Forest Heath Core Strategy 2010

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
- **T1** – Location of new development where there are opportunities for sustainable travel

Policies

- **CS1:** Spatial Strategy
- **CS5:** Design Quality and Local Distinctiveness
- **CS7:** Overall Housing Provision (sub-paragraph 1 only. Sub paragraphs 2,3, 4 and 5 were quashed by the Court Order)
- **CS9:** Affordable Housing Provision
- **CS13:** Infrastructure and Developer Contributions

Joint Development Management Policies Document 2015

- **DM1** – Presumption in Favour of Sustainable Development.
- **DM2** – Creating Places – Development Principles and Local Distinctiveness.
- **DM5** – Development in the Countryside.
- **DM7** – Sustainable Design and Construction.
- **DM22** – Residential Design.
- **DM45** – Transport Assessments and Travel Plans.
- **DM46** – Parking Standards.

Emerging Development Plan Policy

31. **Single Issue Review and Site Allocations Document:** Consultation on two Local Plan documents began on 04 April 2016 and ends on 08 June 2016. The documents cover homes and sites, and are known as the Overall Housing Provision and Distribution (Single Issue Review of Core Strategy Policy CS7) – Preferred Options and Site Allocations – Preferred Options.
32. The Examination of the 'submission' Core Strategy Single Issue Review (CS7) and Site Allocations Local Plan documents is not expected before early 2017, with adoption in mid-2017.
33. At the present time, the Single Issue Review and the Site Allocations Document carry limited weight in the decision making process, although the published evidence underlying the SIR still has weight.

Other Planning Policy

Supplementary Planning Documents

34. 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)

National Planning Policy

- National Planning Policy framework (2012) Core Principles and Paragraphs

PLANNING EVALUATION

35. This application to vary Condition 03 of DC/14/1206/FUL has been made under Section 73 of the Town and County Planning Act 1990. In accordance with The Act, the Local Planning Authority can only consider the condition that is the subject of the application. It is not a complete re-consideration of the original planning application, nor a mechanism for opening up debate about other issues.

36. In accordance with The Act, the issues to be considered in the determination of the application are:

- Principle of development; and
- Highways and parking issues.

Principle of Development

37. The development site has the benefit of planning permission for residential development, under DC/14/1206/FUL which was granted in November 2015. The principle of development is therefore established.

Highways and Parking Issues

38. The current application seeks to vary Condition 03 of DC/14/1206/FUL, to enable occupation of Plot 151 before the completion of highways works required under Section 38 and Section 278 of the Highways Act 1980.

39. Alternative temporary car parking arrangements for Plot 151 have been identified, and are shown on submitted drawing BR3-SK01. This drawing demonstrates alternative car parking at Plot 149, and indicates that Plot 149 will remain unoccupied until the Section 278 works are carried out.

40. Whilst Plot 151 has been occupied since December 2015, it is understood that it is not possible to park off site, due to raised kerb levels. The dropping of these kerbs will only be possible through successful application to the Highway Authority. It is understood that the occupants of this property are using the parking provided adjacent Plot 149.
41. The alternative car parking arrangements for Plot 151 have been considered by the Suffolk County Council Highways Engineer. In consultation correspondence dated 07 March 2016 the alternative arrangements are confirmed as acceptable.
42. Officers are satisfied that the alternative parking arrangement for Plot 151 would address the original purpose of Planning Condition 3 – to prevent vehicular access to this plot until such time as the highway works have been undertaken. It is acknowledged that this would not be a permanent solution, and that vehicular access to Plot 151 would only be possible once the outstanding Section 278 highway works have been completed.
43. Officers have sought further advice on the timescale for undertaking the Section 278 highway works from both the Highways Engineer and the Applicant. It is understood that a Safety Audit has been submitted to the Highway Authority, but this needs to be signed off. At the time of writing this report it is not known how long it will take to sign off or undertake any work arising. A verbal update will be given at the committee meeting.

Summary

44. Officers consider it disappointing that the Applicant continued to progress the sale of this property in the full knowledge of the restrictive planning condition which prevented occupation until highway works had been carried out. An alternative car parking solution has been put forward which addresses the highway safety concerns raised by Members, which was the basis for securing the condition in the first place. It would therefore be unreasonable to refuse this application to vary the condition.
45. Officers have considered the wording of the existing condition, and consider it would be reasonable for it to be re-worded as follows:

PRIOR TO FIRST OCCUPATION OF PHASE 1 – UNITS 152

Prior to the first occupation of Unit 152 within Phase 1 (as shown on the Phasing Plan, Approved Drawing No. 6740 SL01 W), the highway works associated with the S278 highways work shall be carried out fully in accordance with the approved details.

Reason: In the interests of highway safety.

46. Officers note that the wording of the original condition restricted occupation of the adjacent Unit 152. It is understood that this property is not currently occupied. It considered appropriate that this restriction remains, and an additional condition relating to this property is recommended as follows:

TEMPORARY CAR PARKING – UNIT 151

Temporary car parking to serve Unit 151 shall be as shown on submitted drawing Drawing No. BR3-SK01 – Temporary Parking Plot 151, until such time as the Section 278 Highway works has been carried out fully in accordance with the approved details.

Reason: In the interests of highway safety.

47.The Applicant has confirmed the acceptability of this condition.

Conclusion

48.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 alternative parking arrangements proposed by this application are acceptable, and do not raise significant highways issues such as to refuse the application to vary this condition. In reaching this decision, it is material that that the County Highways Engineer has raised no objection to the proposals.

Section 106 Planning Obligation Issues

49.The satisfactory determination of this application will result in the fresh grant of planning permission. A deed to vary the original Section 106 will therefore be required. The policy compliant developer contributions relating to affordable housing, education, open space, transport and healthcare which were sought and agreed under the Section 106 will remain unchanged.

50.At the time of writing this report, the Planning Applicant had not confirmed the acceptability of entering into a deed of variation. A verbal update will be given at the committee meeting.

CONCLUSIONS AND PLANNING BALANCE

51.The principle and detail of the development is considered to be acceptable and in compliance with relevant development plan policies and the National Planning Policy Framework.

RECOMMENDATION

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

(1) The variation of the Section 106 agreement relating to DC/14/1206/FUL

(2) And the following amended/new conditions:

PROPOSED AMENDED PLANNING CONDITION:

PRIOR TO FIRST OCCUPATION OF PHASE 1 – UNITS 152

Prior to the first occupation of Unit 152 within Phase 1 (as shown on the Phasing Plan, Approved Drawing No. 6740 SL01 W), the highway works associated with the S278 highways work shall be carried out fully in accordance with the approved details.

Reason: In the interests of highway safety.

PROPOSED NEW PLANNING CONDITION:

TEMPORARY CAR PARKING – UNIT 151

Temporary car parking to serve Unit 151 shall be as shown on submitted drawing Drawing No. BR3-SK01 – Temporary Parking Plot 151, until such time as the Section 278 Highway works has been carried out fully in accordance with the approved details.

Reason: In the interests of highway safety.

(3) And the following existing conditions under DC/14/1206/FUL (except where these conditions have already been discharged by the Local Planning Authority):

- Compliance with approved plans.
- Highways – Storage of refuse and recycling bins.
- Highways – Details of carriageways and footways.
- Highways – Deliveries Management Plan.
- Highways – Parking.
- Contamination – further investigative work if found.
- Foul water disposal details.
- Surface water drainage details: SuDs management plan.
- Construction method statement.
- Working hours.
- Ground levels details.
- Details of boundary treatment.
- Samples of materials.
- Detailed scheme of hard and soft landscaping.
- Tree protection.
- Details of tree works for retained trees.
- Detailed Arboricultural Method Statement and Tree Protection Plan.
- Open space management plan.
- Details of play equipment.
- Details of lighting.
- Recommendations of Ecological Appraisal to be implemented.
- Provision of fire hydrants.
- 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:

<https://planning.westsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=O2G2TZPDN3000>

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

Forest Heath District Council

**DEVELOPMENT
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COMMITTEE**

6 JULY 2016

DEV/FH/16/014

Report of the Head of Planning and Growth

**PLANNING APPLICATION DC/15/0802/FUL – GYMNASIUM BUILDING,
HERRINGSWELL MANOR, HERRINGSWELL ROAD, HERRINGSWELL**

Synopsis:

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

Recommendation:

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

CONTACT OFFICER

Case Officer: Philippa Kelly
Email: Philippa.kelly@westsuffolk.gov.uk
Telephone: 01284 757382

Committee Report

Date 20th May 2015 **Expiry Date:** 30 June 2016 (with agreement)
Registered:

Case Officer: Philippa Kelly **Recommendation:** REFUSE planning permission.
Parish: Herringswell **Ward:** Red Lodge

Proposal: Planning Application DC/15/0802/FUL - Change of use of existing redundant gymnasium building to 15 dwellings (3 x one-bedroom apartments, 6 x two-bedroom apartments, 6 x three-bedroom apartments), residential office unit, new residential gym facility and ancillary works.

Site: Gymnasium Building, Herringswell Manor, Herringswell Road
Herringswell

Applicant: City and Country Residential Limited

BACKGROUND:

This Major Application is referred to the Development Control Committee, due to its complex nature which raises District wide planning policy issues.

The application is recommended for REFUSAL.

APPLICATION DETAILS:

1. Planning permission is sought for the conversion of a former gymnasium building within the site of Herringswell Manor, Herringswell. The converted building will accommodate 15 one, two and three bedroom apartments. In addition, a gymnasium and ancillary office space is proposed for use by the residents.
2. The apartments are designed as town houses over a number of storeys. Each unit will have private amenity space in the form of garden, balcony or roof terrace.
3. It is proposed that the car parking arrangements at the front of the building will remain largely unaltered, with an additional four car parking spaces to be provided in the north courtyard.

4. The existing access arrangements to Herringswell Manor will remain unchanged. Access will be taken from Herringswell Road.
5. The scheme as originally submitted identified that no affordable housing would be provided. A Viability Appraisal was submitted in November 2015 which provided the applicant's justification for why the scheme would not be viable with affordable housing.

AMENDMENTS:

6. During the course of the application, additional information and amendments were received. The additional information included a detailed Landscaping Scheme, Landscape Design Strategy Report, Sustainability Statement and Viability Report.
7. Formal amendments to the design of the scheme, including a revised tree Survey and Arboricultural Impact Assessment were submitted to the Council in January 2016. These amendments followed advice offered to the Planning Agent by the Planning Officer, Council's Conservation Officer and Tree and Landscape Officer. A re-consultation of consultees was carried out following receipt of the amendments.
8. A confidential Viability Report was submitted to the Council in November 2015. This was the subject of an independent review on behalf of the Council.
9. In May 2016 the Government re-instated the Vacant Building Credit. This policy gives credit to affordable housing requirements on schemes with vacant buildings. This policy triggers the requirement for the equivalent of 0.54 of a dwelling.

APPLICATION SUPPORTING MATERIAL:

10. The application is accompanied by the following documents:
 - Application forms and drawings.
 - Design and Access Statement.
 - Ecology – Phase 1 Habitat Survey.
 - Heritage Assessment.
 - Public Consultations Statement.
 - Structural Survey.
 - Transport Statement.
 - Tree Survey and Arboricultural Impact Assessment.
 - EnviroScreen Report (Contaminated Land)
 - Sustainability Statement.
 - Viability Report (*this is a confidential document and is not publically available*).

SITE DETAILS:

11. The application site is within the grounds of Herringswell Manor, an early twentieth century Grade II listed large country house. It is situated in a countryside location, approximately 1.6km from Herringswell, which is a small settlement as defined within the Forest Heath Core Strategy.
12. The site is accessed via a gated private driveway from Herringswell Road which services Herringswell Manor and a number of other buildings. These buildings formed part of a Japanese boarding school that previously operated from the site. Planning consent for the residential conversion of these buildings was first granted in 2004. Since this time, it is understood that there are 52 dwelling units within the various buildings across the site.
13. The existing gymnasium building was built in the late 1980s. It is situated in a prominent location on the main entrance route into the site, to the south of the access road and east of the manor house. The building is sited within well established historic woodland. It is large and utilitarian in appearance. It is the only one of the former school buildings remaining within the site which has not been converted to residential use.
14. The manor house and a number of pre-1948 buildings on the site are Grade II listed.
15. The Environment Agency flood risk maps indicate that the site is situated within Flood Zone 1 (with little or no risk of flooding).

PLANNING HISTORY:

16. The Herringswell Manor site has a lengthy and complex planning history. The first application for the conversion of the Manor House and other buildings within the site (excluding the gym) to form 29 dwellings was granted in 2004 (F/2003/0854/CO)
17. Three further planning application (F/2005/0195/COU, F/2005/0196/COU and F/2005/0201/COU) were allowed at appeal. This increased the number of permitted dwellings within the site to 52.
18. In terms of the gymnasium building to which this application relates, planning permission was granted under F/2005/0199/COU for its re-use as a gym solely for use by the residents of Herringswell Parish and Herringswell Manor. This permission was not implemented and subsequently lapsed.
19. More recently, a planning application was submitted in 2008 (F/2008/0471/FUL) for the conversion of the gymnasium. This was subsequently withdrawn following discussions with the planning case officer.

20. In 2010, re-submitted application F/2009/0060/FUL for the change of use of the gymnasium building to form 24 dwellings, gymnasium, offices, car parking and ancillary facilities was refused under officer delegated powers. The following reasons were cited:
- *The application proposes the development of 24 residential units within the Rural Area, within a location remote from any sustainable settlements and with poor access to everyday goods and services. Notwithstanding that this scheme represents the re-use of an existing building it is considered that the scheme, by reason of its scale and location, will lead to an over-reliance on the private car and that it therefore presents an unsustainable development that is contrary to the requirements of Local Plan Policy 9.1, and to the requirements of PPS1, PPS3, PPS7 and PPG13.*
 - *The scheme makes no provision for affordable housing, nor any provision for the reappraisal of the provision of such at any stage prior to commencement of development. It is considered that a need exists for the provision of affordable housing, and that a failure to provide such renders the development contrary to the provisions of Policy H2 of the Regional Spatial Strategy, and to the general provisions of PPS1 and PPS3.*
 - *The development proposed, by reason of the resultant increase in population, is considered likely to increase the demand for education provision usage within the locality without making an effective contribution towards such. In the absence of such a contribution it is considered that the scheme represents an unsustainable development contrary to the requirements of RSS Policy SS1 and the objectives of Planning Policy Statements 1 and 3.*
21. The Applicant appealed against the Council's decision to refuse planning permission, and, following a Public Inquiry, the appointed Inspector dismissed the appeal (reference APP/H3510/A/10/2122657). The following pertinent points were made by the Inspector.
- *Given that the site is in the countryside, some way from a recognisable settlement and public transport links, I consider that the number of dwellings proposed and the associated expansion of residential use and activity on the site would constitute major development in the context of the spatial strategy for the District (Paragraph 11).*
 - *Whilst the proposal would have some benefits and realistic alternative uses for the building have not been identified, this does not in this particular case outweigh the need to avoid residential development of this scale in the countryside, on a site well away from a settlement with services and facilities and with no direct public transport links, given the context provided by national and local policy. The benefits of re-using a sound building and contributing to housing supply could apply equally to many other buildings in the countryside, as could the lack of an alternative*

viable use (Paragraph 22).

CONSULTATIONS:

Application as originally submitted:

22. **West Suffolk Planning Policy: Objection. Detailed comments provided. Summary:** The application site is not identified in the Council's five year supply. As the Council can demonstrate a five year supply of housing, the policies linked to the supply of housing are a material consideration in the determination of this application (NPPF para 49).

The site lies within the Countryside on the policies map and under Policy DM5 it states 'areas designated as countryside will be protected from unsustainable development'. The proposal would be contrary to Policy CS1 of the Core Strategy which sets out the spatial strategy as well as the emerging distribution strategy in the Single Issue Review Preferred Option document (approved by Cabinet for consultation non 1.3.16) and the emerging Site Allocations Local Plan Preferred Options (also approved for consultation by Cabinet on 1.3.16).

Policy DM28 (b). According to the applicant, 58% of the roof area is to be removed, and 30% of the external walls, which could be viewed as a significant alteration and redevelopment rather than straight change of use.

The application site in the countryside, not adjacent to any existing settlement and I have concerns around the sustainability of the location, given the distance to the nearest bus stop and access to day-to-day services and facilities 3km away in Red Lodge. Policy DM33 'states that 'In addition to other policies in the Plan, proposals for the re-use, conversion and alteration or extension of buildings must also satisfy the following criteria: a) the building is structurally sound and capable of conversion without the need for significant extension or alteration or reconstruction'. Part (c) goes on to state 'the nature and intensity of the proposed use would be compatible with its rural location'. Again, I have concerns that the changes being made to the building are 'significant' and could be contrary to part a) of the policy. I am also concerned about a possible conflict with part c), in that the addition of 15 homes in the countryside is unsustainable.

When considering the above against the three dimensions of sustainable development in paragraph 7 of the NPPF, bearing in mind the three roles should not be taken in isolation, the proposals could be considered contrary to the 'social' role in that there is no specific 'housing need' in this location.

The proposed residential office unit would be for the use of residents only which would provide no real economic benefit to the proposal, but could be a perceived social/environmental benefit if this assists in reducing trip generation.

While the proposals would be beneficial in terms of bringing a redundant building back into use, this needs to be balanced with the policy/sustainability issues raised above

23. **West Suffolk Housing: Objection. Comments.** The Strategic Housing Team is unable to support the above development as it does not adhere to our Core Strategy CS9 policy on delivering 30% affordable housing. The Strategic Housing Team on the 18th August 2015 submitted evidence to the developer and the Local Planning Authority demonstrating that there was a need for affordable housing on site and provided robust evidence to support this. We received no further comments from the developer regarding this. Therefore based on the fact that the developer has provided no further guidance on why they are unable to meet the full provision of affordable housing, the Strategic Housing Team would recommend refusal the development.
24. **West Suffolk Tree and Landscape Officer: Objection. Comments.** Objects to the proposal on the grounds of loss of woodland and habitat for protected species and the future continued loss which would be inevitable.
- West Suffolk Conservation Officer: Objection. Comments.** It is considered the proposed application would prove contrary to Policy DM28 and DM33, which require the re-use, conversion and alteration or extension of buildings within the countryside to be structurally sound and capable of conversion without the need for significant extension or alteration or reconstruction. In addition, the assertive nature of the resultant building is not considered to enhance the setting of the listed building.
25. **West Suffolk Environmental Health: No objection. Comments.** Requests comments controlling construction works, machinery installed within the proposed gym and ensuring the proposed dwellings achieve acceptable levels of acoustic insulation.
26. **West Suffolk Environmental Health (Regulatory Services) Contaminated Land: No objection.**
27. **Suffolk County Council Highway Authority: No objection. Comments.** Requests planning conditions and S106 contribution towards bus stop improvements.
28. **Suffolk County Council Planning Obligations. Comments.** Sets out the level of contributions required as a result of the proposed development.
29. **Suffolk Fire and Rescue. No objection. Comments.** No additional water supply for fire fighting purposes is required.
30. **Anglian Water: No objection. Comments.** Requests conditions.
31. **Natural England: No objection. Comments.** Requests condition regarding construction management plan.
32. **Suffolk Wildlife Trust – No response received.**

Amended scheme submitted March 2016:

33. **West Suffolk Tree and Landscape Officer: Objection. Comments.** The proposals still represent an erosion of the existing woodland around the existing gymnasium with no real proposals for mitigation or enhancement of the site for biodiversity excepting some understorey planting to increase screening.
34. **West Suffolk Conservation Officer: Objection. Comments.** Setting aside the policy tests regarding the principle of conversion, whilst the architectural merits of the proposed building are appreciated, my concern relates to its assertive and competitive presence in the context of the setting of the designated heritage asset. Unless the revised landscaping proposals are sufficient to provide adequate all year round screening and we are satisfied the proposed screening, if sufficient, will not be threatened by a likely desire for reduction, my concerns previously raised remain.

REPRESENTATIONS:

35. **Herringswell Parish Council:**

Scheme as originally submitted –Objection on the grounds of being contrary to national and local planning policy with regard to:

- Unsustainable location.
- Impact on setting of listed building.
- Poor access.
- Impact on foul sewerage system.
- Health and safety in relation to visitor parking and conflict with delivery of calor gas to site.
- School at Red Lodge already at capacity.
- No provision of affordable housing.
- Impact of withdrawal of USAF from Mildenhall.
- The application is premature.

Amended scheme – Objection

- Requests a developer contribution to the village hall in Herringswell.
- Requests that residents of Herringswell be able to use the proposed gymnasium.

36. **Third Party Representations**

Third party representations have been received from residents of the following properties:

- West Lodge
- Apartment 1, South Courtyard
- 1 The Coach House

- Apartment 8, The Manor
- Apartment 4, The Manor
- Apartment 1, The Manor
- Blacksmiths Cottage

A letter has also been submitted on behalf of the Chairman of the Resident's Association of The Manor.

The following is a summary of the issues raised:

- Road Safety – construction vehicles will increase the risk of an accident.
- A further 6 extra parking spaces are not required.
- Parking next to the LPG Offloading area is not acceptable as creates a risk of a major incident.
- Existing concerns about LPG storage and offloading – some pipework is not bonded and meters are incorrectly positioned.
- Fire Safety – main hydrant at the entrance to the Manor is overgrown and unmarked
- Effluent System – Present system fails to cope and the site is far from fully occupied. It will not cope with addition of 15 more apartments
- Site is unsustainable
- In-sufficient areas will be retained – therefore is this truly a conversion.
- Further information required to demonstrate that this is a conversion and not a new build.
- Need further plans regarding landscaping – important to show how existing hedge screens the Gym.
- Traffic management: requirement for traffic management during construction phase.

POLICIES:

DEVELOPMENT PLAN

37. The Development Plan for Forest Heath comprises the following:

- The Forest Heath Local Plan (1995) as 'saved' by the Secretary of State in September 2007 and as subsequently amended by the adoption of the Forest Heath Core Strategy in May 2010, and the Joint Development Management Policies in February 2015.
- The Forest Heath Core Strategy adopted in May 2010, as amended following the High Court Order which quashed the majority of Policy CS7 and made consequential amendments to Policies CS1 and CS13.
- The adopted policies of the Joint Development Management Policies Document (JDMP) Local Plan Document (February 2015).

38. Officer Note: Since the previous 2010 planning application was dismissed

at appeal, there have been changes to the planning policy framework. At a national level, the National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG) has been published. From a local planning policy perspective, the Council adopted the Joint Affordable Housing Supplementary Planning Document in October 2013 and the Joint Development Management Policies Document in February 2015.

39. The following Development Plan policies are applicable to the application proposal:

Forest Heath Local Plan (1995) Saved Policies

A list of extant 'saved' policies is provided at Appendix A of the Forest Heath Cores Strategy (2010). The 'saved' policies subsequently replaced by the adoption of the Joint Development Managed Policies Document (2015) are identified in Appendix B of that document.

Inset Map No.21 - Herringswell

Forest Heath Core Strategy 2010

40. The Core Strategy was the subject of a successful legal challenge following adoption. Various parts of the plan were affected by the High Court decision, with Policies CS1, CS7 and CS13 being partially quashed 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

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
- **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

Policies:

- **CS1:** Spatial Strategy
- **CS2:** Natural Environment
- **CS3:** Landscape Character and the Historic Environment
- **CS4:** Reduce Emissions, Mitigate and Adapt to Future Climate Change.
- **CS5:** Design Quality and Local Distinctiveness
- **CS6:** Sustainable Economic Development and Tourism
- **CS7:** Overall Housing Provision (sub-paragraph 1 only. Sub paragraphs 2,3, 4 and 5 were quashed by the Court Order)
- **CS9:** Affordable Housing Provision
- **CS10:** Sustainable Rural Communities
- **CS13:** Infrastructure and Developer Contributions

Joint Development Management Policies Document 2015

41. The following policies from the Joint Development Management Policies Document are considered relevant to this planning application:

- **DM1** Presumption in favour of sustainable development
- **DM2** Creating Places – Development Principles and Local Distinctiveness
- **DM5** Development in the Countryside
- **DM7** Sustainable Design and Construction
- **DM10** Impact of Development on Sites of Biodiversity and Geodiversity Interest
- **DM12** Mitigation, Enhancement, Management and Monitoring of Biodiversity
- **DM14** Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards
- **DM15** Listed Buildings
- **DM16** Heritage Assets and Listed Buildings
- **DM22** Residential Design
- **DM28** Residential Use of Redundant Buildings in the Countryside
- **DM33** Re-Use of Replacement of Buildings in the Countryside
- **DM46** Parking Standards

Other Planning Policy

Supplementary Planning Documents

42. 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

43. **Single Issue Review and Site Allocations Document:** Consultation on two Local Plan documents began on 04 April 2016 and ends on 01 July 2016. The documents cover homes and sites, and are known as the Overall Housing Provision and Distribution (Single Issue Review of Core Strategy Policy CS7) – Preferred Options and Site Allocations – Preferred Options.
44. The Examination of the 'submission' Core Strategy Single Issue Review (CS7) and Site Allocations Local Plan documents is not expected before Spring 2017, with adoption in late-2017.
45. The emerging Single Issue Review and Site Allocations Documents have reached 'Preferred Options' stage but the consultation period is yet to be completed. These emerging documents can therefore only be attributed limited weight in the decision making process.

National Planning Policy and Guidance

46. 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 (NPPF) is a material consideration for planning decisions and is relevant to the consideration of this application.
47. Paragraph 14 of the NPPF 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 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'.*

48. Officer Note: A footnote to Paragraph 14 (Footnote 9 of the NPPF) sets out examples of where the presumption in favour does not apply. This includes designated heritage assets, where substantial or less than substantial harm would be caused. The application site is situated in the grounds of a designated heritage asset. Officers do not consider that the planning application proposals would constitute 'substantial or less than

substantial' harm to this asset. On this basis, the presumption in favour of sustainable development has been applied in relation to this matter.

49. This presumption in favour of sustainable development is further reinforced by advice within the Framework relating to decision-taking. Paragraph 186 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*'.
50. Paragraph 215 of the NPPF states that due weight should be given to relevant policies in existing plans according to their degree of consistency with the framework (the closer the policies in the plan to the policies in the Framework, the greater weight that may be given).
51. 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.
52. The relevant parts of the NPPF and NPPF are discussed below in the officer comment section of this report.

PLANNING EVALUATION:

53. The subsequent section of the report considers whether the development proposed by this planning application can be considered acceptable in principle in the light of extant national and local planning policies. It then goes on to analyse other relevant material planning considerations, (including site specific considerations and Section 106 requirements) before concluding by balancing the benefit of the development proposals against the dis-benefits.
54. 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 are considered to outweigh its dis-benefits, as required by the Framework. Appropriate weight should be attributed to relevant policies in the Core Strategy, with greater weight attributed to those policies consistent with national policies set out in the Framework.

Principle of Development

National Planning Policy Context and Forest Heath's Housing Policies

55. At the heart of the NPPF is a presumption in favour of sustainable development. Paragraph 12 of the NPPF states that the Framework does not change the statutory status of the development plan as the starting

point for decision making. Proposed development that accords with an update to date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise. The NPPF is a material consideration.

56. Paragraph 49 of the Framework states that '*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. Paragraph 215 of the NPPF requires the decision maker to assess the degree to which relevant policies in existing plans are consistent with the Framework: the closer they are to the policies in the Framework the more weight they should attract
58. It has recently been held at planning appeal that the Council can demonstrate a five year supply of deliverable housing sites (APP/H3510/W/15/3070064 – Meddler Stud, Bury Road, Kentford – Appeal Decision Dated 05 May 2016). Policies relating to the *supply* of housing can therefore be considered up to date.
59. In terms of policies relating to the *distribution* of housing, the Forest Heath Core Strategy was adopted in May 2010, but was subject to a successful High Court challenge in April 2011. The judge concluded that, although the Local Planning Authority had followed the procedural stages of a Strategic Environmental Assessment, it had failed to provide adequate information and explanation of the choices made to demonstrate that it had tested all reasonable alternatives for residential growth. The judgement ordered the quashing of certain parts of Policy CS7 with consequential amendment of CS1 and CS13. The result was that the local planning authority maintained the overall number of dwellings that it needed to provide land for and the overall settlement hierarchy, but no precise plans for where dwellings should be located.
60. The detailed settlement boundaries are set out in the 1995 Local Plan as Inset Maps. Local Plan policies which provide for settlement boundaries were replaced by Policy CS1 of the Core Strategy upon adoption in 2010. Whilst Policy CS1 (and other Core Strategy policies), refer to settlement boundaries, the Core Strategy does not define them. Settlement boundaries are included on the Policies Map accompanying the Joint Development Management Policies Document (2015) and therefore do have Development Plan status. The settlement boundaries are illustrated at a small scale on the Policies Map, and it is difficult to establish their detailed alignment. Accordingly it is reasonable to read the Policies Map and Local Plan Inset Maps together to establish the precise locations of the settlement boundaries.
61. The settlement boundaries included on the Policies Map were not reviewed prior to adoption of the Joint Development Management Policies Document and thus have not been altered from the 1995 Local Plan Inset Maps. Core Strategy Policy CS10 confirms the settlement boundaries will be

reviewed as part of the emerging Site Allocations Development plan Document.

62. Officers consider the requirement in Core Strategy CS10, combined with the fact that settlement boundaries and policies underpinning them, have not been reviewed since the introduction of the NPPF, means the current settlement boundaries are to be afforded reduced weight (but are not to be overlooked altogether) in considering planning applications until the review within the Site Allocations Plan progresses and can be attributed greater weight. They will be attributed greater weight as the Site Allocations Plan progresses towards adoption.
63. The Planning Inspector at the Meddler Stud confirmed this approach, noting that there is no up to date development plan for housing provision (APP/H3510/W/15/3070064 – Meddler Stud, Bury Road, Kentford – Appeal Decision Dated 05 May 2016).
64. On the basis that settlement boundaries and the policies underpinning them pre-date the NPPF, Paragraph 14 of the NPPF and Policy DM1 of the Joint Development Management Policies Document is engaged. These state that 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 as a whole.

What Is Sustainable Development?

65. The policies contained in Paragraphs 18 to 219 of the Framework, taken as a whole constitute the Government's view of what sustainable development means in practice for the planning system. It goes on to explain there are three dimensions to sustainable development:
 - i) economic (contributing to building a strong, responsive and competitive economy),
 - ii) social (supporting strong, vibrant and healthy communities) and,
 - iii) environmental (contributing to protecting and enhancing our natural, built and historic environment;)
66. The Framework explains (paragraph 9) that in order to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system. It is Government policy that the planning system should play an active role in guiding development to sustainable solutions.
67. Paragraph 9 of the Framework further explains that pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life, including (but not limited to):
 - making it easier for jobs to be created in cities, towns and villages;
 - moving from a net loss of bio-diversity to achieving net gains for nature;

- improving the conditions in which people live, work, travel and take leisure; and
- widening the choice of high quality homes.

Prematurity

68. Herringswell Parish Council has raised concern that approval of this planning application would be premature and its consideration should await the formation (adoption) by the Council of an appropriate Local Policy Framework.
69. The NPPF does not address 'prematurity' directly, but advice about the approach the decision maker should take is set out in the National Planning Practice Guide. It states:
70. Annex 1 of the National Planning Policy Framework explains how weight may be given to policies in emerging plans. However in the context of the Framework and in particular the presumption in favour of sustainable development – arguments that an application is premature are unlikely to justify a refusal of planning permission other than where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, taking the policies in the Framework and any other material considerations into account. Such circumstances are likely, but not exclusively, to be limited to situations where both:
- (a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging Local Plan or Neighbourhood Planning; and
 - (b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.
71. Refusal of planning permission on grounds of prematurity will seldom be justified where a draft Local Plan has yet to be submitted for examination. 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.
72. In the specific circumstances of this application, the conversion of a building to 15 residential units is not considered substantial in comparison to the overall quantum of development that needs to be provided in the District over the Plan period. Furthermore, the Single Issue Review of the Core Strategy and the Site Allocations document are both at early stages and presently carry only limited weight in the decision making process.
73. On this basis it would be very difficult to justify any decision that approval of this scheme would be premature in the context of current guidance.

74. On the basis of national guidance on the issue of prematurity and relevant national policies providing for the delivery of sustainable development without delay, officers do not consider it would be reasonable to object to the planning application on the grounds of it being premature to the Development Plan.

Development Plan Policy Context

75. Core Strategy Policy CS1 sets out the Council's spatial strategy and defines Herringswell as a small settlement – one which has few or in some cases no, local services. These villages are not capable of sustaining further growth as many are completely reliant on higher order settlements for services and facilities.
76. The application site lies outside of the defined settlement boundary for the village of Herringswell, and is therefore situated in the countryside for the purposes of interpreting planning policy.
77. Whilst the application site is situated outside the defined settlement boundary, a key determining factor will be whether the proposed development can be deemed 'sustainable' in the context of the policies contained in the Framework (as a whole) and with particular regard to Paragraph 14 of the Framework. The village settlement boundaries are contained in the ageing Local Plan, adopted almost 20 years ago, in 1995. In reaching a decision on this planning application, regard must also be had to the provisions of the Local Plan policies, despite their age and also to policies contained in the adopted Core Strategy, which carry significantly more weight in the decision making process. However, in determining whether or not the proposed development is sustainable and should be granted planning permission, the Framework directs that the benefits arising from development should be considered and balanced against the perceived dis-benefits.
78. A balancing analysis is carried out towards the end of this section of the report as part of concluding comments. An officer discussion to assist with Members consideration of whether the development proposed by this planning application is 'sustainable' development is set out below on an issue by issue basis.

Summary

79. The application site is situated outside the settlement boundary and is thus located in the Countryside for the purposes of interpreting planning policy. Core Strategy Policy CS10 confirms the settlement boundaries will be reviewed as part of the emerging Site Allocations Development plan Document. This document can only be attributed limited weight at the present time, given its emerging status.
80. Officers consider that the requirement in Core Strategy CS10, combined with the fact that settlement boundaries and policies underpinning them, have not been reviewed since the introduction of the NPPF, means that

the current settlement boundaries are to be afforded reduced weight (but are not to be overlooked altogether) in considering planning applications until the review within the Site Allocations Plan progresses and can be attributed greater weight.

81. The following evaluation considers the wider impacts of the application proposals, and concludes with an evaluation of the benefits and dis-benefits of the proposal.

Conversion of Building

82. The site is within the rural area where new isolated dwellings would not ordinarily be supported in accordance with Paragraph 55 of the NPPF. The Framework sets out a presumption in favour of sustainable development, but also advises Local Planning Authorities to avoid allowing new isolated homes in the countryside unless there are special circumstances. These include where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting.
83. Policy DM28 of the Joint Development Management Document permits the residential re-use of redundant buildings in the countryside where alternative uses have been fully explored and discounted, and where the building to be converted is structurally sound and capable of conversion - without the need for extension, significant alteration or reconstruction. This policy should also be read alongside Policy DM33 which permits the conversion of buildings in the countryside subject to the satisfaction of a number of criteria.

Alternative Uses of Building

84. Officers consider that alternative uses of this building have been fully explored. In reaching this decision, regard has been had to the 2010 Appeal Decision in respect of the previous application on this site. The Inspector considered the evidence put forward by the Applicant with regard to the possible alternative uses for the site and concluded that:

"On the basis of the evidence before me I am satisfied that potential alternative uses for the gymnasium building have been explored and legitimately found to be unviable or unsuitable in planning terms.

85. On this basis, officers consider that Part A of Policy DM28 has been satisfied.

Capability of Conversion

86. Part B of Policy DM28 supports the conversion of buildings in the countryside into dwellings, where the building is capable of conversion and without the need for '*significant extension or alteration or reconstruction*'.
87. The application supporting material provides evidence to support the capability of the building for conversion – although acknowledges that the conversion will involve substantial alterations to the building, including the

loss of a large central section and its replacement by new columns and trusses.

88. The Planning, Design and Access Statement which accompanies the application also acknowledges that the conversion will lead to a significant change to the buildings appearance. According to the applicant, 58% of the roof area is to be removed, and 30% of the external walls.
89. Whilst officers note the applicants intention to reuse as much of the existing fabric as possible, this does not alter the fact that the residential conversion of this building will not be possible without significant, and substantial, alterations. The proposed changes would have a considerable impact upon the appearance of the original building.
90. The existing building is a single storey utilitarian structure which comprises a number of structural frames, with a mezzanine floor covering part of it. Significant changes will need to take place to the structure to facilitate the conversion – for example strengthening of the walls through the insertion of new supporting steelwork. It would appear that the existing structural framework of the building would not withstand the conversion without a substantial degree of demolition and re-construction.
91. On this basis, officers are of the opinion that the application would fail Part (B) of DM28, in that significant alteration and reconstruction would be required to convert the building to residential use.

Design and Impact on Surrounding Area

92. Policy DM28 requires proposals for converted buildings to be of a high quality design, which lead to an enhancement to the immediate setting of the building. Officers do not dispute that the proposed conversion and remodelling would result in a building of a high quality design and standard. However, the conversion will result in a design which is unrecognisable from the original building, and will result in a significant change in the character of the building.
93. In considering the impact of the converted building on its immediate setting, the Council's Conservation Officer has expressed concern that the strong architectural style proposed will result in an overly assertive building. The Conservation Officer considers that this would be visually prominent within its setting and the wider landscape context.
94. This view is shared by the Council's Ecology and Landscape Officer, who has raised concern regarding the potential impact of the erosion of existing woodland to allow for the introduction of residential curtilage.
95. The application supporting information provides information to justify the impact of the converted building on its surroundings. Oak timber cladding has been chosen to help blend with the woodland surroundings, whilst the zinc clad roof is justified as blending with the sky. Officers agree that the use of these materials would assist in helping the building to relate to its context. However, concern remains that the form of the building will

appear overly bulky and overbearing in its context.

96. Officers are also concerned that the expansion of the footprint of the building to allow for the introduction of, *inter alia*, domestic gardens, access routes, patios and a bin storage area will have a negative impact on the woodland character of the immediate area.
97. On the basis of this evaluation, officers are of the opinion that the converted building would not have a positive impact, contrary to Policy DM28. This would be a dis-benefit of the scheme.

Summary

98. Consideration of the enhancement of the immediate setting of the building is a fundamental consideration. Officers are of the opinion that the design of the converted building and presence of domestic curtilage are sufficient to conclude that the immediate setting of the building would not be enhanced by the development which is proposed.
99. Moreover, it is considered that the existing structural framework of the building is not substantial enough to be capable of conversion to residential units, without a substantial degree of demolition and re-construction.
100. On this basis, the proposed development is considered to fail the relevant tests set out in Policies DM28 and DM33.

Sustainable Transport/Impact upon the Highway Network

101. The Framework confirms that the transport system needs to be balanced in favour of sustainable transport modes giving people a real choice about how they travel. There is, however, recognition that opportunities to maximise sustainable transport solutions will vary from urban to rural areas.
102. It is Government policy that planning decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable modes of transport can be maximised. However, the Framework confirms this policy needs to take account of other policies in the document, particularly in rural areas.
103. The Framework confirms that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. It goes on to state that planning decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised recognising that this needs to take account of policies set out elsewhere in the Framework, particularly in rural areas.
104. 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.

Sustainable Transport

105. The Forest Heath Core Strategy seeks to focus development on the larger settlements with services and facilities, and avoid major development in the Countryside.
106. The Core Strategy categorises this location as 'Countryside', being away from the small settlement of Herringswell which is not capable of sustaining further growth. It is therefore very likely that potential occupiers of the proposed dwellings would need to travel to meet their employment, retail and entertainment needs. Similarly, the range of services and facilities that might have reduced the need for some car trips are limited.
107. With regard to public transport, opportunities are limited. The Highway Authority has requested a developer contribution for improvements to the nearest bus stop, to make it more attractive to potential users. Officers consider that this, in isolation, would have little effect in encouraging modal shift from the private motor vehicle to public transport, given the limited bus services on offer (particularly during peak hours).
108. In considering whether the location is sustainable in transport terms, officers have had regard to the 2010 Appeal Decision in respect of the previous application on this site. In this respect, the Inspector acknowledged the countryside location, and the fact that the site was well away from a settlement with services/facilities, with no direct public transport links. He considered that the number of dwellings proposed and the associated expansion of residential use and activity on the site would constitute major development in the context of the spatial strategy for the District.
109. Members are reminded that the District's settlement hierarchy as set out in the Core Strategy has not changed since the 2010 Appeal Decision. The site remains a Countryside location. Officers note that the subject application is for a lesser amount of residential development when compared to the appeal scheme (15 dwelling units as opposed to 24). The quantum of development proposed by this application would represent a significant increase in the number of dwellings which are already on the Herringswell Manor site as a whole (52). Similarly, the increased activity arising from the proposed number of dwellings would be significant when considered against the existing situation.
110. The unsustainable location of the site in transport terms, and the lack of local services, leisure, retail and employment opportunities to support the occupants of the proposed development, is considered to be a significant

dis-benefit of the scheme.

Impact on Highways

111. Suffolk County Council as Highway Authority has raised no objection to the development proposals on highways grounds, subject to the recommendation of planning conditions. These relate to ensuring that vegetation adjacent the access is cut back and maintained so that the increase in use of the access from the additional is not detrimental to highway safety.

Summary

112. The application site is situated in a countryside location, some distance from the small settlement of Herringswell. Officers consider the unsustainable location of the site and the lack of local services, leisure, retail and employment opportunities to support development of the scale which is proposed, to be significant dis-benefits of the scheme.

Flood Risk, Drainage and Pollution

Surface Water Drainage

113. The application proposes that surface water run off collected within the site, from the building and areas of hard standing, should be disposed of through Sustainable Drainage Systems (SuDS) to be located close to the building. Details of a SuDS scheme can be secured by planning condition, should approval be forthcoming.

Foul Drainage

114. Anglian Water have assessed the information submitted and have advised that that development will lead to an unacceptable risk of flooding downstream. A drainage strategy will need to be prepared in consultation with Anglian Water to determine mitigation measures, should the scheme be approved.

LPG Storage and safety

115. Third party representations have raised concern regarding the impact of the proposed visitor spaces on the ability of tanker drivers to deliver gas to the sites underground storage tanks which provide heating for the existing residential units. The safety of these facilities is governed by the HSE and is not a material planning consideration. However, in light of the concerns raised, the Applicant removed the visitor parking spaces from the proposal. The spaces were not required to serve the development and had only been included at the request of existing residents.

Summary

116. The Environment Agency, Anglian Water Services, Suffolk County Council and the Council's Environmental Health team have not objected to or

raised concerns about the application proposals in respect of flood risk, drainage and pollution. 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 on Natural Environment

117. 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.
118. 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.
119. There are no designated sites on or immediately adjacent to the application site. However the site is situated within close proximity to the Wilde Street Meadow Site of Special Scientific Interest (SSSI).

Habitats Regulations Assessment

120. 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 Ecological Survey which was submitted in support of the planning application advises that given the distance from internationally protected sites, the proposed development would have no direct effect on the interest features of these sites. Natural England, in consultation correspondence, has advised that the proposed development is not likely to have significant effects on the interest features for which Wilde Street Meadow SSSI has been designated.
121. The HRA screening process was undertaken by the Council's Ecology, Tree and Landscape Officer, as part of the consultation response. This confirms that the proposal will not have a likely significant effect on any European site, and can therefore be screened out from any requirement for further assessment.

Impact on SSSI

122. Natural England does not object to the proposals. However, they have noted that the development may have a detrimental effect on the Cherry Hill and the Gallops Site of Special Scientific Interest due to the additional traffic that will be generated, particularly during the construction stage of the buildings. Herringswell Road is narrow and the vehicles entering and leaving the building site may exacerbate the erosion of the SSSI and overlapping Roadside Nature Reserve verges. These verges have been designated because of their floristic interest. To help alleviate this problem, Natural England has recommended that the developers should produce a construction management plan. This can be secured by planning condition, should approval be forthcoming.

Trees and Ecology

123. A Phase 1 Habitat Survey and Bat Survey has been submitted in support of the application. This survey notes that the existing woodland supports a moderately diverse composition of mature trees, although the understory supported just a limited community of woodland plants. The woodland is considered to be of ecological value at a local level, as it provides connectivity to other woodland and hedgerows in the local area.

124. In initial consultation correspondence, the Council's Tree and Landscape Officer raised concern regarding the erosion of existing woodland, due to the removal of trees to form curtilage for the new properties. On this basis, an objection was raised due to the loss of woodland and habitat for protected species and the future continued loss which would be inevitable.

