

# Development Control Committee



**Forest Heath**  
District Council

<b>Title:</b>	<b>Agenda</b>														
<b>Date:</b>	<b>Wednesday 3 August 2016</b>														
<b>Time:</b>	<b>6.00 pm</b>														
<b>Venue:</b>	<b>Council Chamber District Offices College Heath Road Mildenhall</b>														
<b>Full Members:</b>	<p style="text-align: center;"><b>Chairman</b> Rona Burt <b>Vice Chairman</b> Chris Barker</p> <p><u>Conservative Members (9)</u></p> <table style="width: 100%; border: none;"> <tr> <td style="width: 33%;">David Bowman</td> <td style="width: 33%;">Brian Harvey</td> </tr> <tr> <td>Ruth Bowman</td> <td>Carol Lynch</td> </tr> <tr> <td>Louis Busuttil</td> <td>Louise Marston</td> </tr> <tr> <td>Stephen Edwards</td> <td></td> </tr> </table> <p><u>West Suffolk Independent Members (3)</u></p> <table style="width: 100%; border: none;"> <tr> <td style="width: 33%;">Andrew Appleby</td> <td style="width: 33%;">David Palmer</td> </tr> <tr> <td>Simon Cole</td> <td></td> </tr> </table> <p><u>UKIP Members (2)</u></p> <table style="width: 100%; border: none;"> <tr> <td style="width: 33%;">Roger Dicker</td> <td style="width: 33%;">Peter Ridgwell</td> </tr> </table>	David Bowman	Brian Harvey	Ruth Bowman	Carol Lynch	Louis Busuttil	Louise Marston	Stephen Edwards		Andrew Appleby	David Palmer	Simon Cole		Roger Dicker	Peter Ridgwell
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Stephen Edwards															
Andrew Appleby	David Palmer														
Simon Cole															
Roger Dicker	Peter Ridgwell														

**SITE VISITS WILL BE HELD ON MONDAY 1 AUGUST 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 9.00am on Monday 1 August 2016 so that the coach can depart no later than 9.15am.**

- 1. Planning Application DC/16/0179/FUL - Development Site, Gazeley Road, Kentford**  
 Planning Application DC/16/0179/FUL - 2no. two storey dwellings as amended by drawing nos. 755/1, 2, 3, 4, 5, 6, 7 and 16 5638 10 Rev J received 20th May, 27th June and 20th July 2016 revising layout and design and omitting 1no. dwelling.  
**Site visit to be held at 9.30am**

**Cont. overleaf**

**2. Planning Application DC/16/1131/FUL - Southernwood, Fordham Road, Newmarket**

Planning Application DC/16/1131/FUL - (i) 2no buildings to include 11no. apartments and 1no. Office unit (following demolition of existing building) (ii) Freestanding bicycle/bin store.

**Site visit to be held at 10.10am**

**3. Planning Application DC/14/2047/HYB - Land East of Beeches Road, West Row**

Hybrid Planning Application DC/14/2047/HYB comprising: Full application for erection of 41 dwellings (including 12 affordable dwellings), creation of new vehicular access onto Beeches Road, an outline application with all matters reserved for the erection of up to 90 dwellings and an outline application with all matters reserved for 7 self-build homes, the provision of 1.91 hectares of public open space, 1.9 hectares of landscaping and 4.46 hectares of retained agricultural land for potential ecological mitigation.

**Site visit to be held at 11.00am**

**4. Planning Application DC/14/2096/FUL - Land North of Station Road, Lakenheath**

Hybrid planning application DC/14/2096/FUL - 1) Full application for the creation of new vehicular access onto Station Road, and entrance to a new primary school, 2) Outline application for up to 375 dwellings (including 112 affordable homes), and the provision of land for a new primary school, land for ecological mitigation and open space and associated infrastructure (as amended).

**Site visit to be held at 11.40am**

<b>Substitutes:</b>	Named substitutes are not appointed
<b>Interests – Declaration and Restriction on Participation:</b>	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.
<b>Quorum:</b>	Five Members
<b>Committee administrator:</b>	<b>Helen Hardinge</b> Democratic Services Advisor <b>Tel:</b> 01638 719363 <b>Email:</b> <a href="mailto:helen.hardinge@westsuffolk.gov.uk">helen.hardinge@westsuffolk.gov.uk</a>

**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

<b>Forest Heath District Council</b>	<b>St Edmundsbury Borough Council</b>
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)
<b>Emerging Policy documents</b>	
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.

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## **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.

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# Agenda

## Procedural Matters

### Part 1 - Public

- 1. Apologies for Absence**
- 2. Substitutes**
- 3. Minutes** **1 - 10**

To confirm the minutes of the meeting held on 6 July 2016 (copy attached).
- 4. Planning Application DC/16/0715/FUL - Flat, The Manor, Newmarket Road, Barton Mills** **11 - 20**

Report No: **DEV/FH/16/017**

Planning Application DC/16/0715/FUL - Retention of - Change of use of Orthodontic Practice (Class D1) to self-contained flat (Class C3)
- 5. Planning Application DC/15/0070/OUT - Rolfe's Coal Yard, Wilde Street, Beck Row** **21 - 52**

Report No: **DEV/FH/16/018**

Outline Planning Application DC/15/0070/OUT (means of access to be considered) - up to 8 no dwellings and associated access
- 6. Planning Application DC/16/0179/FUL - Development Site, Gazeley Road, Kentford** **53 - 70**

Report No: **DEV/FH/16/019**

Planning Application DC/16/0179/FUL - 2no. two storey dwellings as amended by drawing nos. 755/1, 2, 3, 4, 5, 6, 7 and 16 5638 10 Rev J received 20th May, 27th June and 20th July 2016 revising layout and design and omitting 1no. dwelling.

- |            |  |                  |
|------------|--|------------------|
| <b>7.</b>  | <b>Planning Application DC/14/2096/FUL - Land North of Station Road, Lakenheath</b>  | <b>71 - 236</b>  |
|            | Report No: <b>DEV/FH/16/020</b>  |                  |
|            | Hybrid planning application DC/14/2096/FUL - 1) Full application for the creation of new vehicular access onto Station Road, and entrance to a new primary school, 2) Outline application for up to 375 dwellings (including 112 affordable homes), and the provision of land for a new primary school, land for ecological mitigation and open space and associated infrastructure (as amended).  |                  |
| <b>8.</b>  | <b>Tree Preservation Order TPO 3, 2016 - Land North of Station Road, Lakenheath</b>  | <b>237 - 250</b> |
|            | Report No: <b>DEV/FH/16/021</b>  |                  |
| <b>9.</b>  | <b>Planning Application DC/16/1036/FUL - Newmarket Leisure Centre, Exning Road, Newmarket</b>  | <b>251 - 260</b> |
|            | Report No: <b>DEV/FH/16/022</b>  |                  |
|            | Planning Application DC/16/1036/FUL - 2.4metre high fencing to the rear of the Leisure Centre including replacement of access gates.   |                  |
| <b>10.</b> | <b>Planning Application DC/16/1131/FUL - Southernwood, Fordham Road, Newmarket</b>   | <b>261 - 278</b> |
|            | Report No: <b>DEV/FH/16/023</b>  |                  |
|            | Planning Application DC/16/1131/FUL - (i) 2no buildings to include 1no. apartments and 1no. Office unit (following demolition of existing building) (ii) Freestanding bicycle/bin store.   |                  |
| <b>11.</b> | <b>Planning Application DC/14/2047/HYB - Land East of Beeches Road, West Row</b>   | <b>279 - 310</b> |
|            | Report No: <b>DEV/FH/16/024</b>  |                  |
|            | Hybrid Planning Application DC/14/2047/HYB comprising: Full application for erection of 41 dwellings (including 12 affordable dwellings), creation of new vehicular access onto Beeches Road, an outline application with all matters reserved for the erection of up to 90 dwellings and an outline application with all matters reserved for 7 self-build homes, the provision of 1.91 hectares of public open space, 1.9 hectares of landscaping and 4.46 hectares of retained agricultural land for potential ecological mitigation. |                  |



# Development Control Committee



Forest Heath  
District Council

**Minutes** of a meeting of the **Development Control Committee** held on **Wednesday 6 July 2016** at **6.00 pm** at the **Council Chamber, District Offices**, College Heath Road, Mildenhall IP28 7EY

Present: **Councillors**

**Chairman** Rona Burt

**Vice Chairman** Chris Barker

Ruth Allen

Brian Harvey

David Bowman

Carol Lynch

Ruth Bowman

Victor Lukaniuk

Simon Cole

Peter Ridgwell

Roger Dicker

## 143. **Apologies for Absence**

Apologies for absence were received from Councillors Andrew Appleby, Louis Busuttil, Stephen Edwards, Louise Marston and David Palmer.

## 144. **Substitutes**

Councillor Ruth Allen attended the meeting as substitute for Councillor Andrew Appleby and Councillor Victor Lukaniuk attended as substitute for Councillor David Palmer.

## 145. **Minutes**

The minutes of the meeting held on 1 June 2016 were accepted as an accurate record and were signed by the Chairman, with 10 voting for the motion and with 1 abstention.

## 146. **Planning Application DC/15/0070/OUT - Rolfe's Coal Yard, Wilde Street, Beck Row (Report No: DEV/FH/16/012)**

Outline Planning Application DC/15/0070/OUT (means of access to be considered) – up to 8 No. dwellings and associated access.

This application was referred to the Development Control Committee following consideration by the Delegation Panel.

In addition, Officers were recommending that the application be refused for the reasons set out in Paragraph 79, of Report No DEV/FH/16/012 which was

contrary to the views expressed by the Parish Council who raised no objections.

A Member site visit was held prior to the meeting.

The Principal Planning Officer presented an amended indicative site layout which included alterations in respect of Plot 8 in order to place it in a more sympathetic proximity to the neighbouring builders yard.

The Officer also drew attention to Paragraph 60 of the report and advised the Committee that the measurement of 135m should actually read 44.5m.

Councillor David Bowman, as Ward Member for Beck Row, spoke in support of the scheme and moved that the Committee be minded to approve the application, contrary to the Officer recommendation, due to the benefits the scheme provided in relation to:

- Affordable housing;
- Construction of a new pedestrian pathway;
- Good use of a brownfield site; and
- Provision of sought after bungalow housing.

This was duly seconded by Councillor Simon Cole.

The Service Manager (Planning – Development) explained that if Members were minded to approve the application, contrary to the Officer recommendation, a risk assessment would have to be carried out for consideration at the next meeting of the Committee on 3 August 2016.

With 10 voting for the motion and with 1 abstention, it was resolved that

Members were **MINDED TO APPROVE THE APPLICATION CONTRARY TO THE OFFICER RECOMMENDATION OF REFUSAL** due to the benefits the scheme provided in relation to:

- Affordable housing;
- Construction of a new pedestrian pathway;
- Good use of a brownfield site; and
- Provision of sought after bungalow housing.

Speaker: Mr Paul Scarlett (agent) spoke in support of the application.

Councillor Roger Dicker joined the meeting at 6.11pm during the preliminary discussion of this item and prior to the voting thereon.

**147. Planning Application DC/16/0317/VAR - Land Adjacent Smoke House Inn, Skeltons Drove, Beck Row (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 9 July 2015 which proposes 49 affordable housing units).

This application was deferred from consideration at the Development Control Committee meeting on 1 June 2016 as Members resolved that they were 'minded to refuse' planning permission, contrary to the Officer recommendation of approval, due to concerns that the proposal would have an adverse impact on highway safety.

Report No DEV/FH/16/013 included a risk assessment of the potential reason for refusal together with an update regarding the Road Safety Audit and timeframe for completion of the outstanding highways works.

A second Member site visit was held prior to the meeting. Officers were continuing to recommend that the application be approved, as set out in Paragraph 52 of Working Paper 1.

The Committee was advised that all outstanding highways works should be completed by mid August 2016. Accordingly, there was no technical evidence to support Members' concerns with regard to highway safety.

It was moved by Councillor Ruth Bowman, seconded by Councillor Simon Cole and with the vote being unanimous, it was resolved that:

Planning permission be **GRANTED** subject to:

1. The variation of the Section 106 agreement relating to DC/14/1206/FUL;
2. 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.

148. **Planning Application DC/15/0802/FUL - Gymnasium Building, Herringswell Manor, Herringswell Road, Herringswell (Report No: DEV/FH/16/014)**

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.

This application was referred to the Development Control Committee due to its complex nature which raised District wide planning policy issues.

Officers were recommending that the application be refused for the reasons set out in Paragraph 177 of Report No DEV/FH/16/014. A Member site visit was held prior to the meeting.

The Principal Planning Officer – Major Projects advised the Committee that one further letter of representation had been received since publication of the agenda, from a resident of Herringswell who objected to the scheme on grounds of highway safety and unsuitability of the location.

Members were also advised of an error in Recommendation 1 (Paragraph 177), in that the policy referred to as DM23 should read DM33.

Lastly, for the benefit of all Members, the Officer summarised the lengthy and complex planning history associated with the site.

It was moved by Councillor David Bowman that the application be refused as per the Officer recommendation and this was duly seconded by Councillor Carol Lynch.

With 8 voting for the motion, 2 against and with 1 abstention it was resolved that:

The application 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 DM33 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.

Speakers: Mr Geoff Yeates (resident) spoke against the application.  
Mr Samuel Brampton (applicant) spoke in support of the application.

On conclusion of this item the Chairman advised all present that this was to be the last Development Control Committee for the Principal Planning Officer – Major Projects as she was leaving the West Suffolk Authorities for pastures new.

On behalf of the Committee the Chairman wished the Officer well in her new role and thanked her for all her help and input.

149. **Planning Application DC/14/2073/FUL - Land Adjacent 34 Broom Road, Lakenheath (Report No DEV/FH/16/015)**

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

The Principal Planning Officer – Major projects advised the Committee that the applicant had lodged an appeal against the 'non-determination' of this planning application within the prescribed decision making periods.

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

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

A Member site visit was held prior to the meeting.

Councillor Louise Marston, as Ward Member for the application, had submitted a statement to the Officer as she had been unable to attend the meeting. Councillor Marston raised concerns that the Council would be unable to determine the application without predetermination in light of an appeal having been lodged by the applicant. The Officer explained that he would respond to Councillor Marston directly to clarify the position with regard to this matter (as had been previously outlined to the meeting).

The Officer drew attention to the section in his report with regard to highways; specifically Paragraph 283 which outlined the two junctions where issues would arise as a consequence of cumulative growth in Lakenheath. He

showed Members the location of these two junctions on a map and explained that a Highways Assessment had been submitted and was currently out for public consultation.

The Committee was advised that the Officer recommended that Members resolve that they would have refused planning permission, had the non-determination appeal not been made, for the reasons set out in Paragraph 335 of the report and the dis-benefits of development identified in Tables B and, potentially, Table C.

Councillor David Bowman moved that the Committee resolve that they would have refused planning permission, in line with the Officer recommendation, subject to an update being provided to the December 2016 meeting of the Committee. This was duly seconded by Councillor Simon Cole.

With the vote being unanimous, it was resolved that:

The Development Control Committee **WOULD HAVE REFUSED PLANNING PERMISSION** had the non-determination appeal not been made, for the reasons briefly set out at Paragraph 335 of the report and that the dis-benefits of development identified in Table B (and potentially, Table C) significantly and demonstrably outweigh the benefits identified in Table A.

The Head of Planning and Growth be authorised to:

- I. Defend the decision of the Development Control Committee at the forthcoming public inquiry;
- 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;
- 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;
- 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;
- 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; and
- VI. Provide an update report to the Development Control Committee in December 2016.

Councillor Ruth Allen left the meeting at 7.05pm during the preliminary discussion of this item and prior to the voting thereon.

150. **Planning Application DC/15/2120/FUL - Kininvie, Fordham Road, Newmarket (Report No: DEV/FH/16/016)**

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.

This application was deferred from consideration at the Development Control Committee meeting on 1 June 2016 as Members resolved that they were 'minded to refuse' planning permission, contrary to the Officer recommendation of approval, due to concerns that the proposal would result in unsatisfactory parking provision for the development and that the excessive scale of the building would be harmful to the character/street scene of the surrounding area.

Report No DEV/FH/16/016 included a risk assessment of the potential reasons for refusal together with technical notes and further documents submitted by the applicant (attached as Working Papers to the report).

A second Member site visit was held prior to the meeting. Officers were continuing to recommend that the application be approved as set out in Paragraph H1 of the report, subject to an amendment (as read out to the meeting) to ensure provision of 3 car parking spaces for blue badge holders.

The Principal Planning Officer – Major Projects advised the Committee of the following updates since the agenda was published:

- Three further letters of representation had been received from neighbours opposing the development citing issues which included; highway safety, drainage and loss of privacy; and
- Two further letters of support had been received from individuals expressing a wish to purchase a property from the development and highlighting the current lack of retirement properties within Newmarket.

Councillor Ruth Bowman made reference to the condition within the report's recommendation which concerned occupancy restriction. She queried why the report stipulated over 55s only whereas some of the supporting documentation, which referred to other retirement developments, cited over 60s as being the restriction. The Officer explained that this condition could be amended to over 60s should Members wish.

Councillor Peter Ridgwell spoke at length on this item, he advised the Committee that he worked at a retirement complex in Brandon which he stated had vastly inadequate car parking provision for residents, meaning visiting carers were left with no option but to park on the roadside.

Whilst not wishing to make any direct comparisons, as Members were to consider each application before them on its own merits, the Officer explained that the ratio of parking spaces per residential unit in the proposed scheme was far higher than that of the development Councillor Ridgwell made reference to. The Officer also explained that there was designated storage for cycles and mobility scooters as part of the development.

Councillor David Bowman proposed that the application be approved as per the Officer recommendation, inclusive of the amendments in respect of the 3 disabled parking spaces and the alteration of the age restriction to 60 (from 55). This was duly seconded by Councillor Simon Cole.

Councillor Carol Lynch requested that a recorded vote be taken for this item and this was unanimously supported by the Committee.



Accordingly, with the motion being put to the vote Members voted as follows:

<b>Name of Member</b>	<b>For</b>	<b>Against</b>	<b>Abstained</b>
Chris Barker	X		
David Bowman	X		
Ruth Bowman	X		
Rona Burt	X		
Simon Cole	X		
Brian Harvey	X		
Carol Lynch		X	
Victor Lukaniuk	X		
Peter Ridgwell		X	
<b>TOTAL</b>	<b>7</b>	<b>2</b>	<b>0</b>

Whereupon the Chairman declared the motion carried and it was resolved that:

Following receipt of satisfactory amended plans illustrating at least 25 car parking spaces, with 3 of those being of appropriate specification for use by blue badge holders (all provided to the specifications set out in the Suffolk Advisory Parking Standards) 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 60's only + any dependents)

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.

Speakers: Mrs Jill Rogers (resident) spoke against the application.  
Mr Chris Styles (architect) spoke in support of the application.

Councillor Roger Dicker left the meeting at 7.42pm during the preliminary discussion of this item and prior to the voting thereon.

The meeting concluded at 8.28 pm

**Signed by:**

**Chairman**

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## Forest Heath District Council

**DEVELOPMENT  
CONTROL COMMITTEE**

**3 AUGUST 2016**

**DEV/FH/16/017**

**Report of the Head of Planning and Growth**

**PLANNING APPLICATION DC/16/0715/FUL - FLAT, THE MANOR,  
NEWMARKET ROAD, BARTON MILLS**

### **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: Kerri Cooper  
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Telephone: 01284 757341

# Committee Report

**Date** 31<sup>st</sup> May 2016 **Expiry Date:** 26<sup>th</sup> July 2016

**Registered:**

**Case Officer:** Kerri Cooper **Recommendation:** Approve

**Parish:** Barton Mills **Ward:** Manor

**Proposal:** Planning Application DC/16/0715/FUL - Retention of - Change of use of Orthodontic Practice (Class D1) to self-contained flat (Class C3)

**Site:** Flat, The Manor, Newmarket Road, Barton Mills

**Applicant:** Mr Knight

## **Background:**

**This application is referred to the Development Control Committee due to the complex policy issues. The application is recommended for approval.**

## **Proposal:**

1. Planning permission is sought for the retention of a self contained flat on part ground and first floor level (Class C3), which was previously an Orthodontic Practice (Class D1). The rest of The Manor remains as a separate residential unit.

## **Application Supporting Material:**

2. Information submitted with the application as follows:
  - Location Plan received 27<sup>th</sup> May 2016.
  - Existing and Proposed Floor Plans received 27<sup>th</sup> May 2016.
  - Planning Statement received 27<sup>th</sup> May 2016.

## **Site Details:**

3. The application site comprises The Manor, a Grade II listed building that is enclosed by a boundary wall. The Manor was previously an Orthodontist Practice with associated residential use which has been retained.
4. The Manor is set back from the main road and located in generous grounds. Newmarket Road runs to the north of the site and an access track, serving Hall Farm and Hall Farm Bungalow, runs to the east.

### **Planning History:**

5. F/2013/0134/FUL - Creation of a new access onto Newmarket Road to serve the Orthodontic Practice, including a new gateway in existing boundary wall. Creation of a new parking area. – Approved.
6. F/2009/0196/LBC - Internal alterations - division of first floor bathroom to form bathroom and en-suite and insertion of monodraught sunpipe to provide natural sunlight. – Approved.
7. F/94/066 - Insertion of staircase and change of use of part of building from residential to orthodontic surgery. – Approved.
8. F/94/067 - Insertion of new staircase to facilitate change of use of part of building to orthodontic surgery. – Approved.

### **Consultations:**

9. Public Health and Housing: No objection.
10. Conservation Officer: No objection.

### **Representations:**

11. Parish Council: No comments received.
12. Neighbours: No representations received.

**Policy:** The following policies of the Joint Development Management Policies Document and the Forest Heath Core Strategy 2010 have been taken into account in the consideration of this application:

#### 13. Joint Development Management Policies Document:

- Policy DM1 (Presumption in Favour of Sustainable Development)
- Policy DM2 (Creating Places – Development Principles and Local Distinctiveness)
- Policy DM5 (Development in the Countryside)
- Policy DM22 (Residential Design)
- Policy DM46 (Parking Standards)

#### 14. Forest Heath Core Strategy 2010:

- Policy CS1 (Spatial Strategy)
- Policy CS2 (Sustainable Development)
- Policy CS5 (Design Quality and Local Distinctiveness)
- Policy CS10 (Sustainable Rural Communities)

### **Other Planning Policy:**

15. National Planning Policy Framework (2012)

### **Officer Comment:**

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

- Principle of Development
- Design and Form
- Impact on Listed Building
- Impact on Neighbouring Amenity
- Other Matters

### **Principle of Development**

17. 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.

18. 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'.

19. 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.

20. 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.

21. 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.

22. 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.

23. 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.
24. The proposal does offer societal 'benefit' in terms of contributing to the District's housing need and granting permission would have a positive, (albeit very slight), bearing on the Authority's housing land supply status. In addition, the current proposal, to some extent, is helping to support 'local' services and amenities within Barton Mills and elsewhere, were it to be permitted. However, the benefits brought by the addition of a self-contained flat are modest and therefore, carry less weight in the overall balance.
25. The application site lies outside of the Housing Settlement Boundary of Barton Mills (by approx. 200m), on land classified as 'Countryside'. Policy CS1 classifies Barton Mills as a secondary village and therefore has a limited range of services and facilities, but could accommodate a very limited amount of new development. It also states that *'Development outside the settlement boundary will be restricted to particular types of development that support the rural economy, meet affordable housing needs, or provide renewable energy subject to all other material considerations and policies'*.
26. Paragraph 55 of the NPPF states that *'To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby...'*. Policy DM5 states that *'areas designated as countryside will be protected from unsustainable development.'*
27. The Manor was previously one residential unit before part ground and first floor conversion to Orthodontic Practice in 1994. This application seeks to retain the previous Orthodontic Practice as a self-contained flat. The Manor now comprises two residential units. The proposal does not incorporate a new or extended building where other Local Plan policies would apply.
28. 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, 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.

### **Design and Form**

29. Policy DM22 states that residential development proposals should maintain or create a sense of place and/or character by utilising the characteristics of the locality to create buildings and spaces that have a strong sense of place and distinctiveness, using an appropriate innovative design approach and incorporating a mix of housing and unit sizes that is appropriate for the location.
30. There has been no change to the external appearance of The Manor and prior to the change of use to Orthodontic Practice, The Manor was 1no. residential unit. The amenity space does not require subdivision.

### **Impact on Listed Building**

31. Policy DM15 states that proposals to alter, extend or change the use of a Listed Building, or development affecting its setting, will be permitted where they are not detrimental to the buildings character and have regard to the historic internal layout and other features of importance.
32. No internal or external alterations have been carried out and none are proposed to The Manor. Therefore, given that the main use of The Manor has primarily been residential and it is seeking the retention of the subdivision, it is not considered that there is any harm caused to the Listed Building and its setting as a result.

### **Impact on Neighbouring Amenity**

33. The application site is relatively secluded and there is a good degree of separation from nearby properties. As such, the proposal does not raise any adverse impact in relation to neighbouring amenity.

### **Other Matters**

34. There is an existing access which serves The Manor and the flat. The Orthodontic Practice provided 10no. car parking spaces. Consequently, there is sufficient on site parking to meet with Suffolk Parking Guidance 2014. Furthermore, the vehicular movements to and from the site are likely to be reduced as the use of the site will not give rise to the level of movements as before.
35. The Manor is screened by a high level boundary wall and mature landscaping, ensuring that the site is well screened with minimal views from Newmarket Road.

### **Conclusion:**

36. Given this is a retrospective application for a change of use only, there are no external or internal changes to the building as a result of the development. Officers consider it would be difficult therefore to refuse the application on the grounds that it was intrusive or detrimental to the surrounding landscape character. In addition, it is located in close proximity to local services and facilities. On this basis, the harm arising is not considered significant enough to warrant refusal of the application on this basis.



37. Therefore, whilst the scheme is not policy compliant, there are no other adverse impacts which would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole. The proposal is considered to represent sustainable development in accordance with the NPPF.

38. Consequently, it is considered that on balance, the proposal is acceptable and is therefore recommended for approval.

**Recommendation:**

39. It is recommended that planning permission be **APPROVED**.

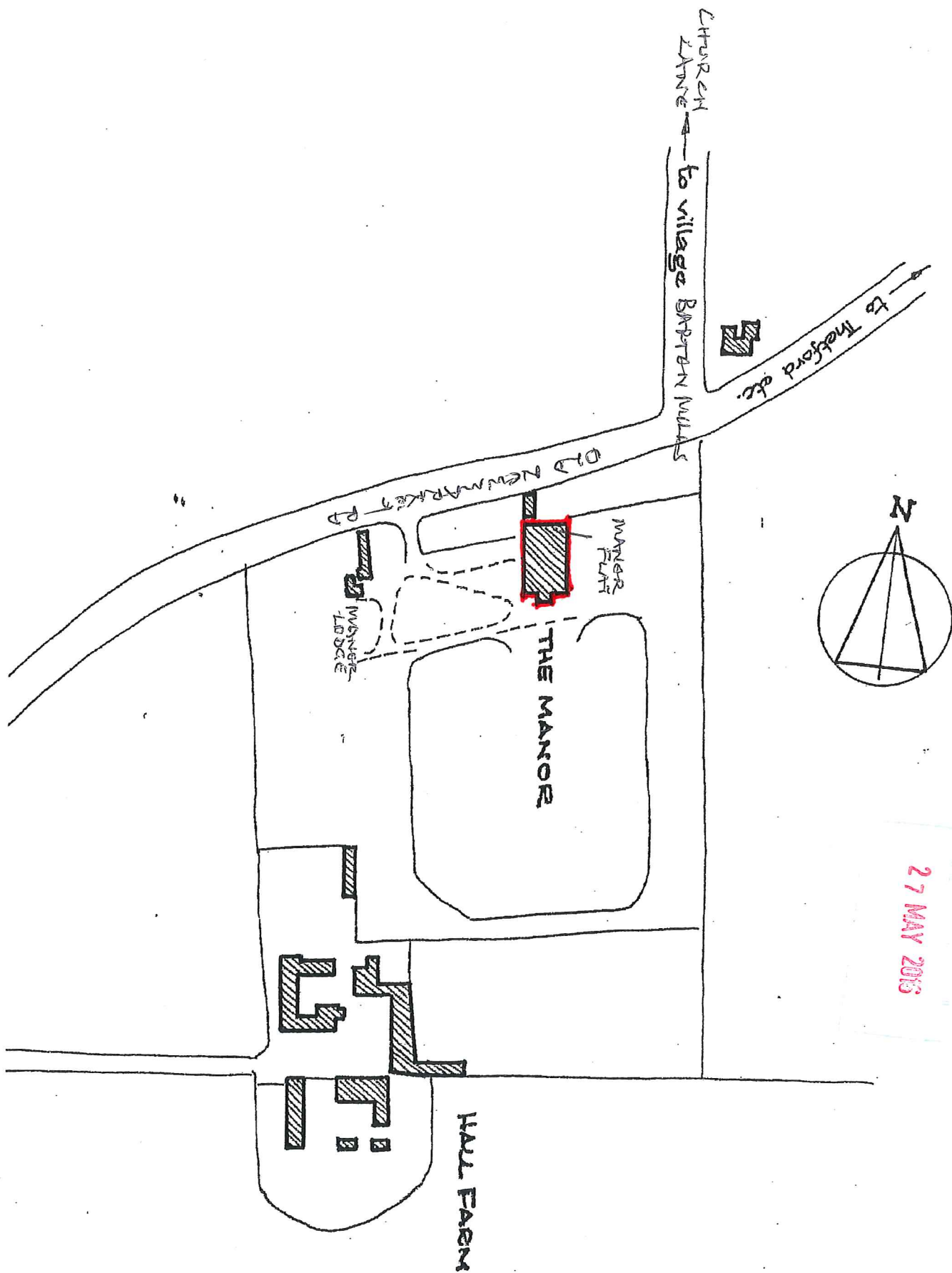
Officer note – No conditions are necessary as the application is retrospective.

**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=O57R40PD03H00>

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## Forest Heath District Council

**DEVELOPMENT  
CONTROL COMMITTEE**

**3 AUGUST 2016**

**DEV/FH/16/018**

**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  
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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:

1. This application was deferred from consideration at the Development Control Committee meeting on 6 July 2016. Members resolved that they were minded to grant planning permission contrary to the officer recommendation of refusal. At this point, the risk assessment protocol was invoked requiring the further reporting of this matter before a decision is able to be made.
2. A Committee site visit was undertaken on 4 July 2016 at which time Members observed the disused and unkempt state of the site. They also noted the site was not particularly isolated as there were existing residential dwellings adjacent to and opposite the site.
3. At the subsequent Development Control Committee meeting on 6 July 2016 Members considered the material considerations which weighed in favour of and against the scheme. Members considered that the proposal would not create a precedent for further development into open countryside. Members gave greater weight in the balance of considerations to the fact that this is a brownfield site, will provide 2 units of affordable housing on site as well as a footpath link to the village which would also benefit existing residents. The scheme would also contribute (albeit modestly) towards the District's housing need. Whilst the scale of the residential units is not a matter for consideration at this stage, Members also appreciated the indication that the development could provide much needed single storey dwellings.
4. The purpose of this report is to provide a risk assessment for Members in accordance with the Decision Making Protocol, should planning permission be granted for the development contrary to the officer recommendation.

5. The previous officer report for the 6 July 2016 meeting of the Development Control Committee is included as Working Paper 1 to this report. Members are directed to this paper for details of the site and development, summaries of consultation responses and neighbour representations, and for the officer assessment of the proposal.
6. The officer recommendation, which is set out at the end of this report, remains that planning permission should be refused for the reason set out.

**Proposal:**

7. See working paper 1

**Application Supporting Material:**

8. See working paper 1

**Site Details:**

9. See working paper 1

**Planning History:**

10. See working paper 1

**Consultations:**

11. See working paper 1

**Representations:**

12. See working paper 1

**Policy:**

13. See working paper 1

**Officer Comment:**

14. Please refer to Working Paper 1, Paragraphs 24 - 78 for the officer assessment of the proposals.

**Risk Assessment:**

15. The purpose of this report is to advise Members of the risks associated with the 'minded to' resolution to grant planning permission for the development proposal, having regard to the conflict with policy in this case and the officer recommendation to refuse planning permission. For the reasons set out in this report and working paper 1, it remains officers' recommendation that permission be refused. If Members remain minded

to approve the application, they must be satisfied that any risks associated with doing so have been properly considered.

16. Members will recall that the previous officer recommendation was to refuse planning permission 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.*

17. If Members remain of the opinion that this application should be approved, they must be aware of any potential risks that may arise. The most significant potential risk in this case is reputational, as development would be permitted that is otherwise considered contrary to the provisions of adopted policy as well as the guidance contained within the NPPF.
18. Officers consider the development proposed in this case to be contrary to policy and does not represent sustainable development. Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require decisions to be made in accordance with the development plan unless there are material considerations that indicate otherwise. This risk arising is reputational



unless effective justification can be given for setting aside this policy conflict.

19. A further significant risk is the effective weakening of the policy position. As decisions are taken that conflict with the clear aims and spirit of the policies, which seeks to ensure development is directed within existing settlements where dwellings are within easy reach of shops and services that serve their communities, then the effectiveness of the policies can be reduced and it becomes increasingly difficult to resist similar proposals in similar circumstances.
20. The application site is within the countryside for planning purposes, being outside of the defined settlement boundary for Beck Row. Within its core planning principles (at paragraph 17) the NPPF requires the recognition of the intrinsic character and beauty of the countryside and the need to actively manage patterns of growth and focus significant development in sustainable locations. In addition the NPPF at paragraph 55 seeks to promote sustainable development in rural areas. JDMP Policy DM5 states that areas designated as countryside will be protected from unsustainable development.
21. For the reasons set out in the Officer Comment section of working paper 1, the principle of development in this case is contrary to the Development Plan policies identified. This alone weighs heavily against the scheme in the balance of considerations. Furthermore, 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.
22. As set out in working paper 1, there are no concerns in relation to design and residential amenity, biodiversity, landscape impacts, noise impacts or highways impacts.
23. 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.
24. 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.
25. 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.

26. From a social perspective, the development would make a modest contribution to the District's housing needs (up to 8 dwellings), including 25% affordable housing provision on site.
27. 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.
28. The site is approx. 500m from the nearest bus stop on Holmsey Green. There is a very limited bus service in and out of Beck Row. 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.
29. 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.
30. Officers still consider this to be a balanced decision, but remain of the opinion that the benefits of the scheme would not outweigh the potential dis-benefits. For this reason, officers still conclude that the proposal would not constitute sustainable development as set out in the Framework.
31. For these reasons Officers advise that the Committee considers this matter carefully.

### **Conclusion:**

32. 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 remains therefore as one of refusal.

### **Recommendation:**

33. 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.

34. Notwithstanding the above, should Members remain minded to approve this application Officers recommend that the following conditions be imposed:

1. Application for the approval of the matters reserved by conditions of this permission shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. The development hereby permitted shall be begun not later than whichever is the latest of the following dates:-
  - i. The expiration of three years from the date of this permission;
  - or
  - ii. The expiration of two years from the final approval of the reserved matters; or,
  - iii. In the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: To conform with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Details of the appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.  
Reason: Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990 (as amended) and to enable to the Local Planning Authority to exercise proper control over these aspects of the development
3. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the following approved plans and documents:  
Location plan (received 14.01.2015)  
Layout plan 02 B (received 08.02.2016)  
Highways improvement layout 150/2014/01  
Highways improvement layout 150/2014/02  
Highways improvement layout 150/2014/03  
Reason: To define the scope and extent of this permission.
4. Demolition or construction works shall not take place outside 08:00 hours to 18:00 hours Mondays to Fridays and 08:00 hours to 13.30 hours on Saturdays and at no time on Sundays or Bank Holidays.  
Reason: To protect the amenity of occupiers of adjacent properties from noise and disturbance.
5. No security lights or floodlights shall be erected on site without the submission of details to, and written approval from, the Local Planning Authority.  
Reason: To ensure a lighting environment of low district brightness at residential properties and to protect the amenity of the area.
6. The recommendations/mitigation set out in the Ecological Scoping Survey and Bat Survey (both by Hillier Ecology Ltd), both dated July 2014, shall be implemented in full. All enhancements shall be carried out prior to occupation of the dwellings.  
Reason: To provide ecological enhancements on the site in accordance with the NPPF.
7. No other part of the development hereby permitted shall be commenced until the existing vehicular access has been improved, laid out and completed in all respects in accordance with drawing no. 150/2014/02; and with a minimum entrance width of 5.5 metres. Thereafter the access shall be retained in the specified form.  
Reason: It is necessary to impose a pre-commencement condition in the interests of highway safety to ensure that the layout of the access is properly designed, constructed and provided before the development is commenced.
8. Before the development is commenced details shall be submitted to and approved in writing by the Local Planning Authority showing the means to prevent the discharge of surface water from the development

onto the highway. The approved scheme shall be carried out in its entirety before the access is first used and shall be retained thereafter in its approved form.

Reason: To prevent hazards caused by flowing water or ice on the highway.

9. Before the development is commenced details of the areas to be provided for the [LOADING, UNLOADING,] manoeuvring and parking of vehicles including secure cycle storage shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter and used for no other purpose.

Reason: It is necessary to impose a pre-commencement condition to ensure the provision and long term maintenance of adequate on-site space for the parking and manoeuvring of vehicles, where on-street parking and manoeuvring would be detrimental to highway safety.

10. Before the development is commenced details showing an adequate car turning space within the site shall be submitted to and approved in writing by the Local Planning Authority.

The approved scheme shall be carried out before occupation and shall be retained thereafter and used for no other purpose.

Reason: It is necessary to impose a pre-commencement condition to enable vehicles to enter and exit the public highway in forward gear in the interests of highway safety.

11. Before the access is first used visibility splays shall be provided as shown on Drawing No. 150/2014/02 with an X dimension of 2.4 metres and a Y dimension of 90 metres and thereafter retained in the specified form. Notwithstanding the provisions of Part 2 Class A of the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no obstruction over 0.6 metres high shall be erected, constructed, planted or permitted to grow within the areas of the visibility splays.

Reason: To ensure vehicles exiting the drive would have sufficient visibility to enter the public highway safely and vehicles on the public highway would have sufficient warning of a vehicle emerging in order to take avoiding action.

12. Before the development is occupied the footway and crossing points on Wilde Street shown on drawing numbers 150/2014/01; 150/2014/02 and 150/2014/03 shall be provided. Details of the works shall first be submitted to and approved in writing by the Local Planning Authority.

Reason: To provide a sustainable footway link from the development to the existing footway network of Beck Row in the interests of highway safety and sustainability.

13. The acoustic insulation of the dwelling units within the proposed development shall be such to ensure noise levels with windows closed do not exceed an LAeq(16hrs) of 35 dB(A) within bedrooms and living

rooms between the hours of 07:00 to 23:00 and an LAeq(8hrs) of 30dB(A) within bedrooms and living rooms between the hours of 23:00 to 07:00.

Reason: To protect the amenity of residential occupiers due to the close proximity of RAF Mildenhall and RAF Lakenheath.

A Section 106 has already been signed to secure the affordable housing. There are no other s106 requirements.

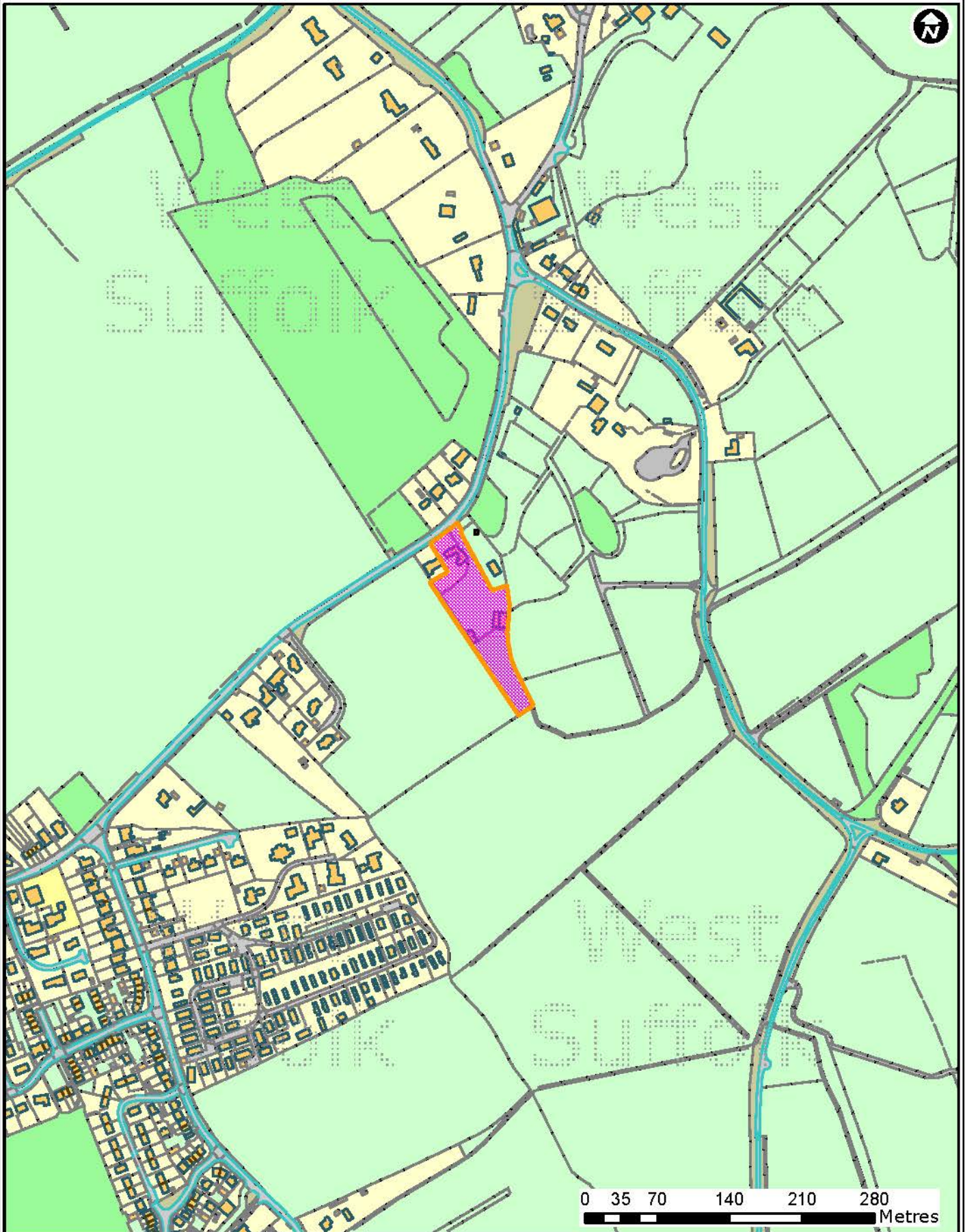
**Documents:**

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>

**DC/15/0070/OUT**

Rolfes Coal Yard, Beck Row



Forest Heath • St Edmundsbury

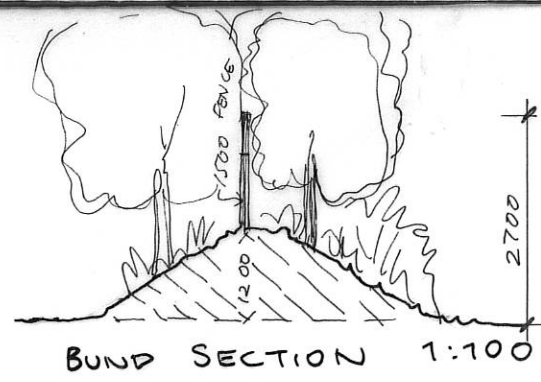
**West Suffolk**  
working together

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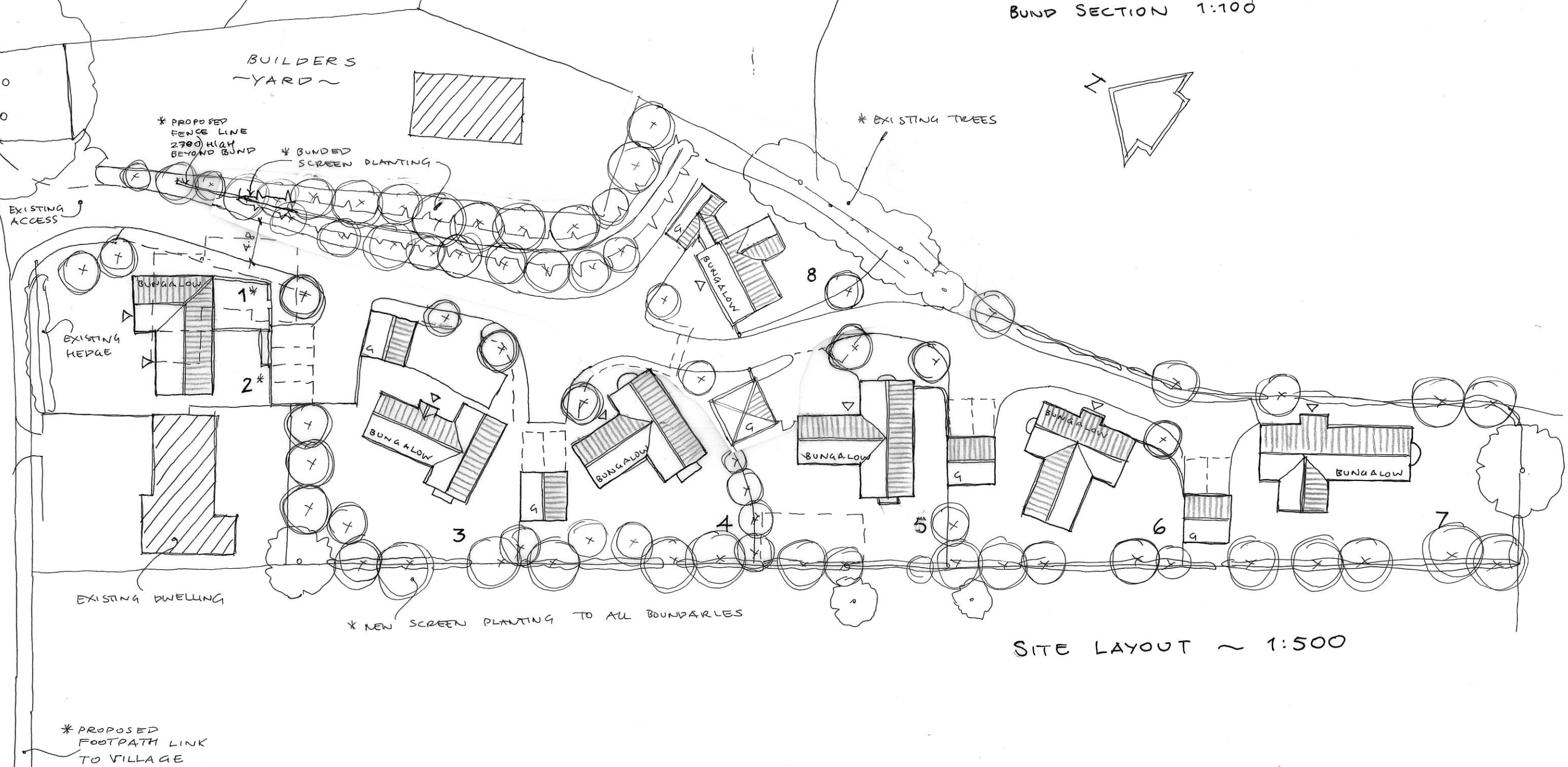
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SITE LAYOUT ~ 1:500

Client: MR R TAYLOR	Scale: 1:500	<b>BROWN &amp; SCARLETT ARCHITECTS</b> 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/16/012**

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

**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](mailto: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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## Forest Heath District Council

**DEVELOPMENT  
CONTROL COMMITTEE**

**3 AUGUST 2016**

**DEV/FH/16/019**

**Report of the Head of Planning and Growth**

**PLANNING APPLICATION DC/16/0179/FUL - DEVELOPMENT SITE, GAZELEY ROAD, KENTFORD**

### **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: Kerri Cooper  
Email: [kerri.cooper@westsuffolk.gov.uk](mailto:kerri.cooper@westsuffolk.gov.uk)  
Telephone: 01284 757341

# Committee Report

**Date** 5<sup>th</sup> February      **Expiry Date:** 1<sup>st</sup> April 2016 – EOT 4<sup>th</sup>  
**Registered:** 2016      August 2016

**Case Officer:** Kerri Cooper      **Recommendation:** Approve

**Parish:** Kentford      **Ward:** South

**Proposal:** Planning Application DC/16/0179/FUL - 2no. two storey dwellings as amended by drawing nos. 755/1, 2, 3, 4, 5, 6, 7 and 16 5638 10 Rev J received 20th May, 27th June and 20th July 2016 revising layout and design and omitting 1no. dwelling

**Site:** Development Site, Gazeley Road, Kentford

**Applicant:** Mr Wyncoll

## **Background:**

**This application is referred to the Development Control Committee due to the complex policy issues. The recommendation is for APPROVAL and the Parish Council raise no objections.**

## **Proposal:**

1. Planning permission was initially sought for the construction of 3no. detached dwellings, with associated landscaping and parking. The existing access into the site is to be improved.
2. The application has been amended since submission to omit 1no. dwelling and revise the site layout and design of the proposed dwellings following concerns raised by the Local Planning Authority.

## **Application Supporting Material:**

3. Information submitted with the application as follows:
  - Drawing nos. 755/1, 2, 3, 4, 5, 6 and 7 received 20<sup>th</sup> May and 27<sup>th</sup> June 2016.
  - Site Location Plan and drawing no. 16 5638 10 Rev J received 27<sup>th</sup> June 2016 and 20<sup>th</sup> July 2016.
  - Arboricultural Impact Assessment and Method Statement received 23<sup>rd</sup> May 2016.

### **Site Details:**

4. The application site is located to the rear of Regal Lodge and The Cottage, which is a new dwelling nearing completion. The site is accessed via Gazeley Road which also serves Regal Lodge. The site is situated outside of the Housing Settlement Boundary, within the Countryside on the edge of Kentford. Protected trees lie to the South and West of the site.
5. The site is surrounded by a combination of residential and business units.

### **Planning History:**

6. DC/15/0965/FUL - Planning Application - Erection of dwelling –The Cottage, Gazeley Road, Kentford – Approved
7. F/94/302 - Conversion of former hotel and outbuildings to form three dwellings and garages – Regal Lodge, Gazeley Road, Kentford - Approved

### **Consultations:**

8. Highway Authority: No objection, subject to conditions.
9. Conservation Officer: No objection.
10. Environmental Health – Public Health and Housing: No objection, subject to condition.
11. Environmental Health – Land Contamination: Prior to the application being amended, the following objection was received:
  - *The application contains insufficient information on the risk posed by potential contamination at the site.*Subsequent comments were received following re-consultation on the amended plans:
  - *The Environment Team following the revisions to the above referenced planning application. Given the development now only comprises of two dwellings and is below our threshold for requiring a full Phase One Desk Study report, we can now withdraw our objection to the application.*
12. Landscape and Ecology Officer: An initial objection was received due to impact on a TPO Beech Tree.  
  
Subsequent comments were received following re-consultation on the amended plans:
  - *House no. 2 has been repositioned outside of the Root Protection Area, therefore I have no objection subject to conditions.*
13. Policy: The following comments have been received:
  - *The Council can continue to demonstrate an up to date five year supply of housing land.*

- *The application site remains outside the settlement boundary and within the countryside. The principle of development on this site would be contrary to policy CS10 of the Core Strategy as it is not within the Kentford settlement boundary;*
- *The application remains contrary to a number of policies in the Joint Development Management Document. The site continues to lie within the countryside and the proposals do not meet the criteria for development set out in policies DM5 and DM27. In respect of our previous concerns regarding any potential 'conflict' with elements of DM2 (in particular criterion d. and g.) you should assess whether (and further to our recommendation of canvassing comments from the Conservation Team in respect of potential impact on Regal Lodge and the impact on trees on the site from a tree officer) the revised submission has gone far enough in terms of addressing these,*
- *The emerging Site Allocations Local Plan Preferred Options, taking into account all available evidence at this time, is still not proposing to allocate the application site although it is proposed to extend the settlement boundary in this location (although it is recognised that whilst this plan indicates the council's preferred direction of growth, this plan is at Regulation 18 stage and therefore only carries limited weight).*
- *It remains that a boundary change to planning application DC/14/2203/OUT will need to be reflected in the next stage of the SALP along with consequential changes to the settlement boundary which would exclude the site subject of the current application.*
- *To conclude, it is for you to balance the above planning issues with the requirement of the NPPF to deliver sustainable development. However, planning law dictates that applications for planning permission must be determined in accordance with the development plan unless material considerations dictate otherwise. Irrespective of your conclusions in respect of any conflict with the provisions of Policy DM2, the revised proposal would be contrary to policies CS10, DM5 and DM27 that form part of the Forest Heath Development Plan.*

14. Natural England: No objection.

15. RSPB: No comments received.

16. Environment Agency: No objection.

17. Development Monitoring Officer: The following comments were received:

- *For this application it is a net gain of 2 dwellings, so no s106 contributions will apply, unless the dwellings have a maximum combined gross floor space of more than 1000sqm.*

18. Officer Note: the combined floor space does not exceed 1000sqm.



## **Representations:**

19. Parish Council: Prior to the amendments and re-consultation, the following comments in support of the application were received:

- *Support the application as there has been some very sensitive and thoughtful designs. As there are now 10no. houses / apartments within this development, it should count as a significant factor in the Local Plan consideration.*

20. No further comments have been received from the Parish Council.

21. Neighbours: Prior to the amendments and re-consultation, the following comments in support of the application have been received from the owner of the adjacent property:

- *I support this imaginative proposal and its use of the space available on the site to provide further high quality homes in Kentford.*

22. No further representations have been received.

**Policy:** The following policies of the Joint Development Management Policies Document and the Forest Heath Core Strategy 2010 have been taken into account in the consideration of this application:

23. Joint Development Management Policies Document:

- Policy DM1 (Presumption in Favour of Sustainable Development)
- Policy DM2 (Creating Places – Development Principles and Local Distinctiveness)
- Policy DM5 (Development in the Countryside)
- Policy DM7 (Sustainable Design & Construction)
- Policy DM12 (Mitigation, Management, Enhancement and Monitoring of Biodiversity)
- Policy DM13 (Landscape Features)
- Policy DM14 (Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards)
- Policy DM22 (Residential Design)
- Policy DM27 (Housing in the Countryside)
- Policy DM46 (Parking Standards)

24. Forest Heath Core Strategy 2010:

- Policy CS1 (Spatial Strategy)
- Policy CS2 (Sustainable Development)
- Policy CS5 (Design Quality and Local Distinctiveness)
- Policy CS10 (Sustainable Rural Communities)

## **Other Planning Policy:**

25. National Planning Policy Framework (2012)

26. Emerging Site Allocations Preferred Options

27. Forest Heath 1995 Local Plan Saved Policies

28. Strategic Housing Land Availability Assessment (SHLAA)

### **Officer Comment:**

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

- Principle of Development
- Design and Form
- Impact on Neighbouring Amenity
- Impact on Highway
- Other Matters

### **Principle of Development**

30. 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.

31. 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'.

32. 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.

33. 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.

34. 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.

35. 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.

36. 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.
37. 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).
38. 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.
39. The proposal does offer societal 'benefit' in terms of contributing to Forest Heath's housing stock and granting permission would have a positive, (albeit very slight), bearing on the Authority's housing land supply status. In addition, it is feasible that the current proposal, to some extent, could help support 'local' services and amenities within Kentford and elsewhere, were it to be permitted. Further, the proposal would give rise to economic benefits in the construction phase and would make more efficient use of the site in housing density terms. However, the benefits brought by two private dwellings are modest and therefore, carry less weight in the overall balance.
40. The application site lies outside, but adjacent to the southern edge of the Kentford Housing Settlement Boundary as defined on Inset Map 11 'Kentford Development Boundary' in the 1995 Local Plan. The application site is therefore classified as 'Countryside'. The 1995 Local Plan shows the application site as lying outside of the Kentford settlement boundary. In the emerging Site Allocations Local Plan (SALP) Preferred Options, the

settlement boundaries have been reviewed. Paragraph 13.1 of the emerging Local Plan states;

*'The settlement boundary is a planning tool – a line on a map that defines the main built form of the settlement. The line on the map is based on recognisable boundaries, such as walls, trees and hedgerows, and groups of buildings, and the review includes new development and planning permissions that have been built or granted since 1995. They will include shops, schools, churches, buildings used for a variety of employment uses, houses, and in most cases they will exclude open spaces and farms, sporadic development that does not relate well to the built form of the settlement and other features that local people may consider to be part of the village'*

41. The application site is not proposed as a preferred allocation in this emerging Plan and the site is not included within the proposed settlement boundary. The application site boundary for the neighbouring development at The Cock Inn PH (DC/14/2203/OUT) has been amended, to exclude the land at South Lodge. This boundary change was made to protect the trees which attributes to the character and surroundings of Regal Lodge. Now that a decision notice has been issued for this application, a boundary change to Preferred Option SALP site reference K1 (b) will follow in the next consultation, along with a consequential change to the settlement boundary to ensure the protection of the trees and surroundings of Regal Lodge.
42. Paragraph 55 of the NPPF states that *"To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby....."*.
43. Policy DM5 states that *'areas designated as countryside will be protected from unsustainable development.'* The policy goes on to state that *'a new or extended building will be permitted, in accordance with other policies within this plan, where it is for a small scale residential development of a small undeveloped plot, in accordance with policy DM27'*.
44. Policy DM27 states that proposals for new dwellings will be permitted where the development is within a closely knit cluster of 10 or more existing dwellings adjacent to or fronting a highway or the scale of the development consists of infilling a small undeveloped plot by one dwelling or a pair of semi detached dwellings, commensurate with the scale and character of existing dwellings.
45. In this case, the position of the proposed dwellings is behind that of 'Regal Lodge' and 'The Cottage'. Therefore, it does not comply with the above criteria in that it does not front a highway, nor does it infill a small undeveloped plot with a pair of semi-detached dwellings. This conflict with policy must be taken as a factor which weighs against the scheme. However, this part of Kentford accommodates more than ten dwellings and is clearly a 'cluster', which further limits any harm in principle.

46. Policy DM2 states that proposals should recognise and address key characteristics, landscape and special qualities of the area and buildings, not involve the loss of gardens and important open space which contribute to the character and appearance of a settlement.
47. The site does not provide a visually important gap, as public views from Gazeley Road are obscured by existing landscaping to the east and south of the site. Moreover, the proposal does not cause any highway safety issues or have an adverse impact on the environment.
48. 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, 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.

### **Design and Form**

49. Policy DM22 states that residential development proposals should maintain or create a sense of place and/or character by utilising the characteristics of the locality to create buildings and spaces that have a strong sense of place and distinctiveness, using an appropriate innovative design approach and incorporating a mix of housing and unit sizes that is appropriate for the location.
50. As previously detailed, the original scheme comprised of 3no. dwellings. These were link detached and two storey in nature. The proposed dwellings were large in scale and bulky in appearance and therefore visually prominent, intrusive and urban in this context. They formed a continuous two storey terrace that is out of character in this location. It was concluded that the proposals would be detrimental to the amenities of the Countryside and would result in substantial change.
51. Consequently, the application has been amended to encompass 2no. detached, two storey dwellings. The attached garages have been removed and the dwellings have been repositioned in the site to create a minimum separation distance of 10 metres. The proposed dwellings have been designed to mirror one another and incorporate sympathetic detailed features. The roof design has also changed and now appears less bulky. It is now considered that the proposed development fits in with the varied pattern of development in the locality which consists of large historic properties to smaller modern semi-detached dwellings and modest bungalows. The surrounding dwellings utilise different accesses with no clear building line or linear arrangement. On this basis, it is not considered that the proposed location of the dwellings would be detrimental to the character of the area. Whilst the new dwellings would not benefit from a clear road frontage, their character, form and layout adds further interest to this area of development in Kentford. To ensure that the external appearance of the development is satisfactory, facing and roofing

materials can be secured by condition.

### **Impact on Neighbouring Amenity**

52. There is a minimum distance of 10 metres between 'The Cottage' and the proposed dwelling 'House no. 1'. One window is proposed at first floor level in the side elevation of 'House no. 1' to serve the bathroom. A mature tree line is located to the west and south of the site. There is a minimum distance of 20 metres between 'The Cottage' and the proposed dwelling 'House no. 2'. The front elevation of 'House no. 2' faces 'The Cottage'. Parking to serve both properties is located along the northern boundary of the site. Existing boundary fences and hedges are to be retained where existing, with the exception of the north east boundary fronting on to the approved development where a new close boarded fence will be provided and planted with semi-mature planting on the south eastern side. Whilst a greater amount of activity will take place in this location, it is used as a garden and therefore, there is no restriction on its use.

53. Due to the separation distance between the dwellings and the positioning of established landscaping and fencing on the common boundaries, it is not considered that the existing occupants would experience any loss of light, overshadowing or significant disturbance from the proposed dwellings and as such, their residential amenity will be retained.

### **Impact on Highway**

54. The County Highway Authority is satisfied with the visibility splays achievable from the existing access along with the onsite parking provisions and as such, has raised no objections to the proposal, subject to conditions.

### **Other Matters**

55. There are a number of existing trees on the site and in the immediate vicinity. In particular there is a mature copper beech T01 located close to the southern boundary of the site which is given a BS category B rating. The tree is of amenity value and should be retained on the site. The majority of other trees appear to be in the neighbouring garden close to Gazeley Road and south of the access road.

56. The original proposal required the removal of tree T001 (for the reasons described in section 4.2.1 of the tree report). This could have potentially lead to the decline of trees to the south of the proposed entrance drive. It was therefore recommended that the layout be amended to move House no. 2 away from the tree.

57. The amended proposals reposition House no. 2 outside of the Root Protection Area, creating an acceptable distance between the proposed dwelling and T001. This enables the tree to be retained and ensure there is no harm caused to the tree as a result of the proposed development. A Tree Protection Plan, Methodology and Landscape Plan is required prior to construction and can be conditioned

58. DM7 states (inter alia) proposals for new residential development will be required to demonstrate that appropriate water efficiency measures will be employed. No specific reference has been made in regards to water consumption. Therefore a condition will be included to ensure that either water consumption is no more than 110 litres per day (including external water use), or no water fittings exceeds the values set out in table 1 of policy DM7.

59. There are no protected species within 200 metres of the proposed development site. Natural England considers, if undertaken in strict accordance with the details submitted, the proposed development is not likely to have a significant effect on the interest features for which Breckland SPA has been classified. As such, no mitigation measures in relation to biodiversity are required.

### **Conclusion:**

60. Given the policy context assessed above, this remains a balanced matter. The immediate area can clearly be considered as a 'cluster' and this limits any harm in principle.

61. Regardless, it is not considered that Policy DM27 can be satisfied in relation to this scheme. However, by reason of the design, positioning and scale of the dwellings and the landscaping on site which surrounds it, Officers consider it would be difficult to refuse the application on the grounds that it was intrusive or detrimental to the surrounding landscape character. In addition, there is no established pattern or character of development to the north, south and west of the site. On this basis, the harm arising is not considered significant enough to warrant refusal of the application on this basis.

62. Therefore, whilst the scheme is not policy compliant, and therefore is a factor which weighs against this proposal, the weight attached to such is limited by the fact that the proposed development meets the spirit of the policy and is located immediately adjacent to the Housing Settlement Boundary. The proposal is considered to represent sustainable development in accordance with the NPPF.

63. Consequently, it is considered that on balance, the proposal is acceptable and is therefore recommended for approval.

### **Recommendation:**

64. It is recommended that planning permission be **APPROVED** subject to the following conditions:

1. 01A – Time limit detailed.
2. 14FP – Development to accord with drawing nos. 755/1, 2, 3, 4, 5, 6 and 7 received 20th May and 27th June 2016, Site Location Plan and drawing no. 16-5638 - 10 Rev J received 27<sup>th</sup> June 2016 and 20<sup>th</sup> July 2016 Arboricultural Impact Assessment and Method Statement received 23rd May 2016.

3. 04C – Facing and roof samples.
4. 18 - No other part of the development hereby permitted shall be commenced until the existing vehicular access has been improved, laid out and completed in all respects in accordance with DM01; and with an entrance width of 5.4 metres Thereafter the access shall be retained in the specified form.
5. 18 - Prior to the new dwellings hereby permitted being first occupied, the improved access onto the highway shall be properly surfaced with a bound material for a minimum distance of 5 metres from the edge of the metalled carriageway, in accordance with details previously submitted to and approved in writing by the local planning authority.
6. 18 - Prior to occupation details of the areas to be provided for storage of Refuse/Recycling bins shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter for no other purpose.
7. 18 - Before the development is commenced details shall be submitted to and approved in writing by the Local Planning Authority showing the means to prevent the discharge of surface water from the development onto the highway. The approved scheme shall be carried out in its entirety before the access is first used and shall be retained thereafter in its approved form.
8. 18 - The use shall not commence until the area(s) within the site shown on drawing no 16-5638 - 10 Rev J received 20<sup>th</sup> July 2016 for the purposes of [LOADING, UNLOADING,] manoeuvring and parking of vehicles has been provided and thereafter that area(s) shall be retained and used for no other purposes.
9. 18 - Before the access is first used clear visibility at a height of 0.6 metres above the carriageway level shall be provided and thereafter permanently maintained in that area between the nearside edge of the metalled carriageway and a line 2.4 metres from the nearside edge of the metalled carriageway at the centre line of the access point (X dimension) and a distance of 90 metres in each direction along the edge of the metalled carriageway from the centre of the access (Y dimension). Notwithstanding the provisions of Part 2 Class A of the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no obstruction over 0.6 metres high shall be erected, constructed, planted or permitted to grow within the areas of the visibility splays.
- 10.14D - The site preparation and construction works shall be carried out between 08:00 and 18:00 hours on Mondays to Fridays and between 08:00 and 13:30 hours on Saturdays and at no time on Sundays or Bank Holidays without the prior written consent of the Local Planning Authority.
- 11.23 – Tree Protection Plan & Methodology.
- 12.23 – Landscape Plan
- 13.12D - Boundary Treatment
- 14.Optional requirement for water consumption

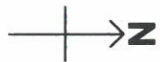
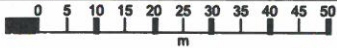
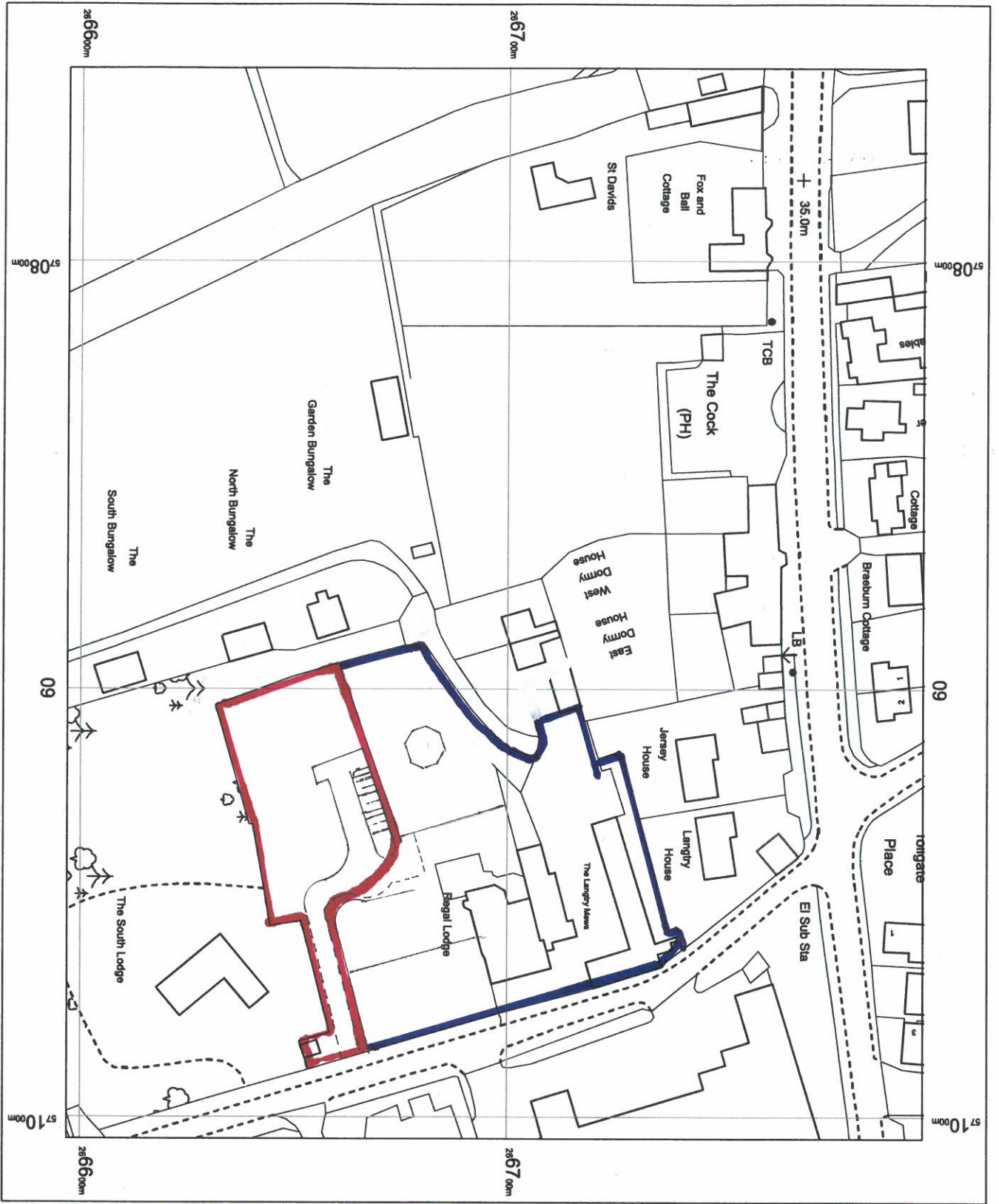


**Documents:**

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=O1MAN3PDMR400>

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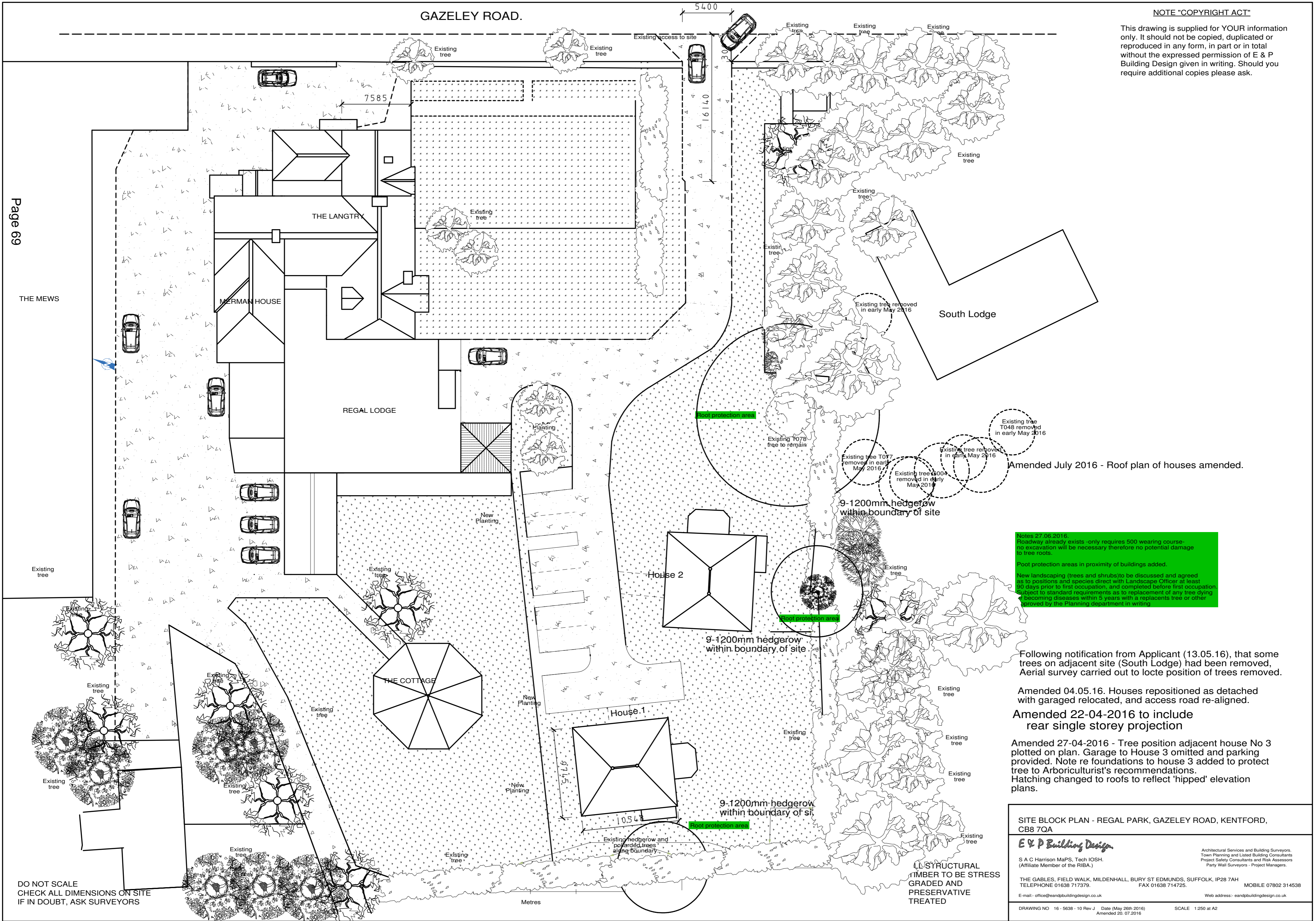
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Amended July 2016 - Roof plan of houses amended.