125. During the course of the application a meeting was held on site to discuss the concerns of the Council's Tree and Landscape Officer. This resulted in the submission of amendments to the layout of the scheme and additional information including a revised arboricultural plan. The arboricultural plan shows that the number of trees to be removed has been reduced. The Tree and Landscape Officer has considered the amendments, but remains concerned that the proposals will cause the erosion of woodland around the existing gymnasium, and that the proposed mitigation will not overcome these concerns.

Summary

126. The proposals have been considered with regard to impact on the natural environment. The proposed scheme will cause the erosion of woodland around the existing gymnasium which is not considered to be satisfactorily addressed by mitigation. The loss of woodland and erosion of the woodland setting would be contrary to adopted Local Plan policies which seek to protect the character of a site and its surroundings, and not adversely affect features and species of ecological interest. Officers consider that these would be significant dis-benefits of the scheme.

Impact upon the Historic Environment

127. 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.
128. 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.
129. The application proposes the conversion of an existing redundant gymnasium building located within the countryside east of Herringswell Manor, an early 20th century grade II listed large country house.
130. The proposed conversion will result in a building which is more attractive in design terms. The Conservation Officer has raised concern that the overall scale, height and massing, together with its strong architectural style will result in an assertive building. This is considered to have a negative impact on the setting of Herringswell Manor, which is a Grade II listed building.
131. Officers have considered the application proposals and the consultation advice offered by the Conservation Officer. The development proposals will result in a large building which will be visually prominent in the immediate locality. However, it is not considered that its dominance will be such as to cause significant harm to the setting of Herringswell Manor, such as to warrant the refusal of the application on these grounds.

Summary

132. The proposals have been considered with regard to the impact upon the historic environment. It is not considered that the setting of Herringswell Manor will be unduly affected by what is proposed.

Residential amenity

133. The protection of residential amenity is a key component of 'good design'. The Framework states (as part of its design policies) *good planning should contribute positively to making places better for people*. The Framework also states that planning decisions should aim to (inter alia) avoid noise from giving rise to significant adverse effects on health and quality of life as a result of new development.

134. 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.
135. Officers are satisfied that the proposed development would not comprise the residential amenity of the occupiers of existing properties within the Herringswell Manor site, and that no residential amenity issues will arise from the proposals.

Sustainable Construction and Operation

136. 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'.
137. The NPPF confirms planning has a key role in helping shape and secure radical reductions in greenhouse gas emissions whilst 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:
138. 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
139. The importance the Government places on addressing climate change is reflected in the Core Strategy Visions (Vision 1) and Spatial Objectives (ENV2 and ENV3). Core Strategy Policies CS4 and CS5 set out the requirement for sustainable construction methods, and a range of expectations of new sites.
140. The documentation submitted in support of this planning application includes a Sustainability Statement. This states that the development will be designed and constructed in a sustainable manner. This includes the selection of sustainable materials, control of pollution during construction, the management of waste and recycling and the reduction of water usage.

Section 106 Planning Obligation Issues

141. 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.
142. 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

143. 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.
144. Core Strategy Spatial Objective H2 seeks to provide a sufficient and appropriate mix of housing that is affordable, accessible and designed to a high standard. Core Strategy policy CS9 requires 30% of the proposed dwellings to be 'affordable'. The policy is supported by Supplementary Planning Guidance which sets out the procedures for considering and securing affordable housing provision (including mix, tenure, viability and S106).
145. In May 2016, the Government re-introduced the Vacant Building Credit policy. Officers are satisfied that the building to which this application relates is eligible for the application of the credit. The credit has been applied accordingly, and a requirement of the equivalent of 0.54 a dwelling has been calculated. Under the circumstances, a financial contribution is required, which can be secured by way of Section 106 agreement, should the scheme be approved.

Education

146. Policy CS13 states that arrangements of the provision or improvement of infrastructure, including in terms of access to facilities to the required standard will be secured by planning obligation. This will ensure that the necessary improvements can be completed prior to occupation of development.

147. Suffolk County Council has confirmed that there would be a need for education contributions for the provision of two primary school places. The development is also likely to generate one pre-school place. Relevant contributions have been required by Suffolk County Council, which can be secured by way of Section 106 agreement should the scheme be approved.

Libraries

148. Suffolk County Council has identified an existing shortfall in local library provision, and requested a capital contribution towards libraries. This can be secured by way of Section 106 agreement, should the scheme be approved.

Open Space

149. 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. Core Strategy Spatial Objective CS2 seeks to promote an improvement in the health of people in the District by maintaining and providing quality open spaces, play and sports facilities and better access to the countryside. Policy CS13 (g) considers provision of open space, sport and recreation as a key infrastructure requirement.
150. Saved Local Plan policies 10.2 and 10.3 address play space requirements and state such areas will be provided as an integral part of new residential development. It is also stated that provision will be made for a wider area than just the development site.
151. The provision of amenity space within the immediate area of the proposed development is generous. On this basis, officers consider that it would not be reasonable to request a contribution towards the provision of open space.

Bus Stops

152. Suffolk County Council as Highway Authority has requested that a developer contribution is secured from this development to be used to enhance nearby bus stops. This is to increase the attractiveness of the bus stops in an attempt to encourage modal shift from the private motor car to public transport. The request is considered reasonable and proportionate in the circumstances. The contribution, which amounts to £6,000, could be secured via a S106 Agreement in the event that planning permission is granted.

Summary

153. During the course of the application, the Applicant submitted a confidential viability report. This claims that the development would not be viable with any Section 106 contribution. Notwithstanding the viability report, the Applicant has confirmed the 'in principle' acceptability of

entering into a Section 106 agreement to secure contributions in respect of education, libraries infrastructure and public transport. At the time of writing this report, a relevant agreement had not been entered into.

154. The applicant claims that the development would not be viable with the level of Section 106 contribution that would be required to provide an equivalent level of affordable housing away from the site. After the application of Vacant Building Credit, this represents the financial equivalent of 0.54 a dwelling. This is discussed in the next section of this report.

Development Viability

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

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

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

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

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

158. The applicant has provided a financial appraisal of the proposed development to demonstrate that, with limited developer profit and nil land value, the development would not be viable – either with or without any Section 106 contributions.

159. The Applicant has, however, confirmed the acceptability of entering into financial contributions towards education provision, libraries infrastructure and public transport infrastructure.

160. The applicant's viability assessment has been the subject of an independent review. The initial assessment of the Council's appointed expert consultant is that the scheme could proceed and deliver an

Affordable Housing contribution. Officers have considered the evidence and the consultant's advice, which acknowledges that the inputs (particularly on the costs side, given the complex conversion work involved) are difficult to assess. On this basis, the Council accepts the Development Costs figures. With regard to sales prices, this has been reviewed by the applicant, and still found that the scheme not viable.

161. In the light of the uncertainty around the conversion costs, officers are of the opinion that, for the purposes of assessing the planning balance (see next section), the proposals should be evaluated on the basis of no affordable housing contribution being secured (mindful that it would only be policy compliant to secure a contribution in respect of 0.54 of a dwelling unit).

Other Issues

Impact of the announced closure of Mildenhall airbase

162. Third party comments have raised the issue of the potential impact of the withdrawal of the United States Air Force (USAF) from Mildenhall. In January 2015 the Ministry of Defence announced the USAF is planning to leave the Mildenhall airbase over an extended period whilst at the same time increasing its operations at the Lakenheath airbase. The announcement has only very limited impact upon the consideration of planning applications, given that any development opportunities which may arise at the base are not likely to occur in the short term (i.e. within the 5-year housing supply period) and may need to be planned for in the next planning cycle.
163. The emerging Site Allocations Local Plan – Preferred Options, includes the following commentary on the announced closure of the Mildenhall airbase:

'It was announced on 18 January 2016 that the Government will be selling off RAF Mildenhall for housing once the United States Air Force vacates the base by 2022. Until there is certainty from the MoD over the deliverability and timescales for bringing the site forward, it is not possible to include the site as an option in the Site Allocations Local Plan. Should this position change during the plan period, the council will immediately commence a review of the local plan and a masterplan will be prepared'

CONCLUSIONS AND PLANNING BALANCE:

164. 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. Officers consider that national planning policies set out in the Framework should be accorded significant weight as a material consideration in the consideration of this planning application, especially the presumption in favour of sustainable development.

165. National planning policy is clear that permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the Framework as a whole.
166. In terms of the economic role of sustainable development, the development proposals would bring a vacant building back into use, by providing 15 residential properties (and additional employment space and a gymnasium). This would be of economic benefit to in accordance with key planning principles identified in the NPPF.
167. The development would also provide economic benefits relating 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.
168. From a social perspective, the development would make a contribution to the District's housing needs, by providing a level of market housing to meet the need of present and future generations. The inclusion of a gymnasium and office within the building are additional social benefits of the scheme. Officers consider that the absence of a contribution towards affordable housing would be offset by the other social benefits of the scheme.
169. In the context of the environmental role of sustainable development, the re-use of an existing building is a benefit of the scheme. However, the character of the site would be changed as a result of this proposal. Moreover, officers are not convinced that the mitigation proposed would satisfactorily mitigate the effects. Whilst the proposals would lead to a high quality development, officers do not consider that it would not have a positive impact on the immediate location.
170. A carefully considered evaluation of the benefits and dis-benefits of the scheme has been undertaken. The application proposes the residential conversion of an existing modern building in a countryside location. Whilst Local Plan policies support the re-use of buildings in the countryside for residential purposes, they also recognise that not all buildings will be suitable for conversion or adaptation to new uses.
171. The conversion would require significant extension and alteration/reconstruction. The development is not considered to retain the character of the existing building, nor lead to enhancement of the immediate setting of the building. The nature of the proposed use is not considered to be compatible with its rural location, proposing 15 residential units in a countryside location.
172. Whilst the proposal would have some benefits, officers are not convinced that the benefits would outweigh the need to avoid residential development of this scale in the countryside - on a site well away from a settlement with services and facilities and with no direct public transport links, given the context provided by national and local policy.

173. The Planning Agent has recently provided further supporting information to justify the application proposals (correspondence dated 7 June 2016). Officers do not agree that the principle of residential use should be considered favourably, just because there are already 52 dwellings immediately adjacent the site. In assessing the development proposals, officers have had full regard to the provisions of the Development Plan, including DM28 and DM33 which relate specifically to the re-use or replacement of buildings in the countryside.
174. Officers also appreciate from the correspondence dated 07 June 2016 that the recommendation contained within this report is contrary to the advice offered as part of the pre-application dialogue with the Planning Services Manager. This advice would have been offered on an informal basis, without prejudice to the determination of the subsequent planning application. The advice was also offered prior to the adoption of the Joint Development Management Policies Document.
175. Officers consider this to be a very finely balanced decision, but have reached the final decision that the benefits of the scheme would not outweigh the potential dis-benefits. For this reason, officers have come to the '*on balance*' decision, that the proposal would not constitute sustainable development as set out in the Framework
176. Having regard to the Framework and all other material planning considerations, the proposal is considered to be contrary to the NPPF and Development Plan policy. The recommendation is one of refusal.

RECOMMENDATION:

It is **RECOMMENDED** that planning permission be **REFUSED** for the following reasons:

1. The site falls within the Countryside as defined by Policy CS1 of the Forest Heath Core Strategy (May 2010), and is some distance from the small settlement of Herringswell which is classified as a small settlement which is not capable of sustaining further growth. Policies DM28 and DM23 of the Forest Heath and St Edmundsbury Local Plan Joint Development Management Policies Document (February 2015) allow the residential conversion of redundant buildings in the Countryside. These policies require buildings to be structurally sound and capable of conversion without the need for extension, significant alteration or reconstruction. They also require development proposals to be of a high design quality which leads to an enhancement of the immediate setting of the building.

The existing structural framework of the barn does not appear substantial enough to be capable of residential conversion without a significant degree of physical works. In addition, the proposed works are not considered to enhance the immediate setting of the building, and would have an adverse impact on the character of the site and its surrounding area by reason of the creation of a residential curtilage.

The Local Planning Authority considers the dis-benefits of this development would significantly and demonstrably outweigh the benefits, such that the development is not sustainable development (as defined by the policies of the NPPF taken as a whole).

2. Policy CS13 of the Core Strategy (2010) and saved Policy 14.1 of the Forest Heath Local Plan (1995) require proposals for new development to demonstrate it will not be harmful to, *inter alia*, educational attainment, services and health and confirms that arrangements for the provision or improvement of infrastructure to the required standards will be secured by planning obligation. The following policy compliant package of infrastructure improvements are required to mitigate the impacts of this development:

- Developer contributions towards extending the catchment primary school.
- Developer contributions towards early years education.
- Developer contribution towards the provision of library facilities.
- Developer contribution towards bus stop improvements.

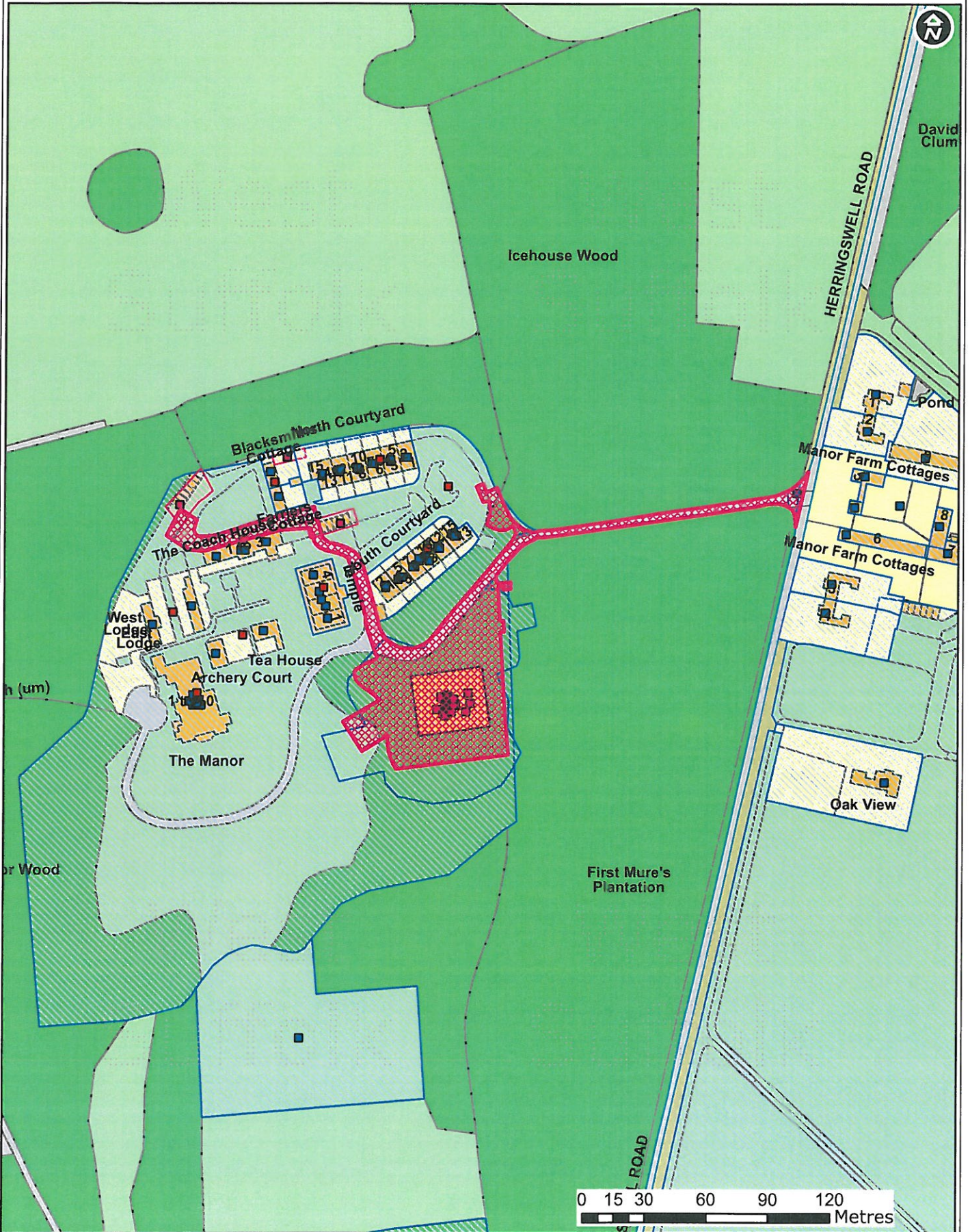
No mechanism is in place to secure the required package of mitigation measures arising from this development and, in the absence of appropriate mitigation the development would have significantly adverse impacts upon the delivery of infrastructure necessary to mitigate the impacts of the proposed development, further reducing its sustainability credentials. The proposals are therefore also contrary to the Framework and the aforementioned Development Plan policies in this respect.

Documents:

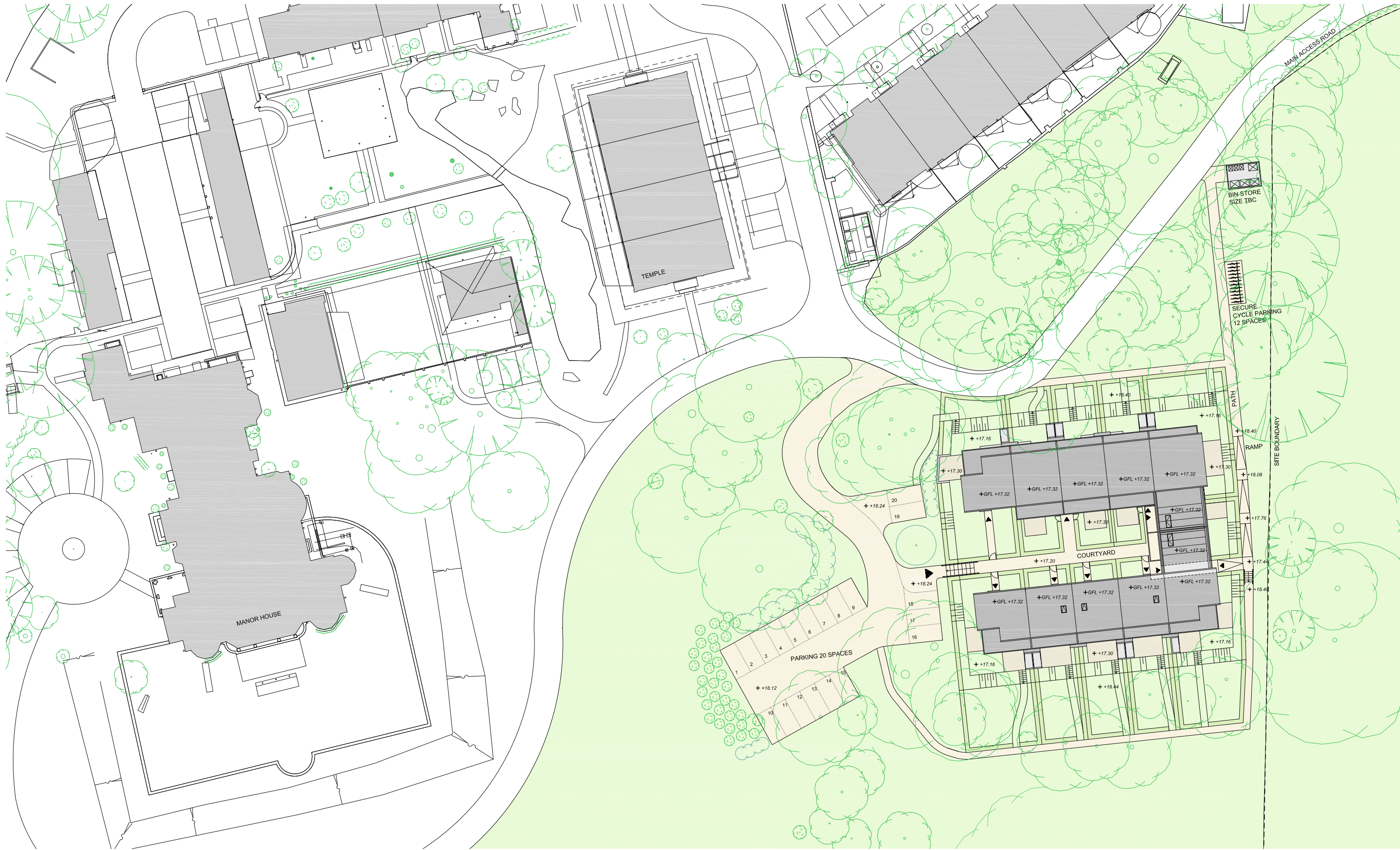
All planning application documents including application forms, drawings and other supporting documentation relating to this application can be viewed online:

<https://planning.westsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=NN3GG7PDHS100>

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REV	DATE	CHK	AMENDMENTS	NOTES
A01	24.9.2014	PN	General update	
A02	13.10.2014	PN	Parking layout revised	
A03	31.10.2014	PN	Landscape levels	
A04	12.12.2014	PN	Drawing Status changed, level access added, driveway adjusted	Drwg number superceded from 002 to 004

DO NOT SCALE FROM THIS DRAWING ALL DIMENSIONS TO BE CONFIRMED ON SITE BY THE CONTRACTOR PRIOR TO CONSTRUCTION

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CLIENT
 City & Country Group Plc
 JOB
 Herringwell Gym Conversion

DRAWING
 SITE PLAN AS PROPOSED

PLANNING			
SCALE	PAPER	A3	DATE
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Forest Heath District Council

**DEVELOPMENT
CONTROL
COMMITTEE**

6 JULY 2016

DEV/FH/16/015

Report of the Head of Planning and Growth

PLANNING APPLICATION DC/14/2073/FUL - LAND ADJACENT 34 BROOM ROAD, LAKENHEATH

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 consider the case it wishes to make at the forthcoming planning appeal.

CONTACT OFFICER

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Committee Report

Date: 12th November **Expiry Date:** 15th January 2016 (with extension).
Registered: 2014

Case Officer: Gareth Durrant **Recommendation:** Appeal should be dismissed
Parish: Lakenheath **Ward:** Lakenheath

Proposal: Planning Application DC/14/2073/FUL - 120 dwellings together with associated access, landscaping and open space, as amended.

Site: Land adjacent 34 Broom Road, Lakenheath

Applicant: Necton Management Limited.

Background:

The applicants have lodged an appeal against the 'non-determination' of the planning application within the prescribed decision making periods. The time period for the determination of this planning application expired on 15 January 2016 (with an agreed extension of time). The appeal has been submitted within 6 months of the agreed target determination date, as is required by the relevant Regulations.

The Council is no longer able to determine the planning application which will now be considered by an appointed Inspector unless the Secretary of State 'calls in' the application for his own determination. A request made to the Secretary of State in that respect made by the Lakenheath Parish Council remains unresolved. The appeal will be determined following a public inquiry.

The Council is able to make representations to the public inquiry and is able to carry on to resolve and represent how it would have determined the planning application. In accordance with established procedures, the matter is reported to the Development Control Committee to enable Members to confirm the decision they would have taken, had they been in a position to take it.

Proposal:

1. Detailed (full) planning permission is sought for the erection of 120 dwellings. The development would be served by two vehicular accesses; one to the north of the site from Broom Road and a second to the south-west from Roebuck Drive.

2. Details of the numbers, mix and heights of the dwellings and bungalows are provided in the table below.

<u>ACCOMODATION SCHEDULE:</u>				
<u>HOUSE TYPE:</u>	<u>BEDROOMS:</u>	<u>AFFORDABLE</u>	<u>PRIVATE</u>	<u>TOTAL No:</u>
Anmer	1 Bed (Bungalow)	6	9	15
Blakeney	2 Bed (Bungalow)	-	6	6
Colkirk	2 Bed (Bungalow)	-	4	4
Elmham	2 Bed (Bungalow)	-	15	15
Gresham	2 Bed (House)	22	6	28
Ickburgh	3 Bed (House)	6	8	14
Jaybrook	3 Bed (House)	-	11	11
Langham	3 Bed (House)	-	13	13
Kessingland	4 Bed (House)	1	6	7
Morston	4 Bed (House)	-	2	2
Newton	4 Bed (House)	-	4	4
Plumstead	4 Bed (Bungalow)	1	-	1
		<u>36 Total</u>	<u>84 Total</u>	<u>120 Total</u>

3. Only limited details of external building materials have been provided as part of the application. The application forms indicate the use of the following materials:
- Bricks – Red and buff bricks, pastel rendering, small areas of black weatherboard.
 - Roof tiles – concrete.
 - Doors and windows – white UPVC
4. Amendments were made to the application (received October 2015) involving a reduction in the total number of dwellings proposed, from 147 (as originally submitted) to 120 units in the revised scheme. The amount of public open space proposed was also increased at this time. The reduction in unit numbers elicited some changes to the internal layout of the site. A number of additional/amended reports were submitted at this stage. The amended proposals were the subject of full re-consultation. The outcome of both periods of consultation is

reported below.

5. Given the scale of development proposed and its proximity to sensitive areas (as defined by the Regulations) the proposals were screened under the provisions of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 at pre-application stage. The Council's formal Screening Opinion concluded that the proposal is not 'EIA development' and an Environmental Statement was not required to accompany the planning application.
6. Notwithstanding the conclusions of the screening opinion the submission of a number of other planning applications proposing 'major' housing development at Lakenheath over a relatively short space of time rendered the initial Screening Opinion out of date. The cumulative impacts of these proposals had not been considered as part of the original pre-application screening and, given there are no provisions in the 2011 Regulations that would enable a second EIA Screening to be undertaken, the Council (and subsequently the Parish Council) requested the Secretary of State issue a Screening Direction to ensure the potential cumulative and in-combination impacts of the developments had been properly considered.
7. The Secretary of State subsequently considered the project, in isolation and in combination with other projects, and concluded the scheme would not give rise to significant environmental effects. He confirmed an Environmental Impact Assessment was not required to accompany the planning application.
8. The applicant is, as part of the appeal process, required to submit an outline of the case they intend to make at the forthcoming appeal. A copy of the Statement of Case is attached to this report for information as Working Paper 1. The Committee is not required to respond to the Statement of Case as part of its deliberations.

Application Supporting Material:

9. The following documents were submitted to support this application when it was registered in November 2014:
 - Forms and drawings including site location, layout and house-type elevations, and tree constraints plan.
 - Planning Statement
 - Design and Access Statement
 - Biodiversity and Protected Species Survey
 - Transport Assessment
 - Desk Study Contamination Report
 - Utilities Assessment
 - Interim Travel Plan
 - Archaeological Evaluation Report
 - Noise Impact Assessment
 - Arboricultural Impact Assessment and Tree Protection Plan.
 - Flood Risk Assessment and Surface Water Drainage Strategy

Site Details:

10. The site is situated towards the south of Lakenheath. It is approximately 5.85 hectares in size. The proposals for the erection of 120 dwellings on the land equates to a development density of around 20.5 units per hectare. The land is presently in agricultural use (Grades 3 and 4). It has a 'pine line' tree-belt along its east (side) boundary to the public footpath and countryside. These trees are protected by a Tree Preservation Order, such that no works can be undertaken on them without the prior consent of the Council.
11. The application site is situated outside but abuts the settlement boundary of Lakenheath. The settlement boundary runs along the west and south (side and rear) boundaries. The site is considered to be situated in the countryside for the purposes of applying relevant Development Plan policies.
12. The site has a relatively narrow and open frontage onto the Broom Road highway. The east (side) boundary is marked by the protected pine trees, and abuts a public footpath (with open countryside beyond). The designated Maidscross Hill SSSI is situated around 200 metres to the east of the site and the RAF Lakenheath airbase is located further east beyond the SSSI. The west (side) boundary abuts a small field for its most part, although there is one dwelling abutting the western boundary at the site frontage (north) and a number of properties backing onto the side boundary towards the rear most (southern) parts. The southern boundary abuts a row of existing housing, all of which back onto it. The bulk of the village settlement and all key village facilities, save for the Maidscross Hill SSSI which has public access, are located east and north of the site.
13. There are no landscape or heritage asset designations at the site. The Lakenheath Conservation Area designation, which covers the more historic core of the village, is distant from the site.

Planning History:

14. Between 1975 and 1984, seven separate applications proposing residential development were refused planning permission (application numbers F/75/162, F/79/334, F/79/550, F/79/862, F/80/802, F/81/291 and F/84/378 refer).
15. There are six other proposals for large scale residential development around the village, none of which have been determined. The proposals are considered relevant to the consideration and determination of this appeal application particularly insofar as the combined (or cumulative) impacts require consideration. The proposals are set out in the table below:

Project Ref.	Application Reference.	Address.	No. of dwellings.	Current Status (n.b. all remain undetermined)
A	DC/14/2096/HYB	Land at Station Road, Lakenheath	Up to 375 + school	Application to be determined by the Development Control Committee in due course.
B	F/2013/0345/OUT	Land at Rabbit Hill Covert, Lakenheath	Up to 81	Committee resolved to grant in Sept 2014. Requires further consideration by Committee before decision.
C	F/2013/0394/OUT	Land west of Eriswell Road, Lakenheath	Up to 140	Committee resolved to grant in Sept 2014. Requires further consideration by Committee before decision.
D	DC/13/0660/FUL	Land at Briscoe Way, Lakenheath	67	Committee resolved to grant in Sept 2014. Requires further consideration by Committee before decision.
E	DC/13/918/OUT	<i>Land east of Eriswell Road and south of Broom Road, Lakenheath</i>	<i>Up to 750 + school etc.</i>	<i>Application <u>withdrawn</u> in February 2016.</i>
F	DC/14/2042/OUT	Land North Of Broom Road, Covey Way And Maids Cross Hill Lakenheath	Up to 132	Requires amendment. Presently awaiting information relating to impacts upon the Maidscross Hill SSSI.
G	DC/14/2073/FUL	Land adj 34 Broom Road, Lakenheath	120	This is the appeal application, subject of this report.
H	DC/16/0670/HYB	Land west of the B1112 (opposite Lords Walk), Little Eriswell	Up to 550 + school + retail unit etc.	Planning application received in April 2016 but not registered at time this report was prepared. Some public consultation carried out by developer in January 2016.

Consultations:

16. The planning application has been the subject of two separate rounds of consultation; i) November 2014 and, following the receipt of amendments, ii) November 2015. The following is a summary of the responses received from both consultations.
17. **Environment Agency** (November 2014) – **no objections** – subject to 5 (no.) conditions with respect to surface water drainage and contamination. The Agency also provides advisory comments for the benefit of the applicant/landowner.

18. **Anglian Water Services** (December 2014) – **no objections** and comment that the sewerage system and waste water treatment plant (Lakenheath STW) have capacity available to accommodate waste water generated by this development. Anglian Water also advises it has assets close to or crossing the site and request inclusion of an advisory note on the Council’s decision notice. These comments were repeated in December 2015, following re-consultation.
19. **Natural England** (December 2014) – **objected** to the planning application. Further information was required with respect to the Special Protection Area, in particular Stone Curlew nesting records at locations outside the Special Protection Area (and within 1.5km of the site). Natural England noted the close proximity of the site to the Maidscross Hill SSSI and confirmed it would likely damage or destroy the site, which is of national biodiversity interest. The SSSI is approximately 200 metres from the application site and is the closest large area of public open space. The SSSI is already subject to significant recreational use and is currently in unfavourable condition. The proposed development is likely to result in an increase in the level of recreational pressure on the SSSI which may in turn affect the ecological features for which it has been notified. For example excessive trampling may result in a localised loss of vegetation and an increase in dog fouling may cause damage to rare plants at the site. It may be possible for the applicants to provide mitigation to avoid or reduce these impacts, for example through a contribution to the management of the SSSI.
20. Subject to this issue being resolved Natural England confirmed it would be able to withdraw its objection.
21. Further comments were received in June 2015 after **Natural England** have given further consideration to potential ‘in-combination’ impacts of the developments listed in the table at paragraph 15 above. Natural England raised further concerns and **objections** to the planning application given that the Habitats Regulations Assessment prepared in support of the adopted Core Strategy had only scoped potential impacts of 670 dwellings, but the combined total of the planning applications proposes more than 670 dwellings. Natural England advised that further consideration was required with respect to potential ‘in-combination’ effects along with a strategy for providing additional greenspace around the village, whilst protecting the SPA and Maidscross Hill SSSI from further damage caused by further (increased) recreational pressure arising from the proposed developments.
22. In November 2015, **Natural England** wrote to confirm its objections had not been addressed by the information accompanying the amended proposals and maintained its **objections** to the planning application.

23. On 15 March 2016 **Natural England** wrote to the Council to advise as follows:
- *We would like to review the nest records again as our bird specialist has been reviewing all the cases in the east of Lakenheath following further information on the two Broom Road sites. Since there is still so much uncertainty concerning the reduction in stone curlew nesting density near built development we haven't yet reached a conclusion on those proposals. With this in mind the bird specialist team, with Footprint Ecology, have been working on a planning tool to calculate whether a development is likely to have an effect on stone curlews associated with Breckland SPA and if so whether mitigation may be appropriate. We think it would be beneficial to put all three applications, including this application, through the model to make sure that our advice is consistent between the three applications and so we can provide advice on the potential for cumulative and in-combination effects in Lakenheath. With this in mind, I hope you will be able to delay a decision regarding Land North of Station Road until we have input all three proposals into the planning model and reached a conclusion.*
24. In May 2016, **Natural England** confirmed "we've looked at all the sites again and have come to the conclusion that none of the applications on the east side of Lakenheath will significantly affect stone curlew associated with Breckland SPA. The Broom road sites have not addressed their Maidscross Hill issues yet however."
25. **Suffolk Wildlife Trust** (December 2014) – commented on the proposals as follows;
- Proximity to Maidscross Hill Site of Special Scientific Interest (SSSI) - The site of the proposed development is located within 200m of Maidscross Hill SSSI and includes a footpath link, along an existing route, to the SSSI. Previously concerns have been raised about the potential for adverse impacts on this site resulting from increased recreational pressure from new developments in the vicinity. Given the level of new development proposed in this part of the village it is essential that such impacts are assessed and addressed strategically to ensure that there is no adverse impact on the designated site. Natural England, as the statutory nature conservation organisation, should be consulted on this application.
 - Suffolk Priority Species - Skylark, a Suffolk Priority Species, was recorded nesting on the strip of land to the west of the development site. This species has also previously been recorded nesting in neighbouring fields and it appears likely that these birds will nest throughout this area dependent on the conditions present each year. Development in this area will therefore reduce the amount of potentially suitable habitat available and therefore a strategic solution to the delivery of mitigation measures for this

species should be secured.

- Green Infrastructure and Ecological Enhancements - The site layout plan provided with the application appears to include only a limited amount of new green infrastructure provision, although the layout does retain the existing line of pine trees along the eastern edge of the site. Any new development should provide significant green infrastructure enhancements in accordance with both national and local planning policy. The design of such enhancements should also compliment provision proposed to be made as part of planning proposals for neighbouring sites.
 - In addition to the above the enhancement measures set out in the ecological survey report should be incorporated in to the design of any development found acceptable at this site.
26. In November 2015, the **Suffolk Wildlife Trust** provided additional comments to those submitted in December 2014, as follows:
- This site has now been visited as part of the Forest Heath Wildlife Audit (FHDC site reference L/22). During the April 2015 survey visit a population of grape hyacinth (*Muscari neglectum*) was recorded on the northern boundary of the site. This is a UK and Suffolk Priority Species and does not appear to have been recorded as part of the survey work undertaken in support of this application, although it is recorded in the nearby Caudle Farm and Broom Road Fields County Wildlife Site (CWS). It should therefore be ensured that the design and layout of the proposed development protects this species and provides and maintains suitable habitat for it.
27. **Defence Infrastructure Organisation** (January 2015) – **no objections**, but comments that due to the location of the proposed development the developer is advised to install acoustic insulation to the specifications of the NAS(M) insulation package, due to the noise of the aircrafts at RAF Lakenheath.
28. In July 2015 the **Defence Infrastructure Organisation** provided an updated response to the planning application and replaced their earlier comments (set out in the previous paragraph) as follows:
- The proposed development will occupy statutory height, bird strike, explosives and technical safeguarding zones surrounding RAF Lakenheath.
 - Having assessed the proposed development we have determined that the proposed structures will not adversely affect our safeguarding requirements.
 - However, the MOD is concerned that the development may have an indirect impact upon our management of explosives safeguarding zones surrounding explosives storage facilities at RAF Lakenheath.

- The application site abuts the inner explosives safeguarding zone known as the inhabited building distance (IBD). In this zone the MOD monitors land use changes and the associated level of occupation to maintain explosives licensing standards.
 - There is the potential for the new development to increase user demand upon the public open space in the nearby Maids Cross Hill nature reserve which occupies the inner explosives safeguarding zone. If the development increased the number of people using the reserve this could impact upon defence requirements. Accordingly the MOD considers that the development proposed should make provision for public open space and leisure areas needed to support the new housing without relying on the open space at Maids Cross Hill to provide such facilities.
 - Due to the proximity of the application site to the aerodrome the proposed development may be affected by aircraft noise. It is therefore recommended that the applicant installs appropriate noise insulation in the properties.
 - Subject to the above considerations being taken into account I can confirm that the MOD has no safeguarding objections to this application.
29. **NHS Property Services** (November 2014) – **no objections** and commented that no healthcare contribution would be required based on their being overall sufficient GP capacity within the catchment surgeries that would serve the proposed development.
30. **NHS Property Services** (January 2016) – submitted **holding objections**, subject to a developer contribution being secured to secure financial contributions to be used towards health infrastructure provision serving the development. The following comments were received (summarised):
- The proposal comprises a residential development of 120 dwellings, which is likely to have an impact of the NHS funding programme for the delivery of primary healthcare provision within this area and specifically within the health catchment of the development. NHS England would therefore expect these impacts to be fully assessed and mitigated by way of a developer contribution secured through a Section 106 planning obligation.
 - The planning application does not include a Healthcare Impact Assessment (HIA) of the proposed development or propose any mitigation of the healthcare impacts arising from the proposed development. Therefore a HIA has been prepared by NHS England to provide the basis for a developer contribution towards capital funding to increase capacity within the GP Catchment Area.
 - NHS England has recently carried out a review of GP services to identify capacity issues. This development is likely to have an

impact on the services of 1 GP surgery within the Lakenheath locality. This GP practice does not have capacity for the additional growth as a result of this development.

- The development would give rise to a need for improvements to capacity by way of extension, refurbishment, reconfiguration or relocation at the existing practice, a proportion of which would need to be met by the developer.
- There is a capacity deficit in the catchment practice and a developer contribution of £39,500 is required to mitigate the 'capital cost' to NHS England for the High quality care for all, now and for future generations provision of additional healthcare services arising directly as a result of the development proposal.
- NHS England, therefore requests that this sum be secured through a planning obligation linked to any grant of planning permission, in the form of a Section 106 Agreement.

31. **Suffolk Constabulary** (December 2015) – set out advisory comments for the benefit of the applicant/developer

32. **FHDC (Strategic Planning)** (June 2016) – Begins by appraising relevant national and local planning policies relevant to the planning application and submits the following **comments** to assist with the consideration of the appeal case the Council intends to make:

Housing Supply

33. The latest FHDC assessment of a five year supply of housing land was published on 2 March 2016. This confirms that the Council is able to demonstrate a five year supply of housing.

34. It has recently been held at planning appeal that the Council can demonstrate a five year supply of deliverable housing sites (APP/H3510/W/15/3070064 – Meddler Stud, Bury Road, Kentford – Appeal Decision Dated 05 May 2016). Policies relating to the supply of housing can therefore be considered up to date.

35. The application site is not included in the Council's five year land supply.

Strategic Housing Land Availability Assessment

36. The site is included in the April 2016 version of the Council's Strategic Housing Land Availability Assessment (SHLAA). The aim of the SHLAA is to establish realistic assumptions about the availability, suitability and economic viability of land to meet housing needs. The national Planning Practice Guidance is clear that the SHLAA is 'an important evidence source to inform plan making but does not in itself determine whether a site should be allocated for development... It is the role of the assessment to provide information on the range of sites which are

available to meet need, but it is for the development plan itself to determine which of those sites are the most suitable to meet those needs.'

37. Officers are aware of correspondence received from Natural England in 2014 and 2015 in relation to the current application, objecting that development on the site is likely to result in an increase of the level of recreational pressure on the Maidscross SSSI, which may in turn affect the ecological features for which it has been notified. Natural England do advise that it may be possible for this to be mitigated, but the council is unaware as to whether this issue has been resolved to the satisfaction of Natural England.
38. Therefore, officers consider an error was made in the assessment of environmental constraints during the preparation of the SHLAA in relation to this site. On this basis, officers consider there were grounds for deferring the site in the April 2016 SHLAA as being undeliverable on the basis of environmental constraints.
39. However, this error was corrected in the preparation of the April 2016 Site Allocations Preferred Options Local Plan (SALP), which fully considers the most up to date information in respect of environmental constraints, and the document does not allocate the application site as a preferred option.

Settlement boundary

40. Settlement boundaries are a policy linked to the supply of housing, therefore without a five year land supply a settlement boundary can be considered out of date (paragraph 49 of the NPPF).
41. As the council can demonstrate a five year supply of housing, the policies linked to the supply of housing are a material consideration in the determination of this application.
42. Settlement boundaries, and policies underpinning them, have not been reviewed since the introduction of the NPPF. This means the current settlement boundaries are afforded reduced weight (but are not to be overlooked altogether) in considering planning applications. They will be attributed greater weight as the Site Allocations Plan progresses towards adoption. The Planning Inspector at the Meddler Stud confirmed this approach, noting that there is no up to date development plan for housing provision (APP/H3510/W/15/3070064 – Meddler Stud, Bury Road, Kentford – Appeal Decision Dated 05 May 2016).
43. The 1995 Local Plan shows the application site as lying outside of the Lakenheath settlement boundary. In the emerging Site Allocations Local Plan (SALP) Preferred Options, the settlement boundaries have been reviewed.

44. The application site is not proposed as a preferred allocation in this emerging Plan (omission site L/22, page 165 of the 2016 SALP). The preferred location for growth in the emerging Plan is to the north of Lakenheath. Focusing growth to the north will provide wider benefits, including alternative semi-natural greenspace/pedestrian access routes, a measure to influence recreation patterns in the surrounding area to avoid a damaging increase in visitors to Maidscross Hill SSSI and Breckland SPA, and provision of a new primary school.

Principle of development

45. On the basis that not all of the Council's housing policies are up to date, Paragraph 14 of the NPPF and policy DM1 of the Joint Development Management Policies Document is engaged. This paragraph states that 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 as a whole. The key issues in terms of planning policy are set out below;
46. The site lies in the countryside but partially adjacent to the settlement boundary
47. The application is contrary to a number of policies in the Joint Development Management Document. The site lies in the countryside and the proposals do not meet the criteria for development set out in policies DM5, DM2 (in particular g) and DM27.
48. The site lies mainly within an aircraft 72db and partially within a 66db noise constraint zone
49. It is noted that Public Health and Housing have suggested a noise attenuation condition should be attached to any planning approval on this site. The assessment of environmental constraints is a fundamental aspect of the preparation of a Local Plan. The Site Allocations Preferred Options Local Plan (2016) proposes that the preferred focus of growth in Lakenheath is to the north of the settlement. This is the least environmentally constrained area and lies outside of the noise constraint zone. The site is therefore less preferable than land to north but it is acknowledged that this matter has limited weight given it can be dealt with by condition.
50. The site lies approximately 200m from Maidscross Hill SSSI/Local Nature Reserve (LNR)
51. This SSSI is already subject to significant recreational use and is in an unfavourable condition. The development of this site is likely to result in an increase of visitors /recreational pressure which could have an adverse impact on the features it has been designated for. It is also considered that the development of this site would erode what could be described as a 'buffer' between existing residential development

and the SSSI.

52. On the basis of the above, it is considered that the application is contrary to paragraph 118 of the NPPF. It is also contrary to Policy CS2 of the Core Strategy – Natural Environment – which seeks to protect areas of landscape, biodiversity and geodiversity interest and local distinctiveness from harm. In addition, the application is contrary to Policy DM10 of the Joint Development Management Policies document (2015), in particular the paragraph which states 'Proposed development likely to result in adverse effects to a SSSI will not be permitted unless the benefits of the development, at this site, clearly outweigh both the impacts that it is likely to have on the features of the site that make it of special scientific interest and any broader impacts on the national network of SSSIs'.
53. In this case it is not considered that the benefits of developing the site outweigh the likely impacts to the SSSI, particularly as the emerging preferred options for growth can achieve development which helps mitigate against recreational impacts on the SSSI and make provision for alternative natural greenspace (see Policy L2 of the Preferred Options Site Allocations Local Plan (April 2016)).
54. It is also noted that Natural England submitted an objection (December 2014) to development on the site, on the basis that development is likely to result in an increase of the level of recreational pressure on the SSSI which may in turn affect the ecological features for which it has been notified. Natural England do advise in their response that it may be possible for applicants to provide mitigation to avoid or reduce these impacts. Policy officers are unaware as to whether this issue has been resolved to the satisfaction of Natural England.
55. On the basis of the above, it is considered that the principle of the development of the site would have significant adverse impacts in relation to the environment and be contrary to both the NPPF and local planning policy.
56. Land to the north of Lakenheath has been identified as the focus for growth in the Site Allocations Preferred Options Local Plan (April 2016), as this is the least environmentally constrained part of the village. The northern area for growth comprises a number of parcels of land, two of which have resolution to grant planning permission (L2a and L2c, formerly L13 and L35). This planning application considered in isolation outside Local Plan process would give rise to additional pressure on existing services and facilities in the village including the school, for which there is a current outline application yet to be determined (DC/14/2096/HYB).
57. Allowing development on this site would prejudice the outcome of the plan making process

58. Consultation on the council's Site Allocation Preferred Options Local Plan finishes on the 1 July 2016. The council's preferred strategy for Lakenheath is one which directs growth to the north of the settlement, the least environmentally constrained part of the village. This strategy provides measures for influencing recreation in the surrounding area to avoid a damaging increase in visitors to Maidscross SSSI and Breckland SPA through the provision of alternative natural greenspace and the enhancement and promotion of a dog friendly access route in the immediate vicinity of the development.
59. It is considered that the approval of this application might undermine the strategy underlying the SALP, to the extent that it might threaten the delivery of the alternative green spaces, to the detriment of the SPA and Maidscross Hill SSSI, and the proper planning of the area.

Summary

60. The following key points can be taken from the above policy and background evidence context;
- The Council has demonstrated an up to date five year supply of housing land (published 2 March 2016)
 - The application is contrary to policies in Joint Development Management Document. The site lies in the countryside and the proposals do not meet the criteria for development set out in policies DM5, DM2 (in particular g) and DM27;
 - The application is contrary to the emerging Preferred Options Site Allocations Local Plan (April 2016) which is not proposing to allocate the application site (although it is recognised that while this plan indicates the council's preferred direction of growth, this plan is at Regulation 18 stage and therefore only carries limited weight). The council is proposing a preferred focus of growth in Lakenheath which will help mitigate against the effects of visitors to the Maidscross Hill SSSI and provide alternative natural greenspace and provides a new school. Approving this application could therefore be considered prejudicial to the delivery of the alternative green spaces, to the detriment of the SPA and Maidscross Hill SSSI, and the proper planning of the area;
 - The development of this site would lead to adverse impacts on the Maidscross Hill SSSI and the benefits of developing the site do not outweigh the impacts on the SSSI, thus being contrary to the NPPF and Local Plan policies CS2 and DM10;
 - The application is contrary to Policy CS13 which requires sufficient capacity to meet the additional requirements of the development, including school places. There remains uncertainty as to whether the determination of this application could, along with the proposed growth to the north of the village, tip the balance on the overall

scale of growth for the village and comprise the ability of the focus of growth to the north emerging through the Local Plan to deliver a new primary school.

61. To conclude, it will be for the case officer to balance the above planning issues, particularly the potential harm to the environment which conflicts with the NPPF and local planning policy, with the requirement of the NPPF to deliver sustainable development.
62. Planning law dictates that applications for planning permission must be determined in accordance with the development plan unless material considerations dictate otherwise. It has been demonstrated that the proposal would be contrary to policies CS2, DM5, DM10 and DM27 that form part of the Forest Heath Development Plan.
63. **FHDC (Environmental Health)** (November 2015) – **no objections**, subject to the imposition of a standard condition to remediate potential contamination risks.
64. **FHDC (Public Health and Housing)** (January 2015) – **no objections**, subject to conditions to secure maximum noise levels in living rooms, bedrooms & attic rooms, hours of construction and construction management.
65. In response to new noise contour plans, the **Public Health and Housing** officer confirmed (November 2015) as the current situation is identified by the applicant's noise assessment; it is unlikely the developments would require further mitigation to that which has already been proposed. The Service did not wish to add any further comment to their original comments (set out in the preceding paragraph).
66. **FHDC (Leisure, Culture and Communities)** (November 2014) – commented and suggested a number of improvements that could be made to the design and layout of the proposals.
67. **FHDC (Strategic Housing)** (November 2014) – **objects** on the grounds that the mix of the proposed market and affordable housing does not reflect the Strategic Market Housing Assessment.
68. In November 2015, the **Strategic Housing** team considered the amended details which they considered had responded to their concerns (set out in the preceding paragraph) and offered their **support** for the amended proposals.
69. **FHDC (Ecology, Tree and Landscape Officer)** – (April 2015) **objects** to the planning application and underlines the objections received from Natural England and Suffolk Wildlife Trust with respect to the Special Protection Area, the SSSI and protected species. Further comments are provided with respect to the line of pine trees situated close to the east site (side) boundary, bats, landscaping and public open space as follows;

- The biodiversity study reports that the line of pine trees to the east of the site is used by bats for foraging, commuting and roosting. It is essential that the line of pine trees are retained on site and whilst the trees are nominally retained on the site layout plan, the arrangement and positioning of dwellings and garages is not consistent with the retention of trees. There is therefore the potential for an impact on bats through the loss of this important pine line. The impact of lighting associated with the development has not been considered.
- The most significant landscape feature on the site is the pine line on the eastern boundary. This is shown to be retained however the evidence submitted (16080/901) demonstrated that this is not technically possible. The root protection area maximum radius is 7.5m and therefore a landscape buffer of at least 10m along this eastern edge of the development is required. This easement could be supplemented with additional planting which would reduce the impact of the development on the countryside. The current strategic landscaping is not acceptable
- The development includes an area of public open space (shown on the layout plan to be 2540m²) however this falls significantly short of the open space required by the FHDC Supplementary Planning Document for Open Space, Sport and Recreation. Given the issues that have been identified in relation to potential recreational pressure on both the near by SSSI and the SPA it is important that the full amount of POS is included within the site, and this should if possible be distributed to allow access from all parts of the development. The current layout of open space is not acceptable.

70. In June 2016, the **Tree Landscape and Ecology** officer provided the following comments:

Constraints

- The application site is in close proximity to Breckland Special Protection Area (SPA) and Breckland Special Area of Conservation (SAC) which are European designated sites (also commonly referred to as Natura 2000 sites). European sites are afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended (the 'Habitats Regulations'). The site is located 1.9km from Breckland Farmland SSSI, the nearest component of Breckland SPA, and 0.3km from RAF Lakenheath SAC. The site is outside of the Breckland 1500m constraint zone and also outside of the Breckland 1500m frequent nesters constraint zone. The site is also outside of the 400m Woodlark and Nightjar constraint zone as designated by policy CS2 of the FHDC Core Strategy.

- The application site is located 180m to the west of Maidscross Hill Site of Special Scientific Interest (SSSI) and Local Nature Reserve (LNR). Pashford Poor's Fen SSSI is approximately 1.7km to the northeast, Lordswell Field SSSI is approximately 1.7km to the south, and Lakenheath Pools Fen SSSI is approximately 1.7km to the north-west.
- A line of protected trees forms the eastern boundary of the site. The trees are included in G1 of tree preservation order TPO005 (2016). These pine trees which make up a distinctive pine line on land to the east of Lakenheath are an important landscape feature characteristic of the area and of the Breckland landscape character type. The trees are of high visual amenity value particularly in relation to Broom Lane and other footpaths in the immediate vicinity. The tree preservation order has been made to protect landscape features which are potentially threatened by proposed development. The TPO was served on 2 June 2016.

Ecology - Habitats regulations assessment

- If a plan or project is considered likely to give rise to significant effects upon a European site, Regulation 61 of the Habitats Regulations requires the decision maker to make an 'appropriate assessment' of the implications for that site, before consenting the plan or project. As the decision maker for this application, the Secretary of State will be the Competent Authority with regard to the Habitats Regulations. Nevertheless in considering the planning application the local planning authority must have regard to any potential impacts that the proposals may have on the European sites.

Ecology - Impacts on SAC

- The site is located outside of Breckland SAC and outside the 200m constraint zone for RAF Lakenheath SSSI. This site is within the fenced airbase with no access for the public with no risk of impacts from fly tipping, trampling or other anti-social behaviour.

Ecology - Impacts on the SPA

- Breckland SPA is designated for its breeding populations of stone-curlew, European nightjar and woodlark. Development at this site would advance the line of development towards Breckland SPA. Research has shown a clear avoidance of housing by stone curlews on otherwise suitable habitat, and development within 1500m has the potential to affect stone curlew nesting densities and rates.
- Natural England has been consulted on the application and initially advised that there was currently not enough information to determine whether the likelihood of significant effects can be ruled out. The proposed development is outside the 1500m constraint

zone around units of Breckland SPA capable of supporting stone curlew however stone curlew nesting outside the SPA are considered to be part of the SPA population. An assessment of the impact of the proposal on stone curlew nesting within 1500m of the proposed development was requested. Information was submitted as Appendix 5 of the revised extended phase 1 habitat and protected species survey for proposed residential development at land south of Broom Road, Lakenheath, September 2015. The report confirmed that there are records of stone curlew breeding within 1500m of the site. The report goes on to suggest that the existing site conditions such as: location immediately adjacent to existing settlement boundary; existing aircraft noise effects from the adjacent USAFE base; disturbance arising from the use of existing footpaths by the public; and light spill from the base and nearby residential property, would not significantly deteriorate as a result of the development.

- Natural England has confirmed that the proposals are unlikely to significantly affect stone curlew associated with Breckland SPA (email of 10.05.16)

Ecology - Recreational impacts on the SPA

- This issue has not been assessed by the applicant as part of their submission and there are no specific measures included in the proposals to address this. The plan for the site shows some small scale open space; there is concern about whether these spaces are laid out to best provide the needs of the new residents (also see below). These spaces are unlikely to be as attractive to residents as the nearby forest areas and it is likely that residents will periodically travel in their car to use the SPA as their local green space. Whilst the proposed site design includes some footpaths, there are no specific dog walking routes within the site however the site is connected to the Public Rights of Way network which connects with Maidscross Hill SSSI and LNR. This is the closest area of natural greenspace however it is currently the only such area within the village and it is already showing signs of visitor pressure. Nevertheless the site is available for the use of new residents. The proposed level of development alone is unlikely to result in recreational impacts on Breckland SPA.

Ecology - In-combination effects

- The assessment of in-combination effects is pending more information particularly in relation to the traffic that would arise. There is however the potential for in-combination effects to arise in relation recreational pressure.
- Planning applications registered with the local planning authority and being considered in Lakenheath at the current time including projects published for consultation but prior to application:

- a) Rabbit Hill Covert, (81 dwellings)
 - b) Land West of Eriswell Road, Lakenheath (140 dwellings)
 - c) Land off Briscoe Way (67 dwellings)
 - e) Land North of Broom Road (132 dwellings)
 - f) Land adjacent to 34 Broom Road (147 dwellings)
 - g) Land North of Station Road (375 dwellings and a school)
 - h) Land at Little Eriswell (550 dwellings and a school)
- The total number of dwellings currently being considered significantly exceeds the total which was tested in the FHDC Core Strategy Habitats Regulation Assessment which for Lakenheath was 670 homes. The concern is that whilst alone each of the applications may not have an impact; for this number of dwellings within the settlement (totalling 1492 dwellings), in-combination likely significant effects cannot be screened out.
 - In 2010 a visitor survey of Breckland SPA was commissioned by Forest Heath District and St. Edmundsbury Borough Councils to explore the consequences of development on Annex 1 bird species associated with Breckland SPA. An important finding of the study was that Thetford Forest is a large area, surrounded by relatively low levels of housing, and at present it seems apparent that recreational pressure may be adequately absorbed by the Forest. The Annex I heathland bird interest features are not yet indicating that they are negatively affected by recreational disturbance. However there are still some gaps in our understanding of the Thetford Forest populations of Annex 1 birds, their current status and potential changes that may be occurring. It is not currently understood whether distribution is affected by recreation, for example.
 - The recreation study went on to advise that provision of alternative greenspaces could be provided to potentially divert some of the recreational pressure away from the SPA. These would need to be at least equally, if not more attractive than the European sites. Such an approach could link into any green infrastructure initiatives as part of the local plan. Important factors to consider in the design of such spaces are the distance to travel to the site, the facilities at the site, and experience and feel of the site. The visitor survey identified that people are travelling up to 10km to use the SPA as their local greenspace. The provision of an attractive alternative in closer proximity to a new development would increase its likelihood of use.
 - A Natural Green Space Study has been prepared to support Forest Heath District Councils Single Issue Review of Core Strategy Policy CS7 and separate Site Allocations Local Plan. The status of the study is draft. The purpose of the study is to provide evidence on appropriate accessible open space that will support the planned growth in the district. The study is required because there is concern that increased development in the district has the potential to contribute to recreational pressure on Breckland Special

Protection Area (SPA) and Breckland Special Area of Conservation (SAC).

- The study found that in Lakenheath there is an absence of natural greenspace between 2-20ha in size, except in the vicinity of Maidscross Hill. It concluded that additional provision of natural open space is required as part of any developments in particular provision of new natural green space to divert pressure away from the SPA and existing Maidscross Hill SSSI. In addition new access routes are required which could potentially focus on the Cut-Off Channel. A number of opportunities were identified for the village to develop suitable alternative green space for both new and existing residents to use.
- This application does not include any measure that would contribute to this strategic approach to mitigation of potential in-combination recreational effects.
- SSSI - Maidscross Hill Site of Scientific Interest (SSSI) is approximately 200 metres from the application site and is the closest large area of public open space; it is designated as Local Nature Reserve (LNR). The SSSI is already subject to significant recreational use and is currently in unfavourable condition. Maidscross Hill supports nationally rare plant species associated with the open calcareous grassland. These are; Breckland Wild Thyme *Thymus serpyllum*, Spanish Catchfly *Silene otites*, Grape Hyacinth *Muscari neglectum* and Sickie Medick *Medicago falcata*. Early Spider orchid, *Ophrys sphegodes* was recorded on the site but has not been seen in recent years. The main reason for the unfavourable status is the decline in the Grape Hyacinth population. The SSSI is owned by Elveden Estates and leased to Forest Heath DC under a 25 year lease; FHDC is the managing authority however some of the management work is undertaken by Elveden maintenance teams.
- The proposed development is likely to result in an increase in the level of recreational pressure on the SSSI which may in turn affect the ecological features for which it has been notified. There would be direct access from the new dwellings to this site via existing public footpaths. Likely impacts and effects could include, for example, excessive trampling which may result in a localised loss of vegetation and an increase in dog fouling may cause damage to rare plants at the site.
- This is acknowledged in the ecological report although a detailed assessment has not been undertaken and mitigation measures are not identified. The report notes that an increase in recreation pressure will likely exacerbate the already unfavourable condition of the SSSI and as such some form of contribution to the management and enhancement of the site would be deemed appropriate. The ecological report also raises concern about noise, light and human disturbance on nesting birds during the active

nesting season March to August inclusive.

- Natural England has advised that it may be possible for the applicants to provide mitigation to avoid or reduce these impacts, for example through a contribution to the management of the SSSI. Detailed discussion between Natural England and the council (who manage the site) and the local planning authority has concluded that the most effective mitigation would be the provision of a warden for the site who would also promote community involvement and education. How this could be would need further consideration.
- In addition other measures aimed at diverting the new residents from using Maidscross Hill as their local greenspace could be considered.
- An assessment of the number of pets likely in a development can be calculated. The Pet Food Manufacturers Association (PFMA) estimated that in 2015 there was a dog population of 8.5 million in 24% of households and 7.4million cats in 17% of households. Within the development site it is possible that 29 households would have at least one dog and 20 households would have at least one cat.
- The increase in the number of cats in close proximity to the SSSI could potentially lead to the predation of rabbits (vital to keep the site in condition) and ground nesting birds. NE has indicated that whilst this could not be mitigated; a wardening service at the site to deal with recreational effects may also be effective in reducing the effect of cats such that it would not be significant.
- The loss of the agricultural field to development will represent an erosion of the buffer between the settlement of Lakenheath and the SSSI, to a distance of 200-300m which has the potential to increase other urban effects such as those listed in the ecological report.
- The current situation is that the applicant has not approached the managing authority (which is Forest Heath District Council) to discuss any measures that might be appropriate and these do not form part of the scheme that is being considered. Recreational impacts from increased visitors to Maidscross Hill, particularly new residents using the reserve as their local greenspace cannot be ruled out. Without the prospect of an effective wardening scheme for the site, it is understood that Natural England maintains its objection to this development on the grounds that the application, as submitted, is likely to damage or destroy the interest features for which Maidscross Hill Site of Special Scientific Interest (SSSI) has been designated.
- Interestingly Grape hyacinth, an interest feature of the SSSI, has been identified on the northern boundary of the application site

however the submitted survey did not record this and the development proposals do not include for the retention and protection through management of this species on site.

Other Ecology Issues

- Suffolk Wildlife Trust has commented that Skylark, a Suffolk Priority Species, was recorded nesting on the strip of land to the west of the development site. This species has also previously been recorded nesting in neighbouring fields and it appears likely that these birds will nest throughout this area dependent on the conditions present each year. Development in this area will therefore reduce the amount of potentially suitable habitat available and therefore a solution to the delivery of mitigation measures for this species should be secured. No skylark mitigation is included.
- The biodiversity study reports that the line of pine trees to the east of the site is used by bats for foraging, commuting and roosting. It is essential that the line of pine trees are retained on site and whilst the trees are nominally retained on the site layout plan, the arrangement and positioning of dwellings and garages is not consistent with the retention of trees. There is therefore the potential for an impact on bats through the loss of this important pine line. There is no information to indicate which tree has been identified as supporting roosting bats other than it being about half way along the row. T9 which is to be removed is located closer to the south.
- Suffolk Wildlife Trust undertook survey of this site as part of the wildlife audit of all development sites being considered as part of the Forest Heath District Site Allocations Local Plan. The recording of Grape hyacinth on the northern boundary is notable. This species was also recorded on the northern roadside margin of the adjacent arable field site, as well as within the CWS itself (which follows the boundary between Maidscross Hill and the arable field east of the development site). Any future development should protect this Priority Species and Red Data Book Plant (Vulnerable). There is no information in the applicants ecology report on the position of this species and whilst there is potential that it could be retained within the open space fronting the development along Broom Road this does not form part of the current proposals and there is no evidence that retention of Grape hyacinth is consistent with the provision of an access and public footpath as shown on the plan.

Landscape, green infrastructure and open space.

- The most significant landscape feature on the site is the pine line on the eastern boundary.
- Pine lines are a distinctive feature of the Brecks consisting of

single rows of twisted and contorted Scots pine trees. The majority were planted as hedges during the early 1800's. The rows have been singled out by numerous writers on topography and landscape history as a major contributor to the region's 'sense of place'.

- Pine lines and their associated margins also contribute significantly to the biodiversity of The Brecks. It has been calculated that Scots pines have 91 associated insect species nationally (compared with 41 for ash, 28 for hawthorn, but 284 for oak), and 132 associated lichen species. Additionally, the associated grass strips and earth banks support diverse invertebrate assemblages, including several rare moths and nationally scarce species of beetle although in this case the invertebrate data does not demonstrate this.
- Despite the fact that pine lines are a key defining feature of the Brecks, little attention is given to their management, restoration or to establishing new ones. Their distribution has decreased over the years.
- A recent report by University of East Anglia (The Brecks Pine Rows: History, Ecology and Landscape Character) concluded that:
 - The pine rows are an important and characteristic feature of the Brecks landscape, and every attempt should be made in the future to protect and enhance surviving examples, and to establish new ones.
 - Further research is urgently needed into the character of the fauna, and especially the insects, associated with the mature pines which make up the 'rows'.
- The protected pine line (TPO005/2016) on the eastern boundary of the site is shown to be retained however evidence from the site layout plan and tree constraints and protection plan (16080/901 B) is not consistent with the retention of the trees. The alignment of the 'temporary protective fencing' marked on the tree protection plan is a good indication of the easement that is required to ensure that the landscape feature is protected intact.
- The case for this level of easement is also made in the ecology report which states:
- The main ecological value of the application area is the mature tree line and hedgerow along the eastern boundary which provides cover and foraging habitat for nesting birds and as a corridor for commuting and foraging bats. The majority of the marginal habitats along the field edges should be retained wherever possible and maintenance and enhancement of a

buffer strip along the eastern boundary will reduce any impacts on more ecologically important areas and maintain habitat connectivity in the wider landscape.

- The built development punctures the proposed 'temporary protective fencing' in the following places: garage to 117-120; dwelling and garage at 114; dwelling at 104; garage and patio at 103; dwelling at 93; road south of plot 93; dwelling at plot 92; garage at 78-79 and dwelling and patio at 78. As a consequence of the development a large number of the trees would be within or on the boundary of residential gardens and hence it is likely that they would be subject to resentment pressure from the new residents. Irrespective of the tree preservation order the new relationship between the trees and dwellings could provide legitimate grounds for the removal of the trees in the future which the council could not reasonably resist and which would lead to deterioration in the character of the area.
- There would be a visual impact arising from the proposals which would affect visitors to Midscross Hill LNR. The lack of additional strategic landscaping on the eastern boundary of the site will not provide screening or softening of the development from the adjacent countryside. The construction of garden boundaries which are most likely to be closed board fencing will lead to a further deterioration of landscape character and of views from Midscross Hill and the adjacent footpaths.
- The revised layout for the site includes four distinct areas of open space, equating to the requirements of the FHDC Supplementary Planning Document for Open Space, Sport and Recreation. Within developments open space can have a number of functions and the design must reflect that function.
- The proposed play space and area marked public open space are of a scale that would encourage use by children for activities that would include ball games. However the design of the space in relation to surrounding infrastructure such as roads and houses would potentially lead to conflicts. It is noted that access to the existing public footpath has been facilitated by the retention of an open area; it is regrettable that the road forms a barrier to free safe movement.
- This site is located within walking distance of the existing formal play area in Lakenheath which are maintained by the Parish Council (approximately 400m). There is potential to therefore provide safe access for young people to use these facilities. This may require a formal road crossing which will need to be agreed with highways.
- Given the issues that have been identified in relation to potential recreational pressure on both the nearby SSSI and the

SPA it is important that the POS functions to provide local greenspace for local residents. Ideally the greenspace should be connected to provide a space of sufficient size for a range of informal recreational facilities and link to a convenient walking route to enable exercising of dogs to divert the use of Maidscross Hill SSSI and LNR for this purpose. The layout of the site does not allow for this.

Mitigation measures proposed in the ecology report

- The mitigation measures proposed in the ecology report are listed below. A review of these concluded that they are achievable but would need to be conditioned if permission were given. However the mitigation falls short of what is required to mitigate for all of the impacts of the scheme identified and discussed above.
- Contribution to the management and enhancement of Maidscross Hill by way of a Section 106 agreement.
- Noise and dust during works will be controlled as necessary
- Light and noise pollution as a result of artificial lighting and human activity will be minimized and controlled through a sensitive lighting scheme with ground level lighting only to prevent disturbance to birds and bats
- The boundary trees and hedges will be retained and enhanced
- Maintenance and enhancement of a buffer strip along the eastern boundary of the site to reduce any impacts and maintain habitat connectivity in the wider landscape. Easement to be 5m
- Landscaping, management of the existing habitats and biodiversity enhancement delivered through a Construction Environmental Management Plan (CEMP)
- Precautionary site clearance having regard to breeding birds and reptiles/amphibians
- Operations within the working areas to be started outside of the bird breeding season to minimise the risk of disturbance to breeding birds that have already commenced nesting. Construction standoff from any active bird's nests found during the construction period (inconsistency in distance which varies between 10m and 25m)
- 30 bird and 20 bat boxes will be erected on the mature trees.
- Any potential refugia within the working areas will be hand

searched for the presence of herpetofauna (between mid-march and mid-June) immediately prior to clearance and prior to commencement of works. If amphibians or reptiles are discovered, works would stop until a mitigation strategy is developed

- The site manager and other site staff will be briefed (by suitably qualified ecologist) on the possible presence of protected species in the area.
- Habitats removed, wherever possible will be replaced at the earliest opportunity with native or wildlife attracting species.
- Trenches, pits or holes dug on site that are to be left will be covered over or have a ramp placed in them so avoid entrapment of wildlife
- Location of the site compounds and any material storage areas will away from important habitats, notably the boundary trees and hedges.
- Any brash and log piles on site will be searched by hand before removal
- Any external lighting strategy will be implemented to avoid impacts on bats
- All middle aged and mature trees to be retained and protected. Any trees to be removed to be surveyed to confirm the absence of any roosting bats.
- Standard pollution prevention measures will be put in place
- Contractors will implement measures to limit the presence of air borne dust during clearance and construction.
- If a period of more than 18 months passes between the date of this survey and the commencement of works then a further protected species site survey should be undertaken.

Proposed enhancements in the ecology report

- The proposed enhancements in the ecology report are listed below. The site layout plan shows little space identified on the boundaries of the site for strategic landscape planting such as hedges and trees. No details of landscaping have been submitted to show how native planting and standing water can be delivered.
 - Bird and bat boxes
 - Hedge and tree planting on the site margins
 - Planting native trees and shrubs within the site;
 - Creation areas of standing water such as ponds, SUDS

71. **Suffolk County Council (Highways – Development Management)** (January 2015) – suggested a number of **minor changes** should be secured to the layout prior to any planning permission being granted. The Authority recommended a number of controlling conditions which would be appropriate to impose upon a potential grant of planning permission, once the amendments had been secured.
72. In December 2015 the **Highway Authority** commented on the amended scheme as follows:
- The visibility splay needs to be 43m in each direction not 40m as shown
 - The tree along Broom Road that is shown alongside the cycleway, will need to be removed in order to achieve inter-visibility along broom Road.
 - There will need to be a 1m service strip along all adoptable highway where there is no footpath and any bollards in the highway will come with a commuted sum.
 - Plots 58-61 have below SCC standard parking provision, there is some visitor parking provided which should be allocated to these dwellings. This will however leave the site with lower visitor parking provision than is in the 2014 Suffolk Parking Guidance. More visitor parking provision needs to be designed into the scheme.
 - **S106** – contributions will be required towards a cycle scheme through Lakenheath (costs presently being calculated) and to upgrade the adjacent footpath (costs awaited).
 - **Travel Plan** – The submitted Travel Plan (as amended) is approved, although the Authority are awaiting more information on the cumulative transport assessment for Lakenheath before a formal response can be finalised.
73. The Highway Authority recommended a number of conditions that should be imposed following receipt of the amendments they had requested.
74. **Suffolk County Council (Highways – Public Rights of Way)** (December 2014) – no objections – and provide advisory comments with respect to Public Footpath No.11, which is adjacent to the site. The service did not wish to make any further comments in November 2015, following consultation in relation to the amended scheme.
75. **Suffolk County Council (Archaeology) (November 2014) – No objections** and comments the site is topographically favourable for early occupation of all periods. It also notes the site is close to Madsdross Hill, which is an internationally significant lower Palaeolithic

site that has yielded some of the oldest hand axes in Europe.

76. A preliminary field investigation has adequately demonstrated there are no grounds to consider refusal of permission in order to achieve preservation in situ of any nationally important below ground heritage assets. However, the character and full extent of these assets requires closer definition by a second phase of field evaluation and mitigation as necessary. Two conditions are recommended.
77. These comments and requirements were repeated in November 2015 when the **Archaeology** team responded to the consultation in relation to the amended plans.
78. **Suffolk County Council (Suffolk Fire and Rescue Service)** (December 2014) – **no objections** – Requests adequate provision of fire hydrants (to be secured by condition) and provides advisory comments for the benefit of the applicant/developer (access for fire engines, water supply and use of sprinkler systems in new development).
79. **Suffolk County Council (Development Contributions)** – (December 2014) – initially raised a number of requests for developer contributions towards local infrastructure provided by or via the County Council. However, these comments were superseded following amendments made subsequently and so the original response to the planning application is not reported in detail here.
80. In November 2015 provided the **Development Contributions** officer provided following comments (precised):
 - Forest Heath is currently undertaking a Single Issue Review looking at housing numbers and distribution across the district. In this connection we will greatly welcome the early conclusion of this review to enable a proper plan-led approach to development with the necessary supporting infrastructure provision.

Education (Primary).

- Continued uncertainty about the scale and location of growth in Lakenheath in the absence of a site allocation document and the relatively recent removal from consideration of the possible site on the Elveden Estates land for 750 dwellings which included a primary school site has presented considerable difficulty for the county council in determining how the appropriate education strategy for Lakenheath can now be delivered i.e. where can an alternative school site be located to best serve the local community. This has been compounded by the recent decision by the US authorities to relinquish housing at Lord's Walk in Eriswell and release these houses back into civilian use, thereby potentially adding greater numbers of school children to the existing upward trends. The existing primary school site in the village is almost at capacity and it is clear that the constrained nature of the site does

not allow this to be used as a long term solution for additional accommodation requirements.

- Previously there had been two areas of uncertainty – the permanent location of any new school site and meeting short term needs pending the construction and opening of a new primary school. On the permanent location of a new school, which is likely to be 1.5 forms of entry (315 places) but could be up to 2 forms of entry (420 pupils) and requiring a minimum of 2 hectares of land, the county council has commissioned its consultants, Concertus, to identify options for possible sites. Of these, the proposal to include land for a primary school within the scheme under reference DC/14/2096/HYB is Suffolk County Council's preferred option subject to the following issues being resolved.
 - Environmental, flooding, aircraft noise and other constraints on the site;
 - An assessment of highway impacts on the village, both in terms of the new school site location but also from cumulative impacts from village-wide development.
- The current proposal is for the land identified for educational use within application DC/14/2096/HYB to be transferred by way of an option agreement to SCC for a freehold transfer of £1. However, at the time of writing the application had not been determined by Forest Heath so there is currently no certainty about securing the school land. If an alternative site in the village needs to be purchased there is an assumption of, say, £350,000 per acre (£864,850 per hectare) which equates to £5,491 per pupil place. From this scheme of 120 dwellings a land contribution of £142,766 is appropriate.
- In the short term, the capacity of the existing primary school will be exceeded in the next year or so and temporary arrangements will need to be put in place to accommodate additional children. This will be driven in part, if not wholly, by any housing schemes granted permission in the village. It is not clear that a plan can be developed that will allow for temporary accommodation on the existing constrained site, pending completion of the new school. If not, then school children will need to be transported to schools in surrounding villages or towns, which in themselves may well require temporary extensions. Clearly, for an uncertain period of time, this could result in an unsustainable pattern of school provision.
- It is recognised that the district council faces an issue about identifying adequate housing land. The county council considers that it is a matter for the district council to balance the needs for the release of new housing sites with the risks associated with the emergence of a possibly unsustainable pattern of school provision. In this context it is left to the district council to draw the planning

balance considering these and all other relevant matters.

- If the district council considers that it should approve the planning application, this should be on the basis that sufficient funding is made available for a proportionate share of the costs of the school site together with the costs of providing temporary classrooms at an existing primary school and/or the costs of school transport pending the construction of a permanent school. At present, the strategy is for the land for a new primary school to be secured as an integral part of application number DC/14/2096/HYB. However, if this application is not determined or is refused, then Suffolk County Council will need to identify an alternative site within the village for a new primary school.
- On this basis we would request the following contributions in respect of education mitigation from this particular scheme of 120 dwellings.
- The estimated cost of providing a new 315 place primary school (excluding land costs) is £17,778 for each school place. It is forecast that this development would generate 26 pupils of primary school age. The contribution to be secured from this development is therefore £462,228 (26 places x £17,778 per place).
- The pro-rata contribution towards the acquisition costs of a new 2 hectare site assuming a maximum alternative residential value of £864,850 per hectare is £142,766.
- Temporary classroom costs if required. The cost to purchase a single temporary classroom with toilet and accessible toilet is currently estimated to be £106,000, the cost of which would need to be secured from this development on a pro-rata basis. The annual transport cost per pupil if required is assumed to be £750 (2015/16 costs).

Education (Secondary and VIth form)

- There are currently forecast to be surplus places available at the catchment secondary schools serving the proposed development, so we will not be seeking secondary school contributions.

Education (pre-school)

- In Lakenheath census data shows there is an existing shortfall of places in the area. From these development proposals we would anticipate up to 12 pre-school pupils at a cost of £6,091 per place. We would request a capital contribution of £73,092 (2015/16 costs). This contribution will be spent to provide a collocated early years setting with the new primary school.

Play space provision.

- Consideration will need to be given to adequate play space provision.

Transport issues

- A comprehensive assessment of highways and transport issues will be required as part of the planning application. This will include travel plan, pedestrian & cycle provision, public transport, rights of way, air quality and highway provision (both on-site and off-site). Requirements will be dealt with via planning conditions and Section 106 as appropriate, and infrastructure delivered to adoptable standards via Section 38 and Section 278.
- An important element to address is connectivity with the development to services & facilities in Lakenheath, such as a safe walking/cycling route to the schools.

Libraries.

- A capital contribution of £25,920 to be used towards libraries is requested. The contribution would be available to spend in Lakenheath to enhance local provision.

Waste.

- A waste minimisation and recycling strategy needs to be agreed and implemented by planning conditions.

Supported Housing.

- Supported Housing provision, including Extra Care/Very Sheltered Housing providing accommodation for those in need of care, including the elderly and people with learning disabilities, may need to be considered as part of the overall affordable housing requirement. We would also encourage all homes to be built to 'Lifetime Homes' standards.

Sustainable Drainage Systems.

- Developers are urged to utilise sustainable drainage systems (SuDS) wherever possible, with the aim of reducing flood risk to surrounding areas, improving water quality entering rivers and also providing biodiversity and amenity benefits. Under certain circumstances the County Council may consider adopting SuDS ahead of October 2013 and if this is the case would expect the cost of ongoing maintenance to be part of the Section 106 negotiation.

Fire Service.

- Any fire hydrant issues will need to be covered by appropriate planning conditions. We would strongly recommend the installation of automatic fire sprinklers.

Superfast broadband.

- SCC would recommend that all development is equipped with superfast broadband (fibre optic).

81. **Suffolk County Council (Floods Team)** (October 2015) **comment** as follows:

- We have reviewed the FRA and Drainage Strategy by Plandescil and currently we have no objections to the proposed drainage strategy. The use of soakaways is encouraged within our local SuDS guidance and this development utilises this method of disposal satisfactorily. Adoption/ownership of shared soakaways will need to be made clear to make sure correct maintenance is adhered to as listed in the maintenance schedule.
- I'm unsure of the proposed site levels once completed but using the existing topography of the site, during exceedance flows the majority of water will convey and accumulate in the western region of the site where the ground levels are lowest. Currently the proposed exceedance swales are located in areas where they won't intercept/capture a large proportion of the excess flooding. Can the applicant demonstrate why swales have been located in the areas proposed and how excess flood water will be routed towards them? Ideally these swales should have been located within a long strip of open space along the western boundary of the development.

Representations:

82. The planning application has been the subject of two separate rounds of consultation; i) November 2014 and ii) November 2015. The following is a summary of the representations received.

83. **Lakenheath Parish Council** (December 2014) – **objects**. The following comments were submitted:

- It is agreed that the initial 800 houses originally allocated are expected in Lakenheath between now and 2031. But this needs to be arranged with a Master Plan for collective development and infrastructure which must happen simultaneously – not years later as in the case of Red Lodge Developments. This must take into account the 321 dwellings for which permission for development has been granted and the further 674 for which permission is now being sought of which this application covers 147 dwellings.
- The single issue review has not been addressed yet therefore all developments now should be plan led not developer led, especially as the 5 year land supply for FHDC is presently resolved with the required 5% buffer. Therefore until the single issue review is completed all planning cases should be considered as premature. At the end of the day we are now shaping the village for the next

100 years.

- There are no plans to increase or improve public transport, indeed it was only in September 2014 that a direct link to Bury St Edmunds was lost, and as no new roads or road improvements are envisaged, residents from the proposed site will use Broom Road to enter the High Street although some will use Roebuck Drive leading into the North Road and Eriswell Road Junction which is less congested as a general rule. This is contrary to Policy CS4 not encouraging additional car usage. This policy provides for safe and attractive footpaths and cycle linkages to be kept or created to link any new development into nearby areas. These should be extended into the private driveways suggested for the estate.
- Education. How will schooling now cope? There is no extra capacity bearing in mind the current approval for an extra 321 dwellings, including infill. The attitude at FHDC is that it is SCC obligation to educate they have to find a solution whether it is bussing to available schools with places or provide temporary classes at other schools till our second school is available. On this point alone any approval should be delayed until the new school is provided. Indeed Sir Michael Wilshaw, head of Ofsted on TV Wednesday 8th October evening totally slammed the education system in Norfolk and Suffolk. He said; "Some of the unluckiest children live here in Ofsted's East of England region. Despite some recent improvement, they still have among the lowest chances in the country of attending a good or better school.
- Primary schools fare worse here than in almost every other region and secondary schools also lag behind. "Our educational problems cannot be resolved whilst we have SCC as the provider messing about with children's education to this level of incompetence.
- Sewerage. Anglian water will always say sufficient capacity they want the extra customers. They are a commercial concern. It will only be when new problems arise that they will be dealt with. Additionally the surface drains do not cope presently at the bottom of Mill Road, Broom Road and Avenue Road as it meets Eriswell Road. There have also been problems at the end of Roughlands where it meets Broom Road, Eriswell Drive where it meets Broom Road and occasionally in Highfields. This needs to be addressed before any problem is created with the additional capacity.
- Roadways will be strained with the additional traffic from this proposed development. The High Street is already congested at various times of the day. The proposed site is a distance from the centre of the village and it is likely that there will be at least 2 cars per family. Additionally the junction of Broom Road with the High Street is already fairly congested at various times of the day. As a bus route it will not be possible to slow traffic down. A solution will have to be found elsewhere to improve this. Installation of traffic lights would have to be considered particularly if the application for

Maids Cross Hill is also accepted.

- Planning Statement suggests good safe pedestrian links as there are many shared surface ways not sure how this can be considered safe. Pavements are only provided down the middle of the proposed development including a cycle route on one side? How is this safe to pedestrians?
 - The density and layout of the proposed dwellings is out of character and certainly does not reinforce local distinctiveness of the area (contrary to CS3 and CS5). Dwellings in surrounding areas sit in more spacious grounds a setting more amenable and pleasing; the design is too dense and visitor parking inadequate bearing in mind particularly the area of shared surfaces and given the poor level of public transport within the village, thus contrary to FHDC Policy 4.14, Policy CS3, more importantly, Policy CS5 and Policy CS6. The planning statement has been drawn up assuming that FHDC does not have a 5 year land supply, which is now not the case.
 - If mindful to accept a development in this location it is suggested that it should be reduced in numbers and proper roads provided with pavements both sides incorporating a cycle route on one side. It is considered that developers should be asked to provide dog waste bins.
 - It is also suggested that the mix of affordable homes are reassessed. At the moment there is on the current waiting list for affordable homes with Lakenheath as their chosen home 209 applicants. Of this 119 want a 1 bed home, 60 a 2 bed home, 23 a 3 bed home and 7 a 4+ bedroom property. Of the 209 applicants 5 only want Lakenheath, 51 have Lakenheath mentioned as a possible choice of home and 153 were not worried where they were provided with a home. The developer proposes to build 38 3 bed and 6 2 bed affordable homes. This does not reflect current needs for the village.
 - An assurance that the developer provides the renewable technologies is requested to ensure a 'Greener Estate' in accordance with the provision of CS3.
 - The key principle of the Core Strategy is to ensure the efficient use of land by balancing the competing demands within the context of sustainable development. This is not the case with this proposal.
84. Lakenheath Parish Council (November 2015) – support the planning application and provides the following comments:
- Firstly Lakenheath Parish Council is in favour of the suitability of this site for development which as proposed we are happy to support. However we still have concerns and reservation over sustainability and infrastructure as follows:

- There are no plans to increase or improve public transport; Lakenheath now only has one bus service which links Lakenheath with Thetford, Brandon and Mildenhall Monday to Saturday only. This is contrary to Policy CS4 not encouraging additional car usage.
- Roadways will be strained with the additional traffic from this proposed site with no new roads or road improvements envisaged; residents from the site will use Broom Road to enter the High Street although some will use Roebuck Drive leading into the North Road and Eriswell Road Junction which is less congested as a general rule. As a bus route it will not be possible to slow traffic down. A solution will have to be found to improve this taking into account the tight turn from Broom Road left into Eriswell Road. An addition to the traffic impact assessment currently being arranged by Suffolk County Council should be extended to include this site. Any recommendations as a result should be carried out.
- Education. We are aware that an additional primary school is to be provided for the Village but not till the summer of 2017 at the earliest. On this point alone any development should be delayed until the new school is provided. The site is yet to be agreed.
- A condition that the developer provides the renewable technologies is requested to ensure the 'Greener Estate' as suggested is in accordance with the provision of CS3.
- On previous sites within Suffolk, thinking of Westover in Mid Suffolk in particular, it was legislated that garages cannot be converted in the future into living space. We would ask that Permitted development rights should be removed for any such conversions on this site. This will safeguard any shortage of car parking spaces in the future.
- Phasing should be agreed over a 4 year period so that the expansion of the Village is gradual bearing in mind the other developments which could occur simultaneously.
- Following discussions with a representative of Necton Management they will consider providing the Village with the following in return for leaving the open spaces as open spaces without a play park due to the close proximity of that already in existence at the playing fields:
 - a. Benches / seating in the open space area
 - b. Provision of a Safe Pedestrian Crossing near the Doctors in the High Street to access the playing fields
 - c. £30,000 to the playing fields to fund an extension to the Pavilion
 - d. £30,000 to the Village Halls to bolster fund to join same with the peoples project
 - e. Dog Bins (including emptying)

- f. Litter Bins (including emptying)
- g. Notice board; to match those now being provided to various parts of the Village. Perhaps this could be located near the area where the proposed new bus shelter is to be provided

- It has also been agreed with the developer that they will provide an annual sum, yet to be agreed, to cover the cost of grass cutting the open spaces in the growing season.

85. **Lakenheath Parish Council** – (January 2015) submitted further representations with respect to all of the 'live' planning applications set out in the table below paragraph 15 of this report above. The representations were received via Solicitors representing the Parish Council. The following matters were raised:

- The cumulative traffic impact assessment undertaken is flawed and should not be relied upon insofar as it does not consider all applications submitted and should be updated.
- Up-to-date EIA screening opinions should be carried out before any of the planning applications are determined. In the opinion of the Parish Council all the planning applications require Environmental Statements, particularly with regard to cumulative impacts (a joint Environmental Statement).
- The Parish Council refer to objections received from Natural England received in June 2015 (paragraph 23 above) as reasons to refuse planning permission and thus concludes the LPA is compelled in law to carry out an Appropriate Assessment of the scheme prior to consenting to the scheme [members will note Natural England's June 2015 objections were subsequently withdrawn following receipt of further information – paragraph 25 above].
- The Parish Council raises concerns regarding noise, vibration and risks of accidents from civil aviation activities in the vicinity of the planning application and is particularly concerned in this respect with regard to the location of the primary school.

86. Seven letters were received from **local residents objecting** to the proposed development following the first public consultation (November 2014). The issues and objections raised are summarised as follows (in no particular order);

- The new access will displace some on-street parking from Broom Road to the detriment of residents and/or their visitors whom often need park on the roadside.
- There are already problems with large vehicles finding it difficult to pass in Broom Road.

- The lights of vehicles using the proposed access will shine on the windows of the properties on the opposite side of Broom Road to the detriment of residential amenity.
- The development would be outside the village settlement boundary.
- Broom Road and its footpath, are narrow and unsuited to further traffic movement.
- Caudle Avenue is narrow and not suited to traffic growth.
- The B1112 is particularly busy during school drop-off and pick up periods.
- Buses are infrequent during the daytime with no service at night time. The development would generate a large number of additional journeys and would require enhance public transport provision. The development is not compatible with the notion of sustainable development.
- The development would increase the burdens on village amenities, including the GP surgery and primary/pre-school facilities.
- The proposed play area is likely to encourage anti-social behaviour, which has been experienced elsewhere.
- The site may well be contaminated given its historic use as an abattoir.
- Water pressure is presently not adequate. The development proposals would cause further problems.
- The site is greenfield land, probably agricultural grade 3a. Brownfield sites should be given preference for development.
- The development will be impacted by noise from aircraft flights from the nearby RAF Lakenheath airbase.
- Are there safety issues (direct or indirect) if development is built close to a military base?
- The development is not needed. There are already a number of empty dwellings in the village which detract from its character.
- Roads in the area, particularly where a right turn manoeuvre onto the Brandon Road is required, are busy with queueing experienced at many junctions.
- Further traffic congestion is likely to reduce highway safety further as drivers become impatient and take greater risks.