Notes 27.06.2016.  
Roadway already exists - only requires 500 wearing course - no excavation will be necessary therefore no potential damage to tree roots.  
Root protection areas in proximity of buildings added.  
New landscaping (trees and shrubs) to be discussed and agreed as to positions and species direct with Landscape Officer at least 90 days prior to first occupation, and completed before first occupation. Subject to standard requirements as to replacement of any tree dying or becoming diseased within 5 years with a replant tree or other approved by the Planning department in writing.

Following notification from Applicant (13.05.16), that some trees on adjacent site (South Lodge) had been removed, Aerial survey carried out to locate position of trees removed.

Amended 04.05.16. Houses repositioned as detached with garaged relocated, and access road re-aligned.

Amended 22-04-2016 to include rear single storey projection

Amended 27-04-2016 - Tree position adjacent house No 3 plotted on plan. Garage to House 3 omitted and parking provided. Note re foundations to house 3 added to protect tree to Arboriculturist's recommendations. Hatching changed to roofs to reflect 'hipped' elevation plans.

DO NOT SCALE  
CHECK ALL DIMENSIONS ON SITE  
IF IN DOUBT, ASK SURVEYORS

ALL STRUCTURAL  
TIMBER TO BE STRESS  
GRADED AND  
PRESERVATIVE  
TREATED

SITE BLOCK PLAN - REGAL PARK, GAZELEY ROAD, KENTFORD, CB8 7QA

**E & P Building Design**

S A C Harrison MaPS, Tech IOSH.  
(Affiliate Member of the RIBA.)

Architectural Services and Building Surveyors.  
Town Planning and Listed Building Consultants  
Project Safety Consultants and Risk Assessors  
Party Wall Surveyors - Project Managers.

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DRAWING NO 16 - 5638 - 10 Rev J Date (May 26th 2016) Amended 20. 07. 2016 SCALE 1:250 at A2

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## Forest Heath District Council

**DEVELOPMENT  
CONTROL  
COMMITTEE**

**3 AUGUST 2016**

**DEV/FH/16/020**

### Report of the Head of Planning and Growth

**PLANNING APPLICATION DC/14/2096/FUL - LAND NORTH OF STATION 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 determine the attached application and associated matters.**

CONTACT OFFICER

Case Officer: Gareth Durrant  
Email: [Gareth.durrant@westsuffolk.gov.uk](mailto:Gareth.durrant@westsuffolk.gov.uk)  
Telephone: (01284) 757345

# Committee Report

**Date:** 24<sup>th</sup> November      **Expiry Date:** 13<sup>th</sup> February 2016  
**Registered:** 2014      (with extension).

**Case Officer:** Gareth Durrant      **Recommendation:** N/A

**Parish:** Lakenheath      **Ward:** Lakenheath

**Proposal:** Hybrid planning application DC/14/2096/FUL - 1) Full application for the creation of new vehicular access onto Station Road, and entrance to a new primary school, 2) Outline application for up to 375 dwellings (including 112 affordable homes), and the provision of land for a new primary school, land for ecological mitigation and open space and associated infrastructure (as amended).

**Site:** Land North of Station Road, Lakenheath

**Applicant:** The Cobbold Family and Pigeon Investment Management.

## Background:

**This application is referred to the Development Control Committee as it is a proposal for 'major' development. The proposal also raises complex planning issues of national and international importance.**

**The proposals are considered to comply with the relevant policies of the National Planning Policy Framework but the 'countryside' location of the site means the proposed housing development conflicts with adopted Development Plan policies and is this considered a departure from the extant Development Plan.**

**The planning application was withdrawn from the agenda of the meeting of the Development Control Committee on 2 March 2016 to enable appropriate consideration of a direct threat of legal challenge received from Solicitors working on behalf of the Parish Council.**

**The item was returned to the Development Committee at its meeting on 6<sup>th</sup> April 2016 following receipt of a request from Suffolk County Council for the Committee to provide a steer on the merits of the planning application. In making the request, the Suffolk County Council were seeking an element of confidence with regard to their potential interests in the site which proposes a site for a new primary school, such that they could start taking decisions on committing resources to the early stages of the project.**



**A number of key matters remained unresolved or uncertain at the April 2016 sitting of the Development Control Committee where Members considered how to respond to the County council's request. Members are advised to disregard the outcome of that meeting. The planning application will be determined in light of the strength of evidence which currently exists, which has changed since the April Committee meeting.**

**A panel of Members visited the site on 29 February 2016.**

**Proposal:**

1. The planning application has been submitted in a 'hybrid' format meaning that full planning permission is sought for some elements of the scheme and outline planning permission is sought for other elements. Upon submission of the planning application in November 2014, the applicant sought full planning permission for all but 7 of the 375 dwellings (with the remaining 7 'self build' homes submitted in outline).
2. The planning application was amended in September 2015. The proposals remain in a 'hybrid' form but the 375 dwellings proposed were changed from 'full' to outline with only the site access and a small length of the estate road behind it remaining in 'full'. References to community uses (other than the primary school) and 'self build' homes were removed from the description. Opportunity was taken at this time to relocate the site of the proposed primary school from the rear (north-west) to the front (south east) of the site. The amended planning application was accompanied by the following additional / amended documents:
  - Concept Plan
  - Habitat Regulations Assessment
  - Addendum to the Design and Access Statement
  - Travel Plan
  - Ecology Report
  - 'Planning Responses' document (incorporating Drainage, Flood Risk and Highways information)
3. In November 2015 an amended version of the Habitats Regulations Assessment was received by the Council. The amendments were made in response to further concerns received from Natural England (these are set out and discussed later in this report).
4. In December 2015, the Council received further information in response to comments and objections arising from public consultation in the form of an amended Travel Plan and amended Flood Risk Assessment. These documents were the subject of targeted consultation.
5. In March 2016, the Council received a Tree Survey and Arboricultural Assessment. This has been the subject of public consultation.

6. In April 2016 a bat survey of the trees proposed to be felled to make way for proposed vehicular access into the development was received and in June 2016 the applicant submitted 'Aviation Advice' with respect to the impact of aircraft movements associated with the RAF Lakenheath airbase upon the application site. These documents were the subject of a single public consultation from late June 2016.
7. Also in June 2016, Suffolk County Council provided the District Council with a copy of the 'Lakenheath Cumulative Traffic Study' it had independently commissioned via its transport consultants. The study is not an 'application document' in the sense that it was not prepared and supplied by the applicants. The Study informs the District Council its consideration of potential cumulative highway impacts arising from a number of potential development scenarios investigated. The document has also been the subject of separate public consultation.
8. The amended planning application, which is predominantly for outline planning permission, is accompanied by a Concept Plan which illustrates how the land uses would be distributed at later Reserved Matter stage/s. The plan illustrates:
  - 14.9 hectares of land for residential development (which would include policy compliant levels of public open space to serve the dwellings).
  - 3.1 hectares of land for a new primary school.
  - 4.7 hectares of land for 'ecology'. This land would have a dual use to act as mitigation sites for reptiles currently using the site and strategic public open space, over and above normal planning policy requirements. The public open space provided here would function as an 'over-provision' of open space to off-set/reduce recreational pressure upon the Special Protection Area and the nearby Maidscross Hill Site of Special Scientific Interest (SSSI).
  - Strategic footpath routes are shown
  - Vehicular access to the site (which is proposed in detail as part of the planning application) is shown.
  - An illustrative route for an internal distributor road is shown.
9. The dwellings would be developed at a nett density of just over 25 units per hectare (375 dwellings across a 14.9 hectare site).

**Application Supporting Material:**

10. The following documents were submitted to support this application when it was registered in November 2014:
  - Forms and drawings including site location, house-type and example street scene elevations, Arboricultural Impact Assessment Plan, affordable housing and open space locations plans, tree and vegetation survey, proposed site levels plan and landscape masterplan.
  - Planning, Design & Access Statement

- Landscape Strategy
- Extended Phase I Habitat Survey
- Transport Assessment
- Phase 1 (Desk Study) Ground Contamination Report
- Tree Survey and Arboricultural Impact Assessment, Preliminary Arboricultural Method Statement and Tree Protection Plan.
- Statement of Community Involvement
- Flood Risk Assessment and Drainage Strategy
- Draft Proposed Heads of Terms Document

11. Much of the information received with the planning application in November 2014 has since been amended or withdrawn. The following additional documents have been submitted to accompany or amend the planning application since its registration in November 2014

#### **September 2015**

- Concept Plan
- Habitats Regulations Assessment
- Planning, Design and Access Statement Addendum
- Travel Plan
- Ecology Report
- Planning Responses (Utilities)

#### **November 2015**

- Habitats Regulations Assessment (amended from the September 2015 version)

#### **January 2016**

- Flood Risk Assessment
- Residential Travel Plan

#### **March 2016**

- Tree Survey and Arboricultural Assessment (addendum)

#### **May 2016**

- Bat report.

#### **June 2016**

- Aviation Advice

#### **Site Details:**

12. The site is situated to the north of Lakenheath. It is approximately 22.8 hectares in size, is presently in agricultural use (Grade 3) with a small group of farm buildings positioned relatively centrally. It has a tree-belt lined frontage onto the highway of Station Road. A further belt of trees is situated alongside part of the western site boundary. The tree belt to the west of the site (together with trees on the side and front boundaries of the adjacent land, outside the application site) are protected by Tree Preservation Order.

13.The application site is situated outside but partly abuts the settlement boundary of Lakenheath. The settlement boundary terminates at part of the west site boundary. The site is considered to be situated in the countryside for the purposes of applying relevant Development Plan policies.

14.The site frontage has the benefit of a mature landscaped frontage of mixed species, including pines. Some low density housing abuts part of the west boundary. The rear (north) and part west boundaries (the rear most part of the west site boundary) face open countryside. The north boundary is straddled by a banked cut-off channel. Part of the north-west corner of the application site is within the identified floodplain to the channel (predominantly Zone 3 with some Zone 2). The bulk of the village settlement and all key village facilities are located south.

15.There are no landscape or heritage asset designations at the site, although the Lakenheath Conservation Area designation begins to the south-west of the site (on the opposite side of Station Road) and stretches south, away from the application site.

### **Planning History:**

16.Other than an approval in the 1990's for the erection of an agricultural building and a refusal in the mid 1970's for an agricultural workers' dwelling, there are no planning applications relevant to this site.

17.There are six other planning applications for large scale residential development around the village all of which presently remain undetermined. These applications are considered relevant to the consideration and determination of this planning application insofar as their combined (or cumulative) impacts require consideration. The planning applications are set out in the table below:

<b>Ref</b>	<b>Application Reference.</b>	<b>Address.</b>	<b>No. of dwellings.</b>	<b>Current Status (n.b. all remain undetermined)</b>
A	DC/14/2096/HYB	Land at Station Road, Lakenheath	Up to 375 + school	Application is the subject of this Committee report.
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/13/0918/OUT	Land east of Eriswell Road and south of Broom Road, Lakenheath	Up to 750 + school etc.	Application <u>withdrawn</u> in February 2016.
F	DC/14/2042/OUT	Land North Of Broom Road, Covey Way And Maids Cross Hill Lakenheath	Up to 132	Requires major amendment. Applicant is considering a request to withdraw the application.
G	DC/14/2073/FUL	Land adj 34 Broom Road, Lakenheath	120	Applicant attending to ecological issues.
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 1 <sup>st</sup> April 2016 but not registered at time the report was prepared. Some public consultation carried out by developer in January 2016.

### Consultations:

18. The planning application has been the subject of four separate rounds of consultation; i) November 2014, ii) September 2015, iii) November 2015, and iv) June 2016. Further targeted consultation was carried out in January 2016 following receipt of an amended Travel Plan and Drainage Strategy and again in March 2016 following receipt of arboricultural information. Further (and separate) public consultation was carried out in June 2016 following receipt of the 'Lakenheath Cumulative Traffic Study'. The following is a summary of all responses received;
19. **Environment Agency** (January 2015) – **no objections** – and comment that the submitted Flood Risk Assessment demonstrates the proposed development could be achieved without the risk of flooding, that surface water run off rates will be restricted so they do not increase post development and that there is sufficient space on the site to provide the required attenuation capacity.
20. The Agency were, however, disappointed that underground tanks beneath the public open space have been utilised with what appears to be no consideration of more sustainable methods (e.g. detention basins, bio-retention basins, etc). The Agency suggests the Flood Risk Assessment should include more detail on how the design has been reached, including any constraints faced. The Agency is particularly disappointed that no SUDS drainage system is apparently proposed for the school drainage scheme.
21. The Agency concluded there is nothing technically wrong with the submitted drainage scheme, but the Flood Risk Assessment fails to

demonstrate the applicants have attempted to make the most of what SuDS can offer and thus reduces the sustainability of the development. The Agency recommends the Flood Risk Assessment is re-visited to provide greater clarity on why higher hierarchy SuDS have not been included.

22. Further advisory comments are provided for the benefit of the applicant/developer and conditions are recommended to address i) surface water run off rates, ii) precise details of the surface water drainage scheme, iii) remediation of any contamination present, and iv) protection of ground waters during construction (controlling techniques for providing the building foundations).

23. In October 2015, following a second round of consultation (including a revised Flood Risk Assessment), the Agency commented they were pleased to see that a wider selection of SuDS options had been considered and repeated its previous (January 2015) request for conditions.

24. **Anglian Water Services** (January 2015) – **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. They also point out that development will lead to an unacceptable risk of flooding downstream and therefore a drainage strategy will need to be prepared to determine mitigation measures. A condition is requested to this effect. 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.

25. **Natural England** (January 2015) – officers have interpreted their comments as **objections** to the planning application. Natural England are concerned the consultation material does not include a Habitats Regulations Assessment that includes consideration of impacts of the development upon the nearby Breckland Special Protection Area (direct and indirect impacts).

26. 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 17 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.

27. Following re-consultation on a Habitats Regulations Assessment, Natural England (October 2015) maintained its **objections** to the proposals on the grounds the submitted Assessment did not take account of nesting records in sufficient detail and recreational disturbance is not appropriately detailed. Natural England recommended further specialist analysis is carried out and reported.

28. Following a further re-consultation on an amended version of the Habitats Regulations Assessment, Natural England confirmed (in December 2015) the revised document had adequately addressed their concerns and confirmed it **no longer objects** to the proposals. In particular, Natural England commented that:

- In our response of 27 January 2015 we noted that the proposed development sits partly within the Breckland SPA stone curlew nest attempts buffer and therefore nest records would need to be obtained and assessed in order to obtain sufficient information to inform a habitats regulations assessment. Following receipt of the HRA supporting information, we subsequently advised (in our response of 16 October) that the report did not analyse the nest attempts data or the information from the Habitats survey to a sufficient degree. Furthermore we explained that the section on recreational disturbance was not sufficiently detailed, either in terms of effects to the birds within the nest attempts area or in terms of in-combination effects to the SPA. Therefore on the basis of information provided, Natural England advised that there was insufficient information to rule out the likelihood of significant effects.
- However following review of the updated HRA document we are now satisfied that sufficient detail has been provided on all of the above points. The report now contains more detail on the locations and age of the data, as well as further discussion on potential effects to birds and habitats in these locations. It also contains further discussion concerning the habitats survey, recreational effects and the measures put in place to encourage residents to use the application site and the strategic green infrastructure for recreation. We are also satisfied that in-combination and cumulative effects to Breckland SPA have now been covered in sufficient detail. Natural England also reviewed a draft of the HRA report prior to its submission to your authority and all our advice concerning necessary changes to the document were taken into account; therefore we now consider that all our concerns have been addressed.
- Natural England is mostly concerned with records up to 5 years old within 1km of an application site. It was clear after reviewing the updated document, and following useful discussion with the Ecology team, that the nearest records to the application site were old, and furthermore that nests at a greater distance would not be likely to be affected due to the position of the nests and measures put in place to encourage residents to use alternative areas for recreation.

It is also, in our view, sufficiently far from Breckland SPA to be unlikely to lead to direct effects to the SPA, and we are satisfied that it is not likely to lead to a significant rise in visitors to the SPA following review of the updated HRA report.

- Therefore, taking all the above into account, Natural England is now satisfied that the application will be unlikely to significantly affect the qualifying species of the SPA, either directly or indirectly or result in significant effects to the integrity of Breckland SPA. We therefore have no further issues to raise regarding this application and do not consider that an appropriate assessment is now required.

29. On 15<sup>th</sup> March 2016 **Natural England** wrote to the Council to advise the following:

- *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.*

30.24. 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. Accordingly, Natural England reverted back to the position it took in December 2015 (paragraph 28 above).

31. **Suffolk Wildlife Trust** (December 2014) – comments (interpreted by the case officer as **objections**) – the Trust did not consider potential impacts upon European/National designated sites, but on protected species at the application site only and, having considered the ecological survey report, noted that parts of the site were considered suitable for reptiles and amphibians and recommends further surveys are undertaken for these species groups. The Trust considers the outstanding ecological information should be obtained prior to the determination of the planning application. Furthermore, the Trust consider that any development at this site should deliver ecological enhancements as part of the design, layout and landscaping. The Trust



concludes by stating that the combined impact of all the developments proposed at Lakenheath, such as in the case of green infrastructure, needs to be adequately considered by the Local Planning Authority in determining the planning applications. It should be ensured that sufficient provision of green infrastructure is secured in order to enhance the village.

32. In December 2015, following re-consultation, the Wildlife Trust considered the Phase 2 Ecological Survey Report (September 2015) and returned with **no objections** to the amended proposals, subject to the imposition of conditions. The Trust note the discovery of a medium population of common lizard and a low population of grass snake and comment that, without mitigation, the development would have an adverse effect upon these species. Given the findings of the survey, the Trust recommends that a Reptile Mitigation Plan is provided for the development and is secured via a suitably worded planning condition. The Trust repeats its view that the development should also secure ecological improvements (no just mitigation of impacts) and that strategic green infrastructure provision for the village needs to be considered given the number of planning applications for significant development currently under consideration.

33. **RSPB** (January 2016) – **objects** to the planning application on the grounds that the built development would stray into the 1.5km buffer which protects recorded Stone Curlew nestings outside of the Special Protection Area. The Charity suggests their objections would be addressed if none of the built development were to be provided within the buffer, by retaining those parts of the site which are situated within the buffer as green infrastructure.

34. **Defence Infrastructure Organisation** (January 2015) – **no objections**, but suggests the Local Planning Authority (and applicants) note that due to the location of the dwellings residents will see and hear aircraft.

35. In July 2016, following receipt of the 'Aviation Advice' document from the applicants and the 'Lakenheath Cumulative Traffic Study' on behalf of Suffolk County Council (Highways), the **Defence Infrastructure Organisation** again raised **no objections** to the planning application and provided the following additional comments;

The application site occupies aerodrome height, technical and bird strike statutory safeguarding zones surrounding RAF Lakenheath and is approximately 2.97km to the north west of the centre of the runway.

The site also occupies aerodrome height and bird strike statutory safeguarding zones surrounding RAF Mildenhall.

We have reviewed the additional information and I can confirm that this information does not alter our safeguarding position; we have no statutory objections to this application.

In our original response we advised that the proposed properties will be exposed to military aviation noise. Whilst we have no statutory safeguarding concerns, my colleagues in the town planning and Safeguarding Department noise policy areas of the MOD are reviewing the Aviation Advice report and will be submitting separate comments.

36. Shortly after the above summarised comments were received from the **Defence Infrastructure Organisation** (DIO) on behalf of the Ministry of Defence, the following comments were received from the planning team within the DIO;

- Please be advised that this email represents a holding response in connection with this application.
- I am aware that the DIO Safeguarding Department submitted representations in connection with this application on 19th January 2015. Whilst the Ministry of Defence (MoD) did not raise any safeguarding objections to the proposed development, this would not imply that the MoD do not have any concerns regarding the proposed development. Indeed, despite of the Safeguarding Department's statutory position, they did identify that noise would represent a material consideration in this case.
- I believe that the Applicant has recently submitted an 'Aviation Advice' report (dated 7th June 2016) in support of his/her application; however, this does not satisfactorily address the issue of noise.
- Accordingly, the DIO, on behalf of the MoD, would like to request that a Noise Impact Assessment is submitted in support of this application. This is to ensure that the Local Planning Authority are in a position to fully consider the impact of noise from RAF Lakenheath on the proposed development, in which case they can objectively assess any concerns that might be raised on such grounds, including those of the MoD.
- Following the submission of the requested Noise Impact Assessment, the MoD would appreciate the opportunity to review its content and be afforded with an opportunity in which to provide comments on this document.
- In advance of the above undertaking, the MoD would respectfully request that the Applicant, or their appointed noise consultant, engage further with the MoD in order to confirm the scope and methodology (and timing) of the Noise Impact Assessment. Accordingly, it is advised that the Applicant or noise consultant contacts me in the first instance and I will co-ordinate this on behalf of the MoD.
- Notwithstanding the above, at this time I cannot comment as to whether or not the MoD has any further concerns with regard to the proposed development. I will need to review the proposals in detail

with DIO/MoD colleagues before a formal opinion can be made in this regard

37. **NHS Property Services** (March 2015) – **no objections** to the planning application and no request for a contribution to be used towards health infrastructure. These comments were repeated in October 2015 upon re-consultation.
38. **NHS Property Services** (February 2016) – upon reviewing the planning application considered the proposals would place additional pressures upon local NHS services beyond their capacity and requested a development contribution of £123,420 to be used towards increasing the capacity of the local GP surgery.
39. **Lakenheath Internal Drainage Board** (December 2014) - **no objections** on the basis of the submitted SW drainage strategy.
40. **FHDC (Environmental Health)** (January 2015) – **no objections** – subject to the imposition of conditions to ensure i) the site is adequately investigated for contamination and any contaminants remediated, and ii) to investigate and mitigate potential cumulative impacts upon air quality. Further comments were included regarding sustainable construction and design with a conclusion that an application for development of this scale should be accompanied by an energy and water strategy/statement within or separate to the design and access statement.
41. **FHDC (Public Health and Housing)** (January 2015) – **no objections**, subject to conditions to secure maximum noise levels in living rooms, bedrooms and attic rooms, hours of construction, construction management and restricted hours for use of generators. These comments were repeated in July 2016 following consultation with respect to the applicant's 'Aviation Advice'.
42. **FHDC (Leisure, Culture and Communities)** (January 2015) – **no objections** – and commented upon the open spaces shown on the submitted layout drawings (recommending amendments and standards). The layout has since been withdrawn from the planning application (dwellings converted from 'Full' to 'Outline') so these comments have become redundant.
43. **FHDC (Strategic Housing)** – **supports** the planning application given it will provide much needed affordable housing. The team are content the proposals are in accordance with Core Strategy policy CS9 (30% affordable housing, 70% of which would be for rent). The precise mix would need to be agreed at Reserved Matters stage.
44. **FHDC (Ecology, Tree and Landscape Officer)** – (February 2016) **objects** to the planning application in the light of incomplete information with which to properly consider the potential 'in-combination' impacts of the development upon nature conservation interests. Once full information is received and can be assessed,

consideration will be given to whether the objection could be withdrawn. The representations included a lengthy advice and comment which has not been included within this report, given the comments have since been superseded in the light of the receipt of an EIA Screening Direction from the Secretary of State and the Lakenheath Cumulative Traffic Study.

45. In July 2016, the Council's **Ecology, Tree and Landscape Officer** provided further commentary with respect to the planning application. The previous objections expressed in February 2016 (paragraph 44 above) were withdrawn. The officer has **no objections** to the proposals, subject to various mitigation measures being secured by condition and/or S106 Agreement. The Ecology, Tree and Landscape Officer has also screened the proposals under the provisions of the Habitats Regulations and has concluded 'Appropriate Assessment' of the implications of the project upon the features of the European protected sites is not required in this case. A copy of the screening note is attached to this report as Working Paper 2. The following comments were received:

#### **Vehicular Access**

- Access will need to be created through the existing protected tree belt located to the north of Station Road. The trees along with other significant trees on the site are protected by TPO 003(2016). The order was served to protect the trees from precipitous removal as a result of the proposed development proposals. The trees are important because these mature tree belts and pine lines on the edge 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 and form a gateway to the village when approaching along Station Road.
- Revised arboricultural information has been submitted which shows the impact of the proposed new access into the site. There will be a loss of approximately 11 trees, shown in the survey to be category C trees. There are no details of the tree works required to secure the entrance sight lines and this information should be conditioned along with further information on arboricultural method statements and tree protection.
- The woodland belt bordering the site has been noted as being important for bats and section 2.27 of the phase 1 report notes that some trees have been noted to contain features attractive to bats. The biodiversity study assumes that the woodland is to be retained however this is not totally accurate.
- The trees to be removed were further screened to determine their bat roost potential. Although the risks are assessed to be low, recommendations were made on a precautionary approach to any tree works to further reduce any risks of harm to bats or breeding

birds.

- Recommend that:
  - details of the tree works required to secure the entrance sight lines be conditioned along with further information on arboricultural method statements and tree protection.
  - The recommendations of the bat assessment (Applied Ecology letter of 6 May 2016) are implemented in full.

## **Outline for wider site**

### Biodiversity

- A biodiversity report has been submitted to support the application. The most notable habitats on site were the grassland located in the south east corner. This area of grass is encompassed in the ecology zone and therefore could be retained including during the construction period. The ecology zone would include signage, information boards, paths and will feature circular routes. These should be designed so that they are not in conflict with the conservation and management of reptiles on the site.
- Reptiles are likely to be impacted by the proposals and a mitigation strategy should be conditioned. This has been requested by SWT. They have in particular requested that any mitigation strategy details:
  - the measures required to ensure that the receptor area is in suitable condition to support the identified reptile populations prior to translocation taking place;
  - the translocation methods to be employed;
  - the long term management measures for the receptor area required in order to maintain its suitability for the reptile species present (ensuring that populations sizes at least equivalent to those currently present are maintained);
  - a monitoring strategy to assess the long term viability of the reptile populations present, and;
  - the plan should include appropriate review periods for the management of the receptor site to ensure that it remains in favourable condition for reptiles. Such reviews should be undertaken by a suitably qualified ecologist.
- The tree survey shows a large number of trees to be felled, however in light of the changes to the proposals (from a full application to an outline application) this level of felling may not be necessary and is in any case not supported. This should therefore be reviewed alongside any new site layout. The current proposals for felling should not form

part of any planning consent. This is particularly important given that these proposals include the felling of a protected pine line, considered to be a feature characteristic of this landscape, which could be retained with good master-planning. In addition any trees to be removed should be assessed for potential impact on bats.

### Bats

- Further information is required in relation to bats. Bat survey is required in association with the tree removal plan (for the whole of the site) however this could be submitted at a later date to support the reserved matters application. A lighting mitigation strategy for bats will also be required.

### Maidscross Hill SSSI

- The proposals have not been assessed in respect to any additional impact on Maidscross Hill SSSI through recreational pressure. The supporting information to the Habitats Regulations Assessment is clear that there will be additional visits to Maidscross Hill as a result of development at the North of Lakenheath. However measures have been presented to provide an alternative natural open space for the north of Lakenheath to mitigate for this.
- Other destinations within walking distance could be made accessible and promoted to the new residents of the development and the existing residents of Lakenheath. Public access along the Cut-off Channel would provide a valuable alternative recreational asset. The proposed development will provide a link to the Cut-off channel along Station Road to enable a circular walk.

### Impact of the proposals on Breckland SPA and SAC

- The application site is in close proximity to a European designated site (also commonly referred to as a Natura 2000 site) which is afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended (the 'Habitats Regulations'). The application site is in close proximity to Breckland Special Protection Area (SPA). This includes Breckland Farmland Site of Special Scientific Interest (SSSI) which is notified at a national level. The site is also close to Breckland SAC
- Breckland Special Protection Area (SPA) supports internationally important populations of Stone Curlew, Woodlark and Nightjar. Breckland Special Area of Conservation (SAC) is designated for the habitats supported which in this case are heathland and calcareous grassland.
- 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 assessment is set out in annex 1 of these comments. [and are

attached to this report as Working Paper 2]

- Natural England has provided advice and is satisfied that the application will be unlikely to significantly affect the qualifying species of the SPA, either directly or indirectly or result in significant effects to the integrity of Breckland SPA. Natural England has advised that an appropriate assessment is not required.
- 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 and no risk of impacts from fly tipping, trampling or other anti-social behaviour.
- The development is located outside of the SPA and is outside of the 400m constraint zone for Woodlark and Nightjar and the 1500m Stone Curlew constraint zone. However the eastern edge of the site is located within the frequent nesters constraint zone which has been drawn to protect Stone Curlew breeding on farmland outside of the SPA but considered to be part of the Breckland population. The Forest Heath Core Strategy policy CS2 requires that proposals for development within these areas will require a project level HRA. As part of the HRA process available Stone Curlew nesting records have been assessed in the determination of likely significant effects along with Stone Curlew survey of the development site and surrounding farmland.
- The RSPB have expressed concern about the application because built development is proposed within the frequent nesters constraint zone. In general the element of the site that falls within the frequent nesters constraint zone is shown as the ecology zone and this would not include built development. Only a very small part of the constraint zone would be in the developable area and this is largely screened from the closest nest sites by the existing employment area.
- In his report prior to the adoption of the FHDC Core Strategy, the Inspector who examined the document in public confirmed that the constraint zones are not no development buffers; he stated in paragraph 10.6 relating to development within the constraint zones that if development is to proceed it will be necessary to demonstrate that the scheme would not be likely to adversely affect the integrity of the nearby SPA or, failing that, that adequate mitigation measures are practicable. In Paragraph 10.7 he goes on to say that evidence to the Examination on the experience gained in managing stone curlew populations in the area suggests measures can be taken to help maintain or even increase bird populations. This may not be scientifically robust but it reinforces the point made by some representors that the policy should allow sufficient flexibility to demonstrate on a site-by-site basis whether it is possible to avoid harm to protected species.
- There is some flexibility in detailed design to avoid built development in the constraint zone although this would need to be balanced against

the need to also provide informal supervision of the open space by overlooking dwellings for user safety. The southern section within the constraint zone would fall within the area set aside for the school development. There will also be flexibility to plan this element of the development to potentially avoid built development in favour of other land uses such as playing fields, however this will need to be balanced against other issues such as the noise attenuation that would be provided by the school building. This matter will be assessed in detail as part of the HRA to support the reserved matters and the HRA to support the planning application for the school.