- Visibility from Broom Road onto The Street is poor.
 - The site is close to the SSSI and the increase in use, particularly by dog walkers is likely to be detrimental to it.
 - Devaluation of existing properties.
 - Development would lead to loss of light.
 - The development would bring no community benefits to the village.
 - Surface water flooding on the High Street and Eriswell Road can be a problem.
 - The GP surgery already has long waiting lists, without further development.
87. One further letter was received in response to the first consultation from the occupiers of one of the dwellings in Caudle Avenue backing onto the south boundary of the site. The author does not object to the planning application per se, but expresses concerns about the location of the proposed 'new adaptable pumping station' and requests further information regarding any emissions from the plant (e.g. noise and odours).
88. Four further letters were received from local residents in response to the second round of public consultation (carried out in November 2015). All of these submitted objections to the planning application. The issues and objections raised by the objectors largely reflect the comments received in response to the first consultation (set out above) with the following additional matters (summarised):
- The vast majority of dwellings in the area are bungalows, but the majority proposed in the planning application are two-storeys.
 - RAF Mildenhall is scheduled to close and this will reduce demand for housing whilst providing a new supply.
 - There is no mention of the archaeology of the site.
 - The development will inevitably be sold to the rental market. The village does not need any further rental properties.
 - My property (in Caudle Avenue) would be overlooked.

Policy:

89. The Development Plan comprises the policies set out in the Joint Development Management Policies document (adopted February 2015), the Core Strategy Development Plan document (adopted May 2010) and the saved policies of the Forest Heath Local Plan (adopted 1995) and which have not been replaced by policies from the two later

plans. The following policies are applicable to the proposal:

Joint Development Management Policies Document (2015)

90. The following policies from the Joint Development Management Policies document are considered relevant to this planning application:

- DM1 – Presumption in Favour of Sustainable Development
- DM2 – Development Principles and Local Distinctiveness
- DM5 – Development in the Countryside
- DM6 – Flooding and Sustainable Drainage
- DM7 – Sustainable Design and Construction
- DM10 – Impact of Development on Sites of Biodiversity and Geodiversity Importance.
- DM11 – Protected Species
- DM12 – Mitigation, Enhancement, Management and Monitoring of Biodiversity.
- DM13 – Landscape Features
- DM14 – Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards.
- DM20 – Archaeology
- DM22 – Residential Design.
- DM27 – 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

Core Strategy (2010)

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

Visions

Vision 1 – Forest Heath

Vision 5 – Lakenheath

Spatial Objectives

Spatial Objective H1 – Housing provision

Spatial Objective H2 – Housing mix and design standard

Spatial Objective H3 – Suitable housing and facilities (life time homes)

Spatial Objective C1 – Retention and enhancement of key community facilities.

Spatial Objective C2 – Provision and maintenance of open space,

play & sports facilities and access to the countryside.

Spatial Objective C4 – Historic built environment.

Spatial Objective ENV1 – Habitats and landscapes and improving biodiversity.

Spatial Objective ENV2 – Climate change and reduction of carbon emissions.

Spatial Objective ENV3 – Promotion of renewable energy and energy efficiency.

Spatial Objective ENV4 – Design and architectural quality respecting local distinctiveness.

Spatial Objective ENV5 – Designing out crime and anti-social behavior

Spatial Objective ENV6 – Reduction of waste to landfill.

Spatial Objective ENV7 – Achieve sustainable communities by ensuring services and infrastructure are commensurate with new development.

Spatial Objective T1 – Location of new development where there are opportunities for sustainable travel.

Policies

Policy CS1 – Spatial Strategy

Policy CS2 – Natural Environment

Policy CS3 – Landscape Character and the Historic Environment

Policy CS4 – Reduce Emissions, Mitigate and Adapt to future Climate Change.

Policy CS5 – Design Quality and Local Distinctiveness

Policy 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 High Court Order)

Policy CS9 – Affordable Housing Provision

Policy CS10 – Sustainable Rural Communities

Policy CS13 – Infrastructure and Developer Contributions

Local Plan (1995)

92. A list of extant 'saved' policies is provided at Appendix A of the adopted Core Strategy (2010) and those 'saved' policies subsequently replaced upon the Council's adoption of the Joint Development Management Policies Document (2015) are set out at Appendix B of that document. The following saved Local Plan policy is relevant to these proposals;

Policy 14.1 – Securing Infrastructure and Community Facilities from Major New Developments.

Other Planning Policy:

Supplementary Planning Documents

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

- Joint Affordable Housing Supplementary Planning Document (September 2013)
- Open Space, Sport and Recreation Supplementary Planning Document (August 2011)

Emerging Development Plan Policy

94. The Council has consulted on issues and options for two Development Plan Documents (Single Issue Review of the Core Strategy and Site Allocations Document). At the time of writing, the Council's formal consultation on its 'preferred options' was on-going (but is due to end a few days in advance of the Development Control Committee meeting). Following any further amendments made to the document, in the light of public consultation, draft plans will be submitted to the Planning Inspectorate for examination and, ultimately, adoption. The plans, once adopted, will set out policies for the distribution of housing development in the District throughout the remainder of the plan period and positively allocate sites for development, including for housing.
95. With regard to the weight decision makers should afford to emerging plans, The National Planning Policy Framework (the Framework) advises (at Annex 1) from the day of publication, decision-takers may give weight to relevant policies emerging plans (unless material indications indicate otherwise) according to:
- The stage of preparation of the emerging plan (the more advanced the preparation, the greater weight that may be given)
 - The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater weight that may be given); and
 - The degree of consistency of the relevant policies in the emerging plan to the policies in the National Planning Policy Framework, the greater weight that may be given.
96. The emerging Single Issue Review and Site Allocations documents have reached 'Preferred Options' stage but, given the consultation period is yet to be completed, these emerging documents can be attributed only very little weight given the significant uncertainties that surround the content of the 'submission' and 'final' versions of these documents. Members should note that, for the purposes of public consultation for the Site Allocations Document, the application site is not included as a Preferred Option for development.

National Policy and Guidance

97. The National Planning Policy Framework (the Framework) sets out government's planning policies for England and how these are

expected to be applied.

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

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

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

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

100. The relevant policies of the Framework are discussed below in the officer comment section of this report.

101. The Government released its National Planning Practice Guidance (NPPG) in March 2014 following a comprehensive exercise to review and consolidate all existing planning guidance into one accessible, web-based resource. The guidance (which is regularly updated on-line) assists with interpretation about various planning issues and advises on planning policy, best practice and planning process.

Officer Comment:

102. This section of the report enters into discussion about whether the appeal development 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 following an exercise to balance the proposals benefits against its dis-benefits.

Principle of Development

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

103. Paragraph 47 to the Framework states that to boost significantly the supply of housing, local planning authorities should use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area (as far as is consistent with policy), including identifying key sites which are critical to the delivery of the housing strategy over the plan period.
104. 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.
105. Paragraph 49 of the Framework 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"*.
106. The surviving extant elements of Core Strategy policy CS7 requires the provision of 6,400 new dwellings in the period 2001 – 2021 and a further 3,700 homes in the period 2021 – 2031. The housing numbers included in the plan is presently the subject of review as part of the emerging Single Issue Review document.
107. The latest 5-year housing supply assessment (considered by Members of the Local Plan Working Group on 1st March 2016) confirms the Council is presently able to demonstrate a 5-year supply of deliverable housing sites. It has recently been held at planning appeal that the Council can demonstrate a five year supply of deliverable housing sites (APP/H3510/W/15/3070064 – Meddler Stud, Bury Road, Kentford – Appeal Decision dated 05 May 2016). General policies relating to the supply of housing can, therefore, be considered up to date and the Councils position with respect to the 5-year housing supply has been validated at appeal. Officers propose the Council should make representations to the public inquiry to that effect.

What is sustainable development?

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

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

Prematurity

111. The Strategic Planning team have raised concerns that the proposals for development at the appeal site would be premature and prejudicial to the emerging Local Plan.
112. The NPPF does not address 'prematurity' directly, but advice about the approach the decision maker should take is set out in the National Planning Practice Guide. It states:
113. Annex 1 of the National Planning Policy Framework explains how weight may be given to policies in emerging plans. However in the context of the Framework and in particular the presumption in favour of sustainable development – arguments that an application is premature are unlikely to justify a refusal of planning permission other than where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, taking the policies in the Framework and any other material considerations into account. Such circumstances are likely, but not exclusively, to be limited to situations where both:
- (a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions

about the scale, location or phasing of new development that are central to an emerging Local Plan or Neighbourhood Planning; and

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

114. Refusal of planning permission on grounds of prematurity will seldom be justified where a draft Local Plan has yet to be submitted for examination. 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.
115. In this case the appeal site is not included in the Council's 'preferred options' version of the emerging Local Plan Site Allocations Document and has been 'deferred' from that document.
116. The decision maker's consideration of potential prematurity and prejudicial impact upon the plan making process needs to be undertaken in the light of the evidence to hand and following assessment of the key contributing factors, including potential cumulative effects. These are discussed below. The potential for the appeal proposals to be premature and prejudicial to the local plan process is considered later in this section of the report.

Development Plan policy context

117. Vision 1 of the Core Strategy confirms development will be focussed in the towns and key service centres. Vision 5 (and policy CS1) confirms Lakenheath as a key service centre. Spatial Objective H1 seeks to provide sufficient homes in the most sustainable locations to meet the needs of communities. Policy CS10 confirms the Towns and Key Service Centres will be the focus of new development (providing service to surrounding rural areas).
118. The surviving elements of Core Strategy policy CS7 provides for 11,100 dwellings and associated infrastructure in the plan period (2001 - 2031) and confirms development will be phased to ensure appropriate infrastructure is provided. Policy CS13 confirms the release of land for development will be dependent on there being sufficient capacity in the existing local infrastructure to meet the additional requirements from development.
119. Policy CS1 states (in Lakenheath) commercial uses such as shops or offices will be expected to be allocated within any major residential development near the High Street and that sites for 70 new dwellings will be allocated within the existing development boundary. A further part of the policy which confirmed greenfield urban extension sites would be allocated for at least 600 dwellings was quashed by the High Court decision and carries no weight in determining this planning application.

120. Core Strategy policy CS6 states that economic and tourism growth at Lakenheath will be in broad alignment with the scale of housing development to discourage commuting and achieve a homes / jobs balance.
121. Policy DM1 of the Joint Development Management Policies Document re-affirms the tests set out at paragraph 17 of the NPPF (balancing the positives against the negatives). Policies DM5 and DM27 set out criteria against which development (DM5) and housing (DM27) proposals in the countryside will be considered.

Impact of the announced closure of Mildenhall airbase

122. In January 2015 the Ministry of Defence announced the United States Air Force is planning to leave the Mildenhall airbase over an extended period whilst at the same time increasing its operations at the Lakenheath airbase. The announcement has only very limited impact upon the consideration of this non-determination appeal given any development opportunities which may arise at the base are not likely to occur in the short term (i.e. within the 5-year housing supply period) and may need to be planned for during the next Local Plan cycle.
123. The emerging Site Allocations Local Plan – Preferred Options, includes the following commentary on the announced closure of the Mildenhall airbase:
 - *3.7 It was announced on 18 January 2016 that the Government will be selling off RAF Mildenhall for housing once the United States Air Force vacates the base by 2022. Until there is certainty from the MoD over the deliverability and timescales for bringing the site forward, it is not possible to include the site as an option in the Site Allocations Local Plan. Should this position change during the plan period, the council will immediately commence a review of the local plan and a masterplan will be prepared.*

Officer comment on the principle of development

124. The application site is situated outside the settlement boundary of the village and is thus situated in the countryside for the purposes of interpreting relevant planning policy. The detailed settlement boundaries are set out in the 1995 Local Plan as Inset Maps. Local Plan policies providing for settlement boundaries (namely policies 3.1, 3.2, 3.3 and, indirectly, the Inset Maps of the 1995 Local Plan) were replaced by policy CS1 of the Core Strategy upon adoption in 2010. Policy CS1 (and other Core Strategy policies), refer to settlement boundaries, but the document itself does not define them. Settlement boundaries are included on the Policies Map accompanying the Joint Development Management Policies Document (2015) and thus continue to have Development Plan status.
125. The settlement boundaries are illustrated at a large scale on the

Policies Map accompanying the Joint Development Management Policies Document such that it is difficult to establish their detailed alignment. The settlement boundaries included on the Policies Map were not reviewed prior to adoption of the Policies Document and thus their detailed alignments have not been altered from the 1995 Local Plan Inset Maps. Accordingly, it is reasonable and appropriate to read the Policies Maps and Local Plan Inset Maps together to establish the precise locations of the settlement boundaries.

126. Core Strategy policy CS10 confirms the settlement boundaries will be reviewed as part of the emerging Site Allocations Development Plan Document. The 'Preferred Options' Site Allocations Plan does not specifically extend the settlement boundary at Lakenheath to include the appeal site. Officers consider the requirement in Core Strategy CS10, combined with the fact that settlement boundaries and policies underpinning them, have not been reviewed since the introduction of the NPPF means the current settlement boundaries are to be afforded reduced weight (but are not to be overlooked altogether) in considering planning applications, until the review within the Site Allocations Plan progresses and can be attributed greater weight.
127. The application proposals are contrary to the settlement policies set out in the Development Plan, particularly given the location of the site outside the defined settlement boundary. The development is also inconsistent with the emerging settlement policy provision insofar as it is not a favoured site of the 'Preferred Options' version of the emerging Site Allocations Development Plan document and there are no proposals to extend the settlement boundary to include the appeal site. Notwithstanding the conflict with Local Plan policies relating to settlement boundaries, and given the absence of 'up-to-date' policies for housing provision at Lakenheath, a key determining factor in the forthcoming appeal will be whether the proposed development can be deemed 'sustainable' in the context of the policies contained in the Framework (as a whole). In order to draw conclusions in that respect, consideration must be given to whether the dis-benefits of development would significantly and demonstrably outweigh its dis-benefits, as required by the Framework.
128. Relevant policies in the Core Strategy should be attributed appropriate weight, with greater weight attributed to those policies consistent with national policies set out in the Framework. There is no over-arching short term need to realise a housing development at this site given the Council is presently able to demonstrate a 5 year supply of housing development. Accordingly, the delivery of the 120 houses proposed by the planning application should not carry the 'significant weight' that would otherwise be attributed to it in circumstances where a five year housing supply cannot be demonstrated.
129. A balancing analysis is carried out towards the end of this section of the report as part of concluding comments. An officer discussion to assist with Members consideration of the 'planning balance' and whether the proposed development is 'sustainable' development, is set

out below on an issue by issue basis.

Impact upon the landscape and trees

Impact upon landscape

130. The Framework confirms the planning system should (inter alia) protect and enhance 'valued landscapes' and promotes development of previously used land. Other than continuing protection of formal Greenbelt designations (of which there are none in Forest Heath) and recognising the hierarchy of graded agricultural land, national policy stops short of seeking to protect the 'countryside' from new development in a general 'in principle' sense.
131. Vision 5 of the Core Strategy recognises the fen and heathland qualities of the countryside surrounding Lakenheath and seeks to protect and enhance these landscapes. Some elements of the countryside surrounding Lakenheath could therefore be viewed as being 'valued landscapes' as cited in the Framework, albeit these are not protected by a local 'Special Landscape Area' designation which weakens that potential significantly.
132. Core Strategy Policies CS2 and CS3 seek to protect, conserve and (where possible) enhance the quality, character and local distinctiveness of the landscape and refers to the Forest Heath Landscape Character Assessment to inform detailed assessment of individual proposals.
133. Policy DM13 of the Joint Development Management Policies Document seeks to protect the landscape character (including sensitive landscapes) from the potentially adverse impacts of development. The policy seeks proportionate consideration of landscape impacts and calls for the submission of new landscaping where appropriate. It also calls for landscape mitigation and compensation measures so there is no net loss of characteristic features.
134. Lakenheath sits on the lower slopes of the chalky and sandy Maids Cross Hill on the edge of the fens. The application site is agricultural land outside the Lakenheath settlement boundary and is situated in the countryside for the purposes of applying planning policies, including those set out in the Framework.
135. The proposals for residential development in the countryside are thus contrary to extant Development Plan policies which seek to direct such development to locations within defined settlement boundaries or allocated sites. As stated above, the settlement boundaries are to be afforded reduced weight in considering this planning application.
136. The application site is categorised as 'Settled Chalkland' by the Suffolk Landscape Character Assessment (SLCA). The Assessment recognises the presence of the two air bases are important drivers for economic activity and settlement expansion and states the Settled Chalkland

landscapes are under pressure from expansion of settlements and other developments. The document considers it important to minimise the impact of development upon the countryside of the settled chalklands and landscape of the Settled Fenlands.

137. The SLCA comments, in a general sense, that the characteristic pattern of planting found in chalkland landscapes, means it is possible to design effective and locally appropriate boundary planting that will minimise the impact of settlement expansion on the surrounding landscape.
138. The development would be harmful to the immediate local landscape as a matter of principle given that it would ultimately change its character from undeveloped agricultural land to a developed housing estate. The character change is to be regarded a dis-benefit of the proposals.
139. The impact of the development proposals upon the landscape qualities and character of the wider countryside could be significant given the village edge location of the site. However, the likelihood is tempered somewhat by the presence of significant existing development in the village which wraps around three of the four site boundaries, leaving only the eastern boundary abutting the countryside. That said, the line of mature and protected pine trees marking this boundary is a key local landscape feature, particularly in public views from Broom Road and the public footpath which runs alongside them. The impact of the development proposals upon these TPO protected trees and their incorporation into the design and layout of the appeal proposals requires careful assessment.

Impact upon trees

140. The protected pine line marking the eastern (side) boundary of the appeal site is the most important feature of the site and an important natural asset being of benefit the local landscape. Pine lines are a distinctive landscape feature of the 'Brecks'. The trees have been afforded formal protection via a Tree Preservation Order in recognition of their high landscape and amenity value.
141. The Ecology Tree and Landscape Officer has expressed concerns about the design and layout of the proposals, in particular, the relationship of the proposed development to the pine line (please refer to paragraph 69 above). A number of dwellings towards the east boundary of the site are considered to be positioned too close to some of the tree specimens in the pine line. Indeed, a number of breaches of the root protection area have been identified. Not only would this threaten the future of the trees through damage, the inclusion of the dwellings close to the tree line, with some marking (or within) garden boundaries, would increase pressure to fell trees in the future (following occupation) and would reduce their significance and impact as a group.

142. Officers consider the position of dwellings close to trees is an unnecessary feature of the site layout and represents a poor design solution. Furthermore, opportunities have been missed to make a feature of the tree line through strengthening it and providing an appropriate setting by incorporating the tree line into a green corridor of public open space along the eastern boundary. Indeed direct and indirect benefits would arise of the tree belt were to be properly incorporated into the design and layout of a development scheme. These would include landscape, urban design and ecological benefits. The scheme, as presently proposed, would be harmful in these respects.

Sustainable transportation (accessibility) and impact upon the local highway network (highway safety).

143. The Framework confirms that the transport system needs to be balanced in favour of sustainable transport modes giving people a real choice about how they travel. There is, however, recognition that opportunities to maximise sustainable transport solutions will vary from urban to rural areas.
144. It is Government policy that planning decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable modes of transport can be maximised. However, the Framework confirms this policy needs to take account of other policies in the document, particularly in rural areas.
145. The Framework confirms that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. It goes on to state that planning decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised recognising that this needs to take account of policies set out elsewhere in the Framework, particularly in rural areas.
146. Core Strategy Spatial Policy T1 aims to ensure that new development is located where there are the best opportunities for sustainable travel and the least dependency on car travel. This is reflected in Policies CS12 and CS13 which confirms the District Council will work with partners (including developers) to secure necessary transport infrastructure and sustainable transport measures and ensure that access and safety concerns are resolved in all developments.
147. Policy DM44 of the Joint Development Management Policies document states improvements to rights of way will be sought in association with new development to enable new or improved links to be created within the settlement, between settlements, and/or providing access to the countryside or green infrastructure sites as appropriate.
148. Policy DM45 requires the submission of a Transport Assessment to

accompany planning applications that are likely to have significant transport implications (including preparation and implementation of a Travel Plan). The policy states where it is necessary to negate the transport impacts of development, developers will be required to make a financial contribution, appropriate to the scale of the development, towards the delivery of improvements to transport infrastructure or to facilitate access to more sustainable modes of transport. Policy DM46 sets out parking standards for new development proposals (and links to Suffolk County Council's adopted standards (November 2014)).

149. The Core Strategy categorises Lakenheath as a Key Service Centre and is thus regarded as a 'sustainable' location which could support growth. Local employment opportunities are restricted with the air base being a key provider of local employment. People living in Lakenheath, not employed at the base, are likely to need to travel away from the village to their place of work. There is a range of community facilities in the village, including some shops, services, a school, churches and other meeting rooms which serve to contain a number of trips within the village. The village does not have a large grocery supermarket (there is a small Co-Operative in the High Street), although planning permission is extant for a new grocery shop off the High Street, close to the village centre (albeit with no current indications the beneficiaries of the planning permission intend to complete the scheme).

Information submitted with the planning application

150. The planning application is accompanied by a Transport Assessment (TA). The TA tested a theoretical development of 170 units to cover the 147 dwellings that were proposed at the time (first submission of the planning application) and a potential development of the strip of agricultural land that would remain behind the appeal site to the west. The application was subsequently amended with the number of dwellings reduced to 120. The TA has tested a quantum of development in excess of that currently proposed by the appeal application.
151. The TA document examines the local highway network, including existing facilities for pedestrians, cycling, public transport and the local road network before assessing accident records on relevant routes within the confines of the village. It goes on to appraise relevant local and national planning policies for transport and considers the sustainability and accessibility credentials of the location.
152. In assessing the traffic impact of the development proposals, the TA document predicts (for a scheme of 170 dwellings) an average of 102 motorised (excluding buses) trips during the am peak (24 arrivals and 78 departures) and 108 motorised trips (excluding buses) during the pm peak (71 arrivals and 37 departures). It then goes on to assess traffic flows and distribution, using 2014 baseline data. A number of key junctions around Lakenheath and the wider road network are assessed in relation to their capacity during peak periods. The TA

document draws the following conclusions:

- The TA reflects agreements reached with the Highway Authority.
 - An accident review concluded that the proposed development will not increase the propensity for accidents to occur in the area.
 - The site is sustainable in terms of its location to adjacent services and facilities and existing residential areas and is accessible by sustainable modes of transport.
 - There is sufficient capacity available within the network to accommodate the proposed development.
 - On-going discussions are to be had with the Highway Authority in order to determine if crossing points should be provided in the local area of Broom Road.
 - There are no highways or transportation issues which prevent the Highway Authority supporting the proposed development.
153. An addendum to the TA document was submitted in October 2015 following amendments to the planning application which included reducing the number of dwellings proposed from 147 to 120. The addendum concluded, simply, that the [traffic] impact will be much less than previously assessed given the drop in dwelling numbers.
154. In spite of the claims in the TA about the sustainability and accessibility credentials of the site in transport terms, it is likely that potential occupiers of the dwellings proposed in this planning application would need to travel to meet their employment, retail and entertainment needs. Indeed, of all the trips forecast during the am and pm peaks, the TA predicts only four trips would be via bus, 4 by bicycle, 10 by walking with a further 10 car passengers (naturally occurring car share). Some of the regular car journeys emanating from the site could be lengthy (non-airbase employees in particular). However, it must also be acknowledged there are a range of services and facilities in the village that will prevent the need for travel to access some destinations. Furthermore, the proposals accord with the 'settlement hierarchy' set out at Policy CS1 of the Core Strategy and the village is likely to accommodate future growth (around 800 dwellings) as part of the emerging site allocations Local Plan document. Having due regard to the village scale of Lakenheath and its relatively isolated and self-contained situation in a rural area, the development proposals are considered to accord with relevant accessibility policies in the Framework and are considered locationally sustainable in transport terms.
155. Whilst reserving its final judgement until the outcome of a cumulative highways impact assessment is known, the Highway Authority has not so far objected to the proposals including site-specific considerations, subject to further relatively minor amendments being made to the

proposals.

156. The TA confirms that off-site works are likely to be required in the Broom Road area in order to facilitate safe pedestrian (and possibly cyclist) access to the village facilities. There may also be a requirement to provide a crossing over High Street to the west of the site in order to secure safe pedestrian passage to the public open spaces and children's play equipment which are present there. Whilst the TA suggests discussions were ongoing with the highway authority in that respect, no confirmations or solutions have been submitted with the planning application. These outstanding matters will need to be resolved in advance of the public inquiry. Otherwise, if the highway concerns remain and/or any required local highways mitigation cannot be secured, the localised highway impacts of the proposed development might be deemed a disbenefit of the proposals when considering the planning balance.
157. Subject to the amendments and off-site works requested by the Highway Authority being secured, access to the proposed development, in isolation from other developments in the village, is considered safe and suitable and the development (again, in isolation from other developments in the village) would not lead to significant highway safety issues or hazards. Having considered the evidence and comments received so far from the Highway Authority, your officers are content the proposed development (without consideration of potential cumulative impacts with other developments currently proposed/approved in the village, the independent assessment of which is discussed later in this report) would not lead to traffic danger or congestion of the highway network, including during am and pm peak hours.

Impact upon natural heritage

158. 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.
159. 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.
160. Policy DM10 of the Joint Development Management Policies Document sets out more detailed provisions with respect to the impact of development upon sites of biodiversity and geodiversity importance.

Among other things, the policy introduces (in a local policy sense) the need to consider cumulative impacts upon these interests. Policy DM11 addresses proposals that would have an impact upon protected species. Policy DM12 sets out requirements for mitigation, enhancement, management and monitoring of biodiversity. The policy states that all new development (excluding minor householder applications) shown to contribute to recreational disturbance and visitor pressure within the Breckland SPA and SAC will be required to make appropriate contributions through S106 Agreements towards management projects and/or monitoring of visitor pressure and urban effects on key biodiversity sites.

161. Policy DM44 states improvements to rights of way will be sought in association with new development to enable new or improved links to be created within the settlement, between settlements, and/or providing access to the countryside or green infrastructure sites as appropriate.

Impact upon internationally designated sites

162. The designated Special Protection Area (SPA) is situated to the east of Lakenheath. Its qualifying features include the Stone Curlew (breeding), the European Nightjar (breeding) and the Woodlark (breeding). It comprises a number of SSSI's which are designated for similar reasons. The application site is outside the SPA boundaries such that no direct impacts upon the SPA are anticipated as a consequence of the proposed development. Natural England has confirmed their view in this respect, which is set out at paragraph 24 above.
163. The site is also outside but close to the 1.5km buffers to Stone Curlew nesting sites that have been recorded outside the Special Protection Area. Natural England initially objected to the planning application on grounds that up to date records of nesting attempts within 1.5km of the application site had not been submitted or analysed as part of the applicant's ecological assessment. Upon later consideration of the information, when submitted to them, Natural England confirmed, in their view, the species would not be directly affected by the proposals (paragraph 24 above).
164. The SPA is also vulnerable to increased recreation visitor pressure (indirect impact) arising as a consequence of new housing developments, including those located at distances greater than 1.5km from the SPA boundaries. Indirect impacts upon the conservation interests of the SPA can not automatically be ruled out and further consideration of potential indirect recreational impacts is required.
165. The applicant has submitted an extended Phase 1 Habitat and Protected Species Survey which includes a 'Breeding Bird Survey and Stone Curlew Impact Assessment' as one of its appendices.

166. The applicant's ecological information does not consider the potential for recreational impacts upon the SPA arising from the occupation of the proposed development. The scheme apparently contains no measures to mitigate, off-set or avoid potential recreational impacts upon the SPA. If the applicant had considered the point, it is likely the public open space provision would have been enlarged and/or re-configured in order to attract dog walkers to use the development site for day-to-day recreational activities in order to reduce the number of recreational trips into the SPA.
167. It is likely the occupants of this scheme will use the nearby SSSI for day to day recreation (dog walking in particular) as opposed to the application site and the more distant SPA given i) the absence of alternative suitable provision within the development proposals, ii) it is an attractive 'open space' with public access and iii) it is in close proximity and accessible from the application site. The SSSI already suffers from recreational pressures and as a consequence is presently in an unfavourable condition. The impact of development upon the SSSI is discussed below.
168. It is considered that the proposed development, in isolation, is unlikely to have a significant impact upon the SPA and the requirement for the decision maker to carry out Appropriate Assessment of the project under Regulation 61 of the Habitats Regulations is not triggered. Notwithstanding this conclusion, it is likely the development would lead to minor adverse impacts upon the interests of the SPA, owing to the increased human population in the area of influence for visitor pressure. These minor adverse impacts which, whilst acceptable on their own in the context of this planning application, would still qualify as a dis-benefit of the planning application and needs to be taken into account when considering the 'planning balance'. The adverse effects also need to be carefully considered alongside the potential impacts arising from other developments, particularly those at and close to Lakenheath. The potential for cumulative or, 'in-combination' recreational impacts upon the SPA are considered later in the report.

Maidscross Hill SSSI

169. The Maidscross Hill SSSI is situated a short distance (around 200m) to the east of the application site. The designation supports nationally rare plant species associated with the open calcareous grassland. The SSSI is currently in an unfavourable condition owing largely to the impacts of its use for recreation (excessive trampling under foot and enrichment of soil from dog walking). The main reason for the unfavourable status of the SSSI is a decline in the Grape Hyacinth population.
170. The SSSI is particularly vulnerable to the impacts of recreational use and the application proposals would, if approved and implemented, increase pressures on the facility. These pressures would arise given the increase in human population in close proximity to the facility

combined with the absence of suitable alternative provision of recreational facilities (attractive and convenient dog walking routes, in particular) as part of the development proposals, or elsewhere away from the SSSI.

171. The development of the site would also serve to erode the buffer it helps to create between the village and the SSSI.
172. The planning application material acknowledges the likely adverse recreational impacts of the development upon the Maidscross Hill SSSI, but does not assess the matter in detail or propose specific measures to mitigate or avoid the adverse impacts. No approaches have been made to the Council which has management responsibilities over the SSSI to discuss any measures that might be appropriate.
173. Recreational impacts upon the SSSI arising as a direct consequence of the development cannot be ruled out at this time and is therefore a significant disbenefit of the development. Natural England has maintained its objection to the proposals on this ground. The matter has remained unresolved since Natural England's first response to the planning application in December 2014.

Other ecological issues.

174. The Habitat and Protected Species survey submitted to amend the planning application in October 2015 assessed i) any likely significant effects on flora and fauna arising from the proposed development of the site, ii) the presence or likely use of the site by protected species and biodiversity habitats, and iii) habitats of 'principle importance' to UK biodiversity. The report also proposes measures for avoidance, reduction or compensation for those effects, together with biodiversity enhancement measures and recommendations for further assessment.
175. The applicant's assessment states the interior of the site contains a relatively low diversity of habitats with the plant communities being ecologically unremarkable. The study did not, however, detect the presence of Grape Hyacinth at the north, roadside boundary of the application site. This particular plant is nationally rare and is a qualifying feature of the nearby Maidscross Hill SSSI (and is in decline at that location). The application material does not acknowledge the presence of this species at the site and no provision has been made in the Ecological report, or elsewhere, to retain and protect it as part of the development proposals. Whilst some open space is illustrated in the affected area (the extent of which has not been clarified), there is a public footpath proposed at the location, which suggests species could be curtailed or destroyed if development proceeds in the form proposed.
176. Furthermore, the ecological assessment accompanying the planning application recognises the site is likely to be suitable for nesting skylarks and that development would reduce potentially suitable habitats, but does not propose any mitigation for this loss. Instead it

claims there are suitable alternative sites for the species elsewhere.

177. Taking a precautionary stance, and in the absence of assessment as part of the material accompanying the planning application, the potential loss of notable plant species (Grape Hyacinth) and habitat for Suffolk Priority Species (Skylark), without mitigation proposals being forwarded, is a significant disbenefit of the development.
178. Notwithstanding the omissions of the ecological information accompanying the planning application identified above, the ecological report makes the following recommendations for mitigation:
- Undefined S106 contribution to be used for (undefined) management and enhancement of the SSSI to off-set recreational impacts;
 - Control of noise and dust during construction
 - Control of lighting of the residential scheme.
 - Protection and enhancement of boundary trees, hedging and shrubs.
 - Retention of field margins where possible (for marginal habitats)
 - Provision of a buffer strip along the eastern boundary (to minimise impact upon ecology and maintain habitat connections).
 - Implementation of a Construction Environmental Management Plan.
 - Avoidance of disturbance to nesting birds during the active nesting season, March to August inclusive.
 - Precautionary site clearance
 - Protection of any bird nests identified via high visibility fencing allowing a 15 metre buffer (or 25 metres for ground nesting birds).
 - Over-night covering or ramping of any trenches, pits or other holes dug at the site.
 - Sensitive positioning of site compounds and other activity areas.
 - Pollution prevention measures
 - Further survey work (in the event the applicants ecological assessment becomes out of date)

- Ecological enhancements, including provision of 30(no) bird and 20(no) bat boxes on mature trees, hedge and tree planting on site margins, planting of native species trees and shrubs within the site and, creation of standing water such as pounds or SUDS.
179. The implementation of many the recommendations set out in the Ecological Assessment could be secured by a suitable method statement imposed by planning condition. Some of the proposals for mitigation (e.g. provision of a buffer to the site margins, protection of the tree belt) and certainly the protection of Grape Hyacinth species to the site frontage may well necessitate amendments to the site layout in advance of the appeal. Other mitigation proposals, including management/enhancement of the SSSI (if suitable proposals are forthcoming from the applicants) and possibly the provision of bat and bird boxes (given the trees appear to be located off site on third party land) may well need to be secured as part of a suitably worded S106 Agreement.

Impact upon the RAF Lakenheath base.

180. The Ministry of Defence (MoD) has confirmed that increases in use of the Maidscross Hill SSSI for recreation as a consequence of development is of concern to them and a request has been made that the Council take this into account when reaching a decision on the planning application (ref paragraph 28 above). In particular the MoD has expressed the following concerns about the application proposals (extract repeated from paragraph 28 above);
- *...the MOD is concerned that the development may have an indirect impact upon our management of explosives safeguarding zones surrounding explosives storage facilities at RAF Lakenheath.*
 - *The application site abuts the inner explosives safeguarding zone known as the inhabited building distance (IBD). In this zone the MOD monitors land use changes and the associated level of occupation to maintain explosives licensing standards.*
 - *There is the potential for the new development to increase user demand upon the public open space in the nearby Maids Cross Hill nature reserve which occupies the inner explosives safeguarding zone. If the development increased the number of people using the reserve this could impact upon defence requirements. Accordingly the MOD considers that the development proposed should make provision for public open space and leisure areas needed to support the new housing without relying on the open space at Maids Cross Hill to provide such facilities.*
181. Whilst the planning application proposes a policy compliant level of on site public open space (as discussed later in this report) that provision would not by itself divert or fully mitigate the impact of the development upon the Maidscross Hill SSSI. The Ecological

Assessment submitted with the planning application concedes the development is likely to increase recreational pressures upon the SSSI. The Assessment also suggests the physical impact of the increased recreational pressure upon the qualifying features of the SSSI could be mitigated (and suggests wardening may assist in that respect).

182. The material accompanying the amended planning application does not, so far, explore or attempt to mitigate the impact of increased recreational activity in the SSSI upon the operations of the Lakenheath airbase. Whilst the implications of increased recreational use of the SSSI upon the viability of the explosives handling operations of the airbase is not entirely clear at present, it would at the very least, count as a disbenefit of the proposals. Further clarification will be sought from the MoD in advance of the appeal.
183. The apparent conflict also lends support to the prematurity arguments cited against the development elsewhere in this report and adds further weight to the Local Plan (Site Allocations) strategy of providing new housing development at locations away from the Maidscross Hill SSSI and airbase.

Impact upon built heritage

184. The Framework recognises that heritage assets are an irreplaceable resource which should be conserved in a manner appropriate to their significance. The term 'heritage asset' used in the Framework includes designated assets such as Listed buildings, Scheduled Ancient Monuments, Registered Parks and Gardens and Conservation Areas and also various undesignated assets including archaeological sites and unlisted buildings which are of local historic interest.
185. The Framework advises that LPA's should require an applicant to describe the significance of any heritage assets affected, the level of detail being proportionate to the importance of the asset and sufficient to understand the potential impact upon their significance.
186. Core Strategy Spatial Objective C4 aims to protect and enhance the Historic Environment. This objective is implemented via Policy CS3.
187. Policy DM17 of the Joint Development Management Policies Document sets out detailed criteria against which proposals within, adjacent to or visible from a Conservation Area will be considered. Policy DM20 sets out criteria for development affecting Scheduled Ancient Monuments and/or archaeological sites (including below ground sites).
188. The development proposals would not impact upon any listed buildings, (including their settings) and is suitably distant and separated from the village conservation area such that it would have no direct impacts upon it. If the development is approved at the forthcoming appeal there is likely to be a small increase in traffic using the main road through the Conservation Area following occupation,

but this is not considered to lead to significant impacts arising with respect to its character or appearance.

189. An archaeological evaluation of the site was carried out prior to the submission of the planning application. This consisted of a Geophysical Survey and at least 1% sample trial trench evaluation. The applicant commissioned Suffolk County Council to carry out the preliminary investigations.
190. The Archaeological Service at Suffolk County Council has been consulted of the planning application and their comments are reported at paragraphs 75-77 above. Further archaeological investigations and recordings could be secured by means of appropriately worded condition in the event that planning permission is subsequently granted at the forthcoming appeal.
191. The development proposals would have no significant impacts upon heritage assets.

Impact upon local infrastructure (utilities)

192. 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."
193. 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".
194. The policy lists the main areas as health and social care facilities, educational requirements, strategic transport improvements, waste water treatment capacity, energy supply (electricity), access and safety, open space, sport and recreation. The policy confirms arrangements for the provision or improvement of infrastructure will be secured by planning obligation or (where appropriate) conditions attached to planning permission to ensure infrastructure is provided at the appropriate time.
195. The policy concludes that all development will be accompanied by appropriate infrastructure to meet site specific requirements and create sustainable communities.

196. Matters pertaining to highways, education, health and open space infrastructure are addressed elsewhere in this report. This particular section assesses the impact of the proposals upon utilities infrastructure (waste water treatment, water supply and energy supply).

Infrastructure and Environmental Capacity Appraisal

197. The 'original' growth strategy in respect of the District's settlement hierarchy set out in the adopted Core Strategy was found to be sound. This would suggest that Lakenheath has the environmental capacity to deliver the 120 dwellings proposed by this planning application.
198. In terms of the potential environmental capacity of infrastructure in Lakenheath, it has been held at planning appeal that the 2009 Infrastructure and Environmental Capacity Assessment ('IECA report') represents the best available evidence, albeit regard should be had to more up-to-date evidence that may be available, including comments and evidence received from relevant infrastructure providers.
199. 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.
200. The IECA report identifies a range of theoretical capacity in Lakenheath of some 2660-4660 new dwellings in the plan period to 2031 (although these levels of growth would be subject to significant infrastructure improvements).
201. The IECA report suggests there is environmental capacity to facilitate not only the dwellings that are proposed by this planning application, but also other major residential developments in Lakenheath that the planning authority is presently considering in the village. In combination, these represent up to 915 additional residential units (the proposals for 550 dwellings at Eriswell would be served by different treatment works and are thus not included in this calculation).

Waste water treatment infrastructure

202. Details submitted with the planning application confirm the proposed development would connect to existing foul water systems in the village. The village is served by Lakenheath Wastewater Treatment Works. IECA comments that the Water Cycle Study identifies that the location of the Treatment Works makes north and west sites preferable otherwise upgrades to the network may be required, although the Treatment Works has severely constrained headroom.
203. The IECA report refers to the Strategic Flood Risk Assessment and

Water Cycle Study which identifies that up to 169 new dwellings could be provided in the village within the headroom of the Treatment Works. It does, however, identify that there are only minor constraints to upgrading the works which will need to be completed before significant new development.

204. Anglian Water Services has not objected to any of the currently live planning applications listed in the table at paragraph 15 above and confirmed there is adequate capacity within the system to accommodate the increased flows from development. Upon further questioning about the capacity of the Lakenheath treatment works in the light of the findings of the IECA study, Anglian Water Services (in 2014) confirmed the following;

- MCert Flow Monitor was installed at the Lakenheath Water Recycling Centre on 28 October 2010 which is after the Infrastructure and Environmental Capacity Assessment (IECA) Study and the Water Cycle Study. Please note that both of these studies were high level and were utilising best available data.
- Based on the MCert flow monitor data over the past four years, it has been established that up to 1000 properties could be accommodated at the Lakenheath Water Recycling Centre. Therefore, the proposed 288 dwellings in total for the three planning applications stated in your email dated 10 July 2014 could be accommodated at the Lakenheath Water Recycling Centre.

205. There has not been significant new housing development realised at Lakenheath since the publication of the evidence base contained in the IECA report and the advice received from Anglian Water Services above. Accordingly, the available evidence concludes this development is acceptable with regard to waste water infrastructure. Indeed this conclusion is corroborated by Anglian Water the statutory sewerage undertaker which has not objected to the application, subject to conditions.

Water supply

206. IECA comments that the Water Cycle Study identifies that Lakenheath has a large diameter main running along the eastern edge which should allow development, although development away from the eastern edge may require upgraded mains. It concludes that the potable water supply network should not be a major constraint to development around Lakenheath (no tipping points are identified).

Energy supply

207. The village is served by Lakenheath major substation. The IECA report states that EDF Energy has identified that the substation is operating comfortably within capacity and should not constrain growth. The report estimates that some 2,500+ new dwellings could be served from the substation which is way in excess of this proposed

development.

Flood risk, drainage and pollution

208. 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.
209. 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.
210. Core Strategy Policy CS4 states the Council will support development proposals that avoid areas of current and future flood risk and which do not increase the risk of flooding elsewhere. The policy confirms sites for new development will be allocated in locations with the lowest risk of flooding (Environment Agency Zone 1 flood category) and will seek the implementation of Sustainable Urban Drainage Systems (SUDS) into all new development proposals, where technically feasible.
211. Policy DM6 of the Joint Development Management Policies Document requires the submission of flood information, including SUDS drainage where possible, to accompany planning applications for development. Policy DM14 seeks to protect proposed development from existing 'pollution' sources and existing development from proposed 'pollution' sources. This includes noise, light and air pollution. The policy also requests the submission of information and sets out requirements for remediation for development proposals of potentially contaminated land.
212. The application site is in Flood Zone 1 (low risk of flooding). The proposed dwellings would not therefore be at risk from fluvial flooding. The document also explains the Environment Agency's Surface Water Flooding Map indicates the site to be located in an area of very low risk where there is less than 1 in 1000 (0.1%) change of surface water flooding in any one given year.
213. The drainage strategy prepared for the development proposes an infiltration drainage system using soakaways. A swale is proposed to be located within the public open space in order to provide exceedance storage capacity following periods of particularly inclement weather.
214. Suffolk County Council's Flooding Team has approved the drainage strategy in principle, but has requested further technical details (see paragraph 81 above). These matters, which presently remain outstanding, could be secured by means of planning condition if they are not resolved prior to the determination of the planning application

at appeal (or, potentially, the Secretary of State). It is anticipated the outstanding matters will be satisfactorily resolved in advance of the formal Public Inquiry sessions.

215. The planning application is accompanied by a Desk Study Ground Contamination Report. The study has found some 'anecdotal' potential sources of contamination at the site but considered the risks to be low.
216. The Council's Environmental Health team has requested the imposition of a condition requiring the submission of a detailed scheme of investigation into potential contamination from agricultural sources, including measures to secure any remediation necessary. The Environment Agency has identified there is a Principal Aquifer beneath the site which is particularly vulnerable to potential contaminants. The Agency also recognises potential contaminants from the previous agricultural use of the site and recommends a similar condition to ensure further investigations and remediation works are carried out at the site.
217. The application proposals, in isolation, would not give rise to any concerns about potential impacts arising upon air quality at the site or wider village/transport routes. Further discussion about the potential cumulative impacts of development upon air quality is included later in the report under the sub-heading of 'cumulative impacts'.
218. The Environment Agency (risk of flooding, contamination and pollution control and drainage), Anglian Water Services (FW drainage), the Council's Environment Team (contamination and pollution control) and the the Floods Team at Suffolk County Council (SW drainage) have not objected to the proposals (subject to being satisfied of further technical detail). A number of conditions are recommended in order to secure appropriate mitigation and/or detail.
219. The proposals are considered acceptable with regard to flood risk, surface water drainage and pollution (contaminated land and potential contamination of water supply and air quality) considerations subject to appropriate conditions being imposed upon any (potential) grant of planning permission.

Impact upon education

220. The County Council as Local Education Authority has confirmed the village school has reached its 315 place capacity. This means that the primary school aged pupils emerging from these development proposals would need to be accommodated in a new primary school facility which is yet to be built in the village or diverted to alternative primary schools outside of the village.
221. It is unlikely that the Local Education Authority would be able to cater for the educational needs of the 30 primary school pupils forecast to emerge from this development at the existing village school. The County Council has confirmed, following consideration of other

potentially available sites in the village, that a site for a new primary school currently proposed by an alternative planning application is their 'preferred option' for delivery. The County Council remain intent on securing the land and building a new primary school for opening in September 2018. However, at the time of writing the Council has not determined the planning application such there can be no planning certainty (let alone education provider certainty) that a new primary school will be available in the village to accommodate pupils emerging from this development.

222. This situation is likely to develop in the run up to the public inquiry but, assuming a worst-case scenario, the pupils emerging from this development may need to be schooled at locations away from the village, certainly in the short term. This is likely to be the case unless the position surrounding delivery of a new school crystallises in the meantime and enables the Local Education Authority to open a new school by September 2018. Suffolk County Council has acknowledged that school children may need to travel out of Lakenheath if new developments in the village are occupied in advance of a new school opening. SCC has expressed concerns that such arrangements would not represent sustainable development or good planning.
223. If primary school pupils (as young as four years old) emerging from this proposed development are forced to leave the village in order to gain primary education it would be an unfortunate consequence and a disbenefit of the development proposals (albeit it is unlikely to be a permanent disbenefit). That said, if the applicant is willing to commit their 'pro-rata' share of the reasonable land and construction costs of the new primary school infrastructure that will be required to facilitate new development in the village, they will have done all they reasonably can to mitigate the impact of their development with respect to primary education provision.
224. The County Council has confirmed there is sufficient capacity at existing secondary schools to accommodate pupil yields forecast to emerge from these development proposals.
225. Further discussions regarding the cumulative impacts of development on Lakenheath upon education is set out later in this report.
226. It is likely that an early years facility would be provided alongside the new school, funded (in part) by contributions secured from developments in the village (including some of those listing in the table beneath paragraph 15 above) that may be consented.

Design and Layout

227. 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.

228. 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.
229. Policy DM2 of the Joint Development Management Policies Document sets out general design criteria to be applied to all forms of development proposals. DM7 does the same, but is specific to proposals for residential development.
230. The application seeks full planning permission for development so details of the site layout and appearance of the dwellings are included for consideration.

Relationship to context

231. The application site is situated towards the south of the village and effectively 'bolts-on' to an existing mid 20th Century housing estate. There is a mix of single-storey and two storey dwellings in the vicinity of the site; predominantly bungalows along this part of Broom Road, and predominantly two-storey units on the housing estate to the west. The site is detached from the core of the village, a designated conservation area, and has no visual relationship to the more vernacular buildings along the village High Street. The proposal's organic, informal layout, mixture of standard house types, despite not being of the typical Suffolk vernacular, would reflect the character of the existing housing in the area.

Connectivity

232. Owing to the relationship of the development site to existing housing, there are limited opportunities to connect west or south (into the adjacent housing estate). There is reasonable connectivity from the site to the village, although the majority of the village facilities would be located further from the site than the 'typical' walking distances. The roadside footpath network would benefit from some improvements and the potential need to provide informal crossing points in Broom Road is acknowledged in the submitted Transport Assessment. A further formal pedestrian crossing across the B1112 High Street/Eriswell Road may also be required in order to facilitate safe pedestrian access to the public open spaces and play area at the bottom of Broom Road. Further discussions will be required with the

Highway Authority in order to establish need and precise requirements (and costs).

233. Connection is made into the adjacent residential estate at a single location towards the south west corner of the site. Good connections are provided onto the public footpath that runs along the western site boundary. The development maximises opportunities to connect back into the village. Furthermore, opportunities to make connection to any further future development of the 'land-locked' parcel of agricultural land to the immediate west of the site are facilitated through the design of the scheme.

Existing trees

234. The physical relationship of the proposed development to the line of pine trees along the eastern boundary of the site has been assessed above, at paragraphs 140-142 of this report. The close proximity of the development to the pine trees is unsatisfactory and unnecessary. The layout of the scheme contradicts the applicants own arboricultural and ecological assessments in this respect.
235. The arboricultural assessment identifies a root protection area (RPA) inside the eastern boundary of the site and proposes erection of protective fencing to mark and protect this area, yet the layout of the development proposes several breaches of the protective fencing, eroding the buffer to the RPA and in some instances, proposed buildings or hardstandings actually abut or breach the identified RPA.
236. The ecological assessment identifies the pine line as the most important asset of the site. It suggests the feature should be protected by a buffer of undeveloped land and if properly retained and incorporated would be an important connection and corridor for wildlife. The proposed site layout does not respect or give due prominence to the pine line but instead backs onto it incorporating the trunks within what appears to be domestic garden fencing likely to be of crude suburban construction and appearance. The opportunity to embrace the pine line has been missed in this scheme. The dwellings closest to the pine line could be turned to face towards it and moved back, away from the specimens providing them with due space and prominence in the development. Separation of the built form from the trees could have been achieved by providing the public open spaces along this boundary as a 'linear park' alongside the public footpath.
237. It is apparent that little thought has been given to the incorporation of the pine line into the development and the situation as proposed for the trees, is a particularly poor, yet unnecessary design feature of the scheme.

Parking provision

238. The private dwellings are each provided with at least 2 off road car parking spaces. Car parking for the affordable units is provided in parking courts with at least 2 spaces provided per unit plus some provision for visitors. The level of parking proposed is acceptable and accords with the adopted Suffolk Advisory Parking Standards.
239. It is important to ensure car parking provision is well designed and adequate such that it would not lead to on-street parking on the new and existing estate roads. The majority of the dwellings have parking contained within the curtilage (garaged or open). Communal parking courts are provided for the affordable units but these would not require future residents to drive past their own home before reaching their designated parking space in a rear parking court. Rear communal car parking areas are generally recognised as likely to lead to on-street parking in preference to a less-conveniently located parking court. Although parking courts are an undesirable design feature their presence alone cannot merit a refusal of planning permission and the visual impact of the courts must be taken in to the overall balance.
240. There are unlikely to be general parking problems arising from the proposed design and layout of the scheme.

Efficiency of layout

241. The use of single-sided access roads serving plots around the public open space would be an inherently inefficient use of land, but this needs to be balanced against the design and crime prevention benefits of providing built enclosure to and natural surveillance of, the open spaces.
242. The site is clearly pressured, in terms of the quantity and mix of housing it is expected to accommodate, and in consequence it needs to be laid out efficiently in order to achieve an acceptable result. There are examples of the development being too efficient with consequential harm arising in certain areas. This is particularly evident with respect to the inappropriate positioning of the built form in close proximity to the protected pine line along the western site boundary. There is no evidence the applicants have tested the efficiency of the layout proposed to demonstrate that the potential of the site had been optimised in the way sought by the third bullet point of paragraph 58 of the NPPF;

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

243. Some inefficiencies of layout are an inevitable result of the absence of a significant highway frontage and the consequential fixed points of access. The long and relatively narrow shape of the site does not

assist an efficient layout given the need to provide a lengthy stretch of road to connect the front and rear parts of the site. Other inefficiencies flow from the demands of the local authorities, such minimum parking standards and requirements for the provision of public open space with the associated need to provide it with surveillance and enclosure. Further inefficiencies are introduced by the inclusion of a number of bungalows in the scheme (which tend to require larger plot sizes than 2-storey housing or flats with equivalent floorspace). Consequences flow, in terms of place-making, from the efficiency with which the site is used. These are considered in the following paragraphs.

Placemaking

244. It is perfectly reasonable to use standard house types in new development but essential to configure them to contribute to quality of place. The urban design of the scheme could be improved by designing the configuration of standard house types to contribute to the quality of space.
245. It is possible to discern, from the proposed site layout, that there would be instances of the creation of a sense of place; provision of a 'village green' space at the southern end of the site, contained by a road and fronted by dwellings in order to create a focal feature at this part of the site at the end of the main transport route. Elsewhere, however, there are some areas which would be less successful in place-making terms including the scattering of dis-connected public open spaces which (as discussed elsewhere in this report) would be of little value to the residents of the scheme and the open parking arrangements which would visually dominate the spaces around the affordable dwellings. Many of the spaces and streets would have little sense of enclosure or of design and appear to be no more than pragmatic arrangements of standard dwellings and roads to fit the site and its shape.
246. Criticism of any proposal on design matters is a matter of judgement and balance; 'missed opportunities' and matters which could be improved upon rather than matters which actually cause harm. However, as already stated, the design solution proposed for the important pine line feature along the eastern side boundary of the site is a particularly poor design component of the scheme and a disbenefit of the scheme.

External materials

247. The proposed materials (ref paragraph 3 above) would be contiguous with those one would expect to see on a modern 'suburban' housing estate of this kind. The materials palette is considered acceptable given the non-descript character and architecture of the scheme proposed.

Conclusions on design matters

248. The relatively hard, urban character of the housing area would be adequately balanced by the open space, landscaped internal spaces and the new boundary planting. However, as discussed elsewhere, the strategy for providing the public open spaces has not been adequately considered and would have been better placed as a 'linear park' along the eastern boundary of the site in order to provide a suitable buffer to the protected pine trees present on this boundary and retain their prominence in the local landscape. The consequential treatment of the trees in the design and layout of the scheme is particularly poor and, in this respect, fails to adhere to national and local planning policies which require high standards of design in new developments.
249. The proposal would be as connected to adjoining development as it could be. The layout takes a varied approach to the question of frontages which is not inherently wrong but in places leads to inefficiencies of land use and missed opportunities for place making. Some efforts at place making are evident.
250. Officers consider the scheme represents poor design such that policy 64 of the NPPF is engaged. This directs the decision maker to refuse permission 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.

Impact upon residential amenity

251. The protection of residential amenity is a key component of 'good design'. The Framework states (as part of its design policies) good planning should contribute positively to making places better for people. The Framework also states that planning decisions should aim to (inter alia) avoid noise from giving rise to significant adverse effects on health and quality of life as a result of new development.
252. Vision 1 of the Core Strategy seeks to provide 'a higher quality of life' for residents.
253. The application is accompanied by a noise assessment, dated September 2015. The assessment considered, in particular, the impact upon the proposed development of noise from the Lakenheath RAF airbase which is situated relatively close to the east and south of the application site. The assessment also considered the noise implications of the pumping station which is proposed as part of the planning application. The assessment draws the following conclusions:
- The Noise Impact Assessment has identified that the key noise sources within the vicinity of the Site are aircraft using the RAF Lakenheath Airbase to the east and road traffic using Broom Road to the north of the Site.

- Accordingly appropriate mitigation has been specified in order to reduce these impacts for internal habitable areas. This includes for higher specification glazing and alternative ventilation to opening a window for certain dwellings and habitable rooms.
 - As the Site is “slotting into” an area afforded by the existing residential development off Eriswell Road and the fact that dwellings will be located no closer to RAF Lakenheath than existing dwellings, it is considered reasonable to achieve the lowest practicable outdoor noise levels for garden areas.
 - Subject to the incorporation of the identified mitigation measures, it is considered that in principle, the Site is suitable for the promotion of residential development.
254. The report confirms the internal spaces of the proposed dwellings could be mitigated against noise impacts arising from military aircraft. It also acknowledges, however, that the external spaces, including domestic gardens, could not be mitigated against intermittent aircraft noise. The Council’s Public Health and Housing Officers do not object to the planning application subject to the imposition of a condition on any planning permission granted to ensure maximum noise levels are achieved in living rooms, bedrooms and attic rooms. Whilst the impact of unmitigated aircraft noise upon the external areas of the application site is not fatal such that it renders the scheme unacceptable on this ground alone, the matter is a clear disbenefit of the development proposals to be considered in the overall planning balance.
255. In January 2015 the Ministry of Defence announced a package of structural changes to the sites presently in use by the US air force. For RAF Lakenheath it was announced that operations at would be increased via the arrival of two squadrons of F35 fighter jets. No further detail has been released (i.e. how many planes there will be, how often they will take off and land and their flight paths to and from the base).
256. The introduction of the F35’s into RAF Lakenheath may change the noise climate of the village, although it is understood the type of F35’s that will operate from the base will have similar noise outputs to the existing F15’s. Given that i) the Environmental Impacts of introducing the F35 jets onto RAF Lakenheath will need to be considered and mitigated/avoided in advance, and ii) it is impossible to understand the full implications of the ‘announcement’, it follows that the announced introduction of the F35 squadrons into RAF Lakenheath cannot fully be taken into account in the determination of this planning application.
257. The Ministry of Defence has been provided opportunity to comment on all the ‘live’ planning applications listed at paragraph 15 above since their announcement in January 2015. The Ministry, upon further consideration, has not objected to any of the proposals and are content they would not (if approved) prejudice future intended

operations of the base.

258. In October 2015, The Ministry of Defence updated the information underpinning its Military Noise Amelioration Scheme, but given the location of the site close to the runways of RAF Lakenheath, it has not altered the understanding of how the application site is affected by aircraft noise.
259. The amenities of occupiers of dwellings abutting the application site to the south and south-west would not be adversely affected by development given the separation distances between the units and the predominance of bungalows positioned (in the development) close to the sensitive parts of these boundaries. Accordingly, there should be no significant issues with overlooking, dominance or overshadowing of existing dwellings and their garden areas should this development proceed.

Loss of agricultural land

260. The Framework states where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.
261. The development of agricultural land (green field sites) in the District is inevitable given the level of growth planned for by the Core Strategy to 2031. There is not a sufficient stock of available previously developed land (brownfield land) at appropriate locations to accommodate all new development over this period. Accordingly, future development of greenfield sites is inevitable.
262. The application site is predominantly Grade 4 agricultural land with an element (around 1 hectare) of Grade 3 land (good to moderate) towards the site frontage (north). The NPPF favours development of poorer quality (grades 4 and 5) over higher quality (grades 1-3) land. The loss of active agricultural land is a disbenefit of the development proposals, particularly the small parcel of grade 3 land towards the site frontage, but is not considered a significant factor in the outcome of the planning application.

Sustainable construction and operation

263. 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".
264. The Framework confirms planning has a key role in helping shape places to (inter alia) secure radical reductions in greenhouse gas emissions and supporting the delivery of renewable and low carbon energy. The Government places this central to the economic, social

and environmental dimensions of sustainable development.

265. The document expands on this role with the following policy:

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

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

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

267. Policy DM7 of the Joint Development Management Policies Document reflects the up-to-date national planning policy on sustainable construction and places lesser requirements upon developers than Core Strategy Policy CS4. Policy DM7 requires adherence to the broad principles of sustainable design and construction (design, layout, orientation, materials, insulation and construction techniques), but in particular requires that new residential proposals to demonstrate that appropriate water efficiency measures will be employed (standards for water use or standards for internal water fittings).

268. The documentation submitted in support of this planning application includes a Sustainability Statement. This sets out the measures the development would incorporate in order to accord with Policy DM7 and Building Regulations requirements.

269. Part G2 of the Building Regulations enables the Building Control Authority to require stricter controls over the use of water. The 'standard' water use requirement set out in the Regulations is 125 litres per person, per day. Part G2 enables this requirement to be reduced to 110 litres per person per day, but only if the reduction is also a requirement of a planning condition. Given the provisions of Policy DM7 of the Joint Development Management Policies Document (2015) requires developers to demonstrate water efficiency measures (and one of the options is 110 litres water use per person, per day), it is considered reasonable to require the more stringent water efficiency measures set out in the Building Regulations be applied to this development. In this case, and only in the event that planning permission is granted on appeal, the Council could recommend the Planning Inspector (or Secretary of State, as may be the case) imposes a suitable worded planning condition in order to secure compliance with the 110 litre standard.

Cumulative Impacts

270. Members will note from the table produced at paragraph 15 above there are a number of planning applications for major housing development currently under consideration at Lakenheath. Furthermore, as the Development Plan progresses and the Site Allocations Document matures, further sites might be allocated for new residential development irrespective of the outcome of these planning applications. Whilst the evidence base behind the Development Plan documents will assess potential cumulative impacts of any formal site allocations, only limited assessments have been carried out with regard to the potential cumulative impacts of the current planning applications.
271. This sub-section of the officer assessment considers potential cumulative impacts upon village infrastructure of the planning applications listed at paragraph 15 above. Project E from the table is disregarded given it has been withdrawn from the planning register. Furthermore, project H is not included (other than impact upon the SPA) given that it is accompanied by an Environmental Statement which will need to consider and, as appropriate, mitigate cumulative impacts.

Primary education

272. If all primary school pupils emerging from the developments currently proposed at Lakenheath are to be schooled within the village a new school needs to be built. The existing village school is at/very close to capacity and is not capable of expansion and it would be difficult to accommodate temporary accommodation given site constraints. It is likely that, without the construction of a new school in the village, primary school pupils emerging from this and other developments at Lakenheath would need to travel to schools outside of the village.
273. The County Council has confirmed a 'preferred site' at the north end of the village for the erection of a new primary school and Officers understand work is underway on the school project, including discussions with the current landowners whom have submitted a planning application for development of the site (ref. application A from the table included beneath paragraph 15 of this report).
274. It is understood there is currently no formal agreement in place between the landowners and Suffolk County Council with respect to the school site and planning permission is yet to be granted for project. The availability of the land for use by the County Council to construct a new primary school is ultimately dependent upon planning permission being granted for the wider proposals, an agreement on a purchase being reached between the County Council and landowner and, ultimately, the land being transferred to the County Council enabling them to build a school. To date, none of these have been achieved which means the delivery of a new school to serve new development cannot be regarded as certain.

275. The likely short term need for some pupils to travel to a school outside of Lakenheath impacts negatively upon the sustainability credentials of the proposals and is therefore regarded as a dis-benefit of development in advance of a new school site being secured. It is important to note, however, that the County Council has confirmed school places would be available for all pupils emerging from the development proposals and concerns have not been expressed by the Authority that educational attainment would be affected or threatened should development at Lakenheath proceed in advance of a new school opening.
276. It is your officers view (particularly in the absence of confirmed objections from the Local Education Authority) that the absence of places for children at the nearest school to the development proposals is not in itself sufficient to warrant a refusal of planning permission but the issue (both individually for this proposal and cumulatively with the other extant proposals for major housing development at Lakenheath) needs to be considered as part of the planning balance in reaching a decision on this and other planning applications.
277. Clearly the situation may change in the run up to the consideration and determination of these appeal proposals and the Planning Inspector will need to be informed of any planning decisions (or site acquisitions) with respect to the delivery of a new primary school and increases in pupil numbers as a consequence of other planning decisions in the meantime (including those developments included in the table beneath paragraph 15 of this report).
278. In weighing up the benefits and dis-benefits of development in the balancing exercise, it is important to note that the development proposals would be required to provide proportionate funding for the construction and land purchase costs of the new primary school. Accordingly, on the assumption the applicant is willing to provide the contributions he will have done all he can lawfully do to mitigate the impact of his development upon primary school provision.

Highways

279. There are a number of currently undetermined planning applications on the Council's books proposing major housing development at Lakenheath. All of these (including the appeal proposals) are accompanied by Transport Assessments assessing the traffic and transport implications of the individual schemes and all of these conclude (in isolation) that no significant impacts would occur. None of the Transport Assessments submitted with the Lakenheath planning applications consider the potential cumulative impacts of all or some of the proposed developments upon the local highway network.

280. In order to inform its advice to the Local Planning Authority, the Local Highway Authority has commissioned two independent cumulative highway's impact assessments via its consultants AECOM. The first study was commissioned following the decisions of the Development Control Committee to grant planning permission for three of the planning applications (Applications, B, C and D from the table included above, beneath paragraph 15). A requirement for the cumulative study was part of the resolution of the Development Control Committee (September 2014 meeting). At that time the other planning applications listed in the table had not been submitted to the Council, save for Application E which had at that time already encountered the insurmountable problems which ultimately led to it being withdrawn. Whilst AECOM did complete the first assessment, it quickly became out of date upon submission of further planning applications proposing over 600 additional dwellings between them.
281. An update to the cumulative study was subsequently commissioned independently by the Local Highway Authority via AECOM. This has recently been received in draft and has not yet been the subject of public consultation. Accordingly, the final comments of the Highway Authority in light of the cumulative impact of the development proposals upon the highway network are yet to be received and any mitigation requirements arising to off-set cumulative impacts have not yet been established.
282. The draft cumulative assessment considers four different levels of development:
- 288 dwellings (specifically applications B, C and D from the table beneath paragraph 15 of this report)
 - 663 dwellings (specifically applications A, B, C and D from the table)
 - 1465 dwellings (applications A, B, C, D, F, G and H from the table)
 - 2215 dwellings (all development in the previous scenario, plus a margin for sensitivity which would cover any additional growth from other sites included in the local plan and/or other speculative schemes)).
283. The study assessed a number of junctions on the local road network and concluded all of these, with the exception of two, could accommodate the cumulative growth set out in all four scenarios. The two junctions where issues would arise cumulatively as a consequence of new development are i) the B1112/Eriswell Road priority 'T' junction (the "Eriswell Road junction"), and ii) the B1112/Lords Walk/Earls Field Four Arm roundabout (the "Lords Walk roundabout").
284. The Lords Walk roundabout would be approaching capacity and mitigation is advised following the occupation of the first 288

dwellings. The situation would be exacerbated following occupation of the first 663 dwellings (an increase of 375 dwellings). Accordingly mitigation would be required to improve the capacity of the Lords Walk roundabout and a scheme could be designed, costed and funded via S106 Agreements attached to any planning permissions granted. The junction would (without mitigation in place) experience 'severe impacts' by the time 1465 dwellings had been completed.

285. The Eriswell Road junction is more complicated given the limited land available for improvements within the highway boundaries and would require third party land in order to facilitate carriageway widening (to provide additional lanes). The cumulative study has assessed two potential schemes of mitigation works at the Eriswell Road junction; the first being signalisation of the junction in order to prioritise and improve traffic flows; the second being signalisation of the junction and introduction of two entry lanes. The first option (signalisation only) could be delivered via funding secured from S106 Agreements attached to developments which are granted planning permission and implemented within existing highway boundaries. The second option (signalisation and two entry lanes), appears to require third party land and could therefore be more difficult to achieve and delivery cannot therefore be guaranteed.

286. The second option for mitigation works at the Eriswell Road junction would deliver greater increased capacity than the first option. The cumulative traffic study suggests, with the first mitigation option provided (signalisation only) the junction would be able to accommodate traffic forecast to be generated from the first 663 dwellings. However, if 1465 dwellings are to be provided, the second option for mitigation (signalisation and two lane entry) would be required. The study does not clarify precisely (or roughly) where the tipping point is and it is not clear how many dwellings could be built at Lakenheath with signalisation only of the Eriswell Road junction before additional lanes need to be provided. This would need to be clarified for the public inquiry, particularly if applications A, B, C and D (from the table beneath paragraph 15 of this report) have been approved (or resolved to approve) at that time.

287. With respect to the appeal, a watching brief will need to be adopted with respect to the highway impacts of the appeal proposals and the Council will, through its initial Statement of Case, need to reserve the right to make formal representations to the appeal if it becomes apparent that the cumulative impacts of the development (with other committed schemes) upon the highway network are not capable of mitigation.

Special Protection Area and SSSI

288. The cumulative impact of development upon the SPA and SSSI has not been considered by the applicant as part of these development proposals. The Council's Ecology, Tree and Landscape Officer has considered the potential for cumulative impacts upon the SPA and has

provided the following specific comments (repeated extracts from paragraph 70 above):

- *The total number of dwellings currently being considered significantly exceeds the total which was tested in the FHDC Core Strategy Habitats Regulation Assessment which for Lakenheath was 670 homes. The concern is that whilst alone each of the applications may not have an impact; for this number of dwellings within the settlement (totalling 1492 dwellings), in-combination likely significant effects cannot be screened out.*
- *In 2010 a visitor survey of Breckland SPA was commissioned by Forest Heath District and St. Edmundsbury Borough Councils to explore the consequences of development on Annex 1 bird species associated with Breckland SPA. An important finding of the study was that Thetford Forest is a large area, surrounded by relatively low levels of housing, and at present it seems apparent that recreational pressure may be adequately absorbed by the Forest. The Annex I heathland bird interest features are not yet indicating that they are negatively affected by recreational disturbance. However there are still some gaps in our understanding of the Thetford Forest populations of Annex 1 birds, their current status and potential changes that may be occurring. It is not currently understood whether distribution is affected by recreation, for example.*
- *The recreation study went on to advise that provision of alternative greenspaces could be provided to potentially divert some of the recreational pressure away from the SPA. These would need to be at least equally, if not more attractive than the European sites. Such an approach could link into any green infrastructure initiatives as part of the local plan. Important factors to consider in the design of such spaces are the distance to travel to the site, the facilities at the site, and experience and feel of the site. The visitor survey identified that people are travelling up to 10km to use the SPA as their local greenspace. The provision of an attractive alternative in closer proximity to a new development would increase its likelihood of use.*
- *A Natural Green Space Study has been prepared to support Forest Heath District Councils Single Issue Review of Core Strategy Policy CS7 and separate Site Allocations Local Plan. The status of the study is draft. The purpose of the study is to provide evidence on appropriate accessible open space that will support the planned growth in the district. The study is required because there is concern that increased development in the district has the potential to contribute to recreational pressure on Breckland Special Protection Area (SPA) and Breckland Special Area of Conservation (SAC).*
- *The study found that in Lakenheath there is an absence of natural greenspace between 2-20ha in size, except in the vicinity of*

Maidscross Hill. It concluded that additional provision of natural open space is required as part of any developments in particular provision of new natural green space to divert pressure away from the SPA and existing Maidscross Hill SSSI. In addition new access routes are required which could potentially focus on the Cut-Off Channel. A number of opportunities were identified for the village to develop suitable alternative green space for both new and existing residents to use.

- *This application does not include any measure that would contribute to this strategic approach to mitigation of potential in-combination recreational effects.*
289. Similar concerns arise with respect to cumulative recreational impacts of development upon the Maidscross Hill SSSI which is particularly well used for recreation in the absence of alternative greenspace of equivalent quality and, as acknowledged in the applicant's ecological assessment, is already in unfavourable condition owing to recreational pressure.
290. The emerging greenspace strategy behind the Local Plan Site Allocations Development Plan Document has been designed to divert recreational activity away from the sensitive Breckland SPA and Maidscross Hill SSSI sites by providing alternative greenspace in the village, particularly for dog walkers. Furthermore, the overarching strategy and logic behind the locations of the housing sites within the Preferred Options document is to avoid likely increased recreational impacts occurring at the SSSI through avoidance (the sites being positioned a distance away from the SSSI) and the provision of alternative greenspace.
291. The appeal site was considered as part of the Council's Strategic Housing Land Availability Assessment evidence base, but did not make it into the 'Preferred Options' document which, at the time of writing, was out to public consultation. The appeal site was dropped at that stage largely because of its close proximity to the vulnerable Maidscross Hill SSSI and because it was not considered to be locationally favourable with respect to the 'alternative greenspace' provision the Council has identified. It was also considered likely that residents of a scheme at the site in Broom Road would continue to favour the SSSI over the alternative greenspace provision, even if it was possible to secure the alternative greenspace in its totality because it would be distant from the site (with the Maidscross Hill SSSI only 200m away) and would not be particularly accessible to residents of the appeal scheme.
292. Officers consider an approval of the appeal scheme would significantly undermine the greenspace strategy of the emerging local plan such that it could undermine the delivery of the totality of the new green infrastructure (particularly if other sites at Lakenheath need to be 'dropped' later as a consequence of the appeal proposals receiving a positive decision), ultimately to the detriment of the Breckland SPA

but particularly to the Maidscross Hill SSSI. In this respect, officers also consider the proposals could significantly prejudice the emerging Local Plan. Accordingly, officers intend to make representations to the Planning Inspectorate, particularly given the favourable five year housing supply (no immediate need for the housing scheme to be provided), that the appeal proposals are premature to and are likely to prejudice the Local Plan.

Landscape

293. Given the locations of the proposed housing developments around Lakenheath and the ability of the local landscape to absorb new development (particularly on the edges of existing large settlements), no cumulative landscape impacts are anticipated. Lakenheath is a sizeable village and whilst the development proposals in their entirety would represent a relatively significant expansion to it, no significant cumulative landscape harm would arise.

Utilities

294. The potential cumulative impact of development upon the sewerage network was a concern of officers, particularly as the IECA study identified a tipping point of 169 dwellings before the Treatment Works reaches capacity. The seven proposals for development within the catchment of the Works would, in combination, significantly exceed this identified tipping point.
295. Anglian Water Services has not objected to any of the planning applications and confirmed for each one there is adequate capacity within the system to accommodate the increased flows from development. As explained elsewhere in this report there is sufficiently greater headroom now available in the Treatment Works than envisaged by the IECA study, such that the treatment works could accommodate all of the development proposed in the village (particularly given that project E from the table included at paragraph 15 above has now been withdrawn).
296. In light of the updated position with respect to the Lakenheath Waste Water Treatment Works, which updates the evidence presented in the IECA study, officers are satisfied the development proposals would not have adverse cumulative impacts upon the sewerage infrastructure serving Lakenheath.
297. There is no evidence to suggest there would be significant cumulative impacts upon water and energy (electricity) supplies to the village given the respective capacities identified in the IECA study.

Air Quality

298. The Council's Environmental Health Officers initially expressed concerns about the potential impact of the developments proposed at Lakenheath (projects A to G from the table included at paragraph 15

above) and requested further information from the proposals.

299. The Council subsequently commissioned an independent assessment of the potential for the developments, in-combination, to exceed air quality targets. The assessment concluded that, although the developments would lead to an increase in nitrogen dioxide concentrations alongside roads in the village, it is extremely unlikely that these increases would lead to exceedances of the air quality objectives.
300. Given the findings of the assessment, the Council's Environmental Health Officers are now satisfied that no further assessment is required by the developers for any of the applications and previous requests for conditions in relation to air quality can be disregarded.

Health

301. Until relatively recently, the NHS Trust Property Services had not raised any concerns with respect to the planning applications submitted for major residential development at Lakenheath and had previously confirmed there was capacity in the existing local health infrastructure to absorb additional demand arising from the developments.
302. Upon review, the Trust is now concerned that demands for local NHS services arising from the developments proposed in the village cannot be absorbed by existing local health infrastructure. There is, however, presently nothing to suggest that there would be impacts upon NHS services that could not be adequately mitigated via the collection of developer contributions to be used towards projects increasing localised health infrastructure capacity. The NHS is presently considering a project that would be funded by developer contributions (in full/part).

Planning Obligations

Community Infrastructure Levy Regulations 2010

303. These generally set out regulations relating to the Community Infrastructure Levy, but Part 11 refers specifically to planning obligations (including those in S106 Agreements) and is relevant to the consideration of this planning application and will influence the final content of a potential S106 Agreement (in the event that planning permission is granted).
304. Regulation 122 imposes limitations on the use of planning obligations and states (where there is no CIL charging regime), a planning application may only constitute a reason for granting planning permission for the development if the obligation 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.
305. Regulation 123 imposes further limitations on use of planning obligations and effectively bars the collection of pooled contributions towards infrastructure projects or types where 5 or more obligations securing contributions towards that infrastructure project or type have already been entered into. These restrictions are commonly referred to as 'pooling restrictions'.
306. The Framework repeats the tests of lawfulness for planning obligations which are derived from Regulation 122 of The Community Infrastructure Levy Regulations 2010 as set out above.
307. The Framework also states that pursuing sustainable development requires careful attention to viability and costs, such that sites should not be subject to a scale of obligations that their ability to be developed viably is threatened.
308. The Framework advises that in order to ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.
309. Core Strategy Spatial Objective ENV7 seeks to achieve more sustainable communities by ensuring facilities, services and infrastructure are commensurate with development. Core Strategy Policy CS13 sets out requirements for securing infrastructure and developer contributions from new developments.
310. No claim to reduce the level of contributions on viability grounds has so far been made by the applicants and a viability assessment has not been submitted. It is assumed the development can provide a fully policy compliant package of S106 measures.
311. At present a S106 Agreement has not been completed. This is not unusual in an appeal situation, particularly a 'non-determination' appeal. It is anticipated the applicants will be willing to enter into a S106 Agreement in advance of the forthcoming public inquiry (the plans indicate they are willing to provide 30% affordable housing for example), but this cannot be guaranteed at the present time. Furthermore, it cannot be guaranteed at this stage the applicant will be willing to provide all of the mitigation and other policy compliant measures the Council considers appropriate. Accordingly, and given the absence of a completed S106 Agreement at the present time, it is important the Council safeguards its position with respect to it until outstanding matters are properly resolved and a S106 Agreement is in place.

312. The following developer contributions are required from these proposals.

Affordable Housing

313. 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.

314. Core Strategy Spatial Objective H2 seeks to provide a sufficient and appropriate mix of housing that is affordable, accessible and designed to a high standard. Core Strategy policy CS9 requires 30% of the proposed dwellings (36 dwellings in this case) to be 'affordable'. The policy is supported by Supplementary Planning Guidance which sets out the procedures for considering and securing affordable housing provision (including mix, tenure, viability and S106).

315. The applicants have proposed 36 of the 120 dwellings as 'affordable' which equates to the full 30% provision required by Core Strategy policy CS9. The mix and tenures of the amended scheme have been agreed with the Council's Strategic Housing team, whom had objected to the original scheme (paragraphs 67 and 68 above).

Education

316. The Framework states the Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. It advises that Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education.

317. Core Strategy Policy CS13 (b) considers educational requirements as a key infrastructure requirement. This is built upon, in a general sense, in Policy DM41 of the Joint Development Management Policies Document which states (inter alia) the provision of community facilities and services will be permitted where they contribute to the quality of community life and sustainable communities. The policy confirms, where necessary to the acceptability of the development, the local planning authority will require developers of residential schemes to enhance existing community buildings, provide new facilities or provide land and financial contributions towards the costs of these developments, proportional to the impact of the proposed development in that area (through conditions and/or S106 Agreements).

318. The Local Education Authority (Suffolk County Council) has confirmed there is no capacity at the existing primary school to accommodate

the additional pupils forecast to be resident at the proposed development and has requested pro-rata developer contributions (financial) to be used to purchase land and construct a new primary school in the village. It has also confirmed a need for the development to provide a contribution to be used towards pre-school provision in the area to cater for the educational needs of pre-school children (aged 2-5) that are forecast to emerge from the development. The Authority has confirmed there is no requirement for a contribution to be secured for secondary school provision. The justification for these requests for financial contributions and the amounts are set out at paragraph 80 above.

Public Open Space

319. The Framework confirms that access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities.
320. Core Strategy Spatial Objective CS2 seeks to promote an improvement in the health of people in the District by maintaining and providing quality open spaces, play and sports facilities and better access to the countryside. Policy CS13 (g) considers provision of open space, sport and recreation as a key infrastructure requirement.
321. Policy DM42 of the Joint Development Management Policies Document states proposals for the provision, enhancement and/or expansion of amenity, sport or recreation open space or facilities will be permitted subject to compliance with other policies in the Development Plan. It goes on to state where necessary to the acceptability of development, developers will be required to provide open space and other facilities or to provide land and financial contributions towards the cost and maintenance of existing or new facilities, as appropriate (via conditions and/or S106 Agreements).
322. These Development Plan policies are expanded upon via the adopted Supplementary Planning Document for public open space, sport and recreation. This document sets out the requirements for on-site and off-site provision and maintenance. The document imposes a formula based approach to calculating requirements for on site delivery of public open space.
323. The SPD also makes provision for off-site delivery of public open space (should policy compliant provision not be provided) but following the enactment of Regulation 123 of the CIL Regulations last year (paragraph 305 above), the Council is no longer able to collect tariff based contributions where five or more have already been collected. Accordingly, it is important for the Council to secure the on-site requirements for public open space in full, particularly in settlements such as Lakenheath, where the available green infrastructure is pressured and ecologically sensitive.

324. The adopted SPD requires the following public open space provision from this development:
- 1,223 square metres of children and young people's space.
 - 2,055 square metres of informal green space.
 - 4,110 square metres of natural green space.
325. The adopted SPD requires this development to provide 7,388 (0.74 hectares) of land for public open space. The proposed site layout provides around 7,420 square metres (7.42 hectares) of land for public open space and 1,233 of that is provided for children's play. The quantum of public open space therefore complies with the SPD and linked Local Plan policies.
326. If the applicant and Council subsequently agree the public open spaces are to be transferred to the Council for future management and maintenance, a commuted sum would need to be secured as part of any S106 Agreement.
327. Commentary about the layout and dispersal of the public open spaces is set out elsewhere in this report.

Libraries

328. The Suffolk County Council has identified a need to provide library facilities for the occupiers of this development and has requested a capital contribution of £25,920.

Health

329. The NHS Property Services has confirmed there is insufficient capacity in the existing health infrastructure (i.e. GP surgeries) to cater for the additional demand for local services this development would generate. Accordingly, a health contribution of £39,500 has been requested to provide additional capacity at the local GP surgery.

Summary

330. With these provisions in place the effects of the proposal on local infrastructure, including affordable housing, public open space (quantity of provision), health and libraries would be acceptable. Other matters, particularly relating to education, transportation and ecology (the Maids Cross Hill SSSI) are presently uncertain or yet to be fully resolved. Subject to these outstanding matters being satisfactorily resolved and a policy compliant S106 Agreement being completed in due course, the proposals would comply with Core Strategy Policy CS13 (and other relevant policies discussed in the report) by which the provision or payment is sought for services, facilities and other improvements directly related to development.

Planning Balance and conclusions:

331. Relevant housing policies set out in the Core Strategy are consistent with the NPPF and, in your officers view, carry full weight in the decision making process. The application proposals are contrary to the provisions of relevant Development Plan policies which direct (for the most part) that new residential development should be provided within defined settlement boundaries of the District's towns and sustainable villages. Latest evidence confirms the Council is able to demonstrate an up-to-date 5 year supply of deliverable housing sites which means policies in the Core Strategy relating to the supply of housing carry full weight in determining this planning application.
332. With this background in mind, but with particular regard to the continued absence of an adopted Development Plan document identifying sites to deliver the housing targets of Core Strategy Policy CS7, national planning policy is clear that permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole.
333. If it is subsequently concluded that potential in-combination effects upon the Special Protection Area would not be significant, there would be no specific policies in the Framework that direct that this development should be restricted. Officers consider that national planning policies set out in the Framework should be accorded weight as a material consideration in the consideration of this planning application and it is appropriate to balance the benefits of the scheme against its disbenefits to consider whether the proposals represent sustainable development. If the proposals are deemed sustainable development, the Framework directs that planning permission should be granted without delay.
334. It is convenient in this case to set out the perceived benefits and disbenefits of development in tables for ease of reference and to assist Members consideration of the planning balance. These are set out below in Table A (benefits) and Table B (disbenefits). A third table has been included which sets out further 'potential' disbenefits of the proposals. The matters set out in Table C below require further consideration, assessment or consultation and may need to be added to the disbenefits included in Table 1 in the run up to the Public Inquiry.

Table A – Benefits of the proposals
(in no particular order)

Benefit	Comment
Provision of housing	This is a clear benefit of the development, but its significance is reduced by the fact the Council is able to demonstrate a five year supply of housing. Furthermore, the simple benefit of housing provision would arise wherever in the District these 120 dwellings were to be constructed and would not necessarily only arise if this particular site were to be developed. In other words, if the 120 dwellings proposed at this site were delivered elsewhere in village or wider District as part of a Plan led approach to delivery, these benefits would still arise.
Affordable housing provision	This is a clear benefit of the development. This would, however, only count as a benefit in a wider context if the development of 120 dwellings was to be provided in excess of other housing allocations in the emerging local plan, in which case more affordable homes that otherwise planned for in the Development Plan would be realised. If the appeal is allowed, it is likely the Council would adjust housing numbers down in the village to acknowledge the commitment. Accordingly, there are unlikely to be any overall net benefit to affordable housing (i.e. no increase in what will be planned for over the local plan period) despite delivery as part of these proposals.
Economic activity	The proposal would generate direct and indirect economic benefits, as housing has an effect on economic output both in terms of construction employment and the longer term availability of housing for workers. Those economic benefits would be relatively small in a local, regional and national context and would arise wherever the 120 dwellings proposed by this planning application are provided. The benefits are not specific to this site and would be realised elsewhere if planning permission is not granted for the development.

Table B – Disbenefits of the proposals
(in no particular order)

Disbenefit	Comment
Direct impacts upon the Maidscross Hill SSSI (encroachment of development into its buffer)	This is unavoidable and reduces the separation between the built form and the SSSI designation.
Recreational impacts upon the SSSI	Again, these are unavoidable impacts given the location of the site close to the SSSI. Mitigation is unlikely to fully off-set the harm arising.
Recreational impacts upon the SPA	As discussed in the report, these are anticipated to be minor adverse given the likelihood that the Maidscross Hill SSSI would be the primary attraction for recreational activity from the proposed development. Nonetheless, some recreational trips from the site into the SPA are inevitable. Whilst counting as a disbenefit of the development proposals to be considered as part of the overall planning balance in determining the planning application, the impact does not trigger the legal requirement for the decision maker to undertake 'Appropriate Assessment' of the implications of the development upon the SPA.
Adverse impacts upon the RAF Lakenheath airbase	An unavoidable impact and a significant disbenefit. The proposals will add visitors into the safeguarding zone drawn around the inner explosives safeguarding zone which incorporates the Maidscross Hill SSSI. The explosives are licensed and the operations of the base could (as a consequence of this development alone or in-combination with other projects) lead to the explosives license being reviewed.
Poor design; strategy for on-site delivery of public open space and relationship of built development to trees.	The Framework considers good design is a key aspect of sustainable development and directs that planning permission should be refused for development of poor design which, for reasons discussed in detail in this report, these proposals represent.
Prejudicial and premature to the Site	The emerging plan is yet to gain significant traction given (at the time of writing) the

<p>Allocations Development Plan Document</p>	<p>Preferred Options version was out to public consultation. However, the overarching strategy in the Plan for the delivery of housing growth at Lakenheath is particularly sensitive to speculative developer led schemes of this type. If planning permission were to be granted for this scheme, the provision of the full package of green infrastructure designed to mitigate the cumulative impact of new development upon the Special Protection Area that is sought through the Local Plan could be compromised, particularly if other development in the plan is dropped as a consequence or if a 'cap' is subsequently placed on development in the village because of cumulative highway (junction) capacity issues.</p>
<p>Adverse impact upon trees.</p>	<p>This is an unnecessary impact, exacerbated by the formally protected status of the trees. The Ecological Assessment identified the trees in question as the most important asset of the site, yet the proposals disregard their importance and threaten their short and longer term viability.</p>
<p>Adverse impact upon the countryside</p>	<p>This is not a significant disbenefit given the development of greenfield (countryside) sites around the edge of the village is inevitable. The site is of no greater sensitivity than others around the village, including those in the emerging plan. Nonetheless, despite the moderate nature and inevitability of the harm it remains a disbenefit of the proposals to be considered in the overall balance.</p>
<p>Loss of agricultural land</p>	<p>The development would result in the loss of around 1 hectare of Grade 3 (Best and Most Versatile) agricultural land and around 5 hectares of Grade 4 land. The impact is minor, but insignificant but would be a disbenefit of the proposals to be considered in the overall balance.</p>
<p>Adverse impact upon habitat for skylarks</p>	<p>The impact was identified in the Ecological Assessment, but dismissed given it was considered suitable habitat exists elsewhere. The Ecological Assessment submitted with the planning application did not assess the significance of the site for breeding skylark or the consequences of its permanent as a consequence of its development. The loss of</p>

	<p>habitat suitable for skylarks, without mitigation is a further significant disbenefit of the proposals.</p>
<p>Adverse impact upon Grape Hyacinth species.</p>	<p>The Ecological Assessment submitted with the planning application did not identify the presence of this plant at the site. Grape Hyacinth is a rare plant and a qualifying feature of the adjacent Maids Cross Hill SSSI. The plants, discovered by the Suffolk Wildlife Trust, should have been protected and incorporated into the design and layout of the scheme with respective proposals for management and maintenance clearly specified. The likely destruction of the population of Grape Hyacinth present at the site is a significant disbenefit of the development proposals.</p>
<p>Absence of capacity in the existing village primary school</p>	<p>This is likely to be a short term consequence, but those pupils displaced into alternative (non-local) primary schools are likely to remain in the same school until they reach secondary school age. Whilst this is, to an extent, beyond the applicants control (given they can do no more at this time than provide a proportionate contribution towards the construction of a new school) it serves to add further weight to the Council's concerns the development proposals are premature to the Local Plan and must be regarded as a disbenefit (albeit minor) of the development proposals being delivered now, in advance of the plan.</p>
<p>Adverse impact to the development from aircraft noise.</p>	<p>It is generally accepted that all of Lakenheath is adversely affected by aircraft noise, but to varying levels. Those sites, including the application site, located closest to the RAF airbase will inevitably suffer greater noise exposure from planes taking off from the runways than those located further away. The appeal site is located close to the base and whilst mitigation is proposed to protect the internal spaces of the dwellings (should the occupants choose to keep their windows closed), nothing can be achieved to mitigate the noise impact experienced in gardens. Not only is this a disbenefit of the development but it also adds weight to the Council's concerns about prematurity and prejudicial impact upon the emerging Local Plan, given that sites for new housing are shown in the Preferred</p>

	Options document to be located predominantly to the north of the village, away from the greatest source of noise.
Adverse impact upon bats	The threat to line of protected pine trees and the close relationship of built development to the tree line (which would straddle or be situated in garden spaces) is a disbenefit of the development. The Ecological Assessment identifies that bats use the trees and suggests that control could be placed over lighting to prevent harm to bats (and other wildlife). This is unrealistic and would be very difficult to enforce given that householders are likely to provide their own external lighting to rear garden areas. The likely (and unnecessary) disturbance to bats using the protected tree line is a significant disbenefit of the development proposals.