- The potential for indirect recreational effects on the SPA associated with increased residential properties has been considered. The concept plan for the site shows an ecology buffer located to the north and east of the development site; there is potential for this land to be designed such that it provides suitable alternative natural green space which would divert the public from travelling to use the SPA as their local green space. The buffer would also support pedestrian access and link to other footpaths. This would provide opportunities for dog walking routes within the site; such routes are indicated on the concept plan; a walk around the periphery of this site and the adjacent Rabbithill Covert would be approximately 2km. In addition to the ecology buffer the development would also deliver public open space as required by the FHDC open space SPD. The acceptability of the scheme relies on the quality and connectivity of the proposed open space /green space, a proportion of which should be available when the first dwellings are occupied. Information on the layout and connectivity and delivery program of all the public open space to be delivered must form part of the remedial matters secured by condition.
- The site is connected to the Public Rights of Way network by Sandy Drove; located to the south east of the site. This PRoW connects to Poshpoors Fen and the farmland beyond. An obvious circular walk which would be attractive to dog walkers leads to Maidscross Hill SSSI and LNR and potentially returns via village roads; a distance of approximately 5km which is somewhat longer than would normally be regarded as a daily walk. There is currently no footpath link between the site and the village centre as the existing footpath on Station Road terminates close to Drift Road; however it is anticipated that a walking route to the village would be part of the proposals and could be secured by condition or legal agreement.
- The concept plan shows a pedestrian link into the agricultural land to the north west of the site however there is currently no PRoW in this area and connectivity here cannot be relied on. An alternative walk of a similar length to the Sandy Drove route, but avoiding Maidscross Hill could be created if a footpath was secured along Station Road to the Cut Off Channel and then using the existing PRoW on Whitefen Track and via Sharpes Corner. This route would need to be secured by a legal agreement. An additional link to Lakenheath Fen would also be beneficial if it were achievable.



- The in-combination effects of the project have been considered. 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)
  - d) Land North of Broom Road (132 dwellings)
  - e) Land adjacent to 34 Broom Road (120 dwellings)
  - f) Land North of Station Road (375 dwellings and a school)
  - g) 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, in-combination effects need consideration. The main issues are in-combination recreational effects on the SPA and the potential requirement for road improvements close to the SPA to deal with any increase in traffic movements.
  
- Natural England’s internal advice on in-combination effects states that it is only the effects of those plans and projects that are not themselves significant alone which are added into an in combination assessment. The assessment should only include those that genuinely result in a combined effect, which impairs the ability of an interest feature to meet its conservation objectives. In this regard the application for 550 dwellings at Little Eriswell which is accompanied by an EIA and HRA can be excluded from in-combination impact assessment.
  
- The distance of this site from the SPA and SAC is such that it is unlikely that there would be a significant change to current use of paths within the SPA from residents walking out of their houses, however there is potential for use of footpaths outside of the SPA but within farmland potentially used by stone curlew; for the application site this has been assessed and measures identified therefore in-combination effects on this matter need no further consideration. The main concern is that residents from all of the sites drive to Breckland Forest SSSI/Breckland SPA and to Breckland SAC for recreation and in particular to exercise their dogs in the absence of accessible local green space. Natural England has recommended that the provision of additional natural green space in the settlement which is well connected to the existing PRow network would divert residents from using the SPA in this way. The proposals will make a significant contribution to the availability of green space in the northern part of Lakenheath and there is potential, because of the size and location of this green space adjacent to the Cut Off Channel, and because there is potential for it to be well linked (by improvements to the footpath network) that these measures will contribute to an overall strategy to

reduce recreational pressure on the SPA.

- FHDC Core Strategy proposes a total of 6400 homes in the district for the period 2001-2021 and this was tested in the HRA which recommended measures to avoid in-combination effects with other plans including a mitigation and monitoring strategy. This strategy is being considered alongside the current local plan Single Issue Review and Site Allocations Local Plan. In the absence of this supporting information the proposals have been considered in-combination with other plans which include development plans for those authorities around Breckland SPA and SAC (St Edmundsbury, Kings Lynn and West Norfolk, Forest Heath and Breckland). In-combination impacts are largely concerned with Woodlark and Nightjar given that there is limited access to farmland where Stone Curlew breed and in other areas such as heathland and grassland sites, CRoW access restrictions will be in place and enforced. 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. However taking a precautionary approach and in accordance with the requirements of Article 6(2) of the Habitats Directive to take a proactive approach to avoiding the deterioration of populations of species for which the SPA is classified, and the habitats upon which the bird interest features rely, before that deterioration is actually found to be occurring. There is currently no strategic monitoring strategy in place however monitoring associated with this development would be appropriate. Monitoring the success of the site as a suitable alternative natural greenspace would inform future decision making in respect to strategic mitigation.
- The concern in relation to in-combination traffic impacts is that road improvements will be required to roads and junctions close to or adjacent to the Breckland SPA or SAC. There are two junctions where the potential for effects has been identified as follows; B1112 / A1065 priority cross-roads, and Wangford Road / A1065 Brandon Road signalised junction. An overview of the cumulative traffic studies undertaken on behalf of the local highway authority to assess the impact of the various proposals has been published (7 June 2016). This confirms that the level of proposed development being considered in Lakenheath could be delivered without any effects on the Wangford Road / A1065 Brandon Road signalised junction. With regard to the B1112 / A1065 priority cross-roads, the study indicates that 663 dwellings (the total within the submitted planning applications that are being supported by the council) could also be accommodated and would not trigger improvements to the junction, however development amounting to 1465 dwellings would result in a severe traffic impact on this junction and hence mitigation would be required. The identified mitigation would be advanced warning signage and significant in-combination effects are not likely.

**Recommendations and conditions:**

- It is recommended that the following measures are secured, either

committed in the proposals for the development, by condition or by legal agreement.

- A buffer on the eastern side of the site as shown on the submitted concept plan as an ecology zone, where no built development would take place.

- Ecology buffer located to the north and east of the development site to be designed to provide suitable alternative natural green space. The buffer must also support pedestrian access and link to other footpaths to provide dog walking routes within the site including a walk around the periphery of this site (approximately 2km).

- A proportion of the natural green space must be available when the first dwellings are occupied.

- In addition to the ecology buffer, the development must also deliver public open space as required by the FHDC open space SPD.

- A walking route to the village centre.

- An alternative walk of a similar length to the Sandy Drove route, but avoiding Maidscross Hill, along Station Road to the Cut-off Channel and then using the existing PRow on Whitefen Track and via Sharpes Corner.

- Monitoring of the ecology buffer as a suitable alternative natural greenspace.

#### *Application for access*

- Details of the tree works required to secure the entrance sight lines be conditioned along with further information on arboricultural method statements and tree protection.

- The recommendations of the bat assessment (Applied Ecology letter of 6 May 2016) are implemented in full.

#### *Outline*

- Open space plan to be submitted prior to/or along side the reserved matters and prior to any phase of the development coming forward in detail. Plan to show pedestrian and cycle linkage including a periphery walk around the site and be supported by details of signage and resident information. The plan should show clearly the ecology buffer where no development shall take place.

- A proportion of the suitable alternative natural greenspace to be delivered prior to first dwellings being occupied and the applicant to submit a delivery program and implement it. Information pack to be provided to new residents promoting alternative greenspace and village walks to the new residents.

- Reptile mitigation strategy (including elements highlighted by SWT) to be approved and implemented.
- Further and detailed ecological survey to be submitted to support each phase of the development and to inform further phases/details.
- Arboricultural survey to be updated to reflect any planning layout and be accompanied by an arboricultural method statement and tree protection and details to be implemented.
- Landscape and ecology management plan including review periods to allow results of monitoring to inform future management prescriptions.
- Soft and hard landscaping details to be submitted and implemented.
- Lighting strategy for bats.
- Monitoring strategy for the ecology buffer to be submitted for approval and implemented.

46. **Suffolk County Council (Highways – Development Management)** (February 2015) – raises **objections** to the planning application based upon various concerns about the residential layout included (nb these comments have been neutralised by later amendments made to the planning application that withdrew layout from the proposals).

47. **Suffolk County Council (Highways – Development Management)** (July 2016) considered the application in the light of all amendments made to the application to date and the outcome of the 'Lakenheath Cumulative Traffic Study' they commissioned in response to the submission of multiple planning applications for development at Lakenheath. The Authority provides comment with respect to the future internal layout and visibility requirements being dependent upon the speed restriction being extended beyond the site access. Further comments are also provided with respect to access for public transport vehicles (a matter to be designed in to the layout of the site at reserved matters stage) and that further amendments are required to the travel plan. The Authority raises **no objections** to the planning application on the understanding the Travel Plan will be brought up to an approvable standard and recommend conditions with respect to the design and construction of the access (including visibility), bin storage, SW drainage, further details and timing of provision of the estate roads, footpaths and parking/turning areas, travel planning, management of deliveries during construction. The Authority is also seeking developer contributions towards off-site sustainable transport routes, and mitigation with respect to the cumulative highways impact.

48. **Suffolk County Council (Highways – Travel Planner)** – in December 2014, **objected** to the planning application in the absence of an interim residential travel plan and commented this should be submitted for approval before the planning application is determined

(not appropriate to leave to conditions given the size of the development).

49. In October 2015, following further consultation (including submission of a Travel Plan to accompany the planning application), the **Travel Plan Officer** maintained **objections** to the application. In particular the officer was concerned about the quality of the submitted Travel Plan and suggested major improvements would be required to bring the document up to acceptable standards. A request was included that further information be submitted prior to the application being determined (as opposed to being left to planning conditions).

50. In February 2015 the **Travel Plan Officer** provided the following additional comments (precised) following a further consultation on an amended Travel Plan;

- The revised travel plan has made quite a few improvements as it took into account the previous comments that were provided to the applicant, such as obtaining information if an improved bus service and car club is viable of a development of this size and nature. However there will need to be some further work done to improve the travel plan to bring it to an acceptable standard [a number of improvements were suggested].
- Please note that this is an interim response to identify amendments on the main issues with the travel plan, as there is still a cumulative highway impact study that is being undertaken in all the proposed developments in the Lakenheath area. Therefore some of the requirements and measures of the travel plan may change on the outcome of this study.

51. In May 2016, the **Travel Plan Officer** provided interim comments on the revised travel plan, pending the outcome of a wider cumulative traffic study being carried out in the village on behalf of Suffolk County Council:

- The revised travel plan has made quite a few improvements as it took into account the previous comments that were provided to the applicant, such as obtaining information if an improved bus service and car club is viable of a development of this size and nature. However there will need to be some further work done to improve the travel plan to bring it to an acceptable standard.
- One of the main issues is around the travel plan is one of the forms of baseline data to work the interim targets around. The interim targets in the travel plan are based upon the DFT National Travel Survey instead of the 2011 Census data for the Lakenheath area. This DFT survey is based on a small sample of residents across England and the results are an average of this sample. Therefore the results will take into account urban areas with very good sustainable transport links and not fully take into account rural areas such as Lakenheath. The interim travel plan targets will need

to be based around the 2011 Census data for the Lakenheath area, as the current targets are unlikely to be achieved. The targets may also go beyond a five year period as the development may not be completed within five years of the agreed monitoring trigger point. The travel plan must make reference to this. Also the travel plan does not identify any remedial measures if the travel plan targets are not achieved. This must be included in a revised travel plan.

- Further amendments needed to be made to the travel plan to include the value of the bus and cycle vouchers that will be provided to each dwelling. The value of the voucher should cover the cost of two monthly tickets (ideally in multi-trip smartcard format) to travel to the main employment destinations that were identified by the 2011 Census travel to work data for the Lakenheath area. If the resident requests a cycle voucher instead of the bus voucher it should be of equivalent value. Also the references to the "Suffolk County Council Smarter Travel Choices" needs to be removed, as I cannot find any evidence of the county council operating such scheme at present. The smarter choices measure that was asked as part of the previous travel plan response involves the developer carrying out their own smarter choices scheme by providing some light travel plan measures for the existing dwellings that are in the vicinity of the proposed development to further mitigate the impact the development is likely to have on the existing highway infrastructure. More clarification of what Smarter Choices involves can be provided by myself to the applicant if needed.
- Please note that this is an interim response to identify amendments on the main issues with the travel plan, as there is still a cumulative highway impact study that is being undertaken in all the proposed developments in the Lakenheath area. Therefore some of the requirements and measures of the travel plan may change on the outcome of this study.
- Also the Section 106 requirements that I provided as part of my initial response (dated 13th October 2015) still remain.

52. In July 2016, the **Travel Plan Officer**, raised **no objections** and provided the following comments (precised)

- I have reviewed the revised Framework Residential Travel Plan (dated July 2016) and I am satisfied that most of the Travel Plan is sufficient. There is only some minor tweaks that need to be made in regards to the monitoring methodology. However this amendment is not urgent and I suggest that this can be dealt with as a pre-commencement obligation to get the Framework Residential Travel Plan approved.
- Various measures were requested to be secured via planning condition/S106 Agreement

53. **Suffolk County Council (Archaeology) (December 2014) – No objections** and comments that a geophysical survey and limited trial trenching were carried out and identified a number of anomalies of archaeological interest, with trenching demonstrating the presence of a plough damaged Bronze Age ring-ditch with associated burial, and features and deposits yielded Bronze Age, Saxon and later pottery.

54. The Archaeological Service advise the preliminary assessment has demonstrated that there are no grounds to consider refusal of planning 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.

55. In September 2015, following re-consultation, the Archaeological Service repeated its earlier comments.

56. **Suffolk County Council (Planning Obligations)** – in December 2014 provided the 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.
- There are 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 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. Concertus has so far identified a number of possibilities, but these have yet to be carefully tested. However at present a number of uncertainties remain:

- The size and configuration of the sites in relation to the school requirements;
  - Whether the sites are likely to be available in the next couple of years;
  - Their relationship to access and services;
  - Environmental, flooding, aircraft noise and other constraints on the site;
  - Their location within the village in relation to the spread of development identified in any site allocation document proposed by the district council and, if it is to accommodate children from Lord's Walk, its distance from that site;
  - Whether the sites offered come as part of a wider planning proposal and what the view of the district council is of the likely acceptability of such a scheme.
  - Furthermore, there is the uncertainty about the willingness of the landowners to release their sites and the question of whether compulsory purchase procedures will be needed.
  - 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.
- All of this means that it is not possible at this point for the county council to be clear about which site, if any, might be suitable for development and exactly when it would be deliverable. Furthermore, the pace at which this work has had to be done militates against effective engagement with the local community. However, it is noted that this development proposal includes land for a primary school which is welcome news considering the inability to further expand the existing primary school. Whilst the county council welcomes the inclusion of the school site, at present it has not concluded its review on the best location for a new primary school to serve the local community. Further consultation with local stakeholders will be essential and this is due to happen in the early New Year.
  - Notwithstanding this a minimum site size of 2 hectares will need to be identified, reserved and secured via a S106A for a freehold transfer of £1. This site will need to be fully serviced including an access road built to adoptable standard. Further discussion is required about the proposed location of the school site and community facilities within the development as there are concerns that it could be sat in 'isolation' away from housing; it would be far more preferable to have the school site within the heart of a new community.
  - 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 (possibly at residential value if an alternative site to this one is chosen as the most appropriate location), the school building costs and the costs of the temporary classrooms at an existing primary school and/or the costs of school transport pending the construction of a permanent school.
- On this basis we would request the following contributions in respect of education mitigation from this particular scheme of 375 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 95 pupils of primary school age. The contribution to be secured from this development is therefore £1,688,910 (95 places x £17,778 per place).
- With regard to site acquisition costs (if this location is not chosen as the best place for a new primary school) we can assume a maximum of, say, £350,000 per acre (£864,850 per hectare) which gives a total cost of £1,729,700 for a 2 hectare site and equates to £5,491 per pupil place. This gives a land contribution of 95 places x £5,491 per place = £521,645.
- 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 (2014/15 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 38 pre-school pupils at a cost of £6,091 per place. We would request a capital contribution of £231,458 (2014/15 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.
- For a development of this size we note that the outline site plan does not include either an in/out route or a suitable turning area to allow a bus to enter the site. Buses here already divert off Station Road to Woodlands to the south so popping in and out of the new estate would not be a problem for them. So we would therefore request a revised layout that allows bus access and we can then work to define suitable stops inside the estate.
- A development of this size will require a travel plan.
- The proposed development is opposite a Public Rights of Way network which provides a safe off road route to the Pashford Pools Fen nature reserve and the popular viewing area at RAF Lakenheath. The track from the viewing area then leads to an area of open access land which allows access to Brandon Park and on to the country park.
- As a result of the anticipated use of the Public Rights of Way

network and as part of developing the health agenda to encourage people to walk more, this service would be looking for funding to improve and enhance this route.

- The total s106 contribution requested towards footpath improvements is £29,890.00
- Finally, the development does not address the need to facilitate safe cycling to Lakenheath station and the need to encourage sustainable and healthy lifestyles. The application should not be determined until further information on this aspect is provided.

#### **Libraries.**

- A capital contribution of £81,600 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.

#### **High-speed broadband.**

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

57. In September 2015, following re-consultation, the Development Contributions Manager repeated comments submitted in December 2014, but included following material additions:

- The proposal to include a primary school within this scheme is our preferred option (subject to certain criteria being met).
- The school site will need to be fully identified, reserved and secured via a S106 Agreement for a freehold transfer of £1 and required to be fully serviced, including access.
- The land option should be capable of being triggered as soon as a planning permission is issued for the hybrid proposals.

58. **Suffolk County Council (Floods Team)** (October 2015) **object** to the planning application on the following grounds:

- Concerned about the inclusion of a rising main and pump to dispose of water to the cut-off channel given the overriding costs and maintenance over the lifetime of the development. A gravity system should be used in favour of a pumped system.
- A contour plan showing elevations of the site will be required (prior to the application being determined). This will be used to determine which (if any) parts of the site require a pumped system.
- Concerned there are no statements regarding discussions or initial agreements with Anglian Water regarding adoption of the surface water system. SCC guidance states that underground SuDS are not acceptable and are unlikely to be adopted by Anglian Water.

59. **Suffolk County Council (Floods Team)** (February 2016) following consideration of the Version 2 of the Flood Risk Assessment and drainage strategy have **no objections** to the planning application, subject to the imposition of a condition requiring further (more precise) details of the surface water drainage strategy.

60. In May 2016, the **Floods Team** provided further advice to the applicant with respect to the proposed surface water drainage strategy and confirmed further details should be submitted with any reserved matters proposals.

### **Representations:**

61. The planning application has been the subject of four separate rounds of consultation; i) November 2014, ii) September 2015, iii) November 2015 and iv) June 2016. The following is a summary of the representations received from the four consultations.

62. **Lakenheath Parish Council** (January 2015) – **objects**. The following material comments were submitted (precised):

*[nb the Parish Council also commented on detailed design and layout matters, which have since been withdrawn from the planning application. Comments on design and layout matters are not included in this summary]*

- The development is in the Countryside and encroaches on the wildlife "buffer" zone and is contrary to FHDC Policy CS2. The NPPF indicates that care should be exercised to prevent development sprawling into the countryside and that the planning system should aim to conserve and enhance the natural and local environment.
- The visual impact of the development will be adversely affected by the sight of houses before you even enter the Village. The proposal contradicts Core Strategy policy CS4.
- It is agreed that 800 houses are expected in Lakenheath between 2010 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 the Red Lodge Developments. This must take into account the 321 dwellings for which permission for development has now been granted and the further 674 for which permission is now being sought. This application covering 375 dwellings. The job for planning now is not to dictate who lives where it is to guard the public interest.
- The long outstanding single issue review has not been addressed therefore all developments should be plan led not developer led, especially as the 5 year land supply for FHDC issue is presently resolved with the required 5% buffer. Until the single issue review is completed all planning cases should be considered premature.
- Contrary to policy CS3 the landscape is proposed to be dramatically altered by the removal of countryside and introduction of residential / retail dwellings.
- 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 (bus route 955) was lost, and as no new roads or road improvements are envisaged, residents from the proposed site will enter what is now occasionally a congested road leading to a heavily congested High Street at times exacerbating that problem further. Road calming measures near the site as suggested cannot be applied as this is a major road, a lorry route and a bus route. Similarly the railway (3 miles from the centre of the Village and with no car parking facilities) has had its service severely axed. A solution will have to be found. This is contrary to Policy CS4 not encouraging additional car usage. The proposed site is a great distance from the centre of the village and it is likely that there will be at least 2 cars per family. There have been 43 accidents in the last 5 years in the area.

- If there is a Fire in the main road towards the proposed school the main road will be blocked potentially with fire appliances with no way of movement. Why cannot there be a further entrance perhaps on the North West boundary?
- How will schooling now cope? There is no extra capacity bearing in mind the current approval for an extra 321 dwelling including infill and the proposals already in the pipeline. 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.
- All nursery places in the Village are taken up with no capacity for expansion either.
- Suffolk County Council have agreed that a new school is to be provided but a site is still not yet agreed and they do not propose in any rate that it will be ready for occupation until September 2017.
- In the school provision, should this be the acceptable site, more parking facility needs to be provided. A cycle route via the main road direct to the school too. Playing fields on a potential flood zone is not ideal especially as it is proposed that a swale will exist on one side. How safe is that for children?
- Sewage. As highlighted in the Forest Heath Local Development Framework, March 2009 'Limited current and future capacity exists to accommodate levels of planned growth. Lakenheath can accommodate 169 dwellings within existing headroom'. Anglian water will always say there is 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. On this site the foul sewerage is to discharge into the main sewers Currently in Station Road. To assist this, a pumping system is to be introduced which will be offered for adoption by Anglian Water at the end of the development. What if they refuse it? Who will maintain this Pumping station?
- Water must go into the ground to be extracted so why will the developer not consider soakaways in their proposals? Approximately three quarters of the site is in a major aquifer area which is highly permeable and the other quarter in an intermediate area being less permeable.
- The cut was provided in the area as a relief channel from Denver sluice where the little Ouse meets the Great Ouse. This has prevented regular flooding to our area. Should flooding occur higher up the channel, however, it will affect the area. Therefore to drain surface water into it is risky to say the least. The local area is geologically susceptible to ground water flooding due to the low

lying nature of the land particularly in the area near the relief channel. There has been no recorded incident of flooding since the relief channel was provided, however, with so much proposed hard standing how will this be affected in the future? Again take into account that should an incident occur lower or higher up the relief channel at Tuddenham, Denver or even Kings Lynn? In addition it is proposed for the surface water eventually to discharge into the relief channel via swales. At certain times of the year this will become particularly smelly as vegetation decomposes. Is this an area we really want beside a proposed school playing field where children will play? Policy DM6 and DM7 refers.

- If the pumping station pumps water into the swale why did they not consider continued installation of a pipe and pump directly into the relief channel thereby removing a possible danger to Children and the potential for creation of smelly decomposing material? Swales and aircraft do not mix, this is well documented.
- Who will occupy the affordable homes? If senior citizens (who are the most likely candidates for the one bedroom properties) they very often do not have their own transport therefore will become prisoners of their homes being too far from Village facilities. Many in this village do still walk to events / or facilities. If it is youngsters they would have to have cars to get to work which in the main is in the Southerly direction of the village creating more congestion running through Eriswell, the adjoining Village in accessing the A1065. The developers suggest Wangford Road to access the A1065 however this is unlikely due to the congestion at peak times around gate 1 of RAF Lakenheath. Policy CS10 suggests there is a requirement that local services will be supported by appropriate development in order to make them more sustainable.
- The site is too close to the flight path for the nearby base at RAF Lakenheath which sees the arrival of many NATO aircraft. The site lies under the flight path of returning F15 aircraft as well as being the main route for outgoing helicopters. It appears that the Noise assessment surveys were carried out at Briscoe Way. Why? 200 metres approx. away this makes the assessment possibly not relevant nor accurate. Why was this not from this proposed site? Far more relevant as closer to the flight line therefore noisier.
- This development is against Policy CS2 which seeks to protect areas of landscape biodiversity geo-diversity but more importantly local distinctiveness. Policy CS3 says to preserve and where possible enhance the landscape character of the local area. This development certainly would not achieve this.
- It is very often a 2 week wait for a regular appointment at the doctors' surgery. With all the extra proposed residents this will only worsen. The NHS suggests that the surgery is under capacity! They suggest that with the current number of doctors covering Lakenheath they should be able to cater for 6300 patients.

Currently with 5031 patients on the register this means that a further 1266 patients could be added to the roll.

63. The Parish Council go on to state, in the event the Council is minded to agree to a development in this area:

- The site forms part of a detailed FHDC water cycle study which has shown that "upgrades to approx. 700 metres of existing sewerage network through the town". If such work is undertaken, it would only be cost effective in upgrades in two other sites (L14 & L28) were to be carried out at the same time. Such work would require a 1- 3 year time frame. No major building works should be contemplated until this is sorted per core strategy which commencement would not be until later this year by Anglian Water.
- For the development proposal consider a second access onto the estate as only one new access to 375 dwellings and a possible school seems totally inadequate.
- An independent specialist, noise and vibration survey of the area should be commissioned by the Council. This is because this site particularly is too close to the return flight path for the nearby base at RAF Lakenheath which sees the arrival and occasional departure of many NATO aircraft. This should include a full Environmental Impact Assessment screening as required by UK planning law, and the impact of noise and vibration from ground and aerial flight path impacts. This site appears to be ignoring the published flight and holding patterns connected to RAF Lakenheath. They cannot be expected to move their flight patterns yet again as already in the main they fly outside the Village. It is noted that triple glazing is proposed for the dwellings to alleviate the nuisance by noise nevertheless windows will be open particularly in the summer months. Nuisance by noise will also be affected by the adjacent industrial units.
- The developer should be asked to provide a community Notice Board for the Estate to match others within the village and sufficient Dog Bins to serve the estate at appropriate points as more households now have dogs as pets.
- If the site for the school is accepted, without doubt additional parking will have to be insisted upon.
- As far as transport is concerned the only thing we can see that will make Lakenheath more viable is a much improved rail service. The bus hub is Mildenhall, not good news for Lakenheath but a regular bus service from Mildenhall connecting and turning at the station would surely make it better. Parking and a turning circle would have to be provided. This could be included within any S106 agreement.
- Guarantees are needed that the whole development will be



completed.

- Finally, 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.

64. **Lakenheath Parish Council** (October 2015, following re-consultation) – maintains its **objections** to the amended planning application and repeats some of the objections submitted in January 2015 (reported in the paragraphs above). The following additional comments were made:

- There are still no plans to increase or improve public transport. The travel plan accompanying this application is flawed. It does not mention that the bus service only operates 6 days a week (not on Sundays) or bank holidays. It is a service whereby you can travel only to Mildenhall, Brandon or Thetford and normally a good waiting time is needed to meet a link to employment areas in Bury St Edmunds, Cambridge or Norwich. The service we currently have is heavily subsidised and there is no guarantee that it will remain in being. To use the buses to get to school is just not going to happen. South to north of the Village in the morning there are no buses between 7.20 until 9.30. In the afternoon the reverse journey no buses from 2.43 till 4.43. A totally unrealistic expectation of its use.
- The Road network within the proposed estate is unknown as the residential element only allows for outline consent without specific detail. No new roads outside the new proposed estate are envisaged, residents from the proposed site will still enter what is now occasionally a congested road leading to a heavily congested High Street at times exacerbating that problem further.
- Safe passage to and from the school is paramount and everyone transiting the school by cycle and walking should be protected from the dangers of the heavy goods vehicles, buses, huge tractors and tractor trailer combinations which all travel extremely close to the road kerb. The travel plan says that the development will provide improved and safe footpaths and cycling links to the village centre with a formal pedestrian crossing to Station Road. However, the proposed 3m wide cycleway/footpath would cease at No 81 Station Road and join a reduced width footpath which is not acceptable. This proposed 3m cycleway/footpath should extend to at least Briscoe Way. As third party land will be involved S106 financial contributions should be arranged. There is no pavement access on the opposite side of the road to the proposed development which should be arranged and cost covered by S106 agreement.
- If the proposal is accepted any traffic calming proposals should be SIGNIFICANT and FREQUENT between the two corners on Station Road (the B1112 between Sharps Corner and the East end corner

of Station Road) and incorporate a Pelican Crossing (rather than a formal pedestrian crossing) at the North East end of Woodlands. How can the High Street be widened to accommodate a cycle route to encourage more non car modes?

- Many children will be driven to school; they won't be walked, thus compounding the traffic issue.
- There is no argument on the need for a new Primary and Pre-school predominantly to serve Lakenheath. There has been no consultation yet with the village as still early stages on adoption of the school site. The developer in proposing the new school site possibly assumes a second school serving the Northern section of the village only. Suffolk County Council made it clear at a recent meeting that their preference with new schools is to start at the bottom and possibly adopt a two tier system running in conjunction with the existing school. I.e. a single school operating from 2 sites. This is the Parish Councils preferred option.
- The flight path of USAF aircraft must also be addressed as a significant criterion. It is well known locally, and no doubt documented, that there are many incidents of aircraft straying off the designated flight paths. The aircraft noise levels are quite intolerable Children should not be exposed unnecessarily to the extreme decibel levels. The buildings may well be 'noise insulated' but children and adults will still be vulnerable when outside 'in the play areas'. Aircraft flights will inevitably be detrimental to the preservation of Environmental Air Quality, Noise Pollution and potentially human safety in and around the school.
- With the school provision, should this prove to be the acceptable site, a parking facility needs to be provided. Consideration as such a large site is available would be a one way service road serving the school alone with an ample parking facility. If parents park on Station Road it is right on the bend which will be dangerous to both stationary vehicles and general traffic. As Pre School facilities are at capacity these too should be included (not just as a possibility) within the site as ample space even allowing for further school growth in the future.
- The NHS potential capacity figure of a further 1263 patients fails to reflect the current situation of an aging population in Lakenheath. This has a knock effect onto hospital appointments. The car park at the surgery already cannot cope and this will lead to more cars parking on the High Street adding to even further congestion.
- Suds systems incorporating swales for drainage which can become clogged and smelly particularly in autumn with leaf fall and can cause bird strike which could create problems for aircraft. I hope that the developer will incorporate, if approval is granted, surface water soakaways for dwellings as it is suggested that the new residential layout will have large gardens. It is still suggested that

a surface water pumping station is likely to be provided to drain into the cut off channel. The phase 2 sewers and surface water pumping station will be offered to Anglian Water for adoption. What if they do not accept that? What then occurs when the pumps fail? What is plan B?

- This site appears to be ignoring the published flight and holding patterns connected to RAF Lakenheath. They cannot be expected to move their flight patterns yet again as already in the main they fly outside the Village.
- The site lies under the flight path of returning F15 aircraft as well as being the main route for outgoing helicopters. It appears that no new Noise assessment surveys were carried out and the original application details were taken at Briscoe Way. Why? 200 metres approx. away this makes the assessment possibly not relevant nor accurate. Why was this not from this proposed site? It would have been far more relevant as closer to the flight line therefore noisier.
- If planning consent is approved we would request as part of the S106 agreement that consideration should be given to contributions for some of the following community good causes to be functional and include successful public spaces:
  - Extension and improvement to current skate-park and additional facility on new development
  - Extension and improvement to PC Children's Play Area
  - New Children's Play Area on new development such as football / Netball areas and BMX bike tracks etc. for older children
  - Public Toilet (and maintenance) to serve extension to village (nearest will be Wings Road)
  - Peace Memorial Hall / People's Project Funding
  - Pavilion Project / Extension Funding
  - Flood-Lighting for Senior Football Club
  - Support for Playing-fields
  - Support for Library
  - Adult 'keep fit' area
  - Dog Bins (including emptying)
  - Litter Bins (including emptying)
  - Noticeboards to match those now being provided to the Village with funding help from SCC
  - Funding for future extensions to Cemetery (increased population will create greater demand on existing facility)
  - Funded transport facility (such as good neighbours) to take elderly/needy resident from new development to doctors co-op etc.
  - Benches / Seating in the open space area
  - Noise Level Reduction Scheme
- The proposals are contrary to a number of policies in the NPPF (the Parish Council refers to paragraphs 7, 10, 17, 29, 34, 35, 37, 38,

55, 151, 152 and 172.

65. **Lakenheath Parish Council** (January 2016) – submitted further comments in response to a further consultation carried out following receipt of an amended Habitats Regulations Assessment report. The Parish Council noted the latest comments of Natural England (December 2015). The Parish Council also agrees with the views and requests of the Suffolk Wildlife Trust (December 2015). The Parish Council also provided a copy of noise information relevant to flights connected to the Lakenheath air base which had been published by the Ministry of Defence pointing out the noise contours for the village had been expanded from that published previously. The Parish also note the limitations of that report being a computed modelled study as opposed to a field study. The Parish Council re-affirms its request that the Council commissions an independent noise and vibration survey of the area and uses the information to conclude the application site is inappropriate for housing and a school. The Parish goes on to suggest there is an increased risk of accidents given the development would sit beneath/close to the return flight path (with jets occasionally carrying live munitions).
66. **Lakenheath Parish Council** – (late January 2015) submitted further representations via their Lawyers. 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.
67. **Lakenheath Parish Council** – on the morning of 2<sup>nd</sup> March 2016, the day the planning application was due to be considered by the Development Control Committee, the Council received a legal letter prepared on behalf of the Parish Council. The letter claimed the officer

recommendation (2<sup>nd</sup> March) would, if adopted by the Committee, be unlawful and contrary to the Council's Constitution.

68. The Parish Council, via the legal letter, raised further concerns about the proposals and the officer report:

- The cumulative transport assessment issued by AECOM is out of date.
- The proposed development site is at risk from serious environmental emissions (noise and air quality) from the military flight operations, making the site unsuitable for the uses proposed.
- The existing noise and vibration report is out of date because the Ministry of Defence has changed technical standards in light of the change in flight contours over Lakenheath.
- Air safety concerns, given the proximity of military aircraft flight paths to the site and school in particular.
- Biodiversity – the concerns expressed by the RSPB (with particular reference to the school site) have not been fully addressed.
- It is not clear how impacts of development upon health service provision will be mitigated beyond accepting developer contributions.
- The impact of the closure of RAF Mildenhall on the Single Issue Review needs to be considered.