Table C – Potential further disbenefits of the proposals.
(in no particular order)

Potential disbenefit	Comment
Traffic related design concerns.	It is anticipated the applicant will make further amendments to the layout of the scheme in advance of the forthcoming public inquiry in order to address these specific concerns. However, should they not make those amendments, these matters would add to the disbenefits of the scheme already included in Table B above.
Impact upon wider highway network	<p>Concerns would only arise in this respect if a cumulative highways assessment reveals there is an effective capacity 'cap' at an identified junction to the south of the village that is not capable of mitigation to increase capacity. In such circumstances (and dependent upon the number of dwellings such a cap might apply to), this could be a further disbenefit of the development proposals. The use of junction capacity (assuming a low dwelling capacity cap) for these development proposals would contribute significantly to undermining the housing delivery and SPA mitigation strategy included as part of the emerging Site Allocations Development Plan Document.</p> <p>The outcome of the cumulative assessment is awaited.</p>
Absence of S106 Agreement	It is expected that a S106 Agreement will be completed (either unilaterally or bi-laterally) in advance of the appeal. Officers would expect the complete absence of a S106 Agreement to result in the dismissal of the appeal. Should the Council receive a S106 Agreement that does not secure (or adequately secure) necessary infrastructure provision and other necessary mitigation, the absence of that particular contribution (or contributions) would add significantly to the disbenefits of the development.
Adverse impact upon the SPA (cumulative)	<p>Impact will arise if:</p> <p>i) approval of the planning application for 120 dwellings leads to a reduction in sites allocated elsewhere in the village and that reduction leads to the loss or curtailment of the green space strategy for mitigating recreational</p>

	<p>impacts of new development upon the SPA or,</p> <p>ii) the cumulative highway assessment concludes there is effectively a cap on housing growth in the village owing to junction capacity issues in which case those sites that will deliver additional greenspace infrastructure (above normal SPD requirements) should be delivered in preference to this site which delivers no open space or recreation provision above normal SPD minimum requirements.</p>
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335. To the limited extent the evidence demonstrates material considerations in favour of the proposals – essentially benefits that could be realised wherever in the District development is provided, it is considered that the dis-benefits of development identified in Table B above would significantly outweigh the benefits identified in Table A. This would be the case even without the inclusion in the balance of the 'potential' additional disbenefits identified in Table C above. Officers consider the proposals would not represent 'sustainable development' as defined by the Framework.

Recommendation:

336. That the Development Control Committee resolves that it would have **refused planning permission** had the non-determination appeal not been made, for the reasons briefly set out at paragraph 335 and that the disbenefits of development identified in Table B (and potentially, Table C) above significantly and demonstrably outweigh the benefits identified in Table A above.

337. The Development Control Committee are also requested to authorise the Head of Planning and Growth to:

i) defend the decision of the Development Control Committee at the forthcoming public inquiry, and

ii) remove or add to the reasons for refusal (including adding or removing issues as set out in Tables A and B above) in response to new evidence, information or amendment in the run up to and during the forthcoming public inquiry, and

iii) appoint an advocate and expert witnesses to present the Council's case to and defend its reasons for refusal at the forthcoming public inquiry, and

iv) agree a 'Statement of Common Ground' with the appellant and any other 'Rule 6' Party confirmed by the Planning Inspectorate as participating in the appeal, and

v) suggest conditions to be imposed upon any grant of planning permission should the Planning Inspector (or Secretary of State, as may be the case) resolve to allow the appeal.

Documents:

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

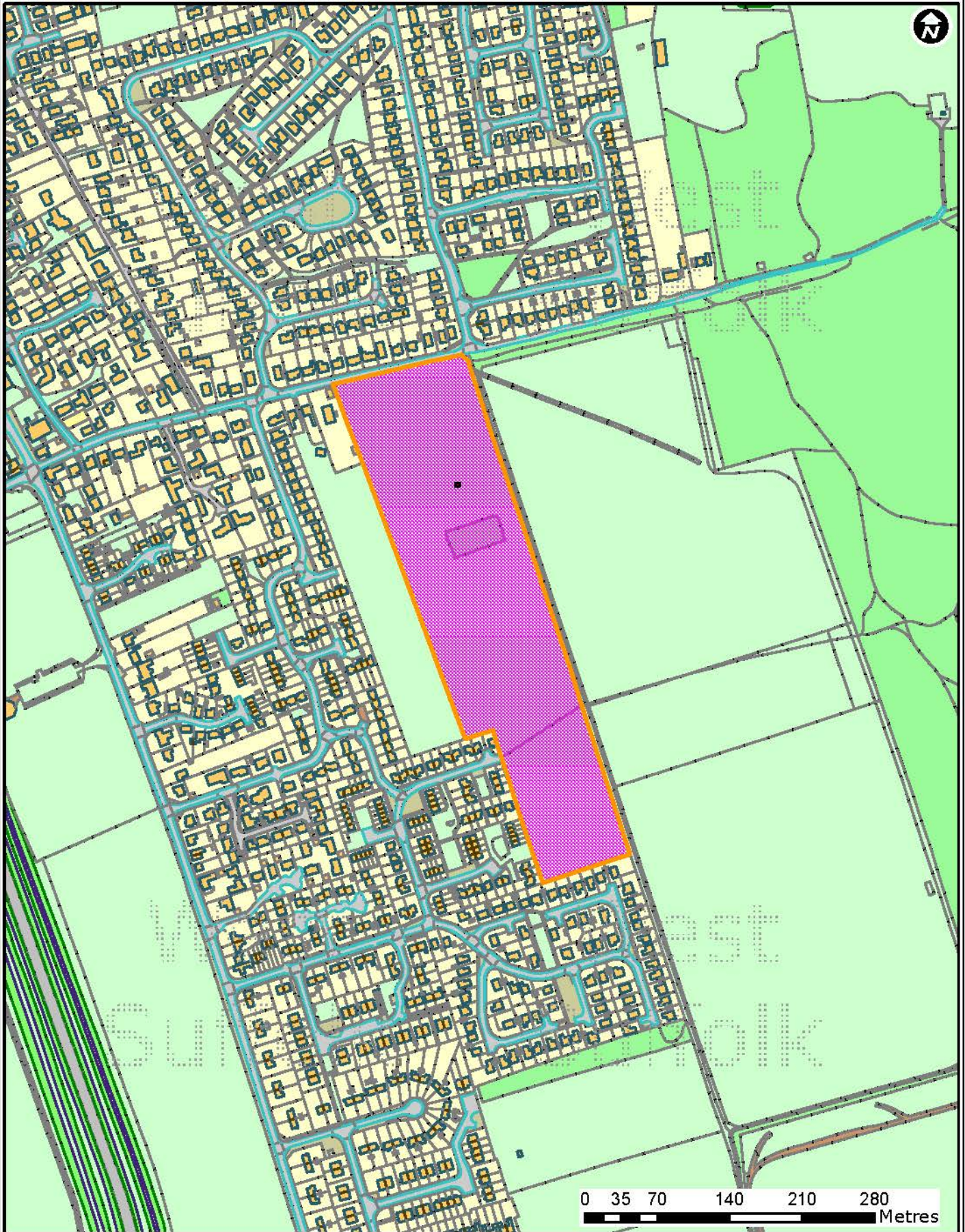
<https://planning.westsuffolk.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

Working Paper 1 – Appellants Statement of Case (attached)

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DC/14/2073/FUL

Land adj 34 Broom Road, Lakenheath



Forest Heath • St Edmundsbury

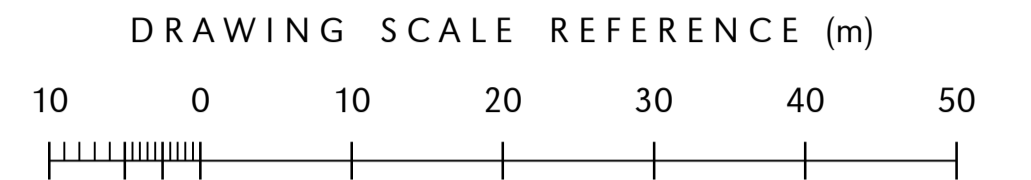
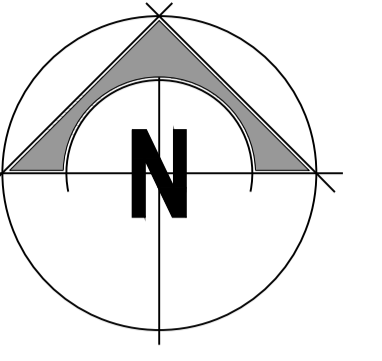
West Suffolk
working together

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Date: 20/06/2016

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PROPOSED SITE LAYOUT:

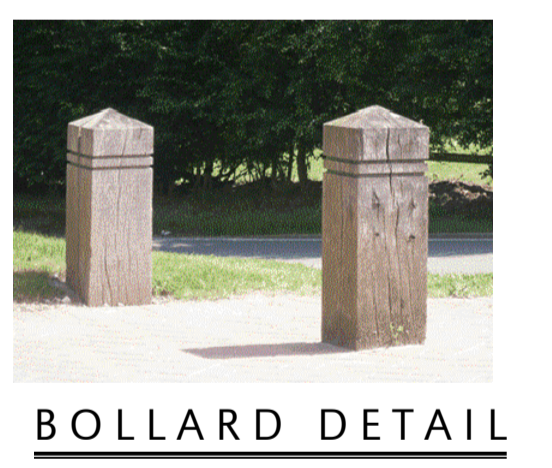
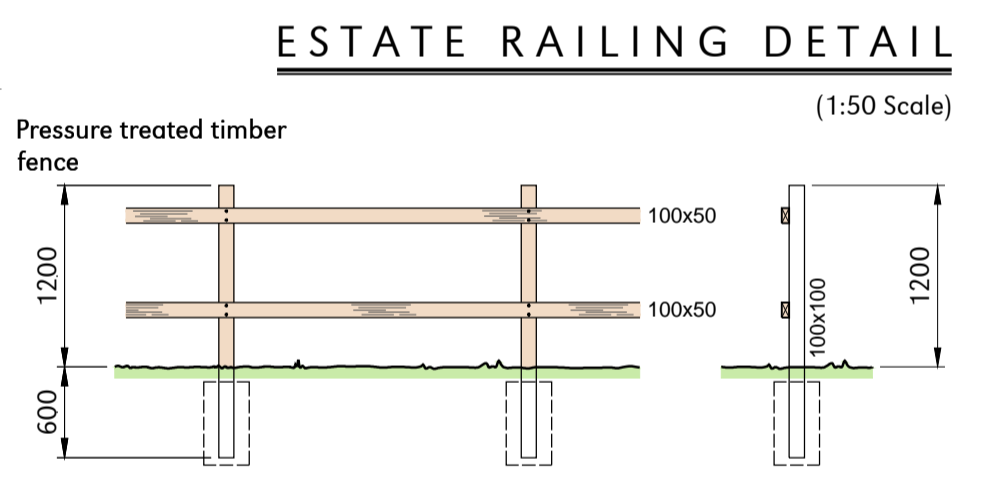
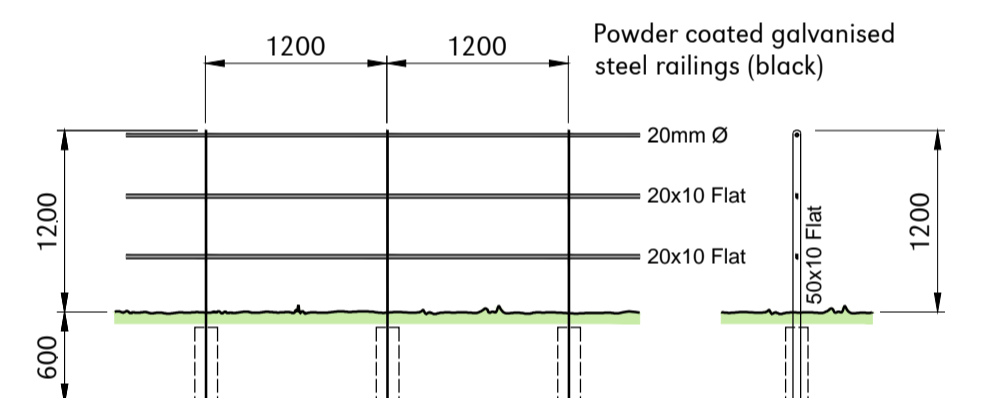
- UNLESS NOTED OTHERWISE:
- This drawing is to be read in conjunction with all relevant drawings, details, sketches, reports calculations and specifications
 - All levels on this drawing relate to Plandesdil Ltd Topographical Survey, Drawing Ref 16080/001
 - For details and external materials of individual house types refer to 16080/100 series

DRAWING KEY:

Site Boundary	Hardwood Timber Bollards (See detail below)	Plot Numbers (Private Dwellings)
1200mm Black Estate Railings (See detail below)	Plot Numbers (Affordable Dwellings)	Primary Entrance to Dwelling (Level Threshold)
1200mm Post & Rail Timber Fence (See detail below)	Private Patio (600x600 buff concrete paving slabs)	Garage/Carriage Entrance
1800mm Close Board Timber Fence	Existing Trees (to remain)	Garden Shed (Private Cycle Storage)
1800mm Brickwork Wall (with piers) (See detail below)	Indicative New Shrub Planting (Specification to be agreed)	Permeable Concrete Block Paving Marshalls PRIORA (Charcoal)
Mobility Timber Kissing Gate	Indicative New Tree Planting (Specification to be agreed)	Permeable Concrete Block Paving Marshalls PRIORA TEGULA (Harvest)
Dry Swale	Fire Hydrant	1.8m Footpath
Public Open Space (0.742 Ha)		3.0m Combined Foot/Cycle Way

ACCOMODATION SCHEDULE:

HOUSE TYPE:	CODE	BEDROOMS:	AFFORDABLE	PRIVATE	TOTAL No:
Anner	1BB-A	1 Bed (Bungalow)	6	9	15
Blakeney	2BB-B	2 Bed (Bungalow)	-	6	6
Colkirk	2BB-C	2 Bed (Bungalow)	-	4	4
Elmham	2BB-E	2 Bed (Bungalow)	-	15	15
Gresham	2BH-G	2 Bed (House)	22	6	28
Ickburgh	3BH-I	3 Bed (House)	6	8	14
Jaybrook	3BH-J	3 Bed (House)	-	11	11
Langham	3BH-L	3 Bed (House)	-	13	13
Kessingland	4BH-K	4 Bed (House)	1	6	7
Marston	4BH-M	4 Bed (House)	-	2	2
Newton	4BH-N	4 Bed (House)	-	4	4
Plumstead	4BB-P	4 Bed (Bungalow)	1	-	1
			36 Total	84 Total	120 Total



PROVISIONAL FOR PLANNING PURPOSES ONLY

Rev	Date	Chkd	Description
G	30.09.15	MH	Hatching updated
F	04.09.15	PM	Plots reduced from 147 to 120m
E	11.11.14	AL	Minor amendments to accommodation schedule drawing numbers
D	28.10.14	AL	Drawing finalised for Planning Submission (Number of units revised to 147)
C	19.08.14	MH	Plot no.'s added
B	25.07.14	MH	Path amended
A	22.07.14	AL	Landscape Developed - Work In Progress
O	01.05.14	AL	First Issue PRELIMINARY
Rev	Date	Chkd	Description

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Project
Residential Development
Land off Broom Road
Lakenheath, Suffolk

Drawing Title
Proposed Site Layout Plan

Scale	U.N.O.	Date	01-05-2014	Drawn By	AL
Drawing No.	16080/002	Rev	G	Page	189

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APPEAL UNDER SECTION 78 OF
THE TOWN AND COUNTRY PLANNING ACT 1990
AGAINST
FOREST HEATH DISTRICT COUNCIL

In respect of:
The non-determination of a
planning application for
residential development of
land at Broom Road,
Lakenheath

STATEMENT OF CASE
On Necton Management Ltd

April 2016
LPA Ref: DC/14/2073/FUL
EJWP197-SoC

EJW Planning Limited
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1. Introduction

- 1.1 Necton Management Limited (the Appellant) wishes to appeal against Forest Heath District Council's (the Council) failure to determine planning application (LPA ref:DC/14/2073/FUL) for the proposed residential development of land at Broom Road, Lakenheath.
- 1.2 This document constitutes the Appellant's Statement of Case and has been prepared in accordance with guidance set out in the Procedural Guide to Planning Appeals published by the Planning Inspectorate in March 2016. It outlines the case that will be advanced by the Appellant at the Public Inquiry.
- 1.3 The appeal application was submitted on behalf of the Appellant on 3rd November 2014 and validated by the Council on 12th November 2014, under reference DC/14/2073/FUL. The application originally sought full planning permission for construction of 147 residential dwellings, associated parking, access and amenity space on land adjacent to 34 Broom Road, Lakenheath. However, the number of units has since been reduced to 120.
- 1.4 Prior to the submission of the application, the Appellant submitted a formal request pursuant to Regulation 5 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 for a 'Screening Opinion' from the Council to confirm whether or not an EIA was required for the development. The Council confirmed by letter dated 17th July 2014, that the development proposed by the appeal application was not EIA development within the meaning of the 2011 Regulations.
- 1.5 Having been in receipt of the application for more than six months, on 10th April 2015, the Case Officer wrote to the Appellant summarising a number of issues raised during the consultation process and suggesting that the application be withdrawn to allow time for the Appellant to overcome the technical objections to the scheme and provide further information to the Council.
- 1.6 The Appellant took the decision not to withdraw the application and met with the Council on 19th May 2015, to discuss their concerns and agree a timeframe and strategy for revising the scheme and addressing the technical issues identified. Having taken full account of those discussions, a revised scheme for

120 dwellings was prepared and submitted to the Council on 15th October 2015.

1.7 A copy of the planning application, and requisite background documents are provided to the Inspector as part of this appeal. The key drawings from which the appeal proposal can be readily understood are:

- 16080/003 Site location plan
- 16080/001 Rev 0 Topographical Survey
- 16080/002 Rev G Proposed Layout Plan
- 16080/101-124 House Types

1.8 Following receipt of the Council's confirmation that the revised scheme and further information submitted was acceptable the Appellant provided their agreement to an extension of time to the period for the determination of the application by 15th January 2016.

1.9 There are six other applications for residential development around Lakenheath. Not all of these applications were subject to a formal Screening Opinion and the Council are now concerned that the cumulative impacts of these proposals trigger the need for an Environmental Impact Assessment. In each case the Council is now beyond the period prescribed by the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 to adopt an EIA Screening Opinion and has therefore made a request to the Secretary of State to provide a Screening Direction to discharge the Council's legal obligations relating to EIA screening of the Appeal application and the other applications before them.

1.10 The Secretary of State wrote to the Council on 4th February 2016 to confirm that the Council were in circumstance where a number of large scale housing developments were submitted able to re-screen the applications taking into account any potential cumulative impacts and confirming that it would be premature for the Secretary of State to exercise his discretion to issue his own screening directions pending confirmation of the completion of the LPA's rescreening.

1.11 The Council has failed to re-screen the applications including the Appeal application and has made a further request to the Secretary of State to issue a

Screening Direction on their behalf. The revised application has now been with the Council for more than 26 weeks and the Council has failed to progress the application. The Appellant has asked the Council repeatedly when it proposed to determine the application. It has failed to indicate when it would do so. The Appellant has been left with no choice but to Appeal the application

- 1.12 The Appellant's evidence will refer to the Council's pre-application advice and on-going advice during the application process with particular reference to the Council's acceptance of the principle of redevelopment of the site for residential use. Reference will also be made to the fact that all technical issues relating to the development of the site have, as far as the Appellant is concerned, been resolved as a part of the application process.
- 1.13 The Appellant requests that the appeal be heard at a Public Inquiry over a four-day period. The dates and venue for the Inquiry will be agreed with Forest Heath District Council.

2. The Appeal Site

- 2.1 Lakenheath is located west of Thetford and north west of Bury St Edmunds and is accessible from the A11 via the A1065. The village is adjacent to the Lakenheath American Air Force base.
- 2.2 The historic core of the village is attractive and displays a distinct character and local vernacular comprising red brick and flint buildings under pitched roofs. Lakenheath has a good range of services and facilities including a convenience store, post office, pharmacy, a bank and a range of takeaways. There is a primary school, doctor's surgery, community hall and extensive sports fields.
- 2.3 The site is located towards the eastern of the village of Lakenheath and comprises an area of undeveloped land extending to 5.8 hectares.
- 2.4 There is, existing residential development to the north, west and south of the site. Access to the site will be taken from Broom Road at the northern end of the site and a secondary access will be provided via Roebuck Drive at the south-western, edge of the site.

- 2.5 The eastern boundary is formed by a line of mature trees and hedgerow that provide a natural defensible boundary and a degree of screening to the open countryside beyond. The residential development on Broom Road and to the south of the site allows projects to meet this natural boundary.
- 2.6 The site is predominantly flat, but sloping slightly in an east-west direction. Towards the northern end of the site is a clump of trees, these are to be retained and incorporated within the proposed public open space at the centre of the site.

3. The planning history

- 3.1 Necton Management has owned the land since 1977 and has over the intervening years submitted a number of planning applications for residential development. All of the applications have been refused on the basis of a policy objection that the proposals were premature to the development plan at that time. The last application was made some twenty years ago.
- 3.2 In 2012 the site was identified by the Council as a suitable location for the residential expansion of Lakenheath in their Strategic Housing Land Assessment Appraisal SHLAA under reference L22 – Broom Road, Lakenheath and carried through to the 2015 SHLAA Review under reference L/25.
- 3.3 However, the site has recently been excluded from the list of preferred sites in the Council's Site Allocations Local Plan that is currently the subject of consultation.

4. The Appeal Proposals

- 4.1 The revised description of the development is as follows:

Full planning permission for 120 dwellings comprising 15 one-bedroom bungalow; 25 two-bedroom bungalow; 28 two-bedroom; 38 three-bedroom houses; 13 four-bedroom houses and 1 four-bedroom bungalow together with associated access, landscaping and open space..

Schedule of development and house types and tenures

Description	Affordable	Market	Total
1 bed bungalow	6	9	15
2 bed bungalow	Nil	25	25
2 bed house	22	6	28
3 bed house	6	32	38
4 bed house	1	12	13
4 bed bungalow	1	Nil	1
Total	<u>36</u>	<u>84</u>	<u>120</u>

4.2 The proposal is to provide a sustainable extension to the village of Lakenheath, which integrates with the existing community. The density of the layout will be tighter at the centre of the development and more open in nature towards its edges, providing a gentle transition to the open landscape beyond. The development will provide high quality landscaping, public open space and play space for children, together with generous individual gardens to each home.

4.3 The proposed development will provide a mixture of terraced, semi-detached and detached properties. The density of the layout will be tighter at the centre of the development and more open in nature towards its edges, providing a gentle transition to the open countryside beyond and a more welcoming appearance to the village as a whole.

5. Planning obligations

5.1 The Appellant has prepared a draft Unilateral Undertaking, the principle of which it will endeavor to agree with the Council in the Statement of Common Ground. It is the Appellant’s intention that in the event of the appeal being allowed, the Unilateral Undertaking would secure the following:

Affordable housing: 36 units 70% of which will be social rented units and 30% shared ownership

Pre-school Provision

Contribution: £73,092

Primary School	
Construction Contribution:	£462,228
Primary Capital	
Contribution:	£142,766
Temporary Classroom	
Contribution:	£106,000
School Transport	
Contribution:	£750
Library contributions:	£25,920
NHS Contribution:	£39,500
Community Works:	Contributions payable to Lakenheath Parish Council towards extension of existing Pavilion on playing field (£30,000), in addition to £X,XXX (TBA) improvements to the Parish Council's Children's Play Area and £150 towards dog bins, litter bin and notice boards
Public Open Space:	Provision of public open space and landscaping within the development and contributions to be agreed for the provision of Maintenance
Pedestrian crossing	
Contribution:	£X,XXX (TBA) towards the provision of pedestrian crossing facility within the locality of the Doctor's surgery on the High Street.

6. Planning Policy Context

- 6.1 The planning policy context will be set out in full in the Statement of Common Ground. That will identify the Development Plan and other policy documents, and the specific policies within them, which may be considered relevant to the determination of the appeal. Evidence will be presented to determine the weight to be attached to those policies in light of the National Planning Policy Framework (NPPF) and other material considerations, and to consider how the appeal proposals accord with them. The evidence will also identify the relevant policies within the NPPF and determine how they apply to the appeal site and proposals.

- 6.2 In summary, the development plan comprises the Forest Heath Core Strategy of 2010 and the Joint Management Policies Document of 2015. The preparation of a Core Strategy Single Issue Review in relation to Policy CS7 that is concerned with overall housing provision and distribution, and a Site Allocations Development Plan Document are proceeding in tandem. The Site Allocations Development Plan Document is the subject of a current consultation that is due to end in June 2016. These emerging documents are still at an early stage and of limited weight in the decision making process.
- 6.3 The spatial strategy states that the majority of development within Forest Heath will take place in the towns and key service centres, with a small amount of development of a level to support rural communities in a number of primary and secondary villages. Lakenheath is identified as a Key Service Centre where at least 600 new dwellings will be provided for through the delivery of a number of greenfield urban extensions.
- 6.4 The Appellant's evidence will demonstrate that the proposal is wholly acceptable having regard to the key objectives of national planning policy and the provisions of the Development Plan.

The National Planning Policy Framework

- 6.5 The National Planning Policy Framework (NPPF) was published in March 2012.
- 6.6 At the heart of the National Planning Policy Framework is a presumption in favour of 'sustainable development'. This is seen as the 'golden thread' running through both plan making and decision-making. The overarching intention of the NPPF is to promote development and introduce a more positive approach to planning decisions.
- 6.7 With regard to applications for housing, the NPPF states that these should be considered in the context of the presumption in favour of sustainable development. Paragraph 47 states that Local Planning Authorities are required to significantly boost the supply of housing. In doing so they are required to meet the full, objectively assessed needs for market and affordable housing in the housing market area.

- 6.8 The NPPF sets out to ensure the delivery of a wide choice of high quality homes. In so doing it considers (at paragraph 47) that where there has been a record of persistent under delivery of housing Local Planning Authorities should, in addition to identifying a five-year supply of housing, include a buffer of 20% to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land.
- 6.9 The footnotes to this section provide the definition of deliverable sites. To be considered deliverable sites should; be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on site within five years and in particular that development of the site is viable.
- 6.10 The application site is immediately available, it provides a suitable location and would contribute to the maintenance and enhancement of a sustainable mixed community.
- 6.11 In accordance with paragraphs 47 and 49 of the NPPF, the Council's policies relating to the supply of housing are considered out of date and this appeal should be considered in accordance with the principles of sustainable development set out in the NPPF.
- 6.12 The Appellant's evidence to the Inquiry will refer to the policies contained within the NPPF including and not limited to paragraphs 47-51, 56-58, 158, 159, 186, 187, 196 and 197.

The National Planning Practice Guidance

- 6.13 The National Planning Practice Guidance (NPPG) was formally published on 6 March 2014 by the Government to update national planning practice guidance to support the NPPF. The NPPG supports and informs the national policy and provides further guidance into the provisions of the NPPF. The Appellant's evidence will refer to the NPPG, particularly the section headed 'Housing and economic development needs assessment' and 'How Local Authorities should support sustainable rural communities'.

7. The Case for the Appellant

7.1 At the heart of the NPPF is the presumption in favour of sustainable development. The NPPF identifies that there are three dimensions to sustainable development: economic, social and environmental. The Appellant's evidence will demonstrate that the proposed development will deliver social, economic and environmental benefits.

7.2 It is acknowledged from the outset that the site is not within the current settlement boundary and is no longer identified for development in the emerging Site Allocations Local Plan. However, it is contested that the relevant adopted policies in the Forest Heath Local Plan and Core Strategy are in the majority now in full, or partial conflict with the NPPF as:

- Policies that refer to settlement boundaries and the supply of land for housing are out-of-date; and
- There is a shortfall in five year housing land supply

7.3 The provisions of Paragraph 14 of the NPPF apply and therefore planning permission should be granted without delay unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

7.4 If, in the intervening period before the appeal sits it is considered that a five year housing land supply can be demonstrated, through reasons the Appellant is currently regards as tenuous, it is contended that development of the site would on balance still represent sustainable development under the terms of the NPPF when read as a whole.

7.5 The Appellant will also demonstrate that the proposal would not undermine the adopted or emerging Local Plan policies, albeit recognising the limited weight to be afforded to these in the decision making process.

7.6 The Appellant's evidence will in addition address the following key issues:

- i. The principle of development and sustainability of the site,

- ii. The acceptability of the proposed development in terms of density, scale, appearance and overall design and its impact on the landscape and character of the local area,
- iii. The delivery of housing which will significantly boost the supply of both market and affordable housing,
- iv. The benefits of the scheme.

i) The principle of development and the sustainability of the site

7.7 The site is not within the settlement boundary and not allocated for development. This does not preclude its development for housing, as the site is adjacent to existing residential development and offers a natural extension to the village. In that context, the appeal site's locational characteristics add to its particular sustainability. It is within easy walking distance of facilities within the village that provides a post office, bank, doctor's surgery, convenience store as well as a public house and community facilities.

7.8 The principle of residential development is supported through a range of planning policy and objectives:

- Increasing housing land supply – the delivery of 120 new homes will 'significantly boost the supply of new homes' in accordance paragraph 47 of the NPPF.
- Sustainable development - Paragraph 55 of the NPPF seeks to promote sustainable development in rural areas by locating housing where it will enhance or maintain the vitality of rural communities. The location of the site within close proximity of services within the village would constitute sustainable development that would help maintain the vitality of the rural community. The proposal therefore accords with paragraphs 14, 49 and 55 of the NPPF.
- Lakenheath is identified by the Council as one of its most sustainable locations for housing growth.

- Residential use of the site – with residential neighbours adjoining the north, west and south of the site, residential use of the site respects neighbouring uses and the residential character of the area.
- As such, residential development is not only appropriate in terms of the growth of Lakenheath and meeting housing need, but it is also appropriate in the context of its proximity to services and facilities within Lakenheath and as a response to the residential context of the locality.

7.9 The Appellant’s evidence will make reference to pre-application discussions with the Council and the Council’s identification of the site within the SHLAA both of which confirm that the site is eminently suitable for a development of the scale proposed in this location.

ii) The acceptability of the proposed layout in terms of density, scale appearance and overall design and its impact on the landscape and character of the local area

7.10 Having established that development needs to take place outside of the existing settlement boundary, the Appellant will demonstrate how the design of the development proposed has been influenced by the pattern of existing development and in a direct effort to moderate any detrimental effect on the landscape and character of the area. It will in particular point to the fact that this area is bordered on three sides (north, west and south) by existing development with those developments providing a form of enclosure to the appeal site, which makes the appeal site a natural location for infill and consolidation of this pattern of development.

7.11 The Appellant will demonstrate that during the application process it has worked with Officers to ensure that the design of the appeal scheme has evolved to ensure that, in accordance with best practice, the appeal scheme offers a range of house types including the appropriate level of affordable housing and has been designed to integrate with the existing settlement.

7.12 Evidence will include an assessment of the appeal proposals in the context of Policy DM23 of the Joint Development Management Policies. It will be shown that by virtue of the screening effect of nearby development, the proposed layout, low density of development and space allocated for landscaping, the

effects of the development of the appeal site on the setting of this part of the village would not be unacceptable.

7.13 The Appellant will conclude that whilst the proposal would introduce further built-form into this currently undeveloped location it has been designed to be sensitive to its surroundings, and to complement and enhance the character of the village, whilst ensuring that there will be limited impact on the open landscape to the east of the site.

iii) The delivery of housing that will significantly boost the supply of both market and affordable housing, and in particular will contribute to meeting an acute need for affordable housing

7.14 The need to plan for and provide adequate land for housing is underpinned by the Government's strategic housing policy objectives. It is therefore a policy requirement and an important material consideration in the determination of this appeal.

7.15 The Council's Five Year Supply of Housing Assessment 2015 clearly shows that the Council should be taking action to supplement their supply. Furthermore, it will be demonstrated that a significant shortfall to the 5-year requirement exists beyond that which the published Assessment demonstrates as the Council's housing trajectory makes unrealistic assumptions regarding build rates, and there is uncertainty regarding the deliverability of a number of sites included within the Council's supply.

7.16 Evidence will show that the resultant shortfall should further be set in the context of the fact that the housing requirement upon which the Council's supply is calculated is not sound on the basis that:

- The shortfall of delivery compared with the requirement to meet the full objectively assessed need for housing should be applied to the annual requirement before application of the buffer,
- The Sedgefield method should be applied to ensure historic under-delivery is accounted for in the next five-year period in accordance with nation guidance and appeal decisions,

- The Council has not provided compelling evidence that it can rely on windfalls.
- 7.17 Evidence will set out the implications of these factors in detail and explain that in such circumstances the Council should, in the context of the clear and uncompromising messages from the Government regarding the need to boost housing supply, be taking every opportunity to provide sustainable new housing.
- 7.18 In addition to showing that there is a pressing need to release such a site on the edge of a local service centre, evidence will, with reference to the Council's evidence base that the appeal site represents a suitable and sustainable location for housing being a viable and deliverable option that benefits from the backing and support of an established local house builder, and would make an important contribution towards meeting local identified needs for open market and affordable housing.
- 7.19 Evidence will conclude that the lack of a demonstrable five-year supply of housing land is a significant material consideration in favour of the Appeal scheme.
- iv) The benefits of the scheme
- 7.20 The site is deliverable, is available now and will deliver 120 homes (including 36 affordable homes), within the next five years.
- 7.21 The site is within a sustainable location and its development will increase housing choice for those wishing to live and work in the area. It will bring about economic benefits both during the construction phase and following completion, as a result of increased spending in local shops and through the use of local services and facilities that will help to sustain local service provision. It will deliver increased Council Tax revenue and New Homes Bonus payments, part of which could be re-invested in the local area.
- 7.22 The Appellant will conclude that when assessed against Section 38(6) of the Planning and Compulsory Purchase Act 2004 with regard to the Development Plan and other material planning considerations the planning benefits of the proposal outweigh any perceived harm to the character of the local area.

8. Conclusions

8.1.1 The Appellant's evidence will demonstrate how the appeal proposal would constitute sustainable development as defined by the NPPF and contribute to economic, social and environmental objectives. It will be shown that the proposal would not cause any material harm to interests of acknowledged importance and that the Council's delay in determining the application is unreasonable. Evidence will be presented in respect of the benefits that would arise from the development, notably in respect of the supply of housing in an area of housing need, occupying a sustainable location at the edge of a village with good access to local facilities. The scheme is technically sound, deliverable, well designed and viable.

8.2 The Appellant will therefore respectfully request that the appeal is allowed and that planning permission is granted.

9. Documents to be referred to in Evidence, or at the Appeal

1.1 Planning policies and guidance at the national and local levels relevant to the consideration of the appeal comprise the following:

National:

- The Planning Acts;
- Ministerial Announcements and Statements;
- The National Planning Policy Framework (NPPF) (March 2012); and
- Planning Practice Guidance (March 2014).

Development Plan:

- Saved policies Forest heath Local Plan 1995
- Forest Heath Core Strategy 2010
- Joint Development Management Policies Document 2015
- Emerging Core Strategy Single Issue Review
- Emerging Site Allocations Development Plan Document

Evidence Base and supplementary planning documents:

- Forest Heath Assessment of Housing Land Supply 2016
- The Cambridge Sub-Region's Strategic Housing Market Assessment 2013
- Strategic Housing Market Assessment for Forest Heath 2016
- Joint Affordable Housing Supplementary Planning Document 2013

9.2 In addition, the Appellant will rely on the application paperwork submitted with this appeal and the policy extracts and consultation responses that will be provided with the LPA questionnaire. In addition to the principal paperwork, documents, including plans and drawings, which are listed in the Appeal submissions, the Appellant may refer to other relevant applications or appeal decisions.

9.3 The Appellant reserves the right to add to, or amend this statement in the light of any material changes in the planning circumstances of this case.

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Forest Heath District Council

**DEVELOPMENT
CONTROL
COMMITTEE**

6 JULY 2016

DEV/FH/16/016

Report of the Head of Planning and Growth

**PLANNING APPLICATION DC/15/2120/FUL - KININVIE, FORDHAM ROAD,
NEWMARKET**

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: Gareth Durrant
Email: gareth.durrant@westsuffolk.gov.uk
Telephone: 01284 757345

Committee Report and Risk Assessment

Date: 6th November **Expiry Date:** 5th February 2016

Registered: 2015

Case Officer: Gareth Durrant **Recommendation:** Grant Planning Permission

Parish: Newmarket **Ward:** Severals

Proposal: Planning Application DC/15/2120/FUL - Erection of retirement living housing for the elderly (29 No. units), part one-and-a-half / part two-and-a-half / part single storeys, including communal facilities, landscaping and car parking (demolition of existing buildings), as amended.

Site: Kininvie, Fordham Road, Newmarket

Applicant: McCarthy & Stone Retirement Lifestyles Ltd and Frontier Estates.

Section A – Background and Summary:

A1. This application was deferred from consideration at the Development Control Committee meeting on 1 June 2016. Members resolved they were 'minded to refuse' planning permission contrary to the officer recommendation of approval. Members were concerned that the proposal would result in; i) unsatisfactory parking provision for the proposed development and, ii) Excessive scale of the buildings being harmful to the character of the area (Fordham Road streetscene).

A.2 The previous Officer report for the June 2016 meeting of the Development Control Committee is included as Working Paper 1 to this report. Members are directed to this paper in relation to site description, details of development, details of consultation responses received etc.

A3. This report sets out updates from the written papers presented to the meeting of Development Committee on 1st June and includes a risk assessment of the two potential reasons for refusal.

A4. The officer recommendation, which is set out at the end of this report remains that planning permission should be granted.

A5. Since the Committee Meeting on 6th June, the applicants have provided two further documents, specifically to assist Members consideration of the planning application in light of the risk assessment. The first is a paper on the need for the proposed development (Working Paper 5). The second is a further paper with respect to parking requirements (Working Paper 6).

Section B – General Information:

Proposal:

B1. Please refer to Working Paper 1, Paragraphs 1 to 4 for a description of the application proposals, including amendments made in advance of the June meeting. There have been no further amendments since the June meeting.

Application Supporting Material

B2. Please refer to Working Paper 1, Paragraph 5 for details of the drawings and technical information submitted with the planning application and to Working Papers 5 and 6 for additional information submitted by the applicants following the June meeting of the Development Control Committee.

Site Details:

B3. Please refer to Working Paper 1, paragraphs 6 and 7 for a description of the application site.

Planning History:

B4. Please refer to Working Paper 1, paragraph 8 for details of relevant planning history.

Consultations:

B5. Please refer to Working Paper 1, paragraphs 9 to 24 for details of consultation responses received.

B6. In relation to the discussion set out at paragraph 75 of Working Paper 1, the Archaeological Unit at Suffolk County Council has confirmed they have no archaeological concerns about the development proposals and there is no requirement for archaeological related conditions to be imposed.

B7. Members will recall that confirmation received from the Floods Planning Team at Suffolk County Council that they were content with the surface water drainage system was reported verbally to the June meeting. The Flood Planning Team recommended the imposition of a single condition requiring submission of further technical detail of the surface water drainage proposals for approval.

B8. Any further consultation responses received will be reported verbally to the meeting.

Representations:

B9. Please refer to Working Paper 1, paragraphs 25 to 32 for details of representations received. Members should also refer to the additional representations received after the committee report to the 6th August meeting was prepared. Members will recall that one further letter was received objecting

to the planning application and was reported verbally to the Committee and thus is not included within Working Paper 1. This made the following points:

- The plans would be extremely detrimental to the area. The cramming of buildings on the land next door would bring noise pollution, adverse effects to the environment, drainage problems, road safety issues, not to mention take privacy away to the surrounding buildings.

B10. One further letter from a local resident has been received since the Committee meeting on 1st June. It is understood Members of the Committee were sent copies of the representations. A copy of the representations is included as Working Paper 2.

B11. Any further representations received will be reported verbally to the meeting.

Policies:

B12. Please refer to Working Paper 1, paragraph 33 for details of relevant planning policies.

Officer Comment:

B13. Please refer to Working Paper 1, paragraphs 40 to 124 for a comprehensive officer assessment of the application proposals. The officer assessment remains unchanged following the Development Control meeting on 1st June 2016.

Section C - Risk Assessment

C1. The main purpose of this report is to inform Members of the risks associated with the 'of mind' resolution to refuse planning permission for these development proposals, given that a refusal of planning permission would be contrary to officer recommendation.

C2. As set out in the Background section of this report, Members deferred their consideration of this planning application from the 1st June 2016 meeting of Development Committee. Members were 'of mind' to refuse planning permission on grounds of i) Unsatisfactory parking provision for the proposed development and, ii) Excessive scale of the buildings being harmful to the character of the area (Fordham Road streetscene).

C3. The remainder of this report discusses the potential reasons for refusal cited by Members before discussing the potential implications of a refusal of planning permission on these grounds.

Section D - Potential Reason for Refusal 1; Car Parking:

D1. Members should also refer to attached Working Paper 1, paragraphs 53 to 60. Also attached as Working Paper 2 and Working Paper 3 are two technical notes prepared by the applicants' highway consultants in response to the initial objections received from the Highway Authority (paragraphs 11-13 of Working

Paper 1). These documents were carefully considered by the Local Highway Authority prior to their change of recommendation (paragraph 14 of Working Paper 1).

D2. What does the evidence say? –

- The planning application was accompanied by a Transport Statement. At the time, the planning application proposed 31 units in the overall scheme. This has since been reduced by two to 29 units. The Transport Statement considered the impacts and parking requirements for 31 units and set out the following commentary in relation to car parking:

- *3.9 Suffolk County Council's (SCC) Local Transport Plan (2010) gives maximum parking standards for 'Residential Care Homes' and 'Retirement Developments' accommodation and these are shown in Table 2.*

	Maximum Standards	Maximum number of spaces for 31 units	Number of spaces proposed
Residential Care Homes	1 space pre full time staff + 1 visitor space per 3 beds	10 spaces	26
Retirement Developments	1 space per dwelling	31 spaces	

Table 2: Parking Requirements and Provision

- *3.10 McCarthy & Stone developments differ from typical retirement/sheltered accommodation as they intend to facilitate residents living a relatively independent lifestyle with only a single full time staff member (a house manager) at any one time. This helps reduce parking demand on site as fewer spaces are required to accommodate staff.*
- *3.11 As McCarthy & Stone developments differ from typical retirement/sheltered housing, they have undertaken parking surveys at comparable McCarthy & Stone sites over a number of years to help understand the specific needs of their residents and inform future developments. The studies show an average car ownership across such developments of 0.33 cars per 1 bed units and 0.37 cars per 2 bed units, with 39% of residents giving up their car within the first year of occupancy. Based on the proposed accommodation schedule of 16 one bed apartments and 15 two bed apartments, the McCarthy & Stone surveys suggest an average of 11 cars would be owned by site residents overall.*
- *3.12 Parking demand per apartment has also been assessed which generates an average of 0.36 per 'Retirement Living' apartment, and a worst case of 0.44 per apartment when including visitor and*

staff demand. This would generate a demand of 13 spaces for 31 units as a worst case scenario. An extract from the McCarthy & Stone car ownership and parking requirement research is included as Appendix E

[note Appendix E to the Transport Statement is not included as part of this report, but it is available for viewing on the website].

- *3.13 The level of car parking proposed falls within SCC's maximum standards for 'residential care homes' and 'retirement developments'. Furthermore, the site is in an accessible location within 900m of Newmarket Town Centre and within easy reach of public transport opportunities. The provision of 26 spaces for 31 units (0.83 spaces per unit) would ensure all parking demand can be kept within the site, accommodating resident demand as well as staff and visitor demand.*
- *3.14 All parking spaces would be provided at standard geometries of 2.4m x 4.8m, with at least a 6m aisle width to allow sufficient room for manoeuvring. This is demonstrated in a vehicle tracking exercise of the car parking spaces, included as Appendix F.*
- *3.15 McCarthy & Stone research suggests that cycle parking facilities should be provided for 1 in every 62 residences given the low demand for cycling in retirement living accommodation. However the proposed development incorporates a mobility buggy charging and cycle storage room located next to the main entrance of the building, which would meet any resident/ visitor demand. McCarthy & Stone continually monitor cycle and mobility buggy demand to ensure that the appropriate form of storage is provided.*
- Following receipt of objections from the Local Highway Authority on parking grounds, the applicant prepared two further technical notes to support the level of car parking proposed by the scheme and requested the Local Highway Authority re-consider its position with respect to the proposals in the light of the evidence provided in the technical notes. The technical notes are attached to this report as Working Paper 3 and Working Paper 4.
- Upon careful consideration of the all the evidence available to it, the Highway Authority changed its stance on the planning application and no longer raises concerns about parking (or other highway related matters), subject to the imposition of a number of conditions (reference paragraphs 14 and 15 of Working Paper 1).

D3. Have there been any further developments or changes in circumstances which Members need to consider? –

- The applicants have provided a further paper with respect to the parking requirements of the proposed development, specifically to assist Members with their consideration of this point, in response to the 'of-mind' resolution of the June 2016 meeting to refuse planning permission on this ground. The paper is attached as Working Paper 6.

D4. Officers consider a refusal of planning permission on grounds of insufficient car parking provision to serve the proposed development could not be sustained at appeal and the Council would not be able to produce evidence to substantiate a reason for refusal.

Section E - Potential Reason for Refusal 2 - Scale of development harmful to the character of the area:

E1. Members should also refer to attached Working Paper 1, paragraphs 83 to 90.

E2. What does the evidence say? –

- There is no evidence per-se given matters of design and impact upon character are, to a degree, subjective and are to be considered in relation to the specific circumstances of the site and its wider context.

E3. Have there been any further developments or changes in circumstances which Members need to consider? –

- There have been no changes in circumstances or further developments since the Development Committee meeting on 1st June.

E4. What is the officer view? –

- This essentially remains the same as stated at paragraphs 83-90 of the Committee report to the June meeting (Working Paper 1), insofar as officers consider the form, scale, bulk and detailed design of the scheme (and the materials proposed in its construction) to be acceptable and in accordance with relevant policies.
- Members are not duty bound to accept officer advice, particularly with respect to matters of design and impact upon character which are, to an extent, subjective. Furthermore, it is unlikely that a design to refuse planning permission on grounds of poor design or adverse impact upon character would be vulnerable to an award of costs if that concern is genuine and the harm arising from that 'poor design' or 'adverse impact upon character' is properly demonstrated at any subsequent appeal.

- It is noted that not all of the Committee Members were able to visit the application site as part of the organised visit in advance of the June meeting of the Development Control Committee. The site visit which did take place was made particularly challenging by inclement weather such that it was difficult for those Members whom did attend to properly and fully the site particularly with respect to its relationship to the surrounding area. The Committee was shown a number of photographs as part of the officer presentation at the June Committee meeting, but photographs do not always give justice to the full context and visual presence of the site.
- Given that a majority of the June Committee were concerned about the scale (height) of the proposals and its impact upon the character of the surrounding area, a further site visit is to be arranged in advance of the forthcoming meeting where this planning application will be determined. Members will have opportunity to access the site, but also view the plans from the Fordham Road.

Section F - Implications of a refusal of planning permission:

F1. It is likely that should Members subsequently resolve to refuse planning permission the applicants will appeal that decision.

F2. Officers consider that it would be difficult to defend a refusal of planning permission on grounds of car parking provision given the strength of the evidence provided by the applicants (Working Papers 2 and 3) demonstrating the development proposals would not be harmful in this respect.

F3. On the other hand, a case could be made at appeal to defend the second potential reason for refusal on design grounds (scale of the proposed building), but officers consider the case to defend would be weak and probably result in a lost appeal.

F4. A refusal of planning permission for any development on indefensible and/or unsubstantiated grounds is likely to lead to planning permission being granted at appeal. This outcome could have administrative and financial implications for the Council.

F5. Firstly, the Council's reputation would be adversely affected by its inability to properly defend all its reasons for refusal at appeal.

F6. Secondly, if a Local Planning Authority experiences more than 20% of its major development appeals allowed in any two-year period, it is deemed a failing authority and would face Government sanction. This would include introduction of a right for applicants proposing major development to submit planning applications directly to the Planning Inspectorate, effectively taking the decision making power out of the hands of the Local Planning Authority. A lost appeal in this case would contribute to that possibility.

F7. Finally, the applicants would have the right to recover their appeal costs (in full or in part, depending upon the circumstances) from the Council should the Inspector appointed to consider the appeal conclude it has acted unreasonably. Advice about what can constitute unreasonable behaviour by a Local Authority at appeal is set out in the National Planning Practice Guidance (paragraph 49). Three of the numerous examples cited in the advice are as follows:

What type of behaviour may give rise to a substantive award against a local planning authority? Local planning authorities are at risk of an award of costs if they behave unreasonably with respect to the substance of the matter under appeal, for example, by unreasonably refusing or failing to determine planning applications, or by unreasonably defending appeals. Examples of this include:

- *preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations.*
- *failure to produce evidence to substantiate each reason for refusal on appeal.*
- *vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis.*

F8. In the absence of evidence to substantiate its reasons for refusal on parking and given the absence of a Suffolk County Council Highways objection to the planning application, officers consider it would be difficult to defend a potential claim for the partial award of costs at appeal. An award of costs (including partial costs) against the Council could have financial implications for the Council and particularly so if the appeal is determined by public inquiry.

Section G – Conclusions:

G1. Members should also have regard to paragraphs 119 to 124 of the attached Working Paper 1 where officer conclusions and assessment of the 'planning balance' of competing issues are set out.

G2. Officers are concerned the earlier Committee resolution that Members are 'of mind' to refuse planning permission for this development on grounds of parking provision and excessive scale of development are ill-founded and, on the case of parking provision, not grounded in evidence.

G3. Officers consider that, should planning permission be refused on one or both of the grounds resolved at the last Development Control Committee meeting, the Council would find it difficult to defend its decision at a subsequent appeal and, with respect to the parking capacity reason for refusal, is likely to face a claim for award of cost against it (on top of having to fund its own defence).

G4. In considering the merits of this planning application, Members are reminded of the requirements set out in the National Planning Policy Framework for the decision maker to balance the benefits of the proposed development against its dis-benefits and only where those dis-benefits would significantly and demonstrably out-weigh the benefits should planning permission be refused (reference paragraph 14 of the National Planning Policy Framework).

G5. In this case, officers consider the weight of evidence is clear that limited dis-benefits are outweighed by the benefits of development proceeding and clearly points to the grant of planning permission in this case.

Section H – Recommendation:

H1. That, **FULL PLANNING PERMISSION BE GRANTED** subject to:

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

- Off-site affordable housing, precise amount to be agreed following conclusions of viability assessment (minimum contribution of £265,620).

and,

(2) conditions, including:

- Time limit
- Samples of materials
- Details of finishes (colours to be applied to detailing)
- As recommended by SCC Floods Team
- As recommended by the Local Highway Authority
- Implementation of recommendations of the ecology and bat reports
- Landscaping
- Protection of retained trees and shrubs during construction
- Construction Management Plan
- Timing of the provision of obscure glazing (prior to first occupation and retention thereafter) as illustrated on the plans.
- Lighting strategy and scheme.
- Water use efficiency.
- Waste minimisation and re-cycling strategy (including demolition of Kininvie).
- Further details of the proposed electricity sub-station.
- Occupancy restriction (over 55's only + any dependents)

H.2 That, in the event of failure to agree a precise level of affordable housing contribution for inclusion within a S106 Agreement (on viability, or other grounds) the planning application be returned to the Development Control Committee for further consideration.

Documents:

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

<https://planning.westsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=NWBPP6PDKXN00>

Working Papers:

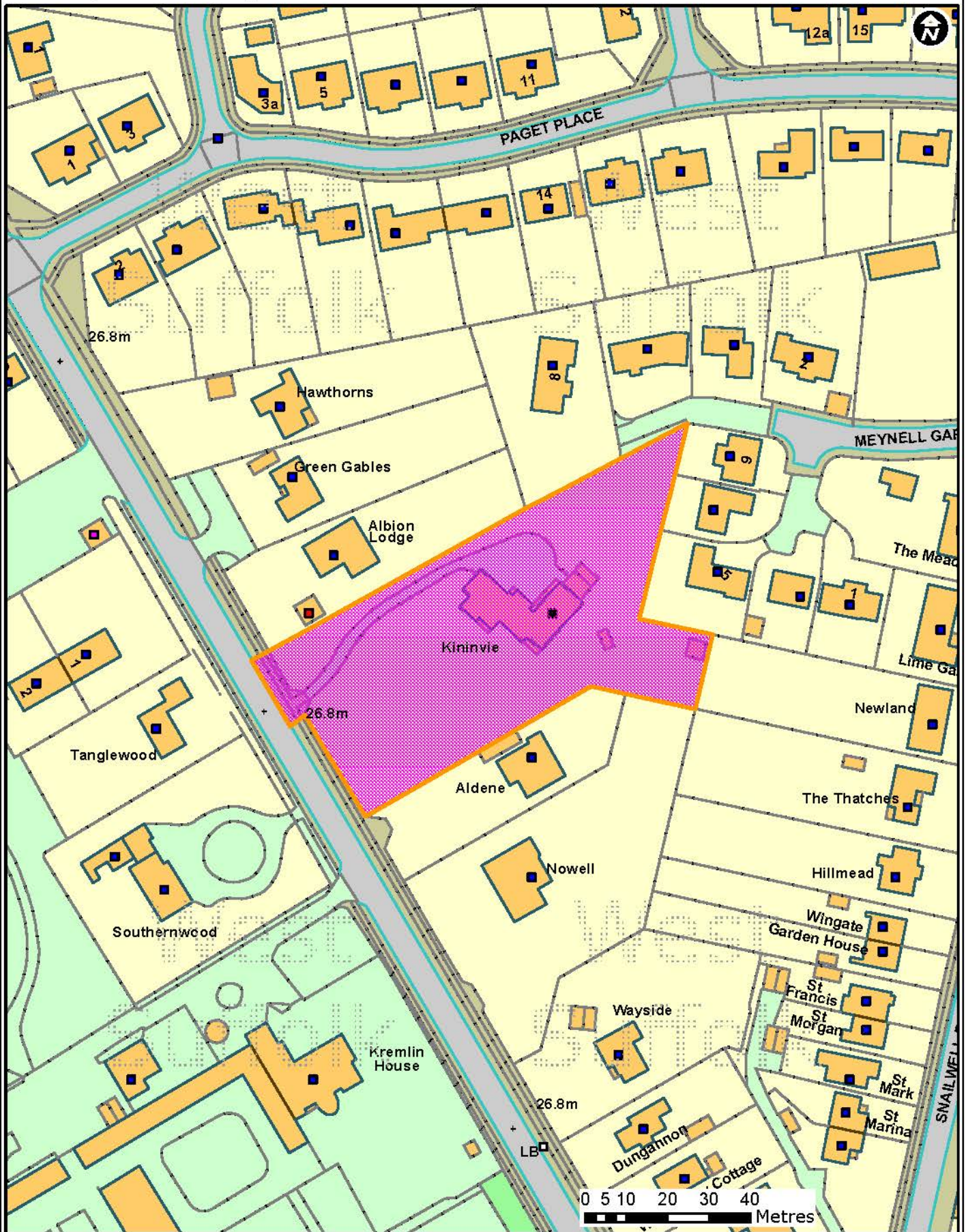
1. Officer report to the 1 June 2016 Development Committee (Report No DEV/FH/16/011)
2. Objection letter received from local resident
3. Technical note named "Parking Technical Note"
4. Technical note named "Review of Parking Standards Guidance"
5. Document entitled "Meeting a Critical Housing Need" prepared on behalf of the applicants.
6. Document entitled "Car Parking Provision" prepared on behalf of the applicants.

Alternatively, hard copies are also available to view at Planning, Planning and Regulatory Services, West Suffolk House, Western Way, Bury St Edmunds, Suffolk IP33 3YU

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DC/15/2120/FUL

Kininvie, Fordham Road, Newmarket



Forest Heath • St Edmundsbury

West Suffolk
working together

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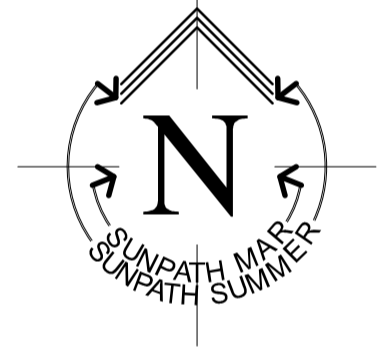
Scale: 1:1,250
Date: 20/06/2016

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REVISIONS		
Rev.	Date	By
A	Jan 2016	IDP

Car parking layout updated further to comments from county highways department



ALL DIMENSIONS TO BE CHECKED ON SITE
WORK TO FIGURED DIMENSIONS ONLY
REPORT DISCREPANCIES TO THE
ARCHITECT AT ONCE BEFORE PROCEEDING

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Project Title
**Proposed Retirement Living Development
Fordham Road,
NEWMARKET**

Drawing Title
**Site Plan
Planning**

Scale 1:200@A1	Date Sept 2015
Drawn IDP	Checked IDP
Drawing No. MI-2080-03-AC-004	Rev. A

CAD plot date: _____

Site Layout

1:200@ A1 SCALE

Forest Heath District Council

**DEVELOPMENT
CONTROL
COMMITTEE**

1 JUNE 2016

DEV/FH/16/011

Report of the Head of Planning and Growth

**PLANNING APPLICATION DC/15/2120/FUL - KININVIE, FORDHAM ROAD,
NEWMARKET**

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: Gareth Durrant
Email: gareth.durrant@westsuffolk.gov.uk
Telephone: 01284 757345

Committee Report

Date: 6 November **Expiry Date:** 5 February 2016

Registered: 2015

Case Officer: Gareth Durrant **Recommendation:** Grant Planning Permission

Parish: Newmarket **Ward:** Severals

Proposal: Planning Application DC/15/2120/FUL - Erection of retirement living housing for the elderly (29 No. units), part one-and-a-half / part two-and-a-half / part single storeys, including communal facilities, landscaping and car parking (demolition of existing buildings), as amended.

Site: Kininvie, Fordham Road, Newmarket

Applicant: McCarthy & Stone Retirement Lifestyles Ltd and Frontier Estates.

Background:

The planning application is reported to the Development Control Committee at the request of Councillor Andrew Appleby, one of the Local District Council Members for the Severals Ward.

The application is also reported given the recommendation to grant planning permission is contrary to views expressed by the Newmarket Town Council that planning permission should be refused.

Proposal:

1. Planning permission is sought for the erection of retirement housing of 29 dwelling units in the grounds of an existing dwelling known as 'Kininvie', in Fordham Road. The existing dwelling and its outbuildings would be demolished to make way for the proposed re-development.
2. The proposed development would be provided in a single building, ranging from 2-and-a-half storeys at the Fordham Road Frontage, down to one-and-a-half storeys behind. There is a small element of single-storey building at the very rear. The frontage elements of the proposed building are the tallest measuring up to 10.75 metres to ridge. These elements provide accommodation over three floors (two-and-a-half-storeys). The proposed building reduces in height as it extends back into the site. The two-storey elements of the building, behind the frontage blocks reduce in height to 8.9 and 8.4 metres respectively. Finally, the

single-storey element to the rearmost of the site would be 6.35 metres to ridge.

3. The existing vehicular access into the site would be improved to serve the proposed development. Information submitted with the planning application confirms that foul drainage would be discharged to the mains sewer and surface water to soakaways. The application forms indicate the use of facing brick and render to walls and slate/flat interlocking clay tiles to roofs of the proposed building.
4. The application has been amended since submission in order to address specific concerns raised during the consideration of the planning application. This has resulted in the number of flats proposed by the application falling from 31 to 29 units. Additional information has also been submitted to assist with the consideration of potential transportation and highways impacts. Further consultations have been carried out as a consequence.

Application Supporting Material:

5. Information submitted with the application as follows:
 - Signed application forms (including ownership certification).
 - Drawings (including location plan, block plan, roof plan, elevations, floor plans, tree protection plan and a detailed landscaping plan. The application is also accompanied by visual montage, contextual and perspective drawings. Further highway related drawings have been received to illustrate proposed vehicle movement tracking.
 - Planning Statement
 - Transport Statement
 - Statement of Community Involvement
 - Social Needs Report
 - Design, Access, Heritage and Sustainability Statement
 - Drainage Information
 - Archaeological Desk Based Assessment
 - Ecology Report
 - Contaminated Land Desk Study Report
 - Bat Inspection and Survey Report
 - Planning Obligations and Affordable Housing Statement

Site Details:

6. The site is situated within Newmarket along the Fordham Road. It is approximately 0.48 hectares in size and currently supports a single detached bungalow in landscaped gardens.
7. Site boundaries forward of the existing dwelling are marked by mature planting, save for the vehicular access point. The side and rear boundaries are also marked with a mixture mature hedgerows and/or timber panelled fencing. The site is surrounded on all sides by existing dwellings, save for the site frontage which abuts the Fordham Road highway. The site is within the settlement boundary of the town and sits outside, but adjacent to, the Newmarket Conservation Area designation.

Planning History:

8. 1988 – Outline planning permission refused for the erection of 3 dwellings (register reference F/88/953).

Consultations:

9. Natural England (November 2015) – has no comments to make.
10. Anglian Water Services (December 2015) – **no objections** and provide the following comments:
- The foul drainage from this development is in the catchment of the Newmarket Water Recycling Centre that will have available capacity for these flows.
 - The sewerage system at present has available capacity for these flows.
 - The preferred method of surface water disposal would be a sustainable drainage system (SuDS) with connection to the sewer seen as the last option. The surface water strategy is unacceptable at present and the applicant needs to consult with Anglian Water and the Lead Local Flood Authority (Suffolk County Council).
 - We request a condition requiring a drainage strategy covering the surface water drainage issues to be agreed.
11. Suffolk County Council - Local Highway Authority: In December 2015 the Authority **objected** to the planning application and **recommended refusal** for the following reasons:
- The applicant has provided insufficient parking within the site for the proposed development and, consequently, this is likely to lead to parking on the highway which is a busy “A” class road and unsuitable for on-street parking.
 - The TA refers to parking guidance from the 2010 SCC Local Transport Plan, however, these are superseded by The Suffolk Guidance for Parking (updated 2015) which recommends a minimum provision of 1 space per dwelling within retirement developments. In addition I would expect 1 space for the full-time employee and the Guidance also requires visitor parking at 0.25 spaces per dwelling. This gives a total requirement of 40 spaces.
 - The application includes 26 spaces none of which are marked out as larger disabled bays which should form a proportion of the parking and would further reduce the total provision. In addition, the Transport Statement provides some swept paths which show that cars can manoeuvre in the car park but there is inadequate space for emergency vehicles and delivery vehicles and this may result in reversing into the highway.

- The Transport Statement refers to a lower than average car ownership rate at other sites operated by the developer. However, these sites may not be comparable in location and proximity to local facilities and we would have no guarantee that this site will remain under the control of the current applicant. Therefore, we consider the parking provision inadequate.
12. The Highway Authority went on (in the same correspondence) to provide the following general comments about the planning application:
- The access will be subject to a significant intensification of use and should be improved to the appropriate standard. The Transport Statement refers to visibility standards from Manual For Streets which we would not normally accept for an "A" class road which is predominantly vehicle dominated. We have taken into account speed count data and the proposal to move the access and to remove a tree to improve visibility and consider that acceptable visibility can be provided. However, we would emphasise that the proposed tree removal shown on the Visibility Splay drawing no. 050.0016.004 will be essential to achieve an acceptable access and the LPA should take this into account.
 - With regard to the traffic generated by the new development we do not consider the effect on the local road network is significant and will not justify any mitigation.
13. In April 2016, following consultation with respect to the amended (reduced) scheme, the Highway Authority maintained its **objections** to the planning application on the grounds that the proposed parking provision still falls short of the requirements of the adopted Parking Standards.
14. In May 2016, following receipt of further information from the applicants highway consultant, the Suffolk County Council confirmed it had **no objections** to the planning application, subject to conditions requiring further details of i) the proposed vehicular access (including gates and visibility) and, ii) bin storage areas. A further condition is recommended to ensure the parking and manoeuvring areas within the site are provided and maintained.
15. The Authority provided the following comments to explain its changed stance on the planning application:
- We have considered further information provided by the applicant on the level of vehicle use likely to be expected at this retirement facility in comparison to the requirements of the Suffolk Guidance for Parking. The Guidance makes allowance for a reduction in the standard if evidence supports a lower parking provision. Although we would still maintain that the location is not highly sustainable, as are some of the sites provided for comparison in the applicant's evidence, we accept that the level of car ownership of residents is likely to be lower than the equivalent of one car per unit.
 - Given that the proposal is now for a reduced number of units, and evidence supports the conclusion that it is unlikely that parking will occur on the highway we wish to remove our recommendation of refusal.

16. Suffolk County Council – Flood and Water Management (December 2015) **objects** to the planning application and requests further detailed information regarding the design and approach to a surface water system.
17. In February 2016, following receipt of details of a surface water drainage scheme, the Flood and Water Management Team at Suffolk County Council confirmed the overall design of the proposed surface water system was acceptable but could not fully recommend approval until details of infiltration rates had been provided.
18. Suffolk County Council – Strategic Development (Development Contributions) – **no objections** and does not wish to comment.
19. West Suffolk – Environmental Health (December 2015) - no objections – and recommends an informative to address the potential for previously unknown contamination to be encountered during construction.
20. West Suffolk – Public Health and Housing – (November 2015) no objections, subject to conditions relating to, i) control over construction hours, construction noise and dust and, ii) control over external lighting of the site following occupation.
21. In February 2016, following submission of further information and clarification regarding the siting and specification of an electricity sub-station, the Public Health and Housing Team again raised **no objections** to the planning application, subject to conditions requiring >5 metre separation between the sub station and any dwelling and further (and more precise) details of the sub-station.
22. West Suffolk – Strategic Housing – (November 2015) support the planning application in principle, but question the applicants assumptions about development viability. The team supports the approach to secure financial contributions to be used off-site, but questions some of the assumptions made in the viability report which seeks to justify a specified level of contribution.
23. In April 2016, following re-consultation with respect to the amended (reduced) scheme, the Strategic Housing Team did not wish to make any further comment, but noted the submitted viability assessment was in the process of independent assessment.
24. West Suffolk – Planning Strategy (Ecology, Trees and Landscape) – no objections and provides the following comments with respect to trees and ecology matters:

Impact on trees

- The proposals include the removal of a number of garden trees to allow for the development however in general the trees that mark the boundary and are most significant in terms of the wider visual amenity are to be retained. Tree T56 is a pollarded lime tree located on Fordham Road. This tree forms part of a linear landscape feature and the loss of this tree to provide a safe

entrance is regrettable. However the tree is described as having decay pockets within the historic pollard points and more seriously a fungal fruiting body at the base. The arborist has estimated that the tree's remaining contribution is less than 10 years and under these circumstances the removal of the tree to allow the development is acceptable so long as a replacement tree is planted. This would preferably be to the front of the site. I note that the landscape proposals allow for the planting of 16 new trees including three pine trees to be planted on the boundary with Fordham Road. The implementation of the soft landscaping should be conditioned.

- A tree protection plan has been submitted and implementation of the tree protection should be conditioned

Impact on biodiversity

- An ecology report (March 2015) and a bat inspection and survey report (October 2015) have been submitted to support the application. These reports make recommendations in section 7 and section 6 respectively. These recommendations will need to be implemented in full by condition. This may require some amendments to the detailed landscaping scheme in respect of incorporation of the particular plant species mentioned; the bat and bird boxes could also be included in this plan (can be resubmitted by condition). A lighting mitigation strategy should also be conditioned.

Representations:

25. In relation to the first round of public consultation (November 2015, following receipt of the planning application) the following representations were received.
26. Newmarket Town Council – **objected** to the application on the grounds of overdevelopment of the site and the impact of additional traffic on Fordham Road.
27. Newmarket Horseman's Group – raises **no objections** and comments that horseracing industry assets are unlikely to be affected by the proposals (noting there are stables on the opposite side of Fordham Road). The main concerns of the group are in relation to increased traffic movements on Fordham Road (in combination with development at the Maltings and the enlarged Tesco store).
28. The Group notes the application is for retirement dwellings, notes the trip generation data accompanying the planning application as realistic and suggests a contribution towards safety improvements at the Rayes Lane/Fordham Road crossing would be appropriate. Furthermore the Group requests the developer liaises with the two training yards during construction in order to minimise risks during noisy demolition/construction activities.
29. Letters/e-mails/web forms were received from 10 local residents raising **objections** to the proposed development. The issues and objections raised are summarised as follows:
 - Some of the trees would have too much work undertaken to them, leaving

them unsightly.

- Overlooking of existing property, leading to loss of privacy.
- Refuse collection should be from within the site, not the road side in order to avoid traffic congestion, but there appears to be little room for this.
- There is no access to the rear of the site for emergency vehicles.
- The development would exacerbate the traffic problems on Fordham Road.
- If the site is to be redeveloped, it should be with a small number of private houses in keeping with the locality and prevailing traffic conditions.
- The bulk and massing of the building is large and over bearing and does not respond to the local context and would overshadow neighbouring properties.
- The tree within the highway should not be felled to make way for this development.
- No method has been proposed to deal with surface water drainage. The roof area of the buildings is to be massively increased and surface water may require some kind of attenuation system. Where is this to be sited?
- Gross overdevelopment of the site showing over-grabbing of a majority of the existing garden space of the property.
- Light pollution at night from internal and external sources.
- Where would the electricity sub station be provided?
- Trees on site requires greater consideration than the developers are suggesting.
- The construction process will generate noise, dust and vibration for a period of a year. This should be strictly controlled by planning condition.
- Detrimental impact upon the Conservation Area, owing to inappropriate amount, and scale of development, urbanisation of the area and loss of trees.
- Inadequate levels of parking for residents, staff, visitors and services.
- There is not a cycleway on Fordham Road, irrespective of their mention in the developers' proposals.
- Properties in the area are mostly two-storeys.
- The building would be visually imposing in public and private views.
- Adverse impact upon highway safety.
- Adverse impact upon ecology.
- The proposed building is too close to the road.
- There are no bus stops serving the site.
- Odour from bin storage.
- Increased demands upon sewerage infrastructure.
- Subsequent felling of mature trees would further expose existing properties to overlooking from the development.
- Devaluation of surrounding properties.
- The sub-station is too close to our property and is a potential health hazard.

30. One letter was received in **support** of the planning application. The following comments (summarised) were received:

- The applicants' developments are high quality and well thought out, sympathetic to the environment and an asset to the community.
- Newmarket is woefully short of such good standard homes for the elderly.

31. In relation to the second and third rounds of public consultation (January and March 2016 - details of the proposed electricity sub-station and reduction in the scheme by x2 units) one further representation was received **objecting** to the

proposals.

32. The author had already submitted objections in response to the first consultation and added the following comments (summarised):

- The amended proposal remains a gross overdevelopment of the site. The size and proportions of the proposed building is wholly out of character with other properties in the area, which are low density residential properties. The remaining garden size would be limited and out of keeping.
- The roof area increases by more than 1,000 square metres. The potential for flooding or surrounding properties remains an issue.
- The amendments have not resolved visitor parking spaces. It is likely that visitor parking will make Fordham Road impassable, particularly at weekends.
- The proposals will result in the loss of privacy and amenity from overlooking (first floor windows), increased noise and light pollution.
- If planning permission is granted, there should be controls over working times (construction; 9-5 and no working weekends or public holidays), no on-site burning of waste and controls over noise, given the build will last around 1 year.

Policy:

33. The following policies of the Forest Heath Local Plan 2016 (saved policies) the Core Strategy (2010) and the Joint Development Management Policies Document (2015) have been taken into account in the consideration of this application:

Saved Policies of the Forest Heath Local Plan 2005

A list of extant 'saved' policies is provided at Appendix A of the adopted Core Strategy (2010) and of those 'saved' policies subsequently replaced following the Council's adoption of the Joint Development Management Policies Document (2015) are set out at Appendix B of that document.

- Policy 14.1 – Securing Infrastructure and Community Facilities from Major New Developments.

Forest Heath Core Strategy December 2010

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

- Policy CS1 – Spatial Strategy
- Policy CS2 – Natural Environment
- Policy CS3 – Landscape Character and the Historic Environment

- Policy CS4 – Reduce Emissions, Mitigate and Adapt to future Climate Change.
- Policy CS5 – Design Quality and Local Distinctiveness
- Policy CS7 – Overall Housing Provision (Sub-paragraph 1 only. Sub paragraphs 2, 3, 4 and 5 were quashed by the High Court Order)
- Policy CS9 – Affordable Housing Provision
- Policy CS12 – Strategic Transport Improvement and Sustainable Transport
- Policy CS13 – Infrastructure and Developer Contributions

Joint Development Management Policies Document (2015)

- DM1 – Presumption in Favour of Sustainable Development
- DM2 – Development Principles and Local Distinctiveness
- DM6 – Flooding and Sustainable Drainage
- DM7 – Sustainable Design and Construction
- DM11 – Protected Species
- DM12 – Mitigation, Enhancement, Management and Monitoring of Biodiversity.
- DM14 – Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards.
- DM17 – Conservation Areas
- DM22 – Residential Design.
- DM23 – Special Needs Housing.
- DM42 – Open Space, Sport and Recreation Facilities
- DM44 – Rights of Way
- DM46 – Parking Standards
- DM48 – Development Affecting the Horse Racing Industry.

Other Planning Policy:

National Policy and Guidance

34. The National Planning Policy Framework (the Framework) sets out government's planning policies for England and how these are expected to be applied.
35. Paragraph 14 of the Framework identifies the principle objective:

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

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

- or specific policies in this framework indicate development should be restricted."

36. This presumption in favour of sustainable development is further reinforced by advice relating to decision-taking. Paragraph 186 of the Framework requires Local Planning Authorities to "approach decision taking in a positive way to foster the delivery of sustainable development". Paragraph 187 states that Local Planning Authorities "should look for solutions rather than problems, and decision takers at every level should seek to approve applications for sustainable development where possible".
37. The relevant policies of the Framework are discussed below as part of the Officer Comment section of this report.
38. The Government has recently (March 2014) released its National Planning Practice Guidance (NPPG) following a comprehensive exercise to review and consolidate all existing planning guidance into one accessible, web-based resource. The guidance assists with interpretation about various planning issues and advises on best practice and planning process.

Supplementary Planning Documents

39. The following Supplementary Planning Documents are relevant to this planning application:
 - Open Space, Sport and Recreation Facilities.
 - Affordable Housing.

Officer Comment:

40. The issues to be considered in the determination of the application are:
 - Principle of Development
 - Highway Safety
 - Natural Heritage
 - Built Heritage
 - Environmental Conditions
 - Design and Layout
 - Residential Amenity
 - Sustainable Construction and Operation
 - Impact upon the Horse Racing Industry
 - Planning Obligations

Principle of Development

41. 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.
42. The policies in paragraphs 18 to 219 of the Framework, taken as a whole, constitute the Government's view of what sustainable development means in

practice for the planning system. It goes on to explain there are three dimensions to sustainable development:

i) economic (contributing to building a strong, responsive and competitive economy),

ii) social (supporting strong, vibrant and healthy communities) and,

iii) environmental (contributing to protecting and enhancing our natural, built and historic environment;)

43. The Framework explains (paragraph 9) that in order to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system. It is Government policy that the planning system should play an active role in guiding development to sustainable solutions.
44. Paragraph 9 of the Framework further explains that pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life, including (but not limited to):
- 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.
45. Paragraph 47 to the Framework states that to boost significantly the supply of housing, local planning authorities should use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area (as far as is consistent with policy).
46. 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.
47. Paragraph 49 of the Framework 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".
48. The latest 5-year housing supply assessment for Forest Heath (considered by Members of the Local Plan Working Group on 1st March 2016) confirms the Council is presently able to demonstrate a 5-year supply of deliverable housing sites.

49. Core Strategy policy CS1 defines Newmarket as a market town, recognises the importance of the horse racing industry and confirms land will be allocated for a minimum of 240 dwellings on brownfield land within the development boundary. Provisions relating to the allocation of greenfield land for housing development were quashed (removed) from the Plan following the ruling of the High Court.
50. The surviving extant elements of Core Strategy policy CS7 requires the provision of 6,400 new dwellings in the period 2001 – 2021 and a further 3,700 homes in the period 2021 – 2031. The housing numbers included in the plan is presently the subject of review as part of the emerging Single Issue Review document.
51. Policy DM1 of the Joint Development Management Policies repeats national policy set out in the Framework insofar as there is a presumption in favour of sustainable development. Policy DM23 (Special Needs Housing) confirms proposals for new accommodation for elderly and/or vulnerable people will be permitted on sites deemed appropriate for residential development by other Development Plan policies.
52. The application site is located within the settlement boundary of the town and is thus considered to be situated at a sustainable (accessible) location. The re-development of the site is thus acceptable in principle, including for elderly persons accommodation. The outcome of the planning application will therefore be dependent upon the localised impacts of the proposals. The remainder of this section of the report considers these.

Highway Safety

53. The Framework states it is Government policy that planning decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable modes of transport can be maximised. It also confirms that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
54. Core Strategy Spatial Objective 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 confirm 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.
55. Policy DM46 of the Joint Development Management Policies Document sets out parking standards for new development proposals (and links to Suffolk County Council's adopted standards (November 2014)).
56. Vehicular access to the proposed development, which would be via the existing access (following improvements) is considered safe and suitable for vehicles and pedestrians and the development would not lead to significant highway safety issues or hazards. The proposed improvements to the access and requirements for provision of protected visibility splays could be secured by means of appropriately worded conditions.

57. Given its relatively small scale and the nature of its use and intended occupation, the development would not lead to congestion of the highway network, particularly during am and pm peak hours.
58. A total of 26 car parking spaces are provided for the 29 retirement flats proposed by the planning application, which is three spaces short of the minimum levels 'required' by the 2015 Parking Standards. Suffolk County Council, as Local Highway Authority initially objected to the planning application and expressed concerns that demand for car parking at the development is likely to out-strip its supply, thus leading to pressure for street parking on the Fordham Road, which itself could cause highway safety and congestion issues.
59. In response to the objections, the applicants provided additional information to assist consideration of the levels of parking provision proposed, including analysis of the way in which the Parking Standards approach 'care' facilities and drawing upon experiences of other schemes provided and operated by the applicants and the age profiles and parking needs of their developments. Upon further consideration of the additional evidence and, notwithstanding the 'minimum' parking requirements expressed in the Parking Standards, the Highway Authority has resolved to withdraw its objections to the proposals and is now recommending imposition of conditions (paragraphs 11-15 above).
60. The level of off-street car parking proposed for the development is thus considered acceptable, despite being contrary to (slightly below) the Parking Standards.

Natural Heritage

61. 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.
62. Policy DM2 of the Joint Development Management Policies Document sets out the Councils requirements and aspirations for achieving design quality. One of these requirements is that development should not adversely affect sites, habitats, species and features of ecological interest. Policy DM11 specifically relates to protected species. Policy DM12 seeks to secure (inter alia) biodiversity enhancements from new developments where possible.
63. The planning application is accompanied by a preliminary ecological appraisal and bat surveys. The Ecology report (March 2015) concluded there is unlikely to be any significant ecological impacts arising from the development and made the following recommendations for ecological mitigation and enhancement:
 - Protection of trees to be retained.
 - Site clearance to be carried out outside the bird nesting season (March to August inclusive) unless supervised by a suitably qualified ecologist.
 - Areas of habitat to be created as part of the development should be designed to offer nesting opportunities for birds, especially spotted flycatcher.
 - Species of cotoneaster should be destroyed on site to prevent their spread.

- Installation of bat and bird boxes, bird feeders and bird baths.
 - Native species to be incorporated into the landscaping scheme.
 - Incorporation of a meadow area to encourage small heath butterflies.
 - Incorporation of log piles in landscaping areas to provide shelter, foraging and hibernation sites for invertebrates, amphibians, reptiles and mammals.
64. The ecology report also recommended bat surveys are carried out of the buildings proposed for demolition and a tree stump, all of which were initially deemed potentially suitable for bats. As a consequence of this recommendation a bat survey was carried out and the findings were submitted in a separate report (dated October 2015). Bats were found to be using the site, but no roosting sites were identified. The report repeated a number of the recommendations of the more general Ecology Report (summarised above) with the following additional measure:
- Operational lighting should be controlled during construction and post occupation of the development; bats are highly sensitive to light disturbance.
65. Officers are satisfied that the development proposals would not adversely affect important sites of ecological interest in the area and would not harm populations or habitats of species which are of acknowledged importance (protected or unprotected). There is no evidence to dispute the applicant's conclusions that carefully a constructed and operated development is likely to result in net ecological gains. The implementation of the enhancement measures set out in the Ecological Report and Bat Survey could be secured by means of an appropriately worded planning condition.

Built Heritage

66. The Framework recognises that heritage assets are an irreplaceable resource which should be conserved in a manner appropriate to their significance. When considering the impact of proposed development upon the significance of a designated heritage asset, great weight should be given to the asset's conservation. The term 'heritage asset' used in the Framework includes designated assets such as Listed buildings, Scheduled Ancient Monuments, Registered Parks and Gardens and Conservation Areas and also various undesignated assets including archaeological sites and unlisted buildings which are of local historic interest.
67. The approach in the Framework to considering impacts upon a heritage asset requires the decision maker to begin by assessing the degree of 'harm' a development would cause. Paragraph 133 of the Framework states; "Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss". Paragraph 134 states; "Where a development proposal will lead to less than substantial harm to the significance of the designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use".

68. The development proposals would not impact upon any listed buildings, (including their settings). The site is outside the Newmarket Conservation Area, the boundary of which is situated on the opposite side of the Fordham Road. Indeed the Conservation Area boundaries have been deliberately drawn to exclude a suburb of residential development between Fordham Road (east of) and Snailwell Road (west of).
69. Notwithstanding the location of the application site outside the Conservation Area, the impact of the development (with particular regard to the frontage of the site) on views into and out of the Conservation Area does require consideration and assessment, given its close proximity on the opposite side of Fordham Road.
70. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states
- ...with respect to any buildings or other land in a conservation area...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.*
71. The proposed development would be viewed from certain areas of the Conservation Area, particularly on the opposite side of Fordham Road, to the application site (west side) and Fordham Road itself, both of which are within the Conservation Area. The relevant starting point is to consider the impact of the development upon the Conservation Area, as a whole before deciding whether any adverse impact identified is 'substantial', or 'less than substantial', as discussed at paragraphs 133 and 134 of the Framework.
72. There is no doubt that re-development of the application site would increase its visual prominence and influence in the Conservation Area given the new frontage buildings, being over 10 metres in height, would be seen or at least glimpsed from within the Conservation Area in sight lines between the retained mature frontage planting or in breaks in the landscaping for vehicular/pedestrian access. The rear elements of the proposed development, behind the frontage elements, would have no visual influence of impact upon the character of the Conservation Area. In addition to the frontage buildings the communal parking area in front of the proposed building could also impact visually in the Conservation Area given it would represent a fundamental change from the landscaped garden areas currently in that position on the site.
73. The proposed building and parking area would be situated behind mature boundary planting on the front and side boundaries of the application site such that the visual influence of the proposed development would be significantly reduced from and protected against public vantage points from within the Conservation Area. Public views would be limited to glimpses in-between dense vegetation or through access points.
74. Such views would be greater in winter when deciduous trees are not in leaf but not to the extent that development would be visually prominent or dominant in the streetscene (including the elements of the Conservation Area which include the east facing frontage onto Fordham Road). The application site would be re-developed and has been purposefully designed with a building of domestic scale

and appearance and which would be set back into the site from its frontage towards the Conservation Area. Accordingly, glimpses of the proposed development (which would not be experienced by the receptor in the context of the character and appearance of the conservation area as a whole) would not be significant and, in the opinion of your officers, would not lead to even the 'less than substantial harm' benchmark set out in the Framework. Accordingly, the impact of the proposed development upon the character of the Newmarket Conservation Area (as a whole) would, in your officers view, be neutral.

75. The application site does not contain any known archaeological deposits and is outside sites designated because of their known or potential archaeological interest. The application is accompanied by an Archaeological Desk Based Assessment which concludes the site has low potential for archaeological remains which (if present) may have been damaged by the construction of the existing development on the site. The report, however, recognises there is a degree of potential for archaeological artefacts to remain at the site particularly at previously undisturbed locations and recommends, purely as a precautionary approach, a condition requiring further archaeological investigations to be carried out prior to development. This seems to be a sensible approach to resolving archaeological interests in the light of the context of the low potential for archaeological deposits to be found.

Environmental Conditions (Flood Risk, Drainage and Contamination)

76. 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.
77. 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.
78. Core Strategy Policy CS4 states the Council will support development proposals that avoid areas of current and future flood risk and which do not increase the risk of flooding elsewhere. The policy confirms sites for new development will be allocated in locations with the lowest risk of flooding (Environment Agency Zone 1 flood category) and will seek the implementation of Sustainable Urban Drainage Systems (SUDS) into all new development proposals, where technically feasible.
79. Policy DM6 of the Joint Development Management Policies Document requires the submission of flood information, including SUDS drainage where possible, to accompany planning applications for development. Policy DM14 seeks to protect proposed development from existing 'pollution' sources and existing development from proposed 'pollution' sources. This includes noise, light and air pollution. The policy also requests the submission of information and sets out requirements for remediation for development proposals of potentially contaminated land.

80. The application site is not in an area at a risk of flooding (i.e. Environment Agency flood risk Zones 2 or 3) and it is therefore unlikely that the proposed development would be at risk of flooding from any existing watercourse.
81. The application is accompanied by a surface water drainage scheme which is largely agreed by the Flooding Team at Suffolk County Council (paragraphs 16 and 17 above). SCC has requested further information relating to infiltration rates which underpin the scheme. The applicants have provided the requested information which, at the time of writing, was resting with Suffolk County Council for further/final comment. The Committee will be updated at the meeting of any further comments received from Suffolk County Council. In the meantime, the recommendation below has been crafted to ensure the matter is satisfactorily resolved in advance of any decision notice being issued.
82. The planning application is accompanied by a Desk Study Appraisal of ground conditions. This concludes that it unlikely that contamination is present at the site, given its history of use and does not recommend any further mitigation. The Council's Environmental Health team has agreed those conclusions and no conditions relating to remediation of contamination, or potential contamination, are required.

Design and Layout

83. 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.
84. 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.
85. Policy DM2 of the Joint Development Management Policies Document sets out general design criteria to be applied to all forms of development proposals. DM7 sets out similar requirements but is specific to proposals for residential development.
86. The site is situated in a residential suburb to the north of Newmarket. Westley Road is a primary entrance into the town from the A14(T) and villages and countryside to the north. The application site contributes to the domestic and tree lined character of this part of the road with the general prevailing character being large, detached residential properties on generous plots (with some exceptions), albeit the individual plots are much smaller than the application site.