69. **Lakenheath Parish Council** (July 2016) with respect to the Lakenheath cumulative traffic study commented they have grave concerns regarding the impact on the B1112/A1065 priority cross-roads which is reported in table 1.2 of the Aecom- Lakenheath Cumulative Traffic Study, as still "Not considered to be a severe impact" and "Approaching capacity, mitigation advised".

70. The Parish Council also appended comments from their appointed Transport consultant. The following points were raised:

- Improvement of the B1112/Eriswell Road junction is essential to accommodate any significant development in Lakenheath without a severe highways impact.
- There remains uncertainty as to the deliverability of the proposed highways improvements.
- There are inconsistencies in the date set out in the cumulative study which brings into question its reliability.
- The cumulative study does not address traffic generated by the Tesco retail store approved in the village which would generate

trips equivalent to around 436 dwellings. The traffic study therefore underestimates the impact of development in the area.

- The identified shortcomings of the cumulative traffic study bring into question decisions made with respect to the Site Allocations Local Plan.

71. **Lakenheath Parish Council** (July 2016) with respect to the Aviation Advice submitted with the planning application) declined to provide detailed comment in the light of the MoD's recent request for the submission of further noise information.

72. 3 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);

- Ad-hoc approach to developing in the village.
- No joined up thinking on infrastructure and services.
- Outside the settlement boundary and should therefore be rejected on that basis.
- Creeping urban developments just to meet a tick-box exercise to meet imposed housing targets.
- Brown field sites should be developed first.
- There is no evidence of need for such a large number of houses at Lakenheath
- Scale of development is out of keeping with the village and would place a massive burden and unsustainable level of environmental and social impact upon the community.
- There is insufficient employment in the area for the proposed residents.
- Premature to the Site Allocations process.
- The site is not mentioned in any of the emerging plans.
- Traffic generation; the roads into the village are not suitable for the extra traffic.
- Public transport is inadequate.
- The centre of the village would become congested.
- Doctors' surgery is already at breaking point.
- How will sewerage be addressed?
- The location of the school is inappropriate beneath a flight path.
- There are already blighted sites around the village.
- Lakenheath cannot cope with hundreds of new homes.

73. One letter was received from a **local resident** in response to the second round of public consultation carried out in September 2015. The correspondent **did not wish to object in principle** to development in the village but wished to express **concerns** about road safety along Station Road, with particular regard to excessive traffic speeds past the site frontage. It is suggested that traffic calming measures should be employed in order to slow the traffic down. Such measures should be funded by the developers.

74. Four further letters were received from local residents in response to the third round of public consultation (November 2015). Two of these raised objections to the proposals. The third letter was from the same person whom wrote in response to the second round of consultation (see above paragraphs) and repeated those comments. The fourth correspondent is the owner of land and buildings adjacent to the site whom requested the erection of security fencing during construction to prevent opportunities for public trespass onto adjacent land (and exposing those persons to dangers present on the site). He also comments on traffic (requesting a roundabout is considered for the site access) and schooling (suggesting the school would be better positioned towards the centre of the village). He concludes by suggesting the growth of housing in the village could be beneficial as it is likely to attract other facilities into the village, e.g. a supermarket.
75. The issues and objections raised by the three objectors can be summarised as follows:
- Too many dwellings for the size of the village
  - Roads, doctors and other facilities will be overwhelmed.
  - Site is too far out of the village leading to reliance on cars.
  - There are limited employment opportunities in the village which will lead to the need to commute out of the village for employment adding to congestion and carbon emissions.
  - Properties are too close together.
  - The school is too close to the road.
  - Sufficient parking needs to be provided.
  - Homes should be fitted with heat pumps/solar panels.
  - Design should be better than those built at Red Lodge.
  - Good space and storage standards should be applied.
  - The land is good agricultural land. Less productive land should be used first.
  - Sites within the settlement boundary should be used first.
  - The development stretches the village out even further effectively creating two separate communities.
  - The village is poorly served by public transport.
  - Cumulative impacts not considered.
76. One further letter was received in January 2016 from the promoter of projects C, E and H from the table included in this report at paragraph 17 above. The letter raised concerns about the adequacy of the material included with the Habitats Regulations Assessment received in November 2015. The following summary is copied from the letter:
- Whilst the HRA conclusion of no cumulative impact on stone-curlew and Breckland SPA might well be correct, further work is required to conclusively demonstrate this and achieve legal compliance;
    - Amended survey information, especially of potential nest habitat in the vicinity of development and clarity on usage of Sandy Drove adjacent fields;
    - Recreational impact revised following amended survey

information;

- Inclusion of proposed development at Eriswell within the cumulative impact assessment.

77. Representations have been received from the promoter of two other planning applications for development at Lakenheath and Eriswell (applications C and H from the table reported below paragraph 17 above). The comments are summarised as follows:

- The cumulative traffic studies have identified that the B1112/Eriswell Road junction, crucial in the operation of the airbases, is the key constraint to delivering any new development in the Lakenheath area.
- This review has identified that the conclusion of the Aecom summary technical note, namely that the Option B improvement to the B1112/Eriswell Road junction does not require third party land is wrong and is contrary to the actual findings of the Aecom Phase 1 report. The implications of this are that any improvement to the B1112/Eriswell Road junction requires third party land and hence no new development in Lakenheath is deliverable without land beyond the highway boundary at the B1112/Eriswell Road junction.
- Furthermore, it is also identified that the Aecom studies used traffic data from 2013 during the time the A11 works were being undertaken. A recent traffic count in 2015 shows that peak hourly traffic flows have increased by 8% at this junction post A11 works completion. The implication of this is that the option B improvement will not be sufficient for even the 288 dwellings which were the subject of resolutions to grant permission made in 2014. Only the larger Option A improvement will provide the required mitigation for any new development.
- Any new development in Lakenheath is not deliverable without land beyond the highway boundary at the B1112/Eriswell Road junction and this should be understood before any resolution to grant planning consent is granted.
- Elveden Farms Ltd own land surrounding the B1112/ Eriswell Road junction and would be the third party interest in any improvement works to this junction. Furthermore, Elveden Farms Ltd have recently submitted a planning application for development south of Lakenheath which, if approved, provides the required Option A improvement to the B1112/Eriswell Road junction as well as providing the additional land to be transferred to the highway authority.

**Policy:**

78. 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)**

79. 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.
- DM17 – Conservation Areas
- 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)**

80. 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)**

A list of extant 'saved' policies is provided at Appendix A of the adopted Core Strategy (2010) and of 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.

- **Policy 14.1** – Securing Infrastructure and Community Facilities from Major New Developments.
- **Inset Map 12** (Lakenheath Development Boundary)

### **Other Planning Policy:**

### Supplementary Planning Documents

81. 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

82. The Council has consulted on issues and options for two Development Plan Documents (Single Issue Review of the Core Strategy and Site Allocations Document). The Council's formal consultation on its 'preferred options' has recently been completed (1<sup>st</sup> July 2016) and representations received in response are in the process of being processed and analysed. Following further amendments to the document, informed in part by the outcome 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.
83. 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 Framework, the greater weight that may be given.
84. The emerging Single Issue Review and Site Allocations documents have reached 'Preferred Options' stage but, given the consultation period has only recently 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 included as a Preferred Option for development (i.e. it is not excluded at this stage). However, this initial draft

'allocation' should not be attributed significant weight given current uncertainties as to whether the site will actually be included in any later draft of the Plan that is submitted to the Planning Inspectorate for examination.

#### National Policy and Guidance

85. The National Planning Policy Framework (the Framework) sets out government's planning policies for England and how these are expected to be applied.
86. 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."
87. 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".
88. The relevant policies of the Framework are discussed below in the officer comment section of this report.
89. 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 constantly updated on-line) assists with interpretation about various planning issues and advises on best practice and planning process. Relevant parts of the NPPG are discussed below in the officer comment section of this report.

## **Officer Comment:**

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

### **Legal Context**

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

91. Given the scale of development proposed, its location and the issues it raises, the planning application needs to be screened under the provisions of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. The Secretary of State has recently issued a Screening Direction with respect to this planning application and, having considered the likely impacts of the proposals, in isolation and in combination with other proposed developments, concluded the development is not 'EIA Development' and confirmed and Environmental Statement is not required to accompany the planning application. A copy of the Screening Direction issued by the Secretary of State is attached to this report as Working Paper 1.

#### The Conservation of Habitats and Species Regulations 2010 - (hereafter referred to as the Habitats Regulations).

92. Given the location of the various designated nature sites in the vicinity (including the Breckland Special Protection Area) consideration has been given to the application of these Regulations. If a plan or project is considered likely to give rise to significant effects upon a European site, Regulation 61 requires the decision maker to make an 'Appropriate Assessment' of the implications for that site before consenting to the plan or project.
93. The application site is in the vicinity of designated (European) sites of nature conservation but is not within a designation or land forming a formal buffer to a designation. The site is, however, situated partly within the 1.5km Nest Attempts Constraint Zone (which serves to protect frequent Stone Curlew nesting attempts at locations outside the designated Special Protection Area Boundaries).
94. The implications of the development proposals, on their own and in combination with other proposals is discussed further later in the 'Natural Environment' section of this report. The Regulations require decision makers to have regard to the impacts arising from developments in isolation and in-combination with other plans and projects.

95. The amended Habitats Regulations Assessment information submitted by the applicants to accompany this planning application considers both the impacts of the proposed development in isolation and in-combination with the other planning applications submitted for development proposals at Lakenheath. However, the HRA information was received in advance of details of an emerging project at Eriswell (project reference H from the table included at paragraph 17 above) being released into the public domain (January 2016). The precautionary approach of the Habitats Regulations requires the decision maker to have regard to its 'in-combination' impacts alongside other developments. The Council (as decision maker) in screening developments under the Habitats Regulations has had regard to all projects listed in the table at paragraph 17 of this report (with the exception of Project E, which has been withdrawn). A copy of the screening report is attached to this report as Working Paper 2.

Natural Environment and Rural Communities Act 2006

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

Planning and Compulsory Purchase Act 2004 (as amended)

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

Planning (Listed Buildings and Conservation Areas) Act 1990

98. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states;

*In considering whether to grant planning permission for development which affects a listed building or its setting, the Local Planning Authority (LPA)... shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.*

99. Section 72(1) of the same Act 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.*

100. In this case there are no listed buildings at the site or close to the site (such that their settings would be affected). Similarly the development is not situated in a Conservation Area and the built form, being behind a frontage tree belt and the site being off-set from the corner of the Conservation Area designation, the development would not affect views into or out of the heritage asset. There is bound to be an increase in traffic using the main road south bound through the Conservation Area following occupation of the proposed dwellings, but this is not considered to lead to significant impacts arising on the character or appearance of the Lakenheath Conservation Area in isolation or in combination with other current development proposals in the village which may subsequently be granted planning permission.

#### Crime and Disorder Act 1998

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

#### Community Infrastructure Levy Regulations 2010

102. 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).
103. 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.
104. 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'.

#### **Principle of Development**

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

105. 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.

106. 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.
107. 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*".
108. 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.
109. The latest 5-year housing supply assessment (considered by Members of the Local Plan Working Group on 1<sup>st</sup> March 2016) confirms the Council is presently able to demonstrate a 5-year supply of deliverable housing sites. Members will note that 180 of the dwellings proposed by this planning application are included in current five-year supply forecasts.

#### What is sustainable development?

110. 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;)
111. 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.



112. 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

113. Concerns have been raised locally that approval of this planning application (and others current under consideration in the village) would be premature and its consideration should await the formation (adoption) by the Council of an appropriate Local Policy Framework.
114. 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:
115. 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.
116. Refusal of planning permission on grounds of prematurity will seldom be justified where a draft Local Plan has yet to be submitted for examination, or in the case of a Neighbourhood Plan, before the end of the local planning authority publicity period. Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how the grant of permission for

the development concerned would prejudice the outcome of the plan-making process.

117. In this case the development proposal for (up to) 375 dwellings is not particularly 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. Notwithstanding the weight that can be attributed to these documents, the Site Allocations Document, in particular, includes the application site as site allocated for housing. The proposals are therefore considered consistent with the emerging Development Plan position.
118. It would be difficult to justify any decision that approval of this scheme would be premature in the context of the facts of the case and current national guidance. This advice is further re-enforced by the fact that the Council is already 15 years into the Plan period (2001 – 2031) and in the continued absence of an adopted Site Allocations Document the proposed development would make a positive contribution towards the overall number of dwellings required to be provided by Core Strategy Policy CS7.
119. 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

120. 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).
121. 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.
122. 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.

123. 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.
124. 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

125. 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 planning application 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.
126. 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

127. The application site is situated outside the settlement boundary of the village and is thus situated in the Countryside for the purposes of interpreting planning policy. The detailed settlement boundaries were 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 do have Development Plan status. The settlement boundaries are illustrated at a large scale on the Policies Map 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 Joint Development Management Policies Document and thus have not been altered from the 1995 Local Plan Inset Maps. Accordingly, it is reasonable to read the Policies Map and Local Plan Inset Maps together to establish the precise locations of the settlement boundaries.

128. Core Strategy policy CS10 confirms the settlement boundaries will be reviewed as part of the emerging Site Allocations Development Plan Document. That said, the 'Preferred Options' Site Allocations Plan extends the settlement boundary at Lakenheath to include the application site but only limited weight can be attributed to this emerging position at the present time. 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.
129. A key determining factor will be whether the proposed development can be deemed 'sustainable' in the context of the policies contained in the Framework (as a whole) and even if it is concluded the proposals 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.
130. 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.

### **Impact upon the countryside**

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

132. 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.
133. 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.
134. 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.
135. 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.
136. 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.
137. 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.
138. 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.
139. The development would be harmful to the character of the countryside as a matter of principle given that it would ultimately change currently undeveloped agricultural land into a developed housing estate and this

would be a dis-benefit of the proposals.

140. 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, this is tempered somewhat by existing mature planting on site boundaries, including the frontage roadside boundary. Whilst the development would penetrate the existing strong 'green' village boundary, significant opportunities exist to provide new strategic planting at the sensitive site boundaries (north, part east and part west boundaries in particular) in order to soften the impact of development upon and assimilate it into, the countryside. Further opportunities would exist to provide further strategic planting within the development, including (in time) significant new tree canopy cover. Details of proposals for the landscaping of the site are reserved from this hybrid planning application.
141. The impact of the proposed development upon the landscape is, on balance, considered acceptable with any significant adverse effects capable of mitigation via the introduction of new landscaping (the precise details of which would be secured at reserved matters stage).

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

142. 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.
143. 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.
144. 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.
145. 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.

146. 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.
147. 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)).
148. 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*

149. The planning application is accompanied by a Transport Assessment. The document uses the TRICS database to calculate that (excluding trips associated with the school) an average of 93 cars/vans would use the vehicular access during the am peak (21 arrivals and 72 departures) and 82 vehicles during the pm peak (55 arrivals and 27 departures), which equates to approximately 1.5 vehicle movements per minute during the peak periods.
150. The Transport Assessment dis-regards car trips to the primary school as inconsequential to overall number of trips given that it predicts the majority of trips to the school will be by foot and cycle or (for longer trips from outlying villages) by bus.
151. The document recognises that pedestrian access into the village is poor and suggests this would benefit from the provision of footpath

and cycleways and a pedestrian crossing. It also offers pro-rata contributions (alongside contributions from other developments proposed in the village) for relevant junction capacity/safety improvements and confirms the existing 30mph speed limit zone in Station Road would be extended east, beyond the frontage of the application site.

152. It is likely that potential occupiers of the dwellings proposed in this planning application would need to travel to meet their employment, retail and entertainment needs. Some of these journeys could be lengthy (non-airbase employees in particular). However, there are a range of services and facilities in the village that will prevent the need for travel to some facilities. The proposals accord with the 'settlement hierarchy' set out at Policy CS1 of the Core Strategy. Given 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 sustainable in transport terms.
153. Means of access into the site is included with the planning application for consideration now. The concept plan illustrates the position of the proposed vehicular access onto Station Road adjacent to the site to be provided for a new primary school. This positioning of the access would involve the felling of a small number of trees. The provision of visibility splays may require the felling of further specimens.
154. The application is accompanied by sufficient information to demonstrate the loss of trees to provide vehicular access from the site onto Station Road would not impact adversely upon biodiversity interests (bats, in particular). Furthermore, information received relating to tree felling has confirmed the specimens are of a low grade and their felling in order to facilitate the development proposals is considered acceptable by officers. Furthermore the proposed punctuation of the tree belt to provide vehicular access would not adversely affect the visual and landscape value of the wider protected tree belt on the Station Road frontage of the application site.
155. Whilst further technical work is required with respect to the extent of highway improvements required with respect to the cumulative impact of development (the Eriswell Road/B1112 junction in particular), the Highway Authority has not so far objected to the proposals including site-specific considerations (subject to the imposition of conditions and completion of a S106 agreement).
156. Access to the proposed development is considered safe and suitable and the development would not lead to significant highway safety issues or hazards. Furthermore, the applicant has offered to enhance pedestrian links to the village centre. Having considered the evidence and comments received from the Highway Authority, your officers are content the proposed development, in isolation, would not lead to traffic danger or congestion of the highway network, including during am and pm peak hours. The cumulative traffic impact of the



development, along with various other proposals for housing development in the village (those listed in the table beneath paragraph 17 above) is considered later in this report.

### **Impact upon natural heritage**

157. 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.
158. 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.
159. 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.
160. 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

161. 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 and outside the 1.5km buffers drawn outside its boundaries. Part of the site (the eastern edge) is situated within the 1.5km buffers to Stone

Curlew nesting attempts outside the Special Protection Area. The SPA is also vulnerable to increased recreation visitor pressure (indirect impact) from new housing developments located at distances greater than 1.5km from the SPA boundaries. Accordingly, direct and indirect impacts upon the conservation interests of the SPA can not automatically be ruled out and, in accordance with the requirements of Core Strategy Policy CS2, further consideration of potential impact is required, initially via a project level Habitats Regulations Assessment.

162. The approach to be taken to considering a development proposal that might affect an SPA is set out in ODPM Circular 06/2005. The first stage in the process is to establish whether the proposed development is directly connected with, or necessary to, nature conservation management of the SPA. That is not the case with the application proposals, so consideration passes to the second stage. The second stage is to determine whether the proposals are likely to have a significant effect on the interest features of the site (including those recorded outside of the SPA designation), either alone or in combination with other plans or proposals.
163. Two of the three qualifying features of the SPA, namely Nightjar and Woodlark breeding areas are located sufficient distances away from the application site such there would be no direct impacts upon them arising from development in isolation or in combination with other plans and projects. The potential direct impacts of development upon Stone Curlews nesting locations outside the SPA and indirect impacts arising from increased recreational pressure requires closer examination and consideration.
164. The applicants have submitted Habitats Regulations Assessment information with the planning application. The information has been prepared by a suitably qualified Ecologist (Applied Ecology Ltd). The report considers the direct and in-direct impacts of development (the scheme in isolation and in-combination with other plans and projects) and reaches the following conclusions;
  - An HRA has been carried out to establish the likely effects of a proposed residential development in Lakenheath on the Breckland SPA stone curlew qualifying features. This includes an assessment of the development alone and also in combination with other proposed housing schemes in Lakenheath.
  - Natural England was satisfied that up to 670 new dwellings in Lakenheath would not result in adverse impacts on the integrity of the SPA.
  - The HRA has been based on an assessment of stone curlew nest data and habitat suitability. It concludes that the Lakenheath North application on its own and in combination with other proposed housing developments is unlikely to result in a significant adverse impact on the integrity of the SPA's qualifying features, on the basis of the location of the

development on land that is unsuitable habitat for stone curlew nesting and feeding and the low likelihood of increased recreational use of nearby public rights of way or access land adversely affecting stone curlew breeding habitat.

- Significant recreational disturbance of off-site stone curlew habitat that occurs in the 1,500m SPA buffer zone is also not considered likely to occur as a result of the Lakenheath North application, either alone or in combination. This is because any increase in use is likely to be restricted to public rights of way and open access land without impacting any nearby agricultural land with potential for stone curlew nesting. Dog walkers originating from Lakenheath are considered likely to primarily use on-site recreational space for exercising their dogs in combination with publically accessible locations, such as Maidscross Hill LNR, that do not have good public footpath connectivity to SPA designated land.
- The majority of other new developments proposed for Lakenheath are to the south of the village and are therefore the majority of increased recreational pressure (particularly dog walking) on public rights of way is likely to impact land to the south and west of Lakenheath, rather than cumulative increases in use of the rights of way to the north and east of the village close to the Lakenheath North development and closer to the SPA.
- In order to minimise the risk of increased recreational pressure on public rights of way and Maidscross LNR a significant amount of public open space has been designed into the Lakenheath North development. This quantum of open space provision is significantly over and above the amount recommended by Forest Heath District Council for a development of this size.
- Any increased recreational pressure on the SPA or the public rights of way and access land within the SPA buffer zone would be ameliorated by incorporating green infrastructure and public open space, as planned for the Lakenheath North development, into the design of those proposed developments of sufficient size coming forward in the village.

165. The Habitats Regulations Assessment has been the subject of public consultation. Natural England were (in December 2015) content the proposed development would not have significant effects upon the conservation interests of the SPA and advised the Council, as decision maker, of its view that an Appropriate Assessment (under Regulation 61 of the Habitats Regulations) is not required. The RSPB took a different view and expressed concern that some residential development would be erected within the 1.5km buffer to Stone Curlew nesting attempt locations outside the SPA boundaries.

166. The Lakenheath Cumulative Traffic Study prepared independently to

consider the potential cumulative impact of development upon the local transport network did not identify that any significant improvements or other alterations would be required to junctions close to the SPA designation (i.e. junctions to the north and south of Lakenheath onto the A1065 Brandon to Mildenhall Road). Accordingly, the highways mitigation arising from the proposed developments at Lakenheath would have no impacts upon the SPA.

167. Natural England (December 2015) confirmed it was content with the planning application, including its potential direct and indirect impacts (including in-combination impacts) upon the Special Protection Area. The body then drew back from that definitive advice (March 2016) and has requested further time to re-consider potential impacts upon the SPA (including in-combination impacts) in the light of new information they have received. However (and finally in May 2016), Natural England confirmed their final view that the development proposals would not impact upon the SPA and thus reverted back to the position they had previously taken in December 2016. All comments received from Natural England are summarised at paragraphs 25-30 above.
168. The concerns expressed by the RSBP (paragraph 33 above) are, for reasons set out in the Ecology, Tree and Landscape Officers comments (paragraph 45 above), not considered to represent significant effects upon the SPA designation. The Council has screened the proposals under the provisions of the Habitats Regulations and has concluded 'appropriate assessment' of the implications for the SPA in view of its conservation objectives (both individually and in combination with other plans and projects) is not required.

Protected species.

169. The planning application was accompanied by a Phase 1 Habitat Survey (dated October 2014) which recommended;
- Manage retained woodland belts as dark unlit habitats for the benefit of nocturnal wildlife with essential road and security lighting designed to minimise light spill and illumination of the canopy.
  - Retain and manage rich grasslands where practicable to do so or provide replacement compensatory grassland areas in peripheral areas of the site in association with retained woodland belts.
  - That further surveys for reptiles and great crested newts are undertaken.
  - Provide bat and bird boxes within the new development.
170. The site was subsequently surveyed for reptiles, great crested newts and stone curlews and, in October 2015, a Phase 2 Ecology Report was submitted to accompany the planning application. The survey found the presence of reptiles at the site but Great Crested Newts and Stone Curlew were found to be absent. The following

recommendations were made with respect to mitigating the impacts of development upon reptiles;

- An area of suitable grassland habitat needs to be created or set aside as habitat to enable the relocation of reptiles from the wider site.
- It is considered that land set aside for ecology and recreation within the Lakenheath North Concept Plan could be designed and constructed to provide a suitable receptor area for reptiles from the wider site as necessary. It is advisable that the ecology land is created well in advance of site clearance operations to ensure that it has had sufficient time to develop a sward structure and associated invertebrate assemblage that is attractive to reptiles.
- A reptile exclusion fence will need to be constructed around this area to separate it from the rest of the site prior to reptile relocation and maintained while construction works are ongoing.
- Once suitable habitat is set aside and the exclusion fence is in place around the receptor area, reptiles will need to be captured from the five areas that they occupy using a combination of progressive vegetation clearance and hand capture facilitated by artificial refugia and placed in the receptor areas.

171. The implementation of the recommendations set out in both Phase 1 and Phase 2 Ecological Assessments could be secured by a suitable method statement imposed by planning condition.

172. Surveys of the trees proposed to be felled (to provide vehicular access) for bats have been carried out and the results submitted with the planning application. The survey information concluded that the trees proposed to be felled were of no value to bats. Accordingly, the loss of the trees for vehicular access is acceptable with no specific bat mitigation required. Further information with respect to the provision of visibility splays required for the access could be secured by condition, in the event that planning permission is granted.

173. 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). It has also been determined that Appropriate Assessment of the implications of the proposals upon the SPA is not required in this case.

174. There is presently no evidence to dispute the applicants view that a carefully a constructed development is likely to result in net ecological gains at the site. The delivery of the mitigation and enhancement measures at the site could be secured via appropriately worded planning conditions and or via a S106 agreement, as appropriate.

### **Impact upon trees**

175. The application site is fronted by a belt of mature tree and hedgerow planting which provides a distinctly rural character to the northern gateway into the village. The planting is an attractive feature, an important asset for the site and serves to soften the visual impact of the existing village upon the countryside beyond. The planting marks a transition between the countryside and the urban form of the village. All of the trees on the north side of Station Road (including those fronting the adjacent Rabbit Hill Covert site) are protected by formal Tree Preservation Orders. Officers consider it is vital that as much of the vegetative cover as possible is retained along the frontage (and western side boundary) as part of these development proposals.
176. The application has been amended to include tree survey information identifying the tree specimens that would need to be felled to make way for the new vehicular access and its associated visibility splays. This information has been assessed and the loss of a small number of specimens from the tree belt and the creation of a gap to provide vehicular access into the application site is not significant.
177. Opportunities are available to enhance the existing tree stock by removing declining specimens and providing new tree planting to compensate for specimens that may need to be felled to make way for access or because of their poor condition. New / replacement / compensatory planting would be secured by condition at detailed and/or subsequently at reserved matters stage. Furthermore longer term and beneficial management and maintenance of the tree belt could be secured.
178. The impact of the development upon existing trees is considered acceptable.

### **Impact upon built heritage**

179. 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.
180. 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.
181. Core Strategy Spatial Objective C4 aims to protect and enhance the Historic Environment. This objective is implemented via Policy CS3.

182. 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).
183. The development proposals would not impact upon any listed buildings, (including their settings) and as discussed above would have only a negligible impact upon the character and appearance of the Lakenheath Conservation Area from increased traffic movement on the main road through the designation.
184. An archaeological evaluation of the site was carried out prior to the submission of the planning application. This consisted of a Geophysical Survey and 1% sample trial trench evaluation. The applicant shared the results of the evaluation with Suffolk County Council whom provided advice.
185. The Archaeological Service at Suffolk County Council has been consulted of the planning application and their comments are reported at paragraphs 53-55 above. Further archaeological investigations and recordings could be secured by means of appropriately worded planning condition should planning permission subsequently be granted.
186. The development proposals would have no significant impacts upon heritage assets.

#### **Impact upon local infrastructure (utilities)**

187. 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."
188. These requirements are, however, tempered somewhat later in the document in circumstances where viability is threatening delivery of a development scheme. It confirms the costs associated with policy burdens and obligations (including infrastructure contributions) likely to be applied to development proposals should (when taking account of the normal cost of development and mitigation), provide competitive returns to a willing landowner and willing developer to enable the development to be deliverable.
189. 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”.

190. 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.
191. The policy concludes that all development will be accompanied by appropriate infrastructure to meet site specific requirements and create sustainable communities.
192. 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

193. 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 375 dwellings proposed by this planning application.
194. 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.
195. 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.
196. 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).
197. 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

198. 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.
199. 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.
200. Anglian Water Services has not objected to any of the planning applications listed in the table at paragraph 17 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.
201. There has not been significant new housing development realised at Lakenheath since the publication of the evidence base contained in the IECA report. Accordingly, the available evidence concludes that this development (being located to the north of the village and within the headroom of the Treatment Works) 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

202. 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

203. 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**

204. 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.
205. 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.
206. 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.
207. 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.
208. The bulk of the application site is in Flood Zone 1 (low risk of flooding) although there is a small area towards the rear (north) of the site

adjacent to the cut-off channel which is situated in Environment Agency flood risk Zones 2 and 3 (at risk of flooding). This area is to be set aside as strategic public open space with significant buffers in place to the nearest dwellings. It is therefore unlikely that the proposed dwellings would be at risk of flooding from the nearby channel (to the north of the site), being outside its modelled floodplains.

209. The amended flood risk assessment submitted with the planning application confirms that soakaways would not be appropriate for surface water drainage of the development given soil conditions. The proposal is to discharge surface water via a gravity system into the cut-off channel to the north. Surface Water would be attenuated such that it discharges no greater than existing 'greenfield rates'. Surplus water in storm events would be held in attenuation tanks below ground and above ground swales.
210. The planning application is accompanied by a Phase I desk study Ground Contamination Report. This study has found some potential sources of contamination at the site, albeit low risk contamination and recommended that a Phase II investigation is carried out in the two areas of the site identified. The report also recommends decommissioning of an existing borehole prior to development taking place in that area.
211. The Council's Environmental Health team has requested the imposition of a condition requiring the submission of a detailed scheme of investigation into potential contamination, including measures to secure any remediation necessary.
212. 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'.
213. The Environment Agency (risk of flooding, contamination and pollution control and drainage), Anglian Water Services (drainage and pollution control) Council's Environmental Health Team (contamination and pollution control) and the the Floods Team at Suffolk County Council have not objected to or raised concerns about the application proposals. All have recommended the imposition of reasonable conditions upon any potential planning permission to secure appropriate mitigation.
214. 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.

#### **Impact upon education**

215. The County Council as Local Education Authority has confirmed the

village school will reach its 315 place capacity in the near future and before any new pupils are likely to emerge from the development. This means that the primary school aged pupils emerging from these development proposals would need to be accommodated in a new primary school facility yet to be built in the village.

216. It is unlikely that the Local Education Authority would be able to cater for the educational needs of the 95 pupils forecast to emerge from this development at the existing primary school. The cumulative impact of pupil yields emerging from other planning applications proposing significant new housing development in the village also needs to be considered and is assessed later in this section of the report beginning at paragraph 257 below. The planning application makes provision of land for the erection of a new primary school. The County Council has confirmed, following consideration of other potentially available sites in the village, that proposed by this planning application is their 'preferred option'. The County Council remain intent on securing the land and building a new primary school. The receipt from the leader of Suffolk County Council of a formal request to provide a degree of comfort about the proposed school site is the principal driver behind the urgency and timing of the initial reporting of this planning application to Committee.
217. The land included in the planning application for the development of a new primary school could, if planning permission is granted, be safeguarded as part of a S106 Agreement. A suitable and safe route for pedestrians and cyclists from the school site back into the village would also need to be secured.
218. 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 that may be consented.
219. The County Council has confirmed there is sufficient capacity at existing secondary schools to accommodate pupil yields forecast to emerge from these development proposals.

### **Design and Layout**

220. The Framework states the Government attaches great importance to the design of the built environment and confirms good design is a key aspect of sustainable development and is indivisible from good planning. The Framework goes on to reinforce these statements by confirming that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
221. Core Strategy Spatial Objective H2 aims to provide a sufficient and appropriate mix of housing that is ... designed to a high standard. Design aspirations are also included in Spatial Objectives ENV4 (high standard of design) and ENV5 (community safety and crime reduction

through design). The Objectives are supported by policies CS5 and CS13 which require high quality designs which reinforce local distinctiveness and take account of the need for stronger and safer communities. Policy CS5 confirms design that does not demonstrate it has had regard to local context and fails to enhance character will not be acceptable.

222. 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.
223. The dwellings and school proposed by the planning application are submitted in outline form with all matters reserved to a later date. Accordingly matters of design are not particularly relevant to the outcome of this planning application.
224. A design and access statement was submitted with the planning application to explain the design strategies underpinning the layout proposed by the Hybrid planning application. However, following officer concerns about the quality of the scheme put forward the 368 dwellings, details of which were initially included in detail (full planning permission) were withdrawn and all of the dwellings (375 in total) reverted to outline status.
225. The amount of the site to be set aside for built development has been reduced during the lifetime of the planning application in order to provide additional land for strategic open space and ecological mitigation (discussed elsewhere in this report). This has resulted in a reduced area of the site (17.9) hectares being available for the 375 dwellings proposed by the planning application (including ancillary roads, open spaces, landscaping and other infrastructure serving the residential scheme). The school has a separate land parcel (3.1 hectares). This equates to a density in the region of 25 dwellings per hectare which is considered suitable at this edge of village location. The amended outline elements of the planning application are not accompanied by an illustrative layout drawing, but in this instance its absence is considered acceptable given there is little doubt the 375 dwellings could be accommodated on the site in an acceptable manner.
226. Given the outline status of the planning application for all development with the exception of the vehicular access, 'design' is not a determinative factor at this stage. The layout and landscaping of the site and appearance of the buildings would be considered in detail at the later reserved matters stage in the event planning permission is granted.

### **Impact upon residential amenity**

227. 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.

228. Vision 1 of the Core Strategy seeks to provide 'a higher quality of life' for residents.
229. In October 2015, The Ministry of Defence updated the information underpinning its Military Noise Amelioration Scheme. Whilst there are limitations to the accuracy of the information included, the information suggested the north elements of Lakenheath were subject to noise from military aircraft. Previous evidence released by the Ministry had suggested only the southern areas of the village (closest to the runway) were affected. The Parish Council has claimed these changes in circumstances render the submitted noise assessment out of date.
230. The application is not accompanied by a noise assessment but relies upon a noise assessment report prepared for the development of the adjacent land at Rabbit Hill Covert for a development of up to 81 dwellings (August 2014). That assessment reached the following conclusions:
- We have assessed air traffic noise at the site of proposed residential development off Rabbit Hill Covert, Lakenheath.
  - The measured and calculated daytime noise levels at the site are set out in the report. If assessed against the now withdrawn PPG24, the site would fall into NEC "B".
  - We have identified typical construction and ventilators requirements for the external façades of proposed dwellings to meet the WHO and BS8233 internal noise criteria.
231. The applicants have latterly submitted 'Aviation Advice' to inform the consideration of the planning application. The 'advice' has been the subject of consultation, including with the Ministry of Defence. The advice (without appendices, which are available on the website) is attached to this report as Working Paper 3.
232. The 'Aviation Advice' was subject to public consultation and the Ministry of Defence submitted holding comments and requested the application is accompanied by a noise assessment.
233. The applicants' were asked to comment on the MoD's request. The applicants' acoustic consultant responded as follows:
- Discussions have been held with the MoD and are ongoing. As previously submitted and based on the information so far available, as the Acoustic Consultant employed by the client, I have concluded that a further noise assessment of land to the north of Lakenheath is not necessary given the robust nature of the

evidence provided to date. In light of this the following advice is provided which is believed to comprehensively address this matter.

- The geographical position of the proposed development to the north of Lakenheath is such that it is unlikely to be subjected to aircraft operational disturbance greater than that which already exists in the parish. The current practices for Visual Flight Rules (VFR) arrivals and departures, alongside circuit flying demonstrate an awareness by RAF Lakenheath as to its responsibility to mitigate operational nuisance in the local area. It is reasonable to assume that they would continue to act responsibly in the future.
- Current visual arrival routes do exist via specific reporting points which result in flights in the vicinity of the proposed development. Instrument departures and arrivals are, however, distant from the proposed development
- Aircraft conducting VFR flights mitigate the externalities of these operations by adherence to criteria concerning speed and height. However, with the closure of RAF Mildenhall it is conceivable that the visual arrival routes may be altered resulting in reduced externalities of aircraft operations.
- The closure of RAF Mildenhall could result in 'modifications' to IFR and VFR routings which could in result in the better management of noise footprints in the local area.

234. The Council's Public Health and Housing Officers do not object to the planning application (and have confirmed this remains the case following release of the MoD's revised noise contour information). The officers have requested the imposition of a condition on any planning permission granted to ensure maximum noise levels are achieved in living rooms, bedrooms and attic rooms.

235. 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 that would operate from the base alongside the existing F15 planes. 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).

236. The introduction of the F35's into RAF Lakenheath may change the noise climate of the village, but at the present time (and in the absence of 'official' information) it is not clear how this will change. Furthermore, given the impending closure of RAF Mildenhall (which is likely to free up airspace for planes operating from Lakenheath) it cannot be established whether the change to the overall noise climate at the site following the completion of structural changes to USAF operations within the Forest Heath district would be positive or negative.

237. Given that i) the Environmental Impacts of introducing the F35 jets onto RAF Lakenheath will need to be considered and mitigated/avoided in advance, ii) the full implications of the 'announcement' can only be speculated upon at this time and iii) there is no opportunity to measure noise output of F35 jets around the village (from a confirmed flight path) it follows that the announced introduction of the F35 squadrons into RAF Lakenheath cannot be taken into account in the determination of this planning application. The Ministry of Defence are content the proposals would not (if approved) prejudice current and future intended military operations of the base.
238. The Lakenheath Parish Council has claimed in correspondence there is a return flightpath to the Lakenheath airbase that passes directly over the application site (and directly over the site of the proposed primary school). However, closer examination of the material used by the Parish Council has revealed the return flightpath is actually to the east of the application site by some (approximately) 500 metres from the eastern site boundary.
239. For understandable reasons of security, neither the MoD or USAFE have confirmed the precise route of operational flightpaths into or out of the base. The 'unofficial' information relied upon by the Parish Council (which is the only information to hand) is suggesting the application site is not fettered by flightpaths passing directly over it, and even if it were, there is nothing to confirm such flightpath could not be diverted away from the new development.
240. The Aviation Advice submitted with the planning application (Working Paper 3) explains, in detail, why jets exiting the airbase create much greater noise than those jets returning to the base. The Aviation Advice has been placed on public consultation and has not been challenged or contradicted. Accordingly, it is reasonable to conclude the application site is affected to a greater extent by noise from jets taking off from the base and passing by (in a northerly direction) the west of the village than it does from return flights to the east. Indeed, those Committee Members whom attended the arranged site visit back in February 2016 will recall a number of jets leaving the base on exercise that morning. It is also reasonable to conclude that the entire village is affected by aircraft noise from existing aircraft but to varying degrees. The MOD noise contour map confirms the application site is less affected by noise than other parts of the village, particularly areas to the south of the village which are closer to the base runways and jets taking off.
241. The external areas of the dwellings and school is likely to exceed WHO guidelines, but the noise climate at the application site is likely to be more favourable compared to other dwellings and the existing village primary school, given the internal noise climate of the proposed buildings is capable of mitigation through design. The impact of aircraft noise on the external areas of the school is also tempered by



the intermittent nature of the noise source and cannot be compared to the noise climate created by international passenger airports in this respect, which is constant and, as a consequence, of greater concern.

242. In light of the above, it is considered the application site is suitable for a development of new housing and a primary school and it is the view of your officers it is not fettered by aircraft noise to the extent that a refusal of planning permission on these grounds should be considered. Indeed, if the application site is considered unacceptable for development because of the noise climate, it is also likely that all other parts of the village, Eriswell, and parts of Brandon and Mildenhall (and possibly elsewhere) would also be inappropriate for housing development. It is considered the pragmatic approach adopted by the Council's Public Health and Housing Team to apply planning conditions to limit the noise climate within the proposed buildings (through design and construction techniques) is an appropriate and proportionate response to the aircraft noise issues which are material to the proposals.
243. Notwithstanding the overall conclusions about the impact of aircraft noise on the proposed development, the fact the external areas of the site cannot be fully mitigated from aircraft noise is a dis-benefit of the proposals to be taken into account in the overall planning balance.
244. The amenities of occupiers of dwellings abutting the application site to the west would not be adversely affected by development given the separation distances created by the need to retain mature tree landscaping along this boundary. Accordingly, there should be no issues with overlooking, dominance or overshadowing of existing dwellings and their garden areas when the proposed housing scheme is designed at reserved matters stage.

### **Loss of agricultural land**

245. 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.
246. 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.
247. The application site is Grade 3 agricultural land (good to moderate) and whilst it is not regarded as 'poor quality' land (ref DEFRA agricultural land classifications) its loss is not considered significant. Nonetheless the development of Grade 3 agricultural land which is currently used for agriculture is a dis-benefit of the scheme. Whilst not an issue that would justify a refusal of planning permission on its own,

it is an issue to be taken into account in the overall balance of whether the identified dis-benefits of development would significantly and demonstrably outweigh its identified benefits.

### **Sustainable construction and operation**

248. 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".
249. 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.
250. 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.*
251. 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.
252. 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 (for residential schemes) 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).
253. The documentation submitted in support of this planning application includes an energy statement. This sets out how schemes subsequently proposed at Reserved Matters stage could be designed and constructed to accord with Building Regulations requirements. The document also sets out water efficiency measures that would be

implemented.

254. 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.

### **Cumulative Impacts**

255. Members will note from the table produced beneath paragraph 17 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.
256. This sub-section of the officer assessment considers potential cumulative impacts upon village infrastructure of the planning applications listed at paragraph 17 above. Project E from the table is disregarded given its recent withdrawal 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 mitigate cumulative impacts.

### Primary education

257. If all of the planning applications were to be approved, all primary school pupils emerging from the developments could be accommodated within a new school ahead of any significant dwelling numbers being provided in the village.
258. The County Council has confirmed the application site is their 'preferred site' for the erection of a new primary school. Officers understand work is underway on the school project, including discussions with the current landowner.
259. If planning permission is granted the school site would be secured to

provide the County Council option to purchase/transfer the land. It is understood there is currently no formal agreement in place between the landowner and Suffolk County Council with respect to the school site. 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 overall scheme.

260. Clearly the delivery of a site for the erection of a new school would be a significant benefit of these proposals. Not only would the opening of a new school unlock housing growth in the village (and, if appropriate, the wider school catchment), it would relieve pressure upon the existing village school which is at or close to capacity and would avoid pupils having to travel to alternative schools outside the village to gain a primary education.
261. In weighing up the benefits and dis-benefits of development in the balancing exercise, it is important to note that the development proposals would also provide proportionate funding for the construction costs of the new primary school and a proportion of the school site would be provided free of charge. Accordingly, the applicants have done all they can lawfully do to mitigate the impact of their development upon primary school provision.

#### Highways

262. It is acknowledged, given i) the extent of new housing development currently proposed in the village in multiple projects and ii) the need to consider the impact of any mitigation arising from cumulative impacts upon nearby European designated sites, a comprehensive cumulative highways assessment and package of measures to mitigate any 'severe' highway impacts arising will be required in advance of this planning application being determined.
263. The Local Highway Authority (Suffolk County Council) has independently commissioned cumulative traffic studies via its consultant, 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 17). A requirement for the cumulative study was part of the resolution of the Development Control Committee for those items (ref September 2014 meeting of the Development Control Committee). At that time the other planning applications listed in the table had not been submitted to the Council, save for Application E which had had 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.
264. An update to the cumulative study was subsequently commissioned independently by the Local Highway Authority via AECOM. This has recently been received and been the subject of public consultation. A

copy of the latest study (without appendices, which are available on the Council's website) is attached to this report as Working Paper 4.

265. The cumulative study considers four different levels of development:
- 288 dwellings (specifically applications B, C and D from the table beneath paragraph 17 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 (750 additional dwellings) which would cover any additional growth from other sites included in the local plan and/or other speculative schemes)).
266. The study assessed a number of junctions on the local road network and (with respect to the quantum of development proposed by all applications 'to hand') concluded all of these, with the exception of two, could accommodate the cumulative growth set out in all four scenarios without 'severe impacts' arising. The two junctions where issues would arise cumulatively 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").
267. 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 and occupied.
268. The Eriswell Road junction is more complicated given the limited land which is available for improvements within existing highway boundaries and would require third party land to facilitate carriageway widening (to provide additional lanes into the junction). 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.
269. The first option (signalisation only) may be delivered via funding secured from S106 Agreements attached to developments which are granted planning permission and implemented within existing highway boundaries. This option may necessitate inclusion of third party land to ensure delivery, although there is a possibility (subject to re-design)

these measures could be provided exclusively within the highway. The second option (signalisation and two entry lanes), is highly likely to require third party land and delivery cannot be guaranteed (or indeed ruled out) at this stage.

270. 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 installed (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. However, the study is suggesting that if new signalisation can be provided within the highway, it is likely to be capable of accommodating the traffic emerging from the development proposals.
271. Further work is required to confirm the extent of highway mitigation works required at the Eriswell Road junction before a planning permission can be granted for these scheme. This will include formation of a suitable scheme of mitigation measures (the present scheme is in sketch form only and includes third party land), the resultant increased capacity of the junction will need to be established and the improvements will need to be the subject of relevant safety testing.
272. The recommendation at the end of this report is based on an assumption that a safe and deliverable scheme of mitigation measures is achievable at the Eriswell Road junction and that its capacity will be sufficiently increased to accommodate traffic growth from this development. A planning permission cannot be released until it has been established that an appropriate (and deliverable) scheme of junction mitigation measures is achievable and is secured (in kind or via payment) as part of a S106 Agreement.
273. Should it subsequently be established this assumption is not achievable (for example because an acceptable scheme requires third party land, but that land is not available) the matter will need to be reconsidered by the Development Control Committee in the light of any revised comments from the Local Highway Authority. Officers are content the Committee does not require such information in advance of reaching its 'of mind' resolution at the forthcoming meeting. This is because the officer recommendation includes provision for returning the matter to the Committee for further consideration in the event it becomes apparent the minimum package of mitigation measures cannot be achieved at the Eriswell Road junction.

Special Protection Area and SSSI

274. The potential cumulative recreational pressure impacts of the Lakenheath housing developments upon the Breckland Special Protection Area and the Maidscross Hill SSSI are discussed above in the Natural Heritage sub-section of this report.

#### Landscape

275. 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 settlements), no cumulative landscape impacts are anticipated despite all the projects being proposed at the edges of the village. 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 impacts would arise.

#### Utilities

276. 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.
277. Anglian Water Services has not objected to any of the three planning applications and confirmed for each one there is adequate capacity within the system to accommodate the increased flows from development. As explained above (paragraph 189) 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 17 above has now been withdrawn).
278. In light of the updated position with respect to the Lakenheath Waste Water Treatment Works, which supersedes evidence presented in the IECA study, officers are satisfied the development proposals would not have adverse cumulative impacts upon the sewerage infrastructure serving Lakenheath.
279. 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

280. 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 17 above) and requested further information from the proposals.

281. 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.
282. 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.
283. The Parish Council has raised concerns about potential impact of aircraft activity upon air quality at the application site. This point will be considered subsequently and will be included in the officer report when the planning application is returned to Development Control Committee in due course.

#### Health

284. 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.
285. 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. The Trust requested contributions towards mitigation of that impact. The Trust is content the contributions (from this and other developments) can be used to increase capacity at the existing village surgery. There is, therefore, presently nothing to suggest that the impacts upon NHS services could not be adequately mitigated by investment funded from developer contributions. The NHS is presently considering a project that would be funded by developer contributions (in full/part).

#### Summary

286. On the basis of the above evaluation officers are satisfied that the cumulative infrastructure impacts of the proposed residential development (in terms of ecology, utilities, landscape, air quality, healthcare, transport and schooling) would be acceptable. There is no evidence to demonstrate that the development proposal should be refused planning permission on grounds of real or potential cumulative impact.

#### **Planning Obligations**

287. 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.

288. 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.

289. 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.

290. 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.

291. No claim to reduce the level of contributions on viability grounds has so far been claimed by the applicants and a viability assessment has not been submitted. The recommendation (at the end of this report) therefore assumes the development will appropriately mitigate its impact and provide a fully policy compliant package of measures.

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

#### Affordable Housing

293. 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.

294. 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 (112.5 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).

295. As the planning application is in outline form, it is appropriate to secure the percentage of units for affordable housing as required by policy CS9 (30% of 'up to' 375 dwellings = 'up to' 112.5 affordable dwellings). It is also appropriate to secure an appropriate (and policy compliant) tenure mix at this time. It is important that an element of flexibility is added into the agreement to allow the mix to be reviewed should circumstances change between the granting of the outline permission and reserved matters approvals (which could be as much as 3 years apart). Such changes in circumstances may include changes in national/local planning policies relating to affordable housing provision, or additional evidence of housing need coming forward in advance of Reserved Matters proposals being considered.

#### Education

296. 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.
297. 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).
298. 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 the provision of land and financial contributions (construction costs) from this development. 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 paragraphs 47 and 48 above.

### Public Open Space

299. 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.
300. 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.
301. 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).
302. 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 developer contributions from development proposals. Accordingly, planning application for outline consent, where numbers of dwellings and the mix (no's of bedrooms) is uncertain and unsecured, it is only possible to secure the formula for calculating public open space via S106 contributions. Given the restrictions on pooling of contributions imposed by CIL Regulation 123 it is important that policy compliant levels of public open space are secured from the development. The precise quantities of land of the various relevant open space categories set out in the SPA could be secured at Reserved Matters stage/s by incorporating the SPD formulaic approach into the S106 Agreement.
303. The 'strategic public open space' provision proposed as part of the planning application would also need to be secured. The S106 Agreement would set out requirements for timing of delivery of the strategic open spaces, works required and strategy for future management and maintenance. Furthermore, the S106 Agreement would secure financial contributions to be used to deliver/enhance publically accessible off-site footpaths in order to provide additional local recreational capacity to reduce pressures upon the nearby Breckland SPA and Maidscross Hill SSSI designations.

### Transportation

304. The County Council Highway Authority has requested developer contributions to be used to enhance pedestrian routes from the site into the village centre. These would include, foot and cycleway provision/enhancement and crossings. These would be funded by financial contributions secured from this development. Further measures and initiatives (including potential financial contributions) arising from a Travel Plan for the site may also need to be secured via the S106 Agreement.
305. The cumulative highway assessment may identify a range of off-site highway/junction improvements as consequence of the level of traffic anticipated to be generated by the developments included in the table beneath paragraph 17 above. A proportionate financial contribution to these identified and costed mitigation measures could be secured by the S106 Agreement.

#### Libraries

306. 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 £81,600.

#### Health

307. 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 £123,420 has been requested to provide additional capacity at the local GP surgery.

#### Summary

308. With these provisions in place the effects of the proposal on local infrastructure, including affordable housing, open space, recreational facilities, education, health, transportation and libraries would be acceptable. The proposal would comply with Core Strategy Policy CS13 by which the provision or payment is sought for services, facilities and other improvements directly related to development.

### **Conclusions and Planning Balance:**

309. Saved 1995 Local Plan policies for new housing developments, including the settlement boundaries contained in the document are to be attributed reduced weight in the decision making process (for reasons set out at paragraphs 127 and 128 above). 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. 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 are not automatically deemed out of date.

310. The proposed development is not considered contrary to the provisions of the adopted Core Strategy insofar as it proposes new residential development in a Key Service Centre as defined by Core Strategy Policy CS1. Furthermore, the proposals must be considered in the light of the surviving requirements of Core Strategy policy CS7 which sets a target of delivering just over 11,000 new homes in the District between 2001 and 2031. Further weight is added to the acceptability in principle of the proposed development in the light of national planning policies set out in the Framework. Of particular reference is the desire to *boost significantly the supply of housing and approve development proposals that accord with the development plan without delay*. The proposals are also consistent with the emerging Site Allocations Development Plan Document which, at its current 'preferred options' stage allocates the site for development, including for housing and a new primary school.
311. With this background in mind, and in particular in the absence of a fully 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. There are 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 significant weight as a material consideration in the consideration of this planning application, especially the presumption in favour of sustainable development, which, subject to satisfactory resolution of the outstanding matters discussed in the report (and summarised below), officers consider these proposals would represent.
312. In relation to the economic role of sustainable development, the proposal would generate direct and indirect economic benefits, as housing has an effect on economic output both in terms of construction employment and the longer term availability of housing for workers and increased population which leads to higher local spend and general economic growth. The development would provide additional infrastructure of significant wider benefit – including, a site for a new primary school and significant provision of new green infrastructure over and above 'normal' planning policy requirements.
313. In terms of the social role of sustainability the development would enhance the local community and provide a level of much needed market and affordable housing to meet the needs of present and future generations. The development could, subject to the later submission of reserved matters, result in a built environment of high quality. The proposal would rely on, and to an extent support and enhance (particularly primary education provision), the viability and accessibility of existing local services, both within Lakenheath and further afield.

314. The absence of immediate capacity at the existing local primary school to cater for the pupils emerging from this development on a permanent basis is a dis-benefit of the development proposals. However, the provision of a site for the construction of a new village primary school is a significant benefit of development and a key driving factor of the scheme. Without certainty of provision of a new school facility in the village, the in-combination effects of all developments presently proposed at Lakenheath would have significant adverse impacts upon primary education provision in the village and many future primary school pupils would have been forced to leave the village to secure their primary school place. The delivery of a school site as part of this project avoids that situation arising.
315. In relation to the environmental role officers' are satisfied the proposed development would have no significant effects on European designated sites. It is self-evident that the landscape would be changed as a result of the proposal albeit this would only be perceptible at the immediate location of the application site and its close surroundings. This would be the case for any development on a greenfield site - which will inevitably have to happen in order to meet the housing needs of the District. Good design and the retention of existing vegetation and provision of new planting to sensitive parts of the site would satisfactorily mitigate these effects.
316. The development proposals would be impacted adversely by noise from aircraft operating from the nearby runways at the Lakenheath airbase. The extent of the impact would, following mitigation, be limited to external areas of the development. Evidence to hand confirms aircraft noise impacts are not capable of being fully mitigated and the external areas (e.g. garden spaces, public open spaces and school playing fields) would be exposed to the effects of aircraft noise. The extent of the impact is considered to be equal or less than other development in the village, including existing buildings (and the existing primary school) and is not sufficient to consider a refusal of planning permission on this ground alone. It is considered that the internal spaces of the dwellings and primary school are capable of full mitigation via noise insulation and protection measures.
317. The progress of the LDF has been slow to date owing largely to the successful challenge of the Core Strategy (CS7) in the High Court, and the content of the final documents (including the location of sites allocated for development) remains uncertain, given that the Single Issue Review and Site Allocation documents are yet to be adopted or submitted for adoption. In any event, there is no evidence to suggest approval of the proposals would be premature to or prejudice emerging Development Plan documents.
318. To the limited extent that the evidence demonstrates material considerations against the proposal – essentially relating to the limited local landscape effects, loss of agricultural land of good to moderate quality and adverse noise effects to external areas, the benefits of development, particularly those arising from the delivery of a site for a

new primary school which set this development apart from others proposed in the village, but also the delivery of a significant number of new homes, including affordable homes and significant new green spaces would significantly outweigh those concerns (dis-benefits) and, (subject to an acceptable and deliverable package of highway mitigation measures being subsequently agreed and secured) points firmly towards the grant of planning permission.

**Recommendation:**

319. Full and outline planning permission be **GRANTED** subject to:

1) The completion of a S106 agreement to secure:

(a) Policy compliant affordable housing (30%).

(b) Land and construction contributions towards the construction of a new primary school (pro-rata to reflect the scale and impact of the housing element of the proposed development proposed).

(c) Pre-school contribution (up to £231,458).

(d) Libraries Contribution (up to £81,600).

(e) Public Open Space contributions:

i) Formula to be included in the Agreement to secure, at reserved matters stage, policy compliant provision on site within the parts of the site shown for housing on the submitted Concept Plan, including future delivery and management of those areas.

ii) Provision, laying out, timing of delivery and management / maintenance of the strategic open space and reptile mitigation areas (which are to be provided over and above SPD compliant levels).

(f) Local Highways contribution (Crossing, Footpaths and lighting works, temporary and permanent foot & cycle link from end of existing footpath connections to the school site, funding of works to extend the 30mph zone past the frontage of the site etc.).

(g) Travel Plan - payment of any financial contributions towards travel planning initiatives arising.

(h) Strategic Highway Contribution towards junction improvements at the Lords Walk roundabout and B1112/Eriswell Road junction (precise contributions to be calculated and agreed following further costed and safety audited design work).

(i) SPA Recreational Impact Contributions, including i) off site provision/contributions to provide a connection from the site to the footpath on the north side of the drainage channel to the north of the application site, ii) monitoring of potential impacts upon the SPA from

development (sums to be determined), iii) provision/payment towards public information boards and information packs for residents and subsequent monitoring and iv) facilitating the construction of a bridge across the drainage channel from within the application site.

(j) Health Contribution (up to £123,420)

(k) Any further clauses considered necessary by the Head of Planning and Growth.

And

2) subject to conditions, including:

- Time limit (3 years for commencement)
- Materials (details to be submitted with the Reserved Matters)
- Sustainable construction and operation methods, including water efficiency measures (further details to be submitted with reserved matters and thereafter implemented)
- Bin and cycle storage strategy (to be submitted for approval with the Reserved Matters and subsequently implemented)
- Public open space (strategy for future management and maintenance of all open spaces, unless provided for by the S106 Agreement)
- Landscaping details (including precise details of new hard and soft landscaping)
- Retention and protection during construction of existing trees and hedgerows
- Ecology (enhancements at the site, reptile mitigation plan and any further survey work required)
- Construction management plan
- As reasonably recommended by the Local Highway Authority in due course
- Contamination & remediation (further investigations and any remediation necessary and ground water protection measures)
- Means of enclosure (details to be submitted with relevant Reserved Matters submissions)
- Implementation of noise mitigation measures
- Fire Hydrants
- Waste minimisation and re-cycling strategy
- Details of the foul and surface water drainage scheme (full details to be submitted with the Reserved Matters).
- Archaeology.
- Reserved Matters submissions to accord with the approved Concept Plan.
- Landscape and ecology management plan
- Submission of open space plans with subsequent Reserved Matters submissions.
- Details of pedestrian and cyclist links to be provided with Reserved Matters submissions.
- Further/updated arboricultural assessments to be provided with Reserved Matters submission.



- As recommended by the Ecology, Tree and Landscape Officer (paragraph 45 of the report)
- Travel Plan measures (matters not addressed in the S106 Agreement)
- Any additional conditions considered necessary by the Head of Planning and Growth.

320. That, in the event of;

i) it not being possible to secure a deliverable scheme of highway works to the B1112/Eriswell Road junction that fully mitigates the impact of traffic that is forecast to arise from the development, as discussed in the report,

or,

ii) the Head of Planning and Growth recommending alternative (reduced) Heads of Terms on viability grounds from those set out at paragraph 319 above,

or,

iii) the applicant declining to enter into a planning obligation to secure the Heads of Terms set out at paragraph 319 above for reasons considered unreasonable by the Head of Planning and Growth,

the planning application be returned to Committee for further consideration.

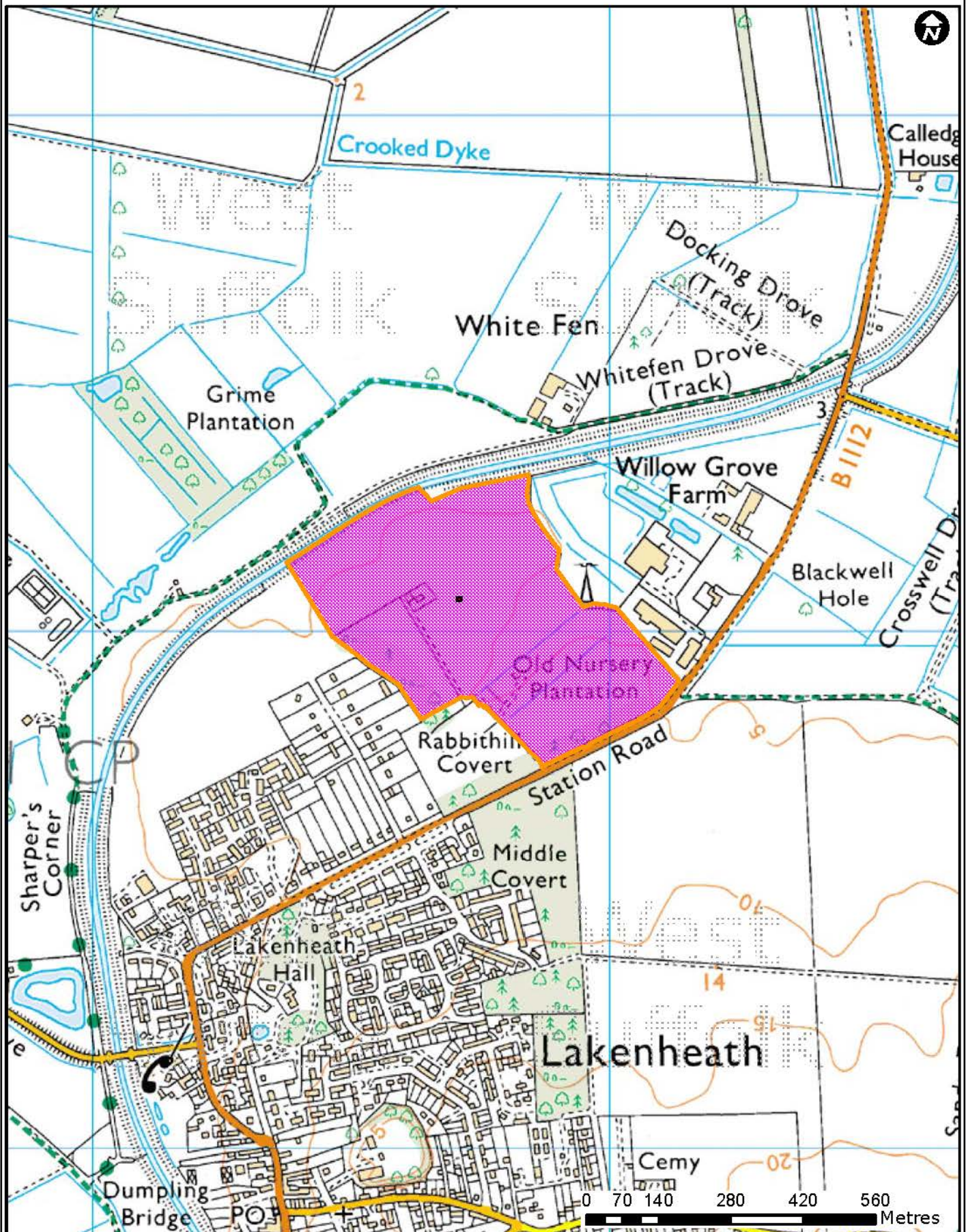
Documents:

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

Working Papers (attached):

1. Screening Direction received from the Secretary of State.
2. Council's Habitat Regulations screening.
3. Aviation Advice (without appendices).
4. Lakenheath Cumulative Traffic Study (without appendices).

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## Department for Communities and Local Government

Lisa Foster  
Richard Buxton  
19B Victoria Street  
Cambridge

By email:

[lfoster@richardbuxton.co.uk](mailto:lfoster@richardbuxton.co.uk)

**Please ask for:** Karen Rose  
**Tel:** 0303 44 48069  
**Email:** Karen.Rose@communities.gsi.gov.uk  
**Your ref:**  
**Our ref:** See below

**Date:** 20 May 2016

Dear Ms Foster

### **Request for a Screening Direction Town and Country Planning (Environmental Impact Assessment) Regulations 2011 as amended**

Proposal for residential developments at :

**Rabbit Hill Covert - F/2013/0345/OUT - NPCU/EIASC/R/H3510/76489**  
**Land off Briscoe Way - DC/13/0660/FUL - NPCU/EIASC/R/H3510/76488**  
**Land west of Eriswell Road - F/2013/0394/OUT - NPCU/EIASC/R/H3510/76490**  
**Land Adjacent to 34 Broom Road - DC/14/2073/FUL - NPCU/EIASC/R/H3510/76493**  
**Land North of Broom Road - DC/14/2042/OUT - NPCU/EIASC/R/H3510/76491**  
**Land North of Station Road - DC/14/2096/HYB - NPCU/EIASC/R/H3510/76492**

I refer to your request dated 26 February 2016, made under 4(8) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (S.I. 2011/1824) as amended (S.I.2015/660) ("the 2011 Regulations") for the Secretary of State's screening direction on the matter of whether or not the development proposed is 'EIA development' within the meaning of the 2011 Regulations.

The above developments fall within the description at 10b – Urban Developments projects of Schedule 2 to the 2011 Regulations and are located in close proximity to a sensitive area, the Breckland Special Protection Area (SPA), Special Area of Conservation (SAC) and Maidscross Hill Site of Special Scientific Interest (SSSI). Therefore, the Secretary of State considers the proposal **to be 'Schedule 2 development'** within the meaning of the 2011 Regulations.

In preparing this screening direction, the Secretary of State has had regard to Planning Practice Guidance. Further details are outlined in the attached Written Statement.

However, in the opinion of the Secretary of State and having taken into account the selection criteria in Schedule 3 to the 2011 Regulations, the proposals are **not likely to have significant effects on the environment**, see the attached written statement which gives the reasons for direction as required by 4(7) of the EIA Regulations.

Accordingly, in exercise of the powers conferred on him by regulation 4(3) of the 2011 Regulations the Secretary of State hereby directs that the proposed developments are **not 'EIA development'** within the meaning of the 2011 Regulations. Permitted development rights under the Town and Country Planning (General Permitted Development) Order 2015 (SI 596) as amended are therefore unaffected.

You will bear in mind that the Secretary of State's opinion on the likelihood of the development having significant environmental effects is reached only for the purposes of this direction.

I am sending a copy of this letter and written statement Gareth Durrant at Forest Heath District Council for their information.

Yours sincerely

*Karen Rose*

**Karen Rose**  
**Planning Casework Manager**  
(With the authority of the Secretary of State)



Full statement of reasons as required by 4(5)(a) of amended EIA Regulations including conclusions on likeliness of significant environmental effects.						
Application name:	Rabbit Hill Covert	Land off Briscoe Way	Land west of Eriswell Road	Land Adjacent to 34 Broom Road	Land North of Broom Road	Land North of Station Road
SoS case reference:	NPCU/EIASCR/H3510/76489	NPCU/EIASCR/H3510/76488	NPCU/EIASCR/H3510/76490	NPCU/EIASCR/H3510/76493	NPCU/EIASCR/H3510/76491	NPCU/EIASCR/H3510/76492
Schedule and category of development:	10 b - Urban development projects	10 b - Urban development projects	10 b - Urban development projects	10 b - Urban development projects	10 b - Urban development projects	10 b - Urban development projects
<i>Schedule 3 selection criteria for Schedule 2 development refers:</i>						
Page 169	<i>1 (a) – (f) regarding characteristics of development</i>					
	81 Dwellings on 2.45 ha. Having regard to the characteristics of the project, as residential development, the Secretary of State does not consider that the proposal is likely to give rise to particularly complex and hazardous effects.	67 Dwellings on 2.43 ha. Having regard to the characteristics of the project, as residential development, the Secretary of State does not consider that the proposal is likely to give rise to particularly complex and hazardous effects.	140 Dwellings on 5.43ha. Having regard to the characteristics of the project, as residential development, the Secretary of State does not consider that the proposal is likely to give rise to particularly complex and hazardous effects.	120 Dwellings on 6.8ha. Having regard to the characteristics of the project, as residential development, the Secretary of State does not consider that the proposal is likely to give rise to particularly complex and hazardous effects.	132 Dwellings on 4.62ha. Having regard to the characteristics of the project, as residential development, the Secretary of State does not consider that the proposal is likely to give rise to particularly complex and hazardous effects..	375 Dwellings plus a school on 22.8ha. Having regard to the characteristics of the project, as residential development, the Secretary of State does not consider that the proposal is likely to give rise to particularly complex and hazardous effects.
	<p>All sites are in close proximity to Lakenheath, however the schemes all propose residential development and seen in the context of the existing housing in the settlement, the Secretary of State does not consider that a significant effect on the environment is likely, either individually or cumulatively, in terms of changing the nature of land use in the area. The Secretary of State notes that there may be increased activity at RAF Lakenheath in the future. However, while this may affect occupiers of the new development, existing residents of Lakenheath and other settlements in the surrounding area, the Secretary of State is not persuaded that a significant environmental effect is likely for this reason necessitating the preparation of an environmental statement. It is also noted that the proposed developments would result in an increase in the local permanent residential population, however given the proximity of the proposals to existing residential areas in Lakenheath, the Secretary of State does not consider that the effects would be significant.</p> <p>Although the Secretary of State notes that the proposals would result in an increase in traffic, during the construction and operational phases, none of the sites fall within an existing air quality management area, there is no information to suggest that the proposals, individually or cumulatively, would result in any exceedence of air quality objectives in the area and there is no information to suggest that the proposals, either individually or cumulatively, would affect parts of the highway suffering from congestion or other environmental constraints to the extent that a significant environmental effect is likely.</p>					
<i>2 (a)-(c) (i) – (viii) regarding location of development</i>						
The proposal is located on Grade 3 Agricultural land and there is no information to suggest that the impact on the supply of agricultural land in the area would be such to suggest that a significant environmental effect is likely. The site is not located within a ground water protection zone.	The proposal is located on Grade 3 Agricultural land and there is no information to suggest that the impact on the supply of agricultural land in the area would be such to suggest that a significant environmental effect is likely. it is not located within a ground water protection zone.	The proposal is located on Grade 3 Agricultural land and there is no information to suggest that the impact on the supply of agricultural land in the area would be such to suggest that a significant environmental effect is likely. it is not located within a ground water protection zone.	The proposal is located on Grade 3 Agricultural land and there is no information to suggest that the impact on the supply of agricultural land in the area would be such to suggest that a significant environmental effect is likely. it is not located within a ground water protection zone.	The proposal is located on Grade 3 Agricultural land and there is no information to suggest that the impact on the supply of agricultural land in the area would be such to suggest that a significant environmental effect is likely. it is not located within a ground water protection zone. It is noted that the site is located in close proximity to the Maidscross SSS, therefore Natural England have been consulted for their advice. Natural England report that they are in consultation with the Council to increase the green space in Lakenheath to divert residents away from the SSSI. Therefore there may be some effect but it is not considered to be sufficiently significant to justify an ES.	The proposal is located on Grade 3 Agricultural land and there is no information to suggest that the impact on the supply of agricultural land in the area would be such to suggest that a significant environmental effect is likely. it is not located within a ground water protection zone. It is noted that the site is located in close proximity to the Maidscross SSS, therefore Natural England have been consulted for their advice. Natural England report that they are in consultation with the Council to increase the green space in Lakenheath to divert residents away from the SSSI. Therefore there may be some effect but it is not considered to be sufficiently significant to justify an ES.	The proposal is located on Grade 3 Agricultural land and there is no information to suggest that the impact on the supply of agricultural land in the area would be such to suggest that a significant environmental effect is likely. it is not located within a ground water protection zone.
<p>The Secretary of State notes that there are sensitive areas in the surrounding landscape, including The Breckland SPA/SAC and Maidscross SSSI. The Secretary of State has therefore consulted Natural England, the Government's advisor on the natural environment. In its response, Natural England does not consider that a significant environmental effect is likely in terms of Internationally Designated Sites and while it considers that some effects cannot be ruled out in terms of the impact on Maidscross Hill SSSI by the 34 Broom Road and Land North of Broom Road schemes, it is satisfied that appropriate mitigation measures could be put in place without subjecting the applications to full EIA. Overall, the Secretary of State considers that while there may be some impact on sensitive areas, mainly as a result of increased visitor pressure, the proposals, individually and cumulatively, would not affect the integrity of any sensitive area to the extent that a significant environmental effect is likely. On the basis of the information, the Secretary of State does not consider that the schemes, either individually or collectively, are likely to result in a significant environmental in terms of landscapes designated for their scenic beauty or landscapes of historical, cultural or archaeological significance.</p>						
<i>3(a) –(e) regarding characteristics of potential impact</i>						
<p>The Secretary of State notes that the proposed developments would result in an increase in the local permanent residential population, however given the proximity of the proposals to existing residential areas in Lakenheath, he does not consider that the effects would be significant. While there would be an increase in traffic, the sites are not located within an AQMA and there is no information to suggest that parts of the highway suffering congestion or other environmental constraint would be affected to the extent that a significant environmental effect is likely, either individually or cumulatively. The Secretary of State notes that there is likely to be additional impacts on sensitive areas due to increased visitor numbers, but having regard to advice from Natural England, he is satisfied that the proposals, either individually or cumulatively, do not have the potential to have significant environmental effects necessitating an environmental statement. Overall, the Secretary of State is satisfied that taken individually and collectively, the proposals are unlikely to give rise to the magnitude and complexity of impact such that a significant environmental effect is likely.</p>						

Application name:	Rabbit Hill Covert	Land off Briscoe Way	Land west of Eriswell Road	Land Adjacent to 34 Broom Road	Land North of Broom Road	Land North of Station Road
<i>Planning Practice Guidance and conclusion</i>	The Planning Practice Guide outlines that each application (or request for a screening opinion) should be considered on its own merits. However, there are occasions where other existing or approved development may be relevant in determining whether significant effects are likely as a consequence of a proposed development. Possible cumulative effects arising from any existing or approved development should always be considered, taking into account where the overall combined environmental impact of the proposals might be greater or have different effects than the sum of their separate parts. The Secretary of State has taken into consideration advice in the Planning Practice Guidance on having regard to the possible cumulative effects (Paragraph: 024 Reference ID 4-024-201403606). While all the proposal covered by this screening direction are not approved or existing development, the Secretary of State accepts that there is a possibility that some or all of the schemes may receive consent and therefore he has considered the potential for cumulative impacts in the preparation of this screening direction.					
<i>Conclusion</i>	The Secretary of State considers on the evidence before him, taking into account comments from the Local Planning Authority, those of the Third Party and those of Natural England that there is insufficient evidence that there is likely to be a significant environment effect from the proposals and as such directs that an Environmental Statement is not required for any of the proposals listed in this statement.					
Is an Environmental Statement required? Yes/No	No	No	No	No	No	No

Name	Karen Rose
Date	20-May-16

<b>Habitat Regulations Assessment – screening</b>
The project being assessed:
Hybrid planning application - 1) Full application for the creation of a new vehicular access onto Station Road, and entrance to a new primary school, 2) Outline application for up to 375 dwellings (including 112 affordable homes), and the provision of land for a new primary school, land for ecological mitigation and open space and associated infrastructure (as amended).
European sites and location in relation to the development site:
Breckland Special Protection Area (SPA) The nearest component sites are 4.3km to the east (Breckland Forest SSSI), 1.8km to the north-east (Breckland Farmland SSSI), 3.7km to the south-east (Lakenheath Warren SSSI)
Breckland Special Area of Conservation (SAC) The nearest component sites are 2.2km to the south (RAF Lakenheath SSSI) and 3.7km to the south-east (Lakenheath Warren SSSI).
Qualifying features and conservation objectives:
<u>Breckland Special Protected Area (SPA)</u> qualifies under Article 4.1 of the Directive (79/409/EEC) by supporting internationally important populations of Stone Curlew <i>Burhinus oedicephalus</i> , Woodlark <i>Lullula arborea</i> and Nightjar <i>Caprimulgus europaeus</i> .
<u>Breckland Special Area of Conservation (SAC)</u> is designated for the habitats supported. Habitats qualifying for SAC designation in the two component sites include heathland and calcareous grassland only.
Qualifying Features: H2330. Inland dunes with open <i>Corynephorus</i> and <i>Agrostis</i> grasslands; Open grassland with grey-hair grass and common bent grass of inland dunes H4030. European dry heaths H6210. Semi-natural dry grasslands and scrubland facies: on calcareous substrates ( <i>Festuco-Brometalia</i> ); Dry grasslands and scrublands on chalk or limestone
Is the plan or project directly connected with or necessary to the management of the site for nature conservation?
No, the proposal is not necessary for the management of the European sites
Is the qualifying feature likely to be directly affected?
The development is located outside of the SPA and is outside of the 400m constraint zone for Woodlark and Nightjar and the 1500m Stone Curlew constraint zone. However the eastern edge of the site is located within the frequent nesters constraint zone which has been drawn to protect Stone Curlew breeding on farmland outside of the SPA but considered to be part of the Breckland population. The Forest Heath Core Strategy policy CS2 requires that proposals for development within these areas will require a project level HRA. As part of the HRA process available Stone Curlew nesting records have been assessed in the determination of likely significant effects along with Stone Curlew survey of the development site and surrounding farmland.

A buffer has been drawn on the eastern side of the site, shown on the submitted concept plan as an ecology zone, where no built development would take place. This has been taken into account in association with the specific locations of Stone Curlew nesting records within 1.5km of the new edge of the development.

The RSPB have expressed concern about the application because built development is proposed within the frequent nesters constraint zone. In general the element of the site that falls within the frequent nesters constraint zone is shown as the ecology zone and this would not include built development. Only a very small part of the constraint zone would be in the developable area and this is largely screened from the closest nest sites by the existing employment area.

No direct likely significant effect on the SPA have been identified

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.

No direct likely significant effect on the SAC have been identified

#### Is the qualifying feature likely to be indirectly affected?

The potential for indirect recreational effects on the SPA associated with increased residential properties has been considered. The concept plan for the site shows an ecology buffer located to the north and east of the development site; there is potential for this land to be designed such that it provides suitable alternative natural green space which would divert the public from travelling to use the SPA as their local green space. The buffer would also support pedestrian access and link to other footpaths. This would provide opportunities for dog walking routes within the site; such routes are indicated on the concept plan; a walk around the periphery of this site and the adjacent Rabbithill Covert would be approximately 2km. In addition to the ecology buffer the development would also deliver public open space as required by the FHDC open space SPD. The acceptability of the scheme relies on the quality and connectivity of the proposed open space /green space, a proportion of which should be available when the first dwellings are occupied. Information on the layout and connectivity and delivery program of all the public open space to be delivered must form part of the remedial matters secured by condition.

The site is connected to the Public Rights of Way network by Sandy Drove; located to the south east of the site. This PRoW connects to Poshpoors Fen and the farmland beyond. An obvious circular walk which would be attractive to dog walkers leads to Maidscross Hill SSSI and LNR and potentially returns via village roads; a distance of approximately 5km which is somewhat longer than would normally be regarded as a daily walk. There is currently no footpath link between the site and the village centre as the existing footpath on Station Road terminates close to Drift Road; however it is anticipated that a walking route to the village would be part of the proposals and could be secured by condition or legal agreement.

The concept plan shows a pedestrian link into the agricultural land to the north west of the site however there is currently no PRoW in this area and connectivity

2.

here cannot be relied on. An alternative walk of a similar length to the Sandy Drove route, but avoiding Maidscross Hill could be created if a footpath was secured along Station Road to the Cut Off Channel and then using the existing PRoW on Whitefen Track and via Sharpes Corner. This route would need to be secured by a legal agreement. An additional link to Lakenheath Fen would also be beneficial if it were achievable

If these measures are implemented it is considered that indirect likely significant effect on the SPA can be screened out

#### Are there any in-combination effects?

The in-combination effects of the project have been considered.

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 Briscow Way(67 dwellings)
- d) Land North of Broom Road (132 dwellings)
- e) Land adjacent to 34 Broom Road (120 dwellings)
- f) Land North of Station Road (375 dwellings and a school)
- g) 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, in-combination effects need consideration. The main issues are in-combination recreational effects on the SPA and the potential requirement for road improvements close to the SPA to deal with any increase in traffic movements.

Natural England's internal advice on in-combination effects states that it is only the effects of those plans and projects that are not themselves significant alone which are added into an in combination assessment. The assessment should only include those that genuinely result in a combined effect, which impairs the ability of an interest feature to meet its conservation objectives. In this regard the application for 550 dwellings at Little Eriswell which is accompanied by an EIA and HRA can be excluded from in-combination impact assessment.

The distance of this site from the SPA and SAC is such that it is unlikely that there would be a significant change to current use of paths within the SPA from residents walking out of their houses, however there is potential for use of footpaths outside of the SPA but within farmland potentially used by Stone Curlew; for the application site this has been assessed and measures identified therefore in-combination effects on this matter need no further consideration. The main concern is that residents from all of the sites drive to Breckland Forest SSSI/Breckland SPA and to Breckland SAC for recreation and in particular to exercise their dogs in the absence of accessible local green space. Natural England has recommended that the provision of additional natural green space

in the settlement which is well connected to the existing PRow network would divert residents from using the SPA in this way. The proposals will make a significant contribution to the availability of green space in the northern part of Lakenheath and there is potential, because of the size and location of this green space adjacent to the Cut Off Channel, and because there is potential for it to be well linked (by improvements to the footpath network) that these measures will contribute to an overall strategy to reduce recreational pressure on the SPA.

FHDC Core Strategy proposes a total of 6400 homes in the district for the period 2001-2021 and this was tested in the HRA which recommended measures to avoid in-combination effects with other plans including a mitigation and monitoring strategy. This strategy is being considered alongside the current local plan Single Issue Review and Site Allocations Local Plan. In the absence of this supporting information the proposals have been considered in-combination with other plans which include development plans for those authorities around Breckland SPA and SAC (St Edmundsbury, Kings Lynn and West Norfolk, Forest Heath and Breckland). In-combination impacts are largely concerned with Woodlark and Nightjar given that there is limited access to farmland where Stone Curlew breed and in other areas such as heathland and grassland sites, CRoW access restrictions will be in place and enforced. 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. However taking a precautionary approach and in accordance with the requirements of Article 6(2) of the Habitats Directive to take a proactive approach to avoiding the deterioration of populations of species for which the SPA is classified, and the habitats upon which the bird interest features rely, before that deterioration is actually found to be occurring. There is currently no strategic monitoring strategy in place however, monitoring associated with this development would be appropriate. Monitoring the success of the site as a suitable alternative natural greenspace would inform future decision making in respect to strategic mitigation.

The concern in relation to in-combination traffic impacts is that road improvements will be required to roads and junctions close to or adjacent to the Breckland SPA or SAC. There are two junctions where the potential for effects has been identified as follows; B1112 / A1065 priority cross-roads, and Wangford Road / A1065 Brandon Road signalised junction. An overview of the cumulative traffic studies undertaken on behalf of the local highway authority to assess the impact of the various proposals has been published (7 June 2016). This confirms that the level of proposed development being considered in Lakenheath could be delivered without any effects on the Wangford Road / A1065 Brandon Road signalised junction. With regard to the B1112 / A1065 priority cross-roads, the study indicates that 663 dwellings (the total within the submitted planning applications that are being supported by the council) could also be accommodated and would not trigger improvements to the junction, however development amounting to 1465 dwellings would result in a severe traffic impact on this junction and hence mitigation would be required. The identified mitigation would be advanced warning signage and significant in-combination effects are not likely.

If these measures are implemented it is considered that in-combination likely significant effects on the SPA can be screened out.

**Conclusion:**

If the measures above are implemented alongside the proposed development it is considered that likely significant effect on any European site can be screened out. Further HRA will be required at the reserve matters and detailed planning application stage.

**Documents referred to:**

- Lakenheath North Habitats Regulations Assessment – Applied Ecology November 2015
- Land at Lakenheath North Extended Phase 1 Habitat Survey October 2014- Applied Ecology Ltd
- Land at Lakenheath North Extended Phase 2 Habitat Survey September 2015 - Applied Ecology Ltd
- NE comments and letters of 11/01/2016 , 4/06/15, 16/10/15, 27/01/15
- RSPB letters of 16/12/14 and 20/01/16
- Lakenheath North - Concept plan 0012/7.8.12/0001
- Visitor survey results from Breckland SPA – Footprint Ecology 2011
- SWT letter of 11/12/15
- Richard Buxton letter of 25 January 2016
- Landscape partnership letter of 22 January 2016
- Forest Heath District Core Strategy (adopted 2010 )
- Habitats Regulations Assessment of FHDC Core Strategy (March 2009)
- St Edmundsbury Borough Council Rural Vision 2031, St Edmundsbury Borough Council Rural Vision 2031
- Kings Lynn and West Norfolk Core Strategy (adopted 2011)
- Breckland Core Strategy (adopted 2009) and Site Specific policies and Proposals Document (adopted 2012)
- Lakenheath Cumulative Traffic Study – Study Overview AECOM 7 June 2016

JMF 5.07.16

Approved:

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**Aviation Advice**  
**in respect of**  
**Planning Application Reference DC/14/2096/HYB**

**Captain J D Griffiths**

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7<sup>th</sup> June 2016

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**1 Details of Report Writers****Captain J D Griffiths**

Captain J D Griffiths is a former RAF pilot with over 18 years' service and an experienced civil airline Captain. He has also flown commercially from both London Stansted and Norwich Airports. During his service career he spent 5 years based at RAF Coltishall in Norfolk.

He is a former subject matter expert on aviation to Kellogg Brown and Root, a major US Company involved in construction, military projects and aviation on behalf of both the UK and US Governments.

Captain Griffiths is also an experienced aviation Expert Witness and has accepted instructions to provide reports and oral evidence to the courts.

He is a member of the Expert Witness Institute and the Honourable Company of Air Pilots.

**Assisted by:****Captain M C Stevens, MSc, BSc, FRAeS**

Captain Mark Stevens is a retired commercial airline Captain with both training and management experience. Appointments held have included operational responsibilities for a large UK airline at major UK Airports which necessitated work on and with airport environmental committees to manage the externalities of airline operations.

He has been accountable for pan European airline projects and the day to day management and co-ordination of Flight Operations.

He is a Fellow of the Royal Aeronautical Society, serving on their Membership Committee and holds a BSc and MSc in subjects both aligned to aerospace.

**Richard Poole, BSc, C.Eng. MRAeS**

Richard Poole is a Chartered Aeronautical Engineer who has had a successful career with BAe Systems that included experience of technical management on international collaborative programmes. He has acted as a primary technical interface with partner companies in the United Kingdom and the United States of

America. His prime responsibilities involved the disciplines of research, feasibility study, proposal development and project management.

His engineering experience has been supported by his roles as flight test engineer on a number of aircraft programmes including Concorde, Hawk and Harrier, along with being an aerodynamicist and a fast jet flight test observer. He has given lectures on flight testing for AGARD, University of Tennessee and Cranfield University and taken part in design reviews for BAE SYSTEMS on the Joint Strike Fighter.

He has been awarded the Royal Aeronautical Society R P Alston Medal, is a Member of the Royal Aeronautical Society and holds a BSc in Aeronautical Engineering.

## **2 Introduction**

- 2.1 This Report has been compiled by Captain J D Griffiths, assisted by Captain M C Stevens and Richard Poole of Access Aviation Limited on behalf of Evolution Town Planning, Opus House, Elm Park Farm, Thurston, Bury St Edmunds, Suffolk, IP31 3SH. Evolution Town Planning in turn are acting as agents for Pigeon Investment Management Ltd.
- 2.2 This Report is in part a response to the letter to Gareth Durrant, Planning Officer, of Forest Heath District Council, dated 2 March 2016 (the Letter) from Richard Buxton, Environmental and Public Law, 19B Victoria Street, Cambridge, CB1 1JP. The Letter is attached as Appendix 1 to this Report with paragraph numbers added in the left column for ease of cross referencing. This Report covers, from an operational viewpoint, points 17 to 24 inclusive contained within the Letter. The Report also covers the noise generated by the F-35A and the F-15C and F-15E. The Aircraft Traffic Control (ATC) procedures currently used at RAF Lakenheath and considers what the result of changes to those procedures could be after the closure of RAF Mildenhall. The Report also considers aspects of the F-35A's capabilities relating to safety aspects of the aircraft.

### 3 Glossary of Abbreviations and Descriptions

Afterburner	Afterburner (or a re-heat) is an additional component present on military supersonic aircraft. Its purpose is to provide an increase in thrust, usually for supersonic flight, take-off and for combat situations
agl	above ground level
Application	The Planning Application DC/14/2096/HYB
ATC	Air Traffic Control
ATMs	Air Traffic Movements
dB(A)	A-weighted decibels (unit used in comparison of sound levels)
F-15	McDonnell Douglas F-15 Eagle is a tactical fighter aircraft
F-35	Lockheed Martin F-35 Lightning II is a multirole fighter aircraft undergoing final development and testing
IFR	Instrument Flight Rules. Used by the fixed wing and rotary wing aircraft when the weather conditions are below limits for a visual approach and on other occasions when required.
Letter	Richard Buxton, Environmental and Public Law, 19B Victoria Street, Cambridge, CB1 1JP dated 2 March 2016
L <sub>Aeq</sub> , 16hr	The A-weighted equivalent continuous sound pressure level averaged over a 16 hour period. Noise measurements are often A-weighted (using a dedicated electronic filter) to reflect the response of the ear to sound.
lbf	The pound-force symbol is a unit of force used in some systems of measurement including English engineering units – (used as a measurement of thrust)
MTOW	An aircraft's Maximum Take-off Weight
NAS (M)	Noise Amelioration Scheme (Military)

USAF

United States Air Force

VFR

Visual Flight Rules. These are used by fixed wing and rotary wing aircraft when the weather conditions are such that visual approaches are permitted

#### 4 **Scope of Evidence**

- 4.1 The evidence contained in this Report deals principally with the aspects of flight operations relating to military operations at RAF Lakenheath and their bearing upon the local community, that have been raised in the Letter dated 2 March 2016 concerning planning application DC/14/2096/HYB.
- 4.2 I explain the air traffic control procedures in force at RAF Lakenheath for both fixed wing and rotary wing (helicopter) aircraft, the airspace surrounding RAF Lakenheath and RAF Mildenhall and the effect on that airspace with the planned closure of RAF Mildenhall. I highlight the current flying units based at RAF Lakenheath and the replacement of F-15 aircraft with F-35 aircraft from 2020. Aircraft using RAF Lakenheath will be operated to the procedures and standards regulated by the United States Air Force (USAF).
- 4.3 I describe the operation of F-15 aircraft on departure and arrival from the base when carrying out both instrument procedures (IFR) and visual procedures (VFR) from the runway when the aircraft depart and return to the base. I also explain the use of ‘*afterburn jet air emissions*’.
- 4.4 As part of familiarising ourselves with the concerns in paragraphs 17 to 24 of the Letter I have considered the flight operational aspects which the Letter seeks to link with the operation of the aircraft based at RAF Lakenheath. I have addressed relevant issues below in order to assist both the Parish Council and the Forest Heath District Council with the planning application DC/14/2096/HYB with their understanding of how aircraft presently use RAF Lakenheath and may do so in the future. My analysis includes interpretation of current standard operating procedures that arise on a daily basis.



**5 Methodology**

- 5.1 As part of familiarising ourselves with the Planning Application and the concerns expressed in the Letter we have researched the air traffic control (ATC) procedures attached as Appendix 2 and the Notes to Pilots dated 2012 attached as Appendix 3. Of note the Letter sets out 29 paragraphs and this Report addresses the issues contained in paragraphs 17 to 24. In addition, the Committee Report (Forest Heath District Council, expiry date 13 February 2016) for the proposal DC/14/2096/FUL has been consulted as a cross reference when required.
- 5.2 Captain M Stevens, R Poole and I have used our professional expertise and knowledge of aviation regulations, along with the application of aircraft standard operating procedures and military flying practices, to research and review evidence available in order to respond to the Letter.
- 5.3 By way of clarity, my response to The Letter is itemised covering respective issues raised in each paragraph. My response covers aircraft operational matters and the number and types of aircraft currently operating from the base. In addition, it discusses the arrival of F-35A aircraft. The F-35A will replace the F-15 aircraft currently based at RAF Lakenheath.
- 5.4 The closure of RAF Mildenhall and its possible effect on operations at RAF Lakenheath will be covered where appropriate in the responses to respective paragraphs of The Letter.

**6 RAF Lakenheath – background information.**

- 6.1 RAF Lakenheath, some 20 miles to the North East of Cambridge, is situated in Suffolk and is in close proximity to RAF Mildenhall.
- 6.2 The villages of Mildenhall, Eriswell, Lakenheath, Hockwold and Brandon are situated in the local area with Lakenheath being the closest.
- 6.3 At the time of writing this Report, RAF Lakenheath is currently the base for 48<sup>th</sup> Fighter Wing operating F-15 (variants E and C) and HH-60G rotary wing (helicopter) aircraft. This is a mixture of both fixed wing and rotary wing aircraft which, from current information available, can involve some 60 air traffic movements (ATMs) a day.
- 6.4 The geographic position of RAF Lakenheath relative to RAF Mildenhall necessitates detailed and safe operational procedures. Therefore departure and arrival routes are in place to ensure safe operations.
- 6.5 There is evidence of established visual departure and arrival routes under visual flight rules (VFR) for RAF Lakenheath. These established departure routes are available to pilots in the form of briefing notes and lay down both approved speeds and heights to be flown at various points on the route.
- 6.6 The orientation of the active runway (RW06 / RW24) is effectively south west / north east such that aircraft IFR arrival and departures are directed away from local residential areas to the north and south of the runway.
- 6.7 The influence of RAF Mildenhall to the south west of RAF Lakenheath is such that traffic leaving on the south westerly runway turn onto a northerly heading shortly after take-off. The resulting aircraft track is to the west of the village of Lakenheath. Aircraft departing on a north easterly heading currently track to the east of the village of Lakenheath.
- 6.8 Appendix 3 contains the heights and speeds fighter aircraft should follow. For example F-15 aircraft are prohibited from flying below 2000 feet on a visual approach from the north west when on a south easterly heading of 145 degrees. The initial approach speed for an F-15 is 300 knots reducing to a pre-landing speed of between 200 and 250 knots with a final approach speed of between 130 and 140 knots. The effect of these VFR arrival procedures for the F-15 means that the aircraft is slowing down throughout the approach and landing phase of the flight.

This process requires the aircraft to fly at a reduced power setting without the use of a power setting that could result in '*afterburn jet fuel emissions*'. Furthermore, this process would not result in '*creating excessive noise and vibration*' during either an IFR or VFR approach as the aircraft's engines would be at reduced power settings. I would expect F-35A aircraft to use the same methodology on the current visual arrival route.

- 6.9 Departing F-15 aircraft do use engine power settings that require additional power on take-off. This is known as re-heat, which increases fuel flow when used for take-off. Therefore the total products of combustion in the exhaust will increase roughly in proportion, along with a proportionate increase in engine noise. However, the take-off flight paths of the F-15s do not require overflight of the proposed development. I would expect F-35A aircraft to use the same methodology on the current visual departure routes.

## 7 The RAF Lakenheath based F-35 Aircraft

- 7.1 The Lockheed Martin F-35 Lightning II (F-35) is a family of single-seat, single-engine, all-weather stealth multirole fighter aircraft. The F-35 has three main models: the F-35A conventional take-off and landing variant, the F-35B short take-off and vertical-landing variant, and the F-35C carrier-based catapult assisted take-off and arrested-recovery variant. The F-35 variants are intended for the U.S. Air Force, Navy and the Marine Corps; only the F-35A is planned to be based at RAF Lakenheath.
- 7.2 RAF Lakenheath was chosen as the first U.S. Air Force European base to station two F-35A squadrons, following an announcement by the Pentagon. A total of 48 F-35s, making up two squadrons, will replace the 48th Fighter Wing's already existing F-15C and F-15E Strike Eagle jets. RAF Lakenheath currently has 3 squadrons of F-15s so with the effective loss of one squadron there will be in the region of 18 to 24 fewer fighter aircraft flying from the base.
- 7.3 The reduction of aircraft at the base should result in fewer air traffic movements (ATMs) of around one third.
- 7.4 At the date of writing this Report it has not been possible to establish the average number of flights per day by F-15 aircraft at RAF Lakenheath. Therefore, by way of illustration I have used my knowledge and experience of my time when I served on RAF fast jet squadrons in paragraphs 7.5 to 7.8 below.
- 7.5 For the purposes of this Report I have assumed that each F-15 Squadron operates 24 aircraft. This is the same number of aircraft that will be assigned to an F-35 Squadron at RAF Lakenheath. On any given day approximately 3 aircraft will be undergoing major servicing and therefore not available to fly. In addition to those 3 another 5 will be unavailable due to minor rectification that prevents them from flying. Therefore approximately 16 aircraft will be available to fly.
- 7.6 With 16 aircraft available to fly I would expect somewhere in the region of 32 sorties to be flown resulting in 32 take-offs and 32 landings for each squadron making a total of 96 sorties per day.
- 7.7 When the F-35A's replace the F-15s at RAF Lakenheath there will 2 squadrons with 24 aircraft. Therefore, using the figures in paragraphs 7.5 and 7.6 above there

would be a reduction in sorties from 96 to 64, along with an overall reduction in noise.

- 7.8 It is important to note that the number of sorties flown per day by fighter aircraft at RAF Lakenheath will vary. On days when the weather is poor the number will be reduced and when the Squadrons are on exercise the numbers will increase.
- 7.9 At the date of writing this Aviation Advice I have not been able to ascertain the methodology to be implemented for the replacement of F-15 aircraft by F-35A aircraft at RAF Lakenheath. Therefore, I have used my knowledge of the replacement of RAF Jaguar aircraft by RAF Tornado aircraft at RAF Bruggen in Germany to illustrate a method by which the replacement could be made.
- 7.10 At RAF Bruggen there were 4 Jaguar Squadrons and each squadron occupied their own site at the airfield. This consisted of hardened aircraft shelters that housed the aircraft and additional buildings used by the squadrons. I would expect the same sort of arrangement to be in place at RAF Lakenheath for the 3 F-15 Squadrons.
- 7.11 As each Jaguar Squadron occupied a site it was necessary for that squadron to completely vacate the site before the arrival of the Tornado aircraft. This enabled the required modifications to the site to be completed. Therefore, as each squadron was replaced there was, for a period of time, a reduction in the number of aircraft operating from the base.
- 7.12 I would therefore expect a similar process to be implemented at RAF Lakenheath whereby the sites currently occupied by an F-15 Squadron are vacated prior to the arrival of the F-35A Squadrons.
- 7.13 In the event that an F-35A Squadron arrived prior to the departure of an F-15 Squadron it would only be for a short period of time when there were additional aircraft flying from the base.
- 7.14 However, there may be the possibility that as a result of the current political situation in Europe and in particular, its eastern borders, there are plans for RAF Lakenheath that are not yet in the public domain.
- 7.15 For example, one squadron of F15Cs is due to leave RAF Lakenheath in 2017 to be replaced by two squadrons of F35A's in 2022. These F35A Squadrons may then operate alongside the remaining F15E Squadrons. This will result in an increase in

the number of aircraft based there. However, I would expect that, in the fullness of time, the F15E will be phased out of service.

- 7.16 One reason for the additional squadron to be based there may be to support the eastern flank of NATO. If this scenario is correct, then it seems reasonable to assume that, although RAF Lakenheath will remain their home base, the aircraft and squadrons will deploy to military bases in countries such as Turkey. Without knowing the plans, which in any event, may not have been finalised, there is likely to be a permanent detachment of aircraft and squadrons away from Lakenheath at military airfields close to their anticipated theatre of operations. It is difficult to make accurate predictions of future plans based on current announcements that are in the public domain.
- 7.17 As an aside, it appears the USAF is finding it difficult to afford the F35As and that full rate production of the F35A is not due to start until 2019. The USAF expects that it will have its full complement of F35A's in service by 2038. My understanding is that the USAF is also upgrading the capability of a limited number of F15E's as an interim measure, in part because the procurement schedule of the F35As may not be affordable. These procurement issues may have a bearing on the future of aircraft numbers based at RAF Lakenheath.
- 7.18 However, having said all of the above, I would expect any new development in close proximity to Lakenheath village to experience the same amount of 'noise'. It is also my opinion that, with the closure of RAF Mildenhall, the ATC procedures for RAF Lakenheath will change. The result of this change will reduce the amount of noise in the vicinity of Lakenheath village and its surrounding area.
- 7.19 The current ATC procedures for both RAF Lakenheath and RAF Mildenhall are designed to minimise the risk of mid-air collisions between aircraft operating from both bases. I therefore expect that when RAF Mildenhall closes there will be a re-appraisal of the procedures at RAF Lakenheath that results in better management of the noise generated by departing and arriving aircraft.

**8 The F-35 Noise Characteristics**

8.1 The information in this Section has been obtained from various sources including Wikipedia.

8.2 The F-35 engine produces a maximum of 28,000 pounds of thrust (lbf) without the use of re-heat and 43,000 lbf with re-heat. Re-heat on all fighter aircraft is used for take-off and when required in combat. It is not used for the approach and arrival at an airfield.

8.3 Table 1 below gives a comparison of thrust between the three types of aircraft. It is noticeable that the F-15E’s maximum take-off weight (MTOW) is considerably more than both the F-15C and F-35. It is likely, that with the increased thrust of the F-15E using re-heat on take-off, the noise generated will be greater than the F-35.

Table 1

Data	F-35	F-15C	F-15E
Crew	1 pilot	1 pilot	2 pilots
Engines	One	Two	Two
MTOW	70,000 lbs	68,000 lbs	81,100 lbs
Thrust with re-heat	43,000 lbf	47,500 lbf	58,500 lbf
Thrust without re-heat	28,000 lbf	29,180 lbf	35,600 lbf

8.4 The F-35 is also a smaller aircraft than the F-15 and the following information is taken from the F-35 Noise Measurement Executive Summary, obtained from the <http://www.jsf.mil/> web site attached as Appendix 6 to this Report.

8.5 Figure 1 in the Report (Appendix 6) gives comparisons between various aircraft including the F-35A, F-35B and F-15C for both maximum continuous power without re-heat (afterburner) and with re-heat power (afterburner engaged). On the ground, without re-heat, the F-35A is 1 dB louder than the F-15C. Although the F-15E is not included in Figure 1 it is likely that it has a higher sound pressure level than both the F-35 and F-15C because of the increased thrust of its engines.

- 8.6 Table 1 in the Report (Appendix 6) gives comparisons between aircraft in various conditions of flight. The F-35A is compared to the F-16 C/D and the F-35-B is compared to the F-18C/D/E/F. The F-15C and F-15E are not in the Table.
- 8.7 In my opinion, the data indicates to me that, as the Executive Summary states, in Figure 1, the F-35 is '*comparable with most legacy fighter aircraft*' when it is on the ground. Table 1 indicates that there are differences between the F-35 and the other aircraft depending on condition of flight and whether or not the other aircraft are fitted with the latest generation engines. For the purposes of this Report it should be noted that the visual arrival route, in the vicinity of Lakenheath village, is flown at 2000 feet above ground level, whereas the data in the Table is measured for an aircraft at 1000 feet above ground level. In my opinion, I would expect the same type of aircraft, when flying at 2000 feet to be quieter than when it flies at 1000 at the same speed. It is for an acoustics expert to comment on the difference an increase of 1000 feet would make to the noise foot print.
- 8.8 Customers for the F-35 have been supplied with measured noise information to allow them to conduct their own Environmental Impact Statements. This data package includes comparative data for F-15, F-16, F-18 and AV8B aircraft.
- 8.9 The F-35A capability is closest to the F-15C and F-15E. The F-15E has a more powerful engine (PW-229) and total engine thrust levels, maximum take-off weight and numbers of crew and engines are listed in Table 1 above. (Note the F-15E's operating from RAF Lakenheath are fitted with the PW-229 engine).
- 8.10 The issue of noise and its impact on the environment is addressed in Appendix 7 by a Report by Mr Mike Potts (BSc Hons/Lon, MSc, PGDip), Director and Principal Acoustic Consultant at Echo Acoustics Limited, a Technical Appendix on Noise (and Vibration).



**9 The Letter and Response**

9.1 I have reviewed each paragraph in the Letter in turn and report my findings below:

**10 Paragraph 17**

*The proposed development site has the risk of serious environmental emissions (noise and air quality) from the military flight operations, which make this site fundamentally unsuitable for residential development and, in particular, a primary school.*

**Response**

- 10.1 Inspection of the relative geography would indicate that the development site is not at any greater risk of serious environmental emissions than those which already exist in other areas of the parish since the site is on the approach path (and not the departure path) used by the fast jets on recoveries to visual circuits to the 24/06 runway. Whilst passing over or close to the proposed development site the aircraft would normally be at height of 2000 feet or higher above ground level with the engine at a low to moderate thrust setting, the undercarriage retracted and at a reducing airspeed of 300 knots and below. The engine afterburner would not be in use and there would be no 'afterburn jet fuel emissions'.
- 10.2 The closest point of the proposed development to the centre of the active runway (RW06/RW24) is 2.76km (1.71m); this compares with existing residential housing in Lakenheath which lies at a distance of 1.8km (1.1m).
- 10.3 The proposed development lies to the north west of the airfield and, in view of the runway orientation, is outside the normal routes taken by aircraft on instrument departures or arrivals.
- 10.4 Procedures do allow visual arrivals and departures in accordance with VFR in good weather conditions. Aircraft conducting VFR arrival procedures currently route close to or over the proposed development site (fixed winged inbound / rotary winged outbound and inbound). It is not clear when looking at the arrival path for F-15 aircraft depicted in Appendix 3 if the aircraft would fly over the proposed development or just to the east of it. Aircraft would be at reduced speeds, at a minimum height of 2000 feet above ground level, with the engine at a low to moderate thrust setting and without the use of afterburner (fixed wing). These

operational factors would mitigate disturbance. I would expect F-35A aircraft to use the same methodology on the current visual arrival route.

**11 Paragraph 18**

*As the Council is aware, Lakenheath is the home of the US Air Force (USAF) at RAF Lakenheath. The USAF flies F-15s and helicopters daily over the parish, creating excessive noise and vibration and emitting, on occasions, after burn jet fuel air emissions. The USAF intends to intensify its operations at Lakenheath from 2020 onwards with the arrival of 2 F-35 squadrons, so these environmental effects will crease as intensification of RAF Lakenheath proceeds.*

**Response**

- 11.1 It should be noted that all jet engines, including those on civilian airliners, emit a very small amount of unburnt fuel during normal operations. A significant increase in exhaust emission does not occur through the presence of unburnt fuel when using an afterburner on fighter aircraft. However, since fuel flow is increased by a factor of two to three times, when in afterburner, there will be a proportionate increase in unburnt fuel as the total products of combustion in the exhaust increase proportionally. Although there is an increase in unburnt fuel when aircraft are using re-heat two factors should reduce the amount of unburnt fuel from the F-35A when compared to the F-15s. Firstly, the engines fitted to the F-35 are the latest generation and therefore more efficient and secondly, under current plans there will be less aircraft operating when the F-35A's have replaced the F-15s.
- 11.2 The reference to daily flying over the parish, creating excessive noise and vibration appears to be a generalisation covering the local area. The proposed development site, by virtue of its geographic position in relation to the runway orientation, is such that any overflying aircraft would be at a relatively low airspeed and engine power setting and not requiring the use of the afterburner.
- 11.3 It is recognised that most noise is generated by departing aircraft and not arriving aircraft. Instrument departures (IFR) direct aircraft to the west of the existing build up area of Lakenheath and thereby 'significantly' west of the proposed development. Consequently, I would expect to find that there would be less noise from fixed wing aircraft than that presently experienced by the current inhabitants of the existing built up areas of Lakenheath village.
- 11.4 'Intensification of operations' at RAF Lakenheath following the closure of RAF Mildenhall could be a factor in the future. However, should this be the case, any increase in operations externalities would be unlikely to be specific to the proposed

development and would be borne across by the whole parish. However, with the anticipated reduction in the number of aircraft based there I do not foresee an 'Intensification of operations'.

- 11.5 The research I have carried out and contained in Appendix 5, downloaded from the RAF Lakenheath web site, indicates that the base is the location of the USAF 48<sup>th</sup> Operations Group which comprises of three F-15 Squadrons and 2 Helicopter Squadrons. At the date of writing this Report I cannot confirm the number of F-15s on each squadron but it is most likely between 18 and 24 aircraft giving a total of between 54 and 72 aircraft.
- 11.6 Further research shows the U.S. Air Force has chosen RAF Lakenheath as its first base for the F-35A in Europe. The first aircraft are due to arrive in 2020.
- 11.7 Two squadrons, each with 24 F-35As, will be based at RAF Lakenheath replacing the three squadrons of F-15s currently based there.
- 11.8 Therefore, there will be a reduction in the number of fast jet aircraft based at RAF Lakenheath once the three F-15 squadrons have been replaced by two F-35 squadrons.
- 11.9 At the date of writing this Report I have seen no evidence that the USAF intends to intensify its fast jet operations at RAF Lakenheath. It is my opinion that with the reduction from 3 to 2 fast jet squadrons operations will decrease.

**12 Paragraph 19**

*In recent discussions the Parish Council has had with the Base Commander, he has confirmed that jets' return flight path is directly over the Station Road development site to the north of the parish settlement and directly overhead the site of the proposed school. The attached map illustrates the flight path in relation to the development proposals. OR 212 confirms that there is no noise assessment for the application and relies on the August 2014 assessment for a different scheme at a different location.*

**Response**

- 12.1 At the time of this Report, we are not aware of the detail of the discussions which took place between the Parish Council and RAF Lakenheath Base Commander.
- 12.2 The visual arrival route on page 8 of Appendix 3 indicates the fighter aircraft return path intercepts the runway at right angles whereas the attached maps indicate that the return path may be west of the actual return path. In my view the distance between the two depicted flights would only be small. Accordingly, it is reasonable to conclude that the proposed development north west of the airfield would be subjected to a similar noise level currently experienced by the residents of Lakenheath village. However, fast jet aircraft using the visual arrival route would be above 2000 feet with a reduced power setting and it would be for an acoustic expert to determine the actual levels of noise experienced.
- 12.3 In our opinion there will be no increase in noise from that currently experienced in the vicinity of the proposed development as a result of aircraft using instrument approach procedures to RW 06 or 24.
- 12.4 I am not in a position to comment on the last sentence of paragraph 19 in the Letter.

**13 Paragraph 20**

*In our 25 January 2016 letter, para 27, we drew the Council's attention to the Occupational and Environmental Medicine Wing report that advised the existing noise and vibration report is out of date because the MOD has changed technical standards in light of the change in flight contours over Lakenheath. We sought confirmation from the Council that an updated report on noise and vibration would be available prior to determination of the application and this has not happened, despite the conclusion at OR 278 that the development proposals would be impacted adversely by noise from aircraft and "This is not capable of being fully mitigated and the external areas (e.g. garden spaces, public open spaces and school playing fields) would be particularly exposed to the effects of aircraft noise." The information about USAF operations is in the public domain and we have given the Council very specific information to act on but this has not been dealt with in the OR, which states (OR 214) that there has been no assessment of the changes to operations at RAF Lakenheath. The lack of any noise assessment, and in particular, one that meets the changed technical standards of jet fighter noise overhead residential and school development is inexcusable. The Council has been aware for over a year that major changes will take place in relation to the USAF operations at Lakenheath when USAF operations at Mildenhall cease. This has been recently confirmed with public comments from Cllr James Waters announcing confirmation of the closure of RAF Mildenhall on 18 January 2016*

**Response**

- 13.1 I believe that the report to which this refers is OEM/47/15 dated October 2015. The report was prepared to present the noise contour levels in the vicinity of RAF Lakenheath and RAF Mildenhall based on results of a previous environmental study using modelling. The contours are derived from criteria defined in the non-statutory Noise Amelioration Scheme (Military) and broadly follow those for Heathrow, Gatwick and Stansted.
- 13.2 The contours define the regions where noise amelioration scheme compensation is available to affected applicants (properties / residents) in the vicinity of the airfield. The criteria are related to contour values of 16 hours equivalent average sound pressure ( $L_{Aeq,16hr}$ ) of 72, 66 and 63dB(A) and recommends that the 72 and 66 dB ( $L_{Aeq,16hr}$ ) contours be used as the basis for the NAS(M) at RAF Lakenheath and RAF Mildenhall.

- 13.3 The report does not include the 63 dB (A) contour and there is a recommendation within the report that the 72, 66, and 63 dB  $L_{Aeq, 16 \text{ hr}}$  contours should be produced for both RAF stations using the approved software package. Inspection of the contours shown, and regarding the relative positions of noise contours for other UK major airfields, it is reasonable to conclude that the 63dB(A) contour does not run north of Station Road, however, running the appropriate software will confirm the justification or otherwise of this conclusion.
- 13.4 At the date of this Report, I have not been able to investigate if there have been any changes to RAF Lakenheath's operational procedures referred to in paragraph 20 of the Letter. If Appendix 3 dated 2012 is indicative of current procedures at RAF Lakenheath then there will have been no changes.
- 13.5 When RAF Mildenhall ceases operations that there may be an opportunity for RAF Lakenheath to alter both its instrument and visual operational procedures. Such changes, co-ordinated with the local community, could result in better management of the externalities of aircraft operations as a whole across the Parish.
- 13.6 It would also be possible to alter the visual arrival and departure routes and patterns that aircraft currently use with the freeing up of the airspace currently used by aircraft based at RAF Mildenhall.
- 13.7 With the closure of RAF Mildenhall a large area of airspace will be freed up resulting from the removal of ATC procedures from the base. This in turn will enable changes to the RAF Lakenheath procedures that if made, should result in the removal or dissipation of concentrated areas of noise.
- 13.8 One change that could be made is for the current arrival route from Point C, over the village of Lakenheath and the proposed development, to be changed.
- 13.9 In summary, I would expect there to be an assessment of all the current ATC procedures at RAF Lakenheath in preparation for the closure of RAF Mildenhall. It is likely that this assessment and any changes would be done in consultation with the local population and their representatives. The aim would be to make better use of the airspace around the base for the benefit of the USAF and the local inhabitants living in the vicinity. However, as I note in paragraph 14.4 below I have not seen any evidence of any proposed changes to the flight paths. Furthermore, I would not expect any assessment to be made until closer to the planned closure date of RAF Mildenhall.

**14 Paragraph 21**

*For the reasons explained above, the Council must comply with the MOD recommendation to consider the change in flight contours and must require the applicant to provide a noise report in line with the predicted noise contours before a decision on this application is made by the committee. The failure to do so would be a serious error of law in relation to consideration of material information in the circumstances outline above.*

**Response**

- 14.1 These comments and observations are based on our general knowledge of military and civilian aviation as professional pilots and as a flight test engineer with many years' experience of flying military and civilian aircraft.
- 14.2 The closure of RAF Mildenhall might enable changes to the operating procedures to be made at RAF Lakenheath since the intersection of the extended centrelines of RAF Lakenheath runway 24/06 and RAF Mildenhall runway 29/11 will no longer be an issue.
- 14.3 From consideration of the shape of the combined RAF Lakenheath / RAF Mildenhall noise contours, in the Operational and Environmental Medicine Wing report, the noise levels to the west and south west will be reduced when RAF Mildenhall closes. It therefore follows that, if RAF Mildenhall is closed and RAF Lakenheath procedures remain the same, the 16 hour average noise level in the local area surrounding the proposed development can be reduced.
- 14.4 I have seen no evidence (unless this is a product of RAF Mildenhall closing) of planned changes to existing flight routes for RAF Lakenheath. Both arrival and departure routes are to the north east and south west of RAF Lakenheath and specific instructions to aircraft are made concerning noise abatement on departure and the avoidance of overflying Lakenheath village. Therefore, because the runway 06/24 is orientated towards the north east and south west, with the proposed development to the north west of the airfield we do not expect there will be any change to the current noise levels experienced in the vicinity of Lakenheath village, or the proposed development area. However, with the reduced number of F-35s arriving in 2020 to replace the F-15s it is possible that noise levels may reduce.



**15 Paragraph 22**

*The updated information must be taken back to the committee for the reasons explained above, and it would be a breach of the Council's Constitution for the officer to exercise his judgment on the acceptability of the noise impacts.*

**Response**

- 15.1 This matter refers to the Council's Constitutions and procedures and is outside the expertise of the authors of this Report.

**16 Paragraph 23**

*Finally, in relation to noise impacts, counsel has also advised that given the noise impacts of the military planes on external areas of the proposed residences and the play area of the school will be severe and unmitigated, they may also constitute a breach of World Health Organisation guidance and yet appear to be wrongly dismissed by the officer and "public health and housing team" - see OR 278 and 34. To the extent the impacts may be experienced by vulnerable children, this could also be a breach of the Human Rights Act.*

**Response**

- 16.1 This is outside the expertise of the authors of this Report.

**General Comment**

- 16.2 Our investigations have not been able to identify guidance from the World Health Organisation concerning noise impacts of military aircraft on schools or residential areas. It is noted that Lakenheath Community Primary School, which lies at approximately 2km (1.24m) to the west north west of RAF Lakenheath is closer to the RAF Lakenheath's runway than the proposed new school in the development area. The proposed new school is likely to experience less noise from departing and arriving IFR flights as it is further from the airfield than the existing school. As the proposed new school is under or close to the existing visual arrival route it will experience similar or equivalent noise levels to the existing school when aircraft use the visual arrival route.

**17 Paragraph 24**

*Related concerns arise in relation to air safety and we drew your attention to our concern that SCC Education does not seem aware of these concerns. Can you confirm that SCC Education fully appreciates that the proposed primary school is affected by noise and jet vibration but that the proposed school site is under the flight path of the fighter jets that fly in pairs on this flight path when returning to the base.*

**Response**

- 17.1 The SCC Education or Forest Heath District Council will be able to comment on the assertion that they do not seem to be aware of air safety concerns.
- 17.2 It is not clear to us what concerns arise in relation to air safety as the fighter aircraft passing overhead, in the vicinity of the new development, will be above 2000 feet at a reduced or reducing speed with a reduced power setting.
- 17.3 With the arrival of a new type of aircraft at RAF Lakenheath, such as the F-35, it is natural for concerns on the safety aspects of the aircraft to be raised. However the F-35A is a new generation fighter and like the Eurofighter/RAF Typhoon it benefits from the advantages of new technology and fly-by-wire computer avionic systems that are proving to be more reliable than the systems used in the aircraft they are replacing. The F-35 does have one engine, while the F-15 has two, but the technological advances made in the construction of an aircraft's engine, avionic and airframe, in my opinion, results in more reliable aircraft. I would therefore expect that over the life time of the F-35A its safety record will match or exceed that of the aircraft it is replacing.

## **18 Summary and Conclusions**

18.1 In my evidence I have explained that:

18.1.1 The geographical position of the proposed development is such that it is unlikely to be subjected to aircraft operational disturbance greater than that which already exists in the parish.

18.1.2 Instrument departures and arrivals are distant from the proposed development.

18.1.3 Current visual arrival routes do exist via specific reporting points which result in flight over or in the vicinity of the proposed development. Aircraft conducting VFR flights mitigate the externalities of these operations by adherence to criteria concerning speed and height. However, with the closure of RAF Mildenhall it is conceivable that the visual arrival routes may be altered resulting in reduced externalities of aircraft operations.

18.1.4 Current visual departure routes for aircraft place height restrictions that keep them lower than necessary. When RAF Mildenhall closes I would expect these restrictions to be removed. The result of this change will mean that aircraft will be higher resulting in a decrease in noise on the departure route. It is also conceivable that the actual routes could also change or additional visual departure routes implemented resulting in reduced flights on the current route.

18.1.5 The current practices for VFR arrivals and departures, alongside circuit flying demonstrate an awareness by RAF Lakenheath as to its responsibility to mitigate operational nuisance in the local area. It is reasonable to assume that they would continue to act responsibly in the future.

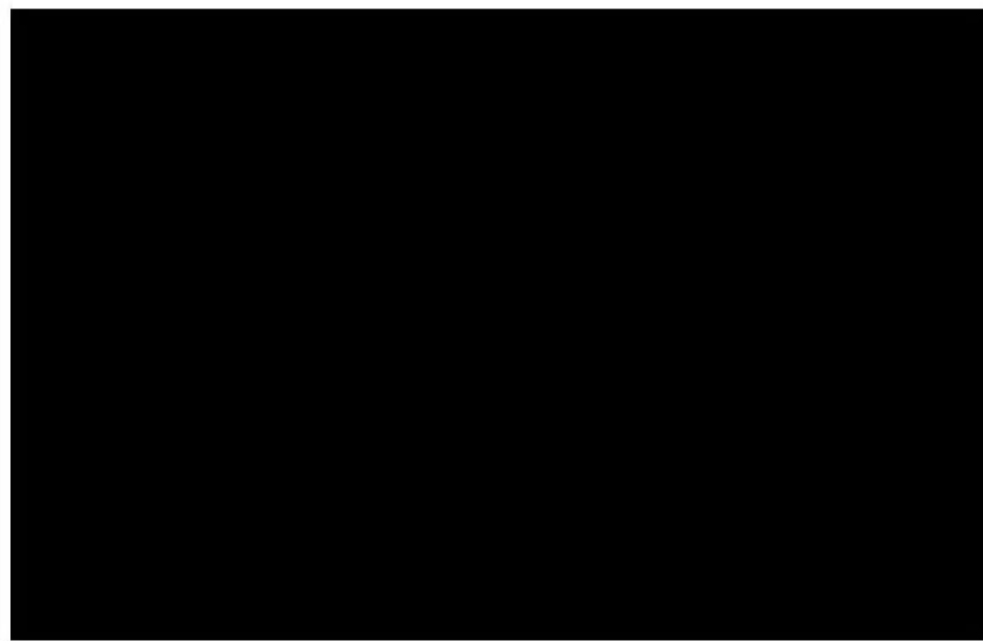
18.1.6 The closure of RAF Mildenhall could result in 'modifications' to IFR and VFR routings which could in result in the better management of noise footprints in the local area.

18.1.7 Based on the research that I have been able to carry out, at the date of writing this Report, it is likely that there will be fewer F-35A aircraft operating from RAF Lakenheath than the current number of F-15C and

F-15E aircraft. This would result in a reduction in the average number of flights per day.

18.1.8 The conclusion in paragraph 18.1.7 above is based on information in the public domain. However, as noted in paragraphs 7.14 to 7.19 above I postulate a scenario whereby additional aircraft are based at RAF Lakenheath as a result of the current political situation on NATO's eastern borders.

18.1.9 From the research I have been able to carry out it is my opinion that the F-35 is comparable with regard to the noise it generates when compared to the aircraft it is going to replace. The evidence for this opinion is contained in Appendix 6. In addition, the Technical Appendix (7) on Noise (and vibration) provides the clear view that the proposed development (new homes and school site) is not likely to be any more affected by noise (and vibration) than the existing village.



**Captain J D Griffiths**

7 June 2016

Access Aviation Ltd, Pascal House, 55 Gatwick Road, Crawley, RH10 9RD

**19 Appendices:**

- Appendix 1: The Letter dated 2<sup>nd</sup> March 2016 from Richard Buxton Environmental and Public Law to Gareth Durrant, Planning Officer Forest Heath District Council.
- Appendix 2: Instrument Charts for RAF Lakenheath
- Appendix 3: RAF Lakenheath – Notes to pilots
- Appendix 4: Report OEM / 47 / 15 dated October 2015
- Appendix 5: RAF Lakenheath Units
- Appendix 6: F-35 Noise Measurement Executive Summary
- Appendix 7: Technical Appendix on Noise (and Vibration).

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# Technical Note

Project:	<b>Lakenheath Cumulative Traffic Study</b>	Job No:	<b>60445024</b>
Subject:	<b>Lakenheath Cumulative Traffic Study – Study Overview</b>		
Prepared by:	<b>Georgia Ingleson</b>	Date:	<b>6<sup>th</sup> June 2016</b>
Checked by:	<b>Bevin Carey</b>	Date:	<b>7<sup>th</sup> June 2016</b>
Approved by:	<b>Nick Anderson</b>	Date:	<b>7<sup>th</sup> June 2016</b>

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## 1. Introduction

1.1 This Technical Note provides an overview of three cumulative traffic studies in Lakenheath, which have been undertaken by AECOM on behalf of the local highway authority to assess the impact of proposed developments in Lakenheath. The first study assessed three developments and is attached at **Appendix A**. A second study known as Phase One was undertaken by AECOM again at the request of the local highway authority, which assessed all three developments in the first study with the addition of the Land North Of Station Road development, which is attached at **Appendix B**. A final study, Phase 2 study therefore assesses all developments in the first and Phase 1 studies and includes the addition of four other developments, with one of these developments being assessed in a sensitivity test. This final study is attached at **Appendix C**.

1.2 The developments assessed in each of the three studies are detailed in **Table 1.1** below.

**Table 1.1: Developments Assessed in Traffic Studies**

Development	Development Summary	First Study	Phase 1 Study	Phase 2 Study	Phase 2 Study Sensitivity Test
Rabbithill Covert, Station Road	Outline application for residential development of up to 81 dwellings, WSDC planning reference 13/0345/OUT	✓	✓	✓	
Land West of Eriswell Road	Outline application for residential development of up to 140 dwellings with associated open space provision, landscaping and infrastructure works, WSDC planning reference 13/0394/OUT	✓	✓	✓	
Land off Briscoe Way	Erection of 67 dwellings (including 20 affordable dwellings) together with 1500 square metres of public open space, WSDC planning reference 13/0660/FUL	✓	✓	✓	
Land North Of Station Road	Hybrid application including a full application of a new vehicular access onto Station Road and entrance to a new primary school and an outline application for up to 375 dwellings, the provision of land for a new primary school, land for ecological mitigation and open space and associated infrastructure, WSDC planning reference 14/2096/HYB		✓	✓	
Land North of Broom Road	Outline application for a residential development of up to 132 dwellings, WSDC planning reference DC/14/2042/OUT			✓	
Land Adjacent to 34 Broom Road	Erection of 120 dwellings together with associated access, landscaping and open space, WSDC planning reference DC/14/2073/FUL			✓	
550 Development at Eriswell	Scoping Opinion for a proposed development on site area over 5 ha including residential dwellings alongside the provision of a primary school, allotments, play space for sports and other green spaces, WSDC planning reference DC/15/1050/EIASCO			✓	
Land East of Eriswell Road	Outline application for a residential development of up to 750 dwellings including a primary school and a health centre (including ancillary shop) with associated open space provision, landscaping and infrastructure works, WSDC planning reference DC/13/0918/OUT				✓
<i>Total Dwellings</i>		288	663	1465	2215

## 2. Study Area for Highway Network Assessment

2.1 The junctions within the study area most likely to experience a material impact as a result of the addition of cumulative development traffic have been identified and are summarised below.

1. B1112 / Broom Road / Undley Road priority cross-roads;
2. B1112 / Lord's Walk / Earls Field four-arm roundabout;
3. B1112 / Eriswell Road priority 'T' junction;
4. B1112 / A1065 priority cross-roads;
5. B1112 High Street / Highbridge Gravel Drove priority 'T' junction;
6. B1112 Station Road / Briscoe Way priority 'T' junction;
7. B1112 / Wangford Road priority 'T' junction;
8. Wangford Road / A1065 Brandon Road signalised junction;
9. B1112 / Wings Road priority 'T' junction; and
10. B1112 / Mill Road priority 'T' junction.

2.2 Junctions nine and ten were only assessed in the Phase 2 study.

2.3 Two of the junctions assessed, the A1065 Brandon Road / Wangford Road signalised 'T' junction and the A1065 Brandon Road / The Street staggered crossroad junction are located on the edge of the Special Protection Area (SPA). None are located within the SPA.

## 3. Severity of Impact Without Mitigation

3.1 The severity of impact, without mitigation at the junctions assessed, in all three studies is summarised in Table 1.2 below.

**Table 1.2: Severity of Impact in the 2020 Future Year 'With-Development' Scenario Without Mitigation**

Junctions requiring mitigation	First Study (3 developments)	Phase 1 Study (4 developments)	Phase 2 Study (7 developments)	Phase 2 Study - Sensitivity Test to include an additional development (8 developments)
	Total of 288 dwellings	Total of 663 dwellings	Total of 1465 dwellings	Total of 2215 dwellings
B1112 / Broom Road / Undley Road priority cross-roads	Not considered to be severe impact	Not considered to be severe impact	Not considered to be severe impact	Not considered to be severe impact
B1112 / Lord's Walk / Earls Field four-arm roundabout	Approaching capacity, mitigation advised	Approaching capacity, mitigation advised	Considered to be severe impact	Considered to be severe impact
B1112 / Eriswell Road priority 'T' junction	Considered to be severe impact	Considered to be severe impact	Considered to be severe impact	Considered to be severe impact
B1112 / A1065 priority cross-roads	Not considered to be severe impact	Not considered to be severe impact	Considered to be severe impact	Considered to be severe impact
B1112 High Street / Highbridge Gravel Drove priority 'T' junction	Not considered to be severe impact	Not considered to be severe impact	Not considered to be severe impact	Not considered to be severe impact
B1112 Station Road / Briscoe Way priority 'T' junction	Not considered to be severe impact	Not considered to be severe impact	Not considered to be severe impact	Not considered to be severe impact
B1112 / Wangford Road priority 'T' junction	Not considered to be severe impact	Not considered to be severe impact	Not considered to be severe impact	Not considered to be severe impact
Wangford Road / A1065 Brandon Road signalised junction	Not considered to be severe impact	Not considered to be severe impact	Not considered to be severe impact	Not considered to be severe impact
B1112 / Wings Road priority 'T' junction	Not assessed	Not assessed	Not considered to be severe impact	Not considered to be severe impact
B1112 / Mill Road priority 'T' junction	Not assessed	Not assessed	Not considered to be severe impact	Not considered to be severe impact



- 3.2 Where the impact is considered to be severe, mitigation would be required at the junction in order to cater for the increase in dwellings. The impact at the B1112 / Eriswell Road priority 'T' junction is considered to be severe and would therefore require mitigation with the addition of three developments (total of 288 dwellings). At the B1112 / Lord's Walk / Earls Field four-arm roundabout, the junction would be exceeding desirable capacity limits and therefore mitigation is advised.
- 3.3 With four developments (total of 663 dwellings), at the B1112 / Lord's Walk / Earls Field four-arm roundabout, the junction would be exceeding desirable capacity limits and therefore mitigation is advised. The impact at the B1112 / Eriswell Road priority 'T' junction is considered to be severe and would therefore require mitigation with the addition of four developments (total of 663 dwellings).
- 3.4 With seven developments (total of 1465 dwellings), the impact at the Lord's Walk / Earl's Field Roundabout and B1112 / A1065 Junction would be considered severe and therefore with 1465 dwellings, mitigation would be required to mitigate the impacts.

#### 4. First Study – Mitigation

- 4.1 The results indicate that the six of the eight junctions within the study area would continue to operate within capacity with the addition of development traffic associated with 288 dwellings, with the exceptions of the B1112 / Lord's Walk / Earls Field four-arm roundabout and the B1112 / Eriswell Road priority 'T' junction.
- 4.2 At the at the B1112 / Lord's Walk / Earls Field roundabout a mitigation scheme would be required to accommodate three developments (a total of 288 dwellings). Without mitigation, the maximum RFC in the future year 'with-development' scenario at the junction is 0.87 with an associated queue of six vehicles. This is not considered to be severe. Junction capacity assessments at this junction for the proposed arrangements, comprising of lane widening, have been undertaken which indicate that these measures would mitigate the anticipated cumulative development traffic impact (at total of 288 dwellings) at this junction. The mitigation proposed at the Lord's Walk / Earl's Field roundabout could be undertaken within land under the control of the highway authority.
- 4.3 At the B1112 / Eriswell Road priority 'T' junction, a proposed mitigation scheme would be required to accommodate an additional 288 dwellings; therefore signalisation of junction is required. It is important to note that the maximum RFC occurring in the 2015 baseline assessment is 1.22 and thus the junction is already shown to be operating significantly over maximum capacity, which is considered to be a severe impact even within the future year 'without-development' scenario.
- 4.4 Two mitigation schemes have been identified, 'Mitigation Scheme A' was identified within the TA report for Land to the East of Eriswell Road and South of Broom Road, WSDC planning reference 13/0918/OUT. The scheme comprises signalisation of the junction with the provision of two lanes of entry on the Eriswell Road arm. Based on the highway boundary information provided by SCC and a review of the proposed layout for mitigation, the signalisation of the B1112 / Eriswell Road would require the use of third party land on the south-eastern corner of the junction. An alternative arrangement, 'Mitigation Scheme B' includes signalisation of the junction and has been developed with a single entry lane on the Eriswell Road arm. This option excludes the requirement for third party land, and capacity at the junction is reduces.
- 4.5 'Mitigation Scheme A' is the preferred scheme in terms of capacity. Junction capacity assessments indicate that these measures would mitigate the anticipated cumulative development traffic impact at this junction.

#### 5. Phase 1 Study – Mitigation

- 5.1 The results of the modelling undertaken for the cumulative impact of the four developments (total of 663 dwellings) illustrates that two junctions would require mitigating, the Lord's Walk / Earl's Field roundabout and the B1112 / Eriswell Road priority 'T' junction.
- 5.2 A review of the results for the existing Lord's Walk / Earl's Field roundabout layout suggest that with the addition of traffic associated with the four developments in the assessment year of 2020, a maximum RFC of 0.93 would occur in the AM peak. This is not considered to be severe.
- 5.3 The results for the existing B1112 / Eriswell Road priority 'T' junction layout suggests that with the addition of traffic associated with the four developments in the assessment year of 2020 a maximum RFC of 1.52 and a queue of 205 vehicles would occur in the AM peak. Although this could be considered to be severe, it is noted

that the maximum RFC occurring in the 2015 baseline assessment is 1.22 and thus the junction is already shown to be operating significantly over maximum capacity.

5.4 Junction capacity assessments indicate that 'Mitigation Scheme A' would accommodate traffic associated with seven developments (total of 1465 dwellings), and would resolve the capacity issues posed by the current junction arrangement, with reduced queuing and delay at the junction in all scenarios

**6. Phase 2 Study – Mitigation**

6.1 With the addition of traffic associated with the seven developments (total of 1465 dwellings) to the 2020 future year scenario a total of seven of the ten junctions operate within capacity with manageable queuing. In order to accommodate the proposed 1465 dwellings, without 'severe' residual impacts, the following improvements would be required:

- B1112 / Lord's Walk / Earls Field roundabout: A significant junction redesign which would require third party land.
- B1112 / Eriswell Road priority 'T' junction: Provision of a signalised junction incorporating MOVA, with a two lane entry from Eriswell Road but there are issues relating to deliverability. The third party land required is within the ownership of one of the proposed housing sites, but there are other operational difficulties which it may not be possible to address.
- B1112 / A1065 Junction: Advance warning signage from B1112 West to the junction with the A1065 to prevent safety issues arising from lack of advance visibility of queuing vehicles.

6.2 With the addition of traffic associated with eight developments (total of 2215 dwellings), assessed as the sensitivity test, seven of the ten junctions would operate within capacity. The impacts at the B1112 / Eriswell Road junction are considered to be unmanageable and severe even with a proposed improvement schemes. The other junctions which would require substantial mitigation are the B1112 / Lord's Walk / Earls Field roundabout and the B1112 / A1065 junction.

6.3 Table 1.3 below summaries the impact of developments with the proposed mitigation schemes in the 2020 future year 'with-development' scenarios.

**Table 1.3: Impact of Developments on Proposed Mitigation Schemes in the Future 2020 'With-Development' Scenario**

Junctions requiring mitigation		Original Study (3 developments)	Phase 1 Study (4 developments)	Phase 2 Study (7 developments)	Phase 2 Study - Sensitivity Test (8 developments)
	Notes	Total of 288 dwellings	Total of 663 dwellings	Total of 1465 dwellings	Total of 2215 dwellings
<b>B1112 / Eriswell Road Junction</b>					
Mitigation Scheme – A (from Phase 1 Study)	Requires third party land. There are other operational difficulties which it may not be possible to address.	Not considered to be severe impact	Not considered to be severe impact	Not considered to be severe impact	Considered to be severe impact
Mitigation Scheme – B (from Phase 1 Study)	Scheme does not use third party land	Not considered to be severe impact	Not considered to be severe impact	Considered to be severe impact	Considered to be severe impact
Lord's Walk / Earl's Field Roundabout (from Phase 1 Study)		Not considered to be severe impact	Not considered to be severe impact	Not considered to be severe impact	Considered to be severe impact
<b>B1112 / A1065 priority cross-roads</b>					
Advance warning signage		-	-	Not considered to be severe impact	Not considered to be severe impact
Signalisation		-	-	-	Not considered to be severe impact

6.4 At the B1112 / Eriswell Road junction 'Mitigation Scheme A' would accommodate development up to 1465 dwellings, with any additional dwellings creating a severe impact at the junction. 'Mitigation Scheme B' has

reduced capacity than A, and therefore would only accommodate development associated with the 4 developments (total of 663 dwelling) without the impact being severe at the junction. There are a number of constraints and potential issues associated with the delivery of both mitigation options, which require further assessment in order to identify the preferred solution for the junction.

- 6.5 The mitigation scheme proposed at the Lord's Walk / Earl's Field Roundabout could accommodate development up to 1456 dwellings, however to accommodate the full eight developments (total of 2215 dwellings) a junction redesign would be required which would require third party land.
- 6.6 At the B1112 / A1065 priority cross-roads, advance warning signage would be required for 1465 dwellings and junction signalisation for 2215 dwellings, in order to mitigate the severe impacts at the junction.

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## Forest Heath District Council

**DEVELOPMENT  
CONTROL  
COMMITTEE**

**3 AUGUST 2016**

**DEV/FH/16/021**

### Report of the Head of Planning and Growth

### **TREE PRESERVATION ORDER TPO 3, 2016 – LAND NORTH OF STATION ROAD, LAKENHEATH**

#### **Synopsis:**

A provisional Tree Preservation Order (TPO) was made on trees on land north of Station Road, Lakenheath, on 2 June 2016. The TPO was served to protect the mature trees on this site which are an important landscape feature characteristic of the area and of the Breckland landscape character type. This TPO is required to prevent the precipitous removal of trees on this potential development site and protect retained trees into the future when, if the site is developed, they will increase in their public amenity value. The statutory consultation period for the TPO expired on 4 July 2016. An objection to the confirmation of the TPO has been received.

It is recommended that Members **confirm** the TPO without modifications.

#### **Commentary:**

1. The District Council's Standing Orders allow for the making of provisional Tree Preservation Orders by your Officers, subject to reporting any representations relating to such action at the Development Control Committee.
2. A Tree Preservation Order was made on 2 June 2016 to protect trees on land north of Station Road, Lakenheath.
3. The reason for the Tree Preservation Order was that:

*The tree belts and pine lines 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 the immediate vicinity of the road forming a gateway to the village when approaching along Station Road. This Tree Preservation Order has been made to*

*protect these landscape features which are potentially threatened by proposed development.*

4. The trees