87. The redevelopment of the application site with a larger building on a larger site would not be out of keeping with the prevailing pattern of development in the area. The application site would not be subdivided into a number of smaller plots, which would necessarily occur with a more traditional open market housing development, in which case, its character would be more befitting to the sizes of other plots in the vicinity. The singular character of the large site would be retained via the development. The proposed building is large; it has to be in order to contain the 29 flats proposed in a single block. That in itself leads to concerns in principle given this approach would be at odds with the grain of development in the area which is characterised by single detached dwellings on generous plots.
88. That said, the proposed building has been designed to appear, certainly from the public façade at the frontage, as a pair of large 'detached' two-and-a-half-storey dwellings and has been detailed and articulated in this manner (albeit these buildings would clearly be linked together). To that extent the building retains a domestic feel and scale from the frontage. The depth of the building is much more difficult to disguise by design given its coverage of around 60 metres from front to rear walls. However, the roofspaces and walls of the rear elements have been articulated and broken down into a number of individual components (through changes in height, materials and architectural detailing) in order to create visual interest to the side facing elevations and break up into more legible parts what would otherwise have been long and monotonous elevations of 'institutional' character. To the extent that the rear elements of the proposed building have some architectural interest, and are visually progressive, the design of the scheme is successful and, in your officers' view, mitigates the potential design impacts of providing a building with a large footprint and bulk. Whilst the sheer size of the footprint of the building would be at odds with the prevailing character of the area by reason of that sheer size, that would, because of the approach to the design, only be particularly apparent in views from above (i.e. aerial photographs) and would not be immediately apparent in views from the ground, particularly from public vantage points. Accordingly, it is your officers' view that only limited 'harm' to the character of the wider area would accrue from the proposed development, despite its large size and scale of the proposed building.
89. The design and detailing of the proposed building follows a pastiche approach which is acceptable at this location such that it would not draw the eye or overly compete with other buildings in the context of the wider streetscene or the adjacent Conservation Area.
90. In light of the above assessment, your officers conclude the form, scale, bulk and detailed design of the scheme (and the materials proposed in its construction) are acceptable and accord with relevant national and local design based policies.

Residential Amenity

91. The protection of residential amenity is a key component of 'good design'. The Framework states (as part of its design policies) good planning should contribute positively to making places better for people. Vision 1 of the Core Strategy seeks

to provide 'a higher quality of life' for residents. Policy DM2 of the Joint Development Management Policies Document seeks to safeguard (inter alia) residential amenity from potentially adverse effects of new development.

92. Concerns have been expressed by some local residents that these development proposals would, if approved, have detrimental impacts upon existing nearby dwellings because of increased overlooking from first-floor windows, overshadowing/loss of light and general noise and disturbance from the intensification of the use.
93. The applicant has reacted positively to those concerns by removing two units from the rear of the development (dropping down from two-storeys to single storey accommodation in this area) and by re-arranging fenestration on a couple of other units (use of obscure glazing and 'dummy' windows at first floor level in affected areas). The amendments, combined with the distances between the proposed building (its first floor windows in particular) and potentially affected properties to each side in Fordham Road and abutting the site to the rear would not experience significant overlooking, with no direct/close overlooking into windows or garden spaces of existing properties.
94. The proposed development would not dominate over or lead to significant reductions in light reaching the adjacent dwellings or their gardens given the separation of the proposed building to the relevant boundaries (separation of a minimum of 4.8 metres, with much greater separation to the boundary in potentially sensitive areas).
95. In light of the above discussion and having carefully assessed the information submitted with the planning application (as amended) and having viewed the application site from most of the properties and gardens of properties abutting the site boundaries, it is your officers view that the proposed development would not adversely impact upon the amenities of occupiers of existing (abutting) dwellings to the extent that a refusal of planning permission could reasonably be justified.

Sustainable Construction and Operation

96. 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".
97. The Framework confirms planning has a key role in helping shape places, to (inter alia) secure radical reductions in greenhouse gas emissions and supporting the delivery of renewable and low carbon energy. The Government places this central to the economic, social and environmental dimensions of sustainable development.
98. The document expands on this role with the following policy:
 - In determining planning applications, local planning authorities should expect new development to:

- comply with adopted Local Plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and
 - take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.
99. Core Strategy policy CS2 seeks to secure high quality, sustainable development by (inter alia) incorporating principles of sustainable design and construction in accordance with recognised appropriate national standards and codes of practice covering various themes.
100. Policy DM7 of the Joint Development Management Policies Document sets out requirements for achieving sustainable design and construction. The policy expects information to accompany planning applications setting out how Building Control standards will be met with respect to energy standards and sets out particular requirements to achieve efficiency of water use. The policy is also supported by the provisions of Policy DM2 of the same plan.
101. The planning application is accompanied by a sustainability statement (part of the Design and Access Statement) which sets out how Building Control requirements for energy efficiency will be achieved (or perhaps exceeded).
102. The planning application does not address water efficiency measures in detail and does not presently propose a strategy for ensuring water use does not exceed 110 litres per person, per day set out in Policy DM7. The proposals are therefore technically contrary to policy DM7 of the Joint Development Management Policies Document in this respect. However, the Building Regulations allow for more stringent standards to be applied to water use in new development (matching the 110 litres use per person requirement set out in Policy DM7) on the proviso there is a planning condition that also requires those more stringent measures to be achieved. It is no co-incidence that policy DM7 of the Joint Development Management Policies Document requires more stringent water use requirements to match those applied by the Building Regulations. The evidence and justification for the application of tougher water use measures forms part of the evidence base of the Development Plan and, with respect to the requirements of Policy DM7, has recently been the subject of examination. Accordingly, it is appropriate to impose a planning condition requiring the more stringent Building Control (and Policy DM7) water use measures to be incorporated into the construction and fitting out of this development.

Impact upon the Horse Racing Industry

103. Vision 2 (Newmarket) of the Core Strategy recognises the importance of the horse racing industry to the town and wider District. This is reflected in Policy CS1 which states it will be protected and conserved through the plan period. The Joint Development Management Policies Document contains a number of policies relating to the horse racing industry in Newmarket. One of these, policy DM48, states any development within and around Newmarket which is likely to have a material adverse impact on the operational use of an existing site within the horse racing industry (such as noise, volume of traffic etc) will not be permitted

unless the benefits of development would significantly outweigh the harm to the horse racing industry.

104. Given the relatively small scale of the proposed development and the nature of its use (particularly the expected age profile of its residents) it does not give rise to the impacts upon the horse-racing industry which Policy DM48 is seeking to safeguard against. Indeed, this is confirmed via representations received on behalf of the horse racing industry (paragraphs 27 and 28 above). The Horseman's Group request for a S106 Agreement to be used towards enhanced horse crossing facilities at the Rayes Lane/Fordham Road junction cannot be justified in law given that the proposed development is not anticipated to impact upon it significantly. Accordingly, will not be appropriate to secure such a contribution from this particular development.

Other issues

105. The application proposals, given their relatively small scale and the characteristics of their intended occupation are unlikely to have significantly adverse impacts upon local infrastructure provision (including education, sewerage capacity, energy supply and demands upon public open space) such that no further investigations or mitigation is required.
106. Some concerns have been expressed that a grant of planning permission for this development would have a negative impact upon property values in the area. The perceived impact of new development upon third party property or land value is not a material planning consideration.

Planning Obligations

107. The Framework repeats the tests of lawfulness for planning obligations which are derived from Regulation 122 of The Community Infrastructure Levy Regulations 2010. The tests are that planning obligations should:
- be necessary to make the development acceptable in planning terms.
 - be directly related to the development, and
 - be fairly and reasonably related in scale and kind to the development.
108. The development proposals are not required to provide any general infrastructure contributions to off-set impacts, given that none have been identified (eg education, libraries, policing, off-site public open space etc). However, given the planning application proposes a 'housing' scheme, it is appropriate, and in accordance with planning policy, to secure an element of affordable housing from it.

Affordable Housing

109. 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.

110. Core Strategy Spatial Objective H2 seeks to provide a sufficient and appropriate mix of housing that is affordable, accessible and designed to a high standard. Core Strategy policy CS9 requires 30% of the proposed dwellings to be 'affordable'. The policy is supported by Supplementary Planning Guidance which sets out the procedures for considering and securing affordable housing provision (including mix, tenure, viability and S106).
111. The planning application is for a 'housing' development and therefore the provision of policy CS5 relating to affordable housing contributions apply. In this case, given the nature of the internal design and layout of the buildings (with all flats accessed internally from shared spaces and with management levies applicable) and the intended specialist function of the new community with communal services provided to and paid for by future residents of the scheme, it is appropriate in this case for the affordable housing to be provided off-site. This could be secured by means of a financial contribution via a S106 Agreement such that it would allow (with the social providers contribution included) the equivalent level and specification of affordable housing to be provided off-site. Both the applicant and the Council's Strategic Housing Team have agreed, in principle, to that approach.
112. The developer has submitted a confidential viability report with the planning application, claiming the development would not be viable with the level of S106 contributions that would be required to provide an equivalent level of affordable housing away from the site. This is discussed in the next section.

Development Viability

113. The Framework states that pursuing sustainable development requires careful attention to viability and costs, such that sites should not be subject to a scale of obligations that their ability to be developed viably is threatened.
114. The Framework advises that in order to ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.
115. The National Planning Practice Guidance sets out the following advice on development viability:

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

A site is viable if the value generated by its development exceeds the costs of

developing it and also provides sufficient incentive for the land to come forward and the development to be undertaken."

116. The applicant has provided a financial appraisal of the proposed development to demonstrate that, with reasonable developer profit and land value, the development would not be viable with a full package of S106 contributions. In this case, the sole S106 contribution would be a financial contribution towards the off-site provision of affordable housing. Whilst the precise amount of that contribution (equivalent to 30% provision on site) is yet to be precisely calculated, initial calculations suggest such a contribution would be in the region of £800,000. The applicant's viability assessment has suggested a viable scheme could provide a total contribution of £285,620.
117. A revised viability assessment was received by the Council in late March 2015 and is presently the subject of discussion between officers (guided by an appointed independent expert) and the applicants. Whilst it must be acknowledged discussions and negotiations are on-going, the initial assessment of the Council's appointed expert consultant is suggesting the scheme could provide a greater level of financial contribution than that offered via the applicant's viability assessment.
118. The final amount of affordable housing to be secured remains subject to agreement and the recommendation at the end of this report reflects the fact it is not presently resolved. It is suggested that, for the purposes of assessing the planning balance (see next section) Members consider the proposals on the basis of the affordable housing contribution being offered now (at around 10% equivalent) based on an assumption it will not be increased, but in the knowledge it may be increased following conclusion of the separate and on-going viability discussions. That said, it should not be interpreted that circa 10% affordable housing provision is acceptable for this development per se, because if the reduction from policy compliant levels is not subsequently proven on viability grounds, the Council would still be entitled to secure policy compliant provision or else refuse planning permission. This would be true even if the Committee has assessed, with respect to its consideration of the planning balance, that development would be acceptable with the reduced level of affordable housing.

Conclusions and planning balance:

119. The principle of the development is considered acceptable and in compliance with relevant Development Plan policies and the National Planning Policy Framework. Notwithstanding this, the suitability of the proposals (and the decision whether or not to grant planning permission) is to be determined following assessment of the 'planning balance' (weighing benefits against negatives) with particular reference to the economic, social and environmental strands of sustainable development set out in the Framework.
120. In relation to the economic role of sustainable development, the proposal would generate direct and indirect economic benefits, as housing has an effect (albeit limited in this case) on economic output both in terms of construction employment and the longer term availability of housing for increased population which leads to higher local spend and general economic growth.

121. In terms of the social role of sustainability the development would provide a level of much needed market and affordable housing to meet the needs of present and future generations. The development would result in a built environment of high quality. The development would be seen in the context of the wider streetscene, the Newmarket Conservation Area, and would have a greater presence in the area than the existing bungalow on the site, but not to the extent that material harm would arise as a consequence. The proposal would rely on the viability and accessibility of existing local services to service its needs, both within Newmarket and further afield. The scheme would also provide an element of affordable housing provision (off-site in this case), the precise level of which is yet to be determined. Notwithstanding this, the current offer of circa 10% equivalent provision of affordable housing would add to the benefits of the scheme.
122. In relation to the environmental role it is self-evident that the character of the site would be changed as a result of the proposal albeit this would only be perceptible at the immediate location of the application site and its close surroundings. Good design and the retention of existing vegetation and provision of new planting to sensitive parts of the site would satisfactorily mitigate these effects.
123. The proposals would result in a more efficient use of the site and achieve a high quality development without leading to significantly adverse impacts upon its surroundings, including existing dwellings in close proximity to the site. The development is 'sustainable development' as defined by the Framework and, subject to subsequent satisfactory resolution of affordable housing provision, would not be contrary to extant Development Plan policies.
124. The proposals are therefore recommended for approval.

Recommendation:

125. That, subject to the subsequent receipt of confirmation from Suffolk County Council Floods Team they do not object to the planning application, **FULL PLANNING PERMISSION BE GRANTED** subject to:
- (1) The prior satisfactory completion of a S106 agreement to secure:
 - Off-site affordable housing, precise amount to be agreed following conclusions of viability assessment (minimum contribution of £265,620).
 - (2) And subject to conditions, including:
 - Time limit
 - Archaeological investigations
 - Samples of materials
 - Details of finishes (colours to be applied to detailing)
 - As may subsequently be reasonably recommended by SCC Floods Team
 - As recommended by the Local Highway Authority
 - Implementation of recommendations of the ecology and bat reports
 - Landscaping

- Protection of retained trees and shrubs during construction
- Construction Management Plan
- Timing of the provision of obscure glazing (prior to first occupation and retention thereafter) as illustrated on the plans.
- Lighting strategy and scheme.
- Water use efficiency.
- Waste minimisation and re-cycling strategy (including demolition of Kininvie).
- Further details of the proposed electricity sub-station.

That, in the event of one or more of the following arising;

- i.) failure to agree a precise level of affordable housing contribution for inclusion within a S106 Agreement (on viability, or other grounds), or
- ii.) failure to conclude a S106 Agreement to secure an agreed contribution for off-site provision of public open space, or
- iii.) Suffolk County Council Floods Team subsequently providing negative comments or objections to the planning application,

The planning application be returned to the Development Control Committee for further consideration.

Documents:

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

<https://planning.westsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=NWBPP6PDKXNOO>

8 Meynell Gardens

Newmarket

CB8 7ED

Gareth Durrant
Principal Planning Officer
Forest Heath District Council

All Members
Development Control Committee
Forest Heath District Council

Your ref: DC/15/2120/FUL

By email

22nd June 2016

Dear Mr Durrant

Planning Application DC/15/2120/FUL – Kininvie, Fordham Road, Newmarket

Further to the papers provided for Agenda Item 7 of the Development Control Committee meeting Wednesday 1st June 2016 I wish to challenge the decision of the Suffolk County Council – Local Highway Authority, May 2016, confirming that it had no objections to the application, having previously recommended rejection of the planning application because the applicant had provided insufficient parking within the site. The change in the recommendation of the Highway Authority followed communication from the planning applicant indicating that planning applications in Essex had been allowed with reduced parking.

The relevant Essex application is EPF/1103/15. It is relevant because it was an application for retirement accommodation and provided less than 1 parking place per unit of accommodation. Planning permission was granted in Essex for retirement accommodation of 38 units with 32 parking spaces with access from the development from and to Alderton Hill, Loughton. The permission stipulated that the development should only be occupied by residents who are 60 or more years old because of the reduced off street parking.

The Suffolk Guidance for Parking 2015 (SGP 2015) standard for Retirement developments is 1 space per unit and 0.25 spaces per unit for visitors. This gives a total requirement of 36.25 parking spaces for the Kininvie development of 29 units of accommodation. The Guidance also contains a section entitled “*Reductions to the minimum parking guidance*” (Page 53 of SGP 2015) which states:

“this advisory residential parking guidance is the minimum required: however a range of factors will be taken into account”. The section continues “when making their recommendation to local planning authorities considering reduced parking proposals for residential development the Highway Authority must be:

- satisfied that the likely impact of additional road parking in the vicinity would not cause inconsiderate and unsafe obstructions to the surrounding road or footpath network
- able to determine how highly sustainable the location is in terms of services, shops etc. and public transport.”

Comments:

1. Access to the Essex development is from a side road
2. Access to the proposed Newmarket development is from a trunk road the A142 at a point approximately 1 mile from the junction of the A142 with the A11/A14 six lane dual carriageway. This is a busy and important road.
3. Occupants of the Essex development must be over 60 years of age
4. Occupants of the proposed Newmarket development are to be 55 or more years of age. It is highly unlikely that individuals aged 55 to 75 will stop driving and owning motor vehicles, indeed couples may have two vehicles.
5. The absence of public transport close to the proposed development indicates that the location cannot be considered highly sustainable.
6. The planning application includes 26 spaces none of which are marked as larger disabled bays.

In view of the above, Suffolk County Council – the Highway Authority – have failed to follow their own guidance.

- a. Suffolk County Council have consented to a parking provision substantially below the “minimum required”, 26 parking places instead of 36.25 places.
- b. Suffolk County Council have not confirmed that the likely impact of additional road parking will be considerate and safe in the surrounding roads and footpaths.
- c. Suffolk County Council have not demonstrated that the location is highly sustainable.
- d. Suffolk County Council have failed to ensure the provision of disabled parking.

Please consider the above and all the other comments from the residents of Fordham Road, Snailwell Road and Meynell Gardens, Newmarket, and REJECT the planning application.

Yours sincerely

C L Welsh OBE, FRCS, FFOM

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050.0016.TN1

Project Name:	Kininvie, Fordham Road, Newmarket
Document Reference:	050.0016.TN1
Document Name:	Parking Technical Note
Prepared By:	Beth Wilson (22.12.15)
Approved By:	Jon Huggett (22.12.15)

1. INTRODUCTION

1.1 This Parking Technical Note (TN) has been prepared by Paul Basham Associates (PBA) on behalf of McCarthy & Stone to provide further clarification on parking trends and requirements to support an application for a 31 ‘Retirement Living’ development at Kininvie, Fordham Road, Newmarket. The proposed site location is demonstrated in **Figure 1**.

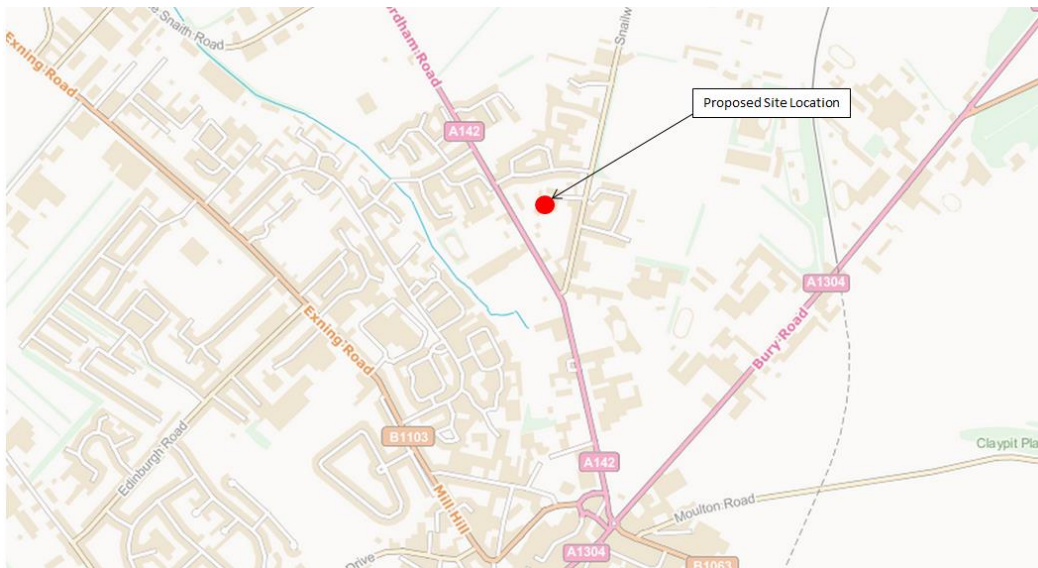


Figure 1: Site Location

1.2 The Suffolk County Council (SCC) highways consultation response to the application (application number DC/15/2120/FUL) stated that the proposed parking levels of 26 spaces were considered insufficient, and that 40 spaces would be required based on local guidance (which was introduced in November 2015, after the application was registered). This PS therefore seeks to demonstrate that the proposed level of parking provided for this ‘Retirement Living’ site will be sufficient and not result in any overspill parking onto the local highway network.

050.0016.TN1

2. MCCARTHY & STONE RETIREMENT LIVING DEVELOPMENTS AND INDEPENDENT RESEARCH

2.1 McCarthy & Stone provide a unique range of Later Living accommodation types under two main categories of 'Retirement Living' and 'Assisted Living'. They do not fall neatly within typical retirement or elderly residential sites in terms of trends and requirements for such highways considerations as traffic impact and parking provision. The two categories can be compared as follows:

- 'Retirement Living'
 - Designed to accommodate elderly persons who live a relatively independent life
 - Average age of entry: 76 years old
 - The vast majority of purchasers are individuals rather than couples
 - Consist of individual apartments with communal lounge and gardens
 - 1 member of full time staff (house manager)
- 'Assisted Living'
 - Designed to accommodate elderly persons who require an increased level of support
 - Average age of entry: 86 years old
 - Consist of individual apartments with communal lounges and laundry facilities
 - Equivalent to 15 members of staff (including waitresses, domestic assistance, house manager & personal care).

2.2 Accordingly, McCarthy & Stone schemes have been subject to independent research to gain an accurate account of their specific requirements, including for parking demand against provision. McCarthy & Stone commissioned independent research by Dr Allan J. Burns of their Retirement Living schemes in 2007, culminating in 'Category II Fact Files' which details individual associated topics in a 'note' form for extraction/copy and submission to a local authority or a planning inspector when further information is requested.

2.3 Of interest in this instance is the information provided by Dr Allan Burns on parking demand at certain 'Retirement Living' developments for residents and visitors. 13 different sites of varying sizes and locations were studied showing parking demand at each site across a typical day:

1. Faregrove Court, Fareham
2. Charlwood Court, Torquay
3. Stevens Court, Winnersh

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4. Homelawn House, Bexhill on Sea
5. Hornbeam Court, Guiseley
6. Camsell Court, Framwellgate Moor, Durham
7. Fairweather Court, Darlington
8. Browning Court, Fenham, Newcastle
9. Cwrt Beaufort, Swansea
10. Jarvis Court, Brackley
11. Aiden's View, Clarkston, Glasgow
12. Chancellor Court, Chelmsford
13. Devereux Court, Woodford Green

2.4 The results of these studies are summarised within **Table 1**.

Devt.	1	2	3	4	5*	6	7*	8	9	10	11	12	13	Totals
Units	48	39	34	81	39	48	45	36	33	47	45	34	21	550
Starting	17	9	9	29	16	18	14	13	12	19	15	8	6	185
0700-0800	17	10	9	29	16	20	14	14	13	19	15	8	6	190
0800-0900	17	11	10	28	16	20	18	13	12	18	16	7	7	193
0900-1000	18	14	11	26	17	20	17	13	14	15	19	7	6	197
1000-1100	15	11	9	24	15	16	14	12	13	16	15	8	9	177
1100-1200	18	13	7	24	15	18	14	12	11	19	18	8	8	185
1200-1300	18	13	9	26	13	18	13	8	11	17	14	11	8	179
1300-1400	17	12	11	26	14	19	12	11	8	14	15	11	7	177
1400-1500	15	12	11	24	14	18	12	12	7	14	17	14	6	176
1500-1600	15	13	12	26	13	16	15	14	8	15	18	12	6	183
1600-1700	13	12	11	28	14	15	15	13	10	16	17	9	7	180
1700-1800	13	12	9	31	14	17	15	13	10	11	15	10	6	176
1800-1900	13	12	11	31	14	17	14	13	10	14	16	10	6	181
Peak Cars (per unit)	0.3 8	0.3 6	0.3 5	0.3 8	0.4 4	0.4 2	0.4	0.3 9	0.4 2	0.4	0.4 2	0.4 1	0.4 3	0.36

Table 1 Surveyed Parking Accumulation and Peak Parking Rate (* - parking permits provided on site)

2.5 The peak parking demand period across the 13 sites was recorded as 0900-1000hrs where 0.36 vehicles per unit is demonstrated. A theoretical 'worst case' peak parking demand (an average from all sites' peak parking levels whether occurring within or outside of 0900-1000hrs) of 0.4 resident and visitor vehicles per apartment was also identified.

2.6 Based on the above findings the research recommends that parking at McCarthy & Stone Retirement Living sites are typically expected to accommodate residents' vehicles at approximately 0.36 vehicles per apartment with a maximum level demonstrated of 0.44 vehicles per apartment.

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2.7 The size and location of sites considered within Dr Allan Burns’ research have been considered against the 31 unit ‘Fordham Road, Newmarket’ scheme which this statement supports. **Table 2** provides details of the distances of each surveyed site to their closest town centre with the sites listed in order of parking demand.

	Parking Demand per unit	Distance from town centre
Faregrove Court, Fareham	0.33	150m
Homelawn House, Bexhill on Sea	0.33	870m
Stevens Court, Winnersh	0.35	400m
Fairweather Court, Darlington	0.35	175m
Chancellor Court, Chelmsford	0.35	50m
Jarvis Court, Brackley	0.40	320m
Devereux Court, Woodford Green	0.43	410m
Hornbeam Court, Guiseley	0.44	195m
Browning Court, Fenham, Newcastle	0.47	600m
Charlwood Court, Torquay	0.48	110m

Table 2: Parking demand relative to distance from the town centre

2.8 The first thing to note is that **Table 2** demonstrates the Newmarket site will provide significantly more car parking per unit than at the demand shown at the surveyed sites. It also demonstrates that there is no correlation between parking demand at each site and the distance from the town centre for sites within 1km from a centre (the proposed site is located 900m from Newmarket town centre).

2.9 In addition to the above analysis, **Table 3** demonstrates a number of recent applications which have been approved, and the relative parking at each site.

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Site	Development Type	LPA	Planning Application Reference	Number of units	Number of parking spaces	Parking Ratio	Approved (Y/N)
Cheswick Village, Bristol	Retirement Living	South Gloucestershire	PT15/0870/RM	32	26	0.8	y
The Harrier, Hamble	Retirement Living	Eastleigh Borough Council	F/14/74053	27	20	0.7	y
Penn Road, Wolverhampton	Retirement Living	Wolverhampton	14/01291/FUL	41	30	0.7	y
Knighton Park, Leicester	Retirement Living	Leicester City Council	20140765	23	20	0.9	y
St Marys Lane, Upmister	Retirement Living	Havering London Borough	P1220.14	22	17	0.8	y
Pathfields, Bude	Retirement Living	Cornwall Council	PA14/08165	30	24	0.8	y
Athelstan House, Bodmin	Retirement Living	Cornwall Council	PA14/04481	32	33	1.0	y
White Garage, Cirencester	Retirement Living	Cotswold	14/05222/FUL	35	31	0.9	y
Erksine Barracks, Wilton	Retirement Living	Wiltshire Council	14/12101/REM	39	30	0.8	y
St Andrew Street, Tiverton	Retirement Living	Mid Devon	13/00298/MFUL	45	21	0.5	y
Alderonton Hill, Loughton	Retirement Living	Epping Forest	EPF/1103/15	38	31	0.8	y
Knutton Road, Newcastle	Retirement Living	Newcastle	14/00968/FUL	31	20	0.6	y
South Molton	Retirement Living	North Devon	58629	34	34	1.0	y
AVERAGE						0.8	

Table 3: Recently consented schemes and parking provision

2.10 **Table 3** demonstrates that, of the 13 sites that have recently been approved, an average of 0.8 spaces are provided. As this site demonstrates parking provision of 0.84 spaces per unit (in excess of this average), it is further demonstrated that this will be sufficient to accommodate the proposals.

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- 2.11 McCarthy & Stone's research identifies that approximately 39% of residents in the Retirement Living accommodation give up car ownership within the first twelve months, due to a variety of reasons including; lack of need, ill health, loss of confidence and / or expense.
- 2.12 It is worth noting that only one member of staff will use the site; the house manager. The house manager will be responsible, as is the case at all other McCarthy & Stone sites, for monitoring parking demand.
- 2.13 McCarthy & Stone also run an annual permit system, whereby residents obtain a permit for a particular car parking space upon buying a property. This ensures that any resident needing an accessible space for a wheelchair, for example, are able to do this. This system encourages residents to think about the need for a car and potential of giving up driving when they review their requirements for a car parking permit on an annual basis.

050.0016.TN1**3. CONCLUSIONS**

3.1 In summary, therefore, it is considered that the proposed level of parking at the 'Retirement Living' development is more than sufficient to accommodate the expected demand on the basis that:

- Existing survey data for similar types of development shows that, typically, maximum demand for parking is approximately 0.44 spaces per unit which is less than half the number proposed for this site (0.84 spaces per unit);
- Recent approved applications for similar 'Retirement Living' sites demonstrate an average of 0.80 spaces per unit, which is also less than the number proposed for this site.

3.2 We therefore conclude that the proposed level of parking will not result in overspill parking and will not adversely impact upon the operation of the local highway network.

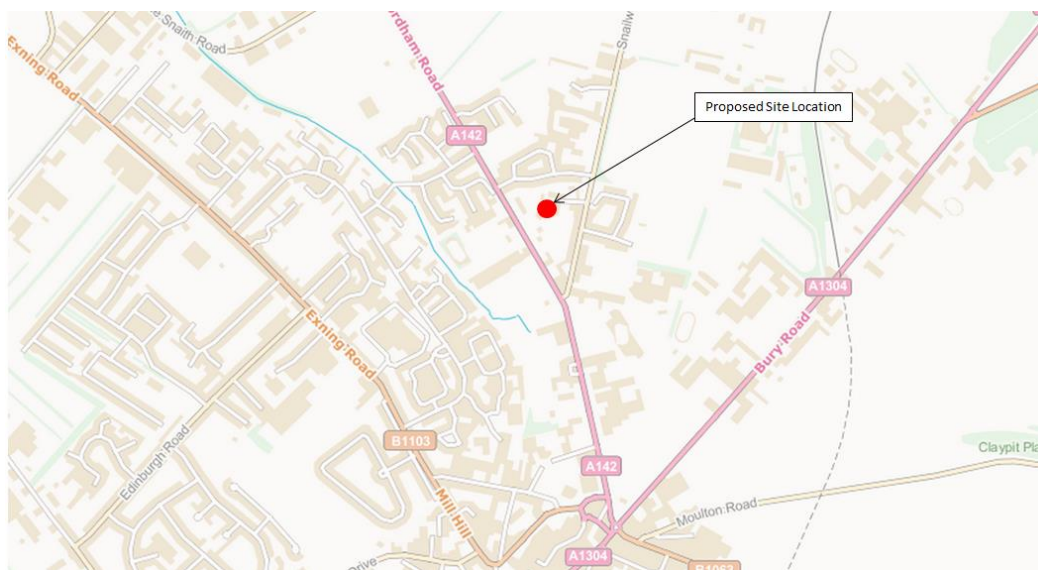
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050.0016/ATN2

Project Name:	Kininvie, Fordham Road, Newmarket
Document Reference:	050.0016/ATN2
Document Name:	Review of Parking Standards Guidance
Prepared By:	Jessica Lloyd (31 st March 2016)
Approved By:	Jon Huggett (05 ^h April 2016)

1. INTRODUCTION

- 1.1 This Additional Technical Note (ATN) has been prepared by Paul Basham Associates (PBA) on behalf of McCarthy & Stone to justify the proposed level of parking against standards which are not considered appropriate for this type of development. The proposed site location is demonstrated in **Figure 1**.

**Figure 1: Site Location**

- 1.2 The development proposes 26 spaces for 29 'Retirement Living' apartments at Kininvie, Fordham Road, Newmarket. The Suffolk County Council (SCC) highways consultation response to the application (application number DC/15/2120/FUL) stated that the proposed parking levels of 26 spaces were considered insufficient, and that 40 spaces would be required based on local guidance. A Technical Note (050.0016/TN1) was provided to demonstrate that the proposed parking provision was sufficient using independent research based on the developers other sites. Since the original application unit numbers have decreased to 29 units, meaning the parking provision has increased to 0.89 spaces per unit (26 spaces for 29 units).
- 1.3 This Additional Technical Note (ATN) has been completed to assess SCC's approach in setting the new minimum standards and determine whether this is appropriate for 'Retirement Living' units.

2. SUFFOLK COUNTY COUNCIL UPDATED GUIDANCE FOR PARKING (2015)

- 2.1 It is clear from the outset that the parking standards policy is considered advisory, and is there to assist and advise SCC's highways team. It states that increases or reductions in parking provision may be justifiable as long as evidence is provided to support the proposed level of parking.
- 2.2 For example, with regards to 'Retirement/Warden Controlled Developments' the policy proposes standards but does state 'unless there is the evidence base to support a reduction in the standard'. McCarthy & Stone 'Retirement Living' developments are a unique product, and a number of sites have been surveyed as a result to ensure residents are provided with the appropriate level of parking. The results of these surveys were provided in the original Transport Statement (050.0016/TS/2) and the Parking Survey Technical Note (050.0016/TN/1).
- 2.3 Whilst McCarthy & Stone 'Retirement Living' developments have a minimum age of entry at 60 years, the target age profile is actually 73-83 years old, with the average age of entry being 76 years old. Therefore whilst the age restriction would be for 60 years and above, the average age of residents would be significantly higher.
- 2.4 The document also makes some misleading assumptions and statistical errors in assuming correlation is causation. In particular, 'Although the level of car ownership has increased, the growth of traffic on the highway has not increased to the same level. This indicates that a greater number of vehicles are likely to be parked at the owner's place of residence'. One cannot assume causation because of a correlation, there could be other reasons for a reduction in traffic growth or an increase of car ownership such as population levels, sustainable transport, and highways design. Traffic levels are not provided, and the term 'traffic' is not defined, this could simply be the number of cars on the road or only relating to congestion this is not clear and therefore suggests some statistical errors which may have been repeated throughout the remainder of the document.

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- 2.5 When compared to the superseded 2002 standards, parking standards were based on locations and access to facilities. This was based on whether a site has poor off peak public transport services in rural or urban locations. This method allowed sites to be based on a site-by-site basis, with a sites' own merits considered in determining parking numbers. This is an appropriate approach considering the scale of Suffolk and the variety of land uses and levels of accessibility.
- 2.6 The proposed development would be located close to Newmarket Town Centre, in an urbanised area. It is therefore considered that with the site's sustainable location, it's urban nature and the independent research on McCarthy and Stone 'Retirement Living' developments that a reduction in standards appropriate.

3. ISSUES WITH RESEARCH

- 3.1 The research conducted in order to update SCC parking standards achieved a 40% response rate, which is considered acceptable. However, flatted developments only made up 8.5% of the total, with detached housing making up 48% of the total. This suggests that there is a misrepresentation of the class use, with residential developments lending to higher parking provisions being more prevalent in the study.
- 3.2 The research also did not appear to use retirement apartments in the study; it is therefore questionable as to how the parking standard for Retirement Housing has been derived. The original TS and TN both used independent McCarthy & Stone research which is for 'Retirement Living' developments. This information is specific to the nature of use and is therefore more applicable than Suffolk's standards which do not include sites that are similar in nature.
- 3.3 When compared to private open market houses, Retirement Living developments demand fewer vehicle spaces per unit, with a worst case scenario of 0.44 per unit (based on McCarthy & Stone independent research), as identified in TN 050.0016TN1. This demand includes resident, staff and visitor and therefore suggests that 26 spaces for the 31 units would provide sufficient space to accommodate all demand generated by the proposed site.
- 3.4 Only areas perceived as having 'problems' with parking were surveyed for the standards. The areas surveyed did not include Newmarket, suggesting that parking within Newmarket is not seen as a problem in comparison to the other 34 places surveyed.

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- 3.5 The 2001 and 2011 census results were compared in order to support an increase in parking standards and a move towards minimum standards. However, the average of vehicles per dwelling only marginally increased from 1.254 in 2001 to 1.34 in 2011, an increase of 0.086% which is not considered significant to force such an increase in parking standards and numbers from 1 space per 2 units and 1 space per 1 unit plus 0.25 per unit for visitors.

4. CABINET COMMITTEE

- 4.1 In Agenda 8 of the Cabinet Committee, the Cabinet was asked to adopt the document: 'Suffolk Guidance for Parking' as a replacement of the 'Suffolk Advisory Parking Standards, 2002'. Points discussed included making it 'easier for people to access work and businesses to reach their growth potential' and avoiding 'overprovision'. Both of these items are important to the proposed development, as firstly the developers own parking research demonstrates that applying Suffolk's parking standards would result in an overprovision of car parking. It is also prudent to mention that the nature of residents living at the proposed development would not be going to work and neither is it a commercial use. Therefore the reasoning for accepting such standards for Retirement Homes seems unclear and unrelated to the aims of the guidance.

5. OTHER COUNCIL'S STANDARDS

- 5.1 Essex County Council (Parking Standards Design and Good Practice (2009)) follow the same standards as Suffolk County Council with minimum residential parking standards for Retirement Developments of 1 per unit for retirement apartments, plus 0.25 per visitor spaces.
- 5.2 However, the following McCarthy & Stone planning applications received no highways objection, with all three demonstrating a reduction in parking standards.

Planning Application Number	Number of Units	Number of spaces required	Number of Parking Spaces Provided
EPF/3021/15	57 (AL)	71	57
EPF/1103/15	38 (RL)	48	32
EPF/0402/14	11 (OR)	14	13

Table 1: Essex County Council Parking Reduction Examples

- 5.3 For the above schemes, McCarthy & Stones' independent research was used to support the reduction in standards along with the sites accessible locations. The most similar scheme to the proposed development at Newmarket (EPF/1103/15) also provided parking at less than 1 per unit.

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- 5.4 It is therefore deemed that SCC should also take a flexible and pragmatic approach to the number of parking spaces proposed for the development.

6. CONCLUSIONS

- 6.1 In summary, it is considered that the parking standards document produced by Suffolk County Council has unrealistic standards for Retirement Housing and where the council are accepting no flexibility on the proposed number of spaces this goes against their own guidance.
- 6.2 We therefore conclude that the reduced parking provision for a retirement living development should be deemed acceptable.

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Meeting a Critical Housing Need

Planning Application DC/15/2120/FUL – Kininvie, Fordham Road, Newmarket

1. This note has been prepared following the 1st June Development Control Committee at which a decision on the above planning application was deferred until the next committee on the 6th July to enable the risks associated with refusing the application to be considered. Whilst we welcome the Officers' recommendation for approval, we note that Officers did not refer in their original report to the fact that the scheme will contribute to the critical need for this particular form of housing. This omission needs to be corrected in the report being taken to committee on 6th July, and is plainly a factor that weighs heavily in favour for the case for granting consent when considering the overall planning balance of the scheme.
2. As set out within the social needs report¹ submitted in support of the planning application, the older population of Forest Heath is increasing at an alarming rate. The proportion of those aged 65 years and older will increase by around 45% and those aged 85 years by about 93% above their current numbers by 2030. The vast majority of these will be owner-occupiers.
3. In terms of satisfying this particular housing need and the sustainability benefits that accrue, the proposed sheltered housing development:
 - Provides purpose-built, specifically designed units of accommodation for local older people – an acknowledged housing need;
 - Releases larger family sized housing and assists in moving along the housing chain;
 - Provides care, safety, security and companionship and thereby reduces anxieties and worries experienced by many elderly people living in accommodation that does not best suit their needs in retirement;
 - Reduces management and maintenance concerns;
 - Is accessible to shops and other essential services, being within walking distance or accessible by public transport;
 - Helps to promote an independent lifestyle for its elderly residents; and,
 - Helps to maintain the residents' health and general well-being.
4. The above benefits reduce the demands exerted on health and social services and other care facilities not only in terms of better health, well-being and peace of mind, but also in so far as doctors, chiropodists, physiotherapists, community nurses etc. all having opportunity to attend to the needs of several residents in a single visit, thus promoting a better use of public resources.

¹ Social Needs Report, Contact Consulting, October 2015.

5. The proposed redevelopment of the site for housing for older people presents a significant opportunity to contribute towards meeting the current and projected need for specialist housing for older people within Newmarket and across Forest Heath.
6. Specialist accommodation for older people has specific locational requirements which require the developments to be sited either within or close to town centres. In the case of Newmarket, opportunities for sites that are suitable for this form of development are severely limited, particularly when other constraints such as the Conservation Area are taken into account. When opportunities on sustainable sites such as Kininvie exist, they should be taken.
7. Members should also be reminded of national policy that provides overarching guidance on the matter. The NPPF advises: *To deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities should:*
 - a. *plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes);*
8. The Government's recently Adopted Planning Policy Guidance states under Assessment of Housing and Economic Development at subsection 3:
 - a. *"Housing for older people*

*The need to provide housing for older people is **critical** given the projected increase in the number of households aged 65 and over accounts for over half of the new households"*
9. This statement is clear. We find no reference to other "critical" housing needs (or similar terminology) in the guidance or within the National Planning Policy Framework. Given the acknowledgement of a "critical" need, it is for the Planning system to deliver it unless there is very good reason why it should not.
10. It is therefore important that meeting an identified local need is afforded significant weight in the planning balance when determining this planning application at the Development Control Committee on 6th July.

P Graham Esq
The Planning Bureau
4th floor, 100 Holdenhurst Road
Bournemouth
Dorset BH8 8AQ

17 June 2016

Dear Peter

Proposed Retirement Living Housing (Application no. DC/15/2120/FUL)

Kinivie, Fordham Road, Newmarket - Car Parking Provision

I understand that the proposal for 29 retirement apartments at the above address has been considered by the planning committee members, who have indicated a desire to refuse planning consent on the basis that the proposal has inadequate car parking. I have been asked to review this issue and provide my comments, based on my experience of advising McCarthy and Stone for some 29 years and my studies leading to the award of my PhD degree in 2004.

You will be aware that, from time to time, I have undertaken studies of the traffic generation and car parking demands for the various forms of retirement housing developed by McCarthy and Stone. In my study undertaken in 2011, I found that the peak demand at any of the 13 developments surveyed was found to be 17 spaces in the hour 9 a.m. to 10 a.m. at a development in Guiseley of 39 apartments. This equated to a rate of 0.436 vehicles per apartment.

However, I have been undertaking a study to update the data used since 2011 and now have some more recent data at a number of developments. I should point out that the survey staff were instructed to include both the vehicles parking within the developments and any roadside parking that is observed to be linked to the development. This ensures that, as far as is possible, the data collected measures the total number of vehicle movements and vehicles parked.

In the table below, I indicate the peak parking at the developments surveyed in the past year or so, in each hour of the day.

If the peak car parking demand rates were applied to the Newmarket proposal, it would suggest the following car parking provision:- 20, 19, 16 or 22 spaces. The provision of 26 car parking spaces, at a rate of 0.897 spaces per apartment, exceeds to maximum car parking demand observed at any of the 4 developments recently surveyed.

Continued

2.

Time	Edenbridge, Sussex	Hythe nr. Southampton	Bognor	Sanderstead
0700-0800	20	18	14	17
0800-0900	21	17	15	18
0900-1000	20	18	15	20
1000-1100	21	18	17	19
1100-1200	21	19	20	20
1200-1300	23	24	19	20
1300-1400	18	23	18	20
1400-1500	18	20	18	20
1500-1600	18	20	18	16
1600-1700	21	23	17	17
1700-1800	20	23	19	17
1800-1900	22	23	19	14
Peak	23	24	20	20
Apartments	34	36	36	26
Parking demand per apartment	0.676	0.667	0.556	0.769

In order to consider this issue further, I have studied the recent national census data. As an example, I have considered the car ownership of residents in the age group 75 to 79 years, which includes the average age of those entering this form of housing. The data for Forest Heath District indicates that there are 1,856 residents in this age group. Of these 417 are not car owners. This indicates that some 22% of these residents do not own a car.

Experience suggests that more than 22% of the residents in this form of housing are likely to be non-car owners. Persons entering this form of housing are undertaking a lifestyle change and my surveys show that a significant number either give up car ownership before they enter this form of housing or in the same year that they make this move.

I note that the Highway Authority have accepted that the evidence previously submitted on this issue.

Continued

3.

It has to be noted that McCarthy and Stone now control the number of cars parked by residents by issuing car parking permits. Once the available permits have been issued, prospective purchasers effectively have a choice of either not purchasing an apartment or giving up their cars.

Based on the assessment given above, I am convinced that the proposed provision will be wholly adequate to meet the likely demand for car parking spaces at this proposed development. Should this matter have to be addressed at a planning appeal, I would be very confident that an inspector would share this view.

Yours sincerely

Allan Burns

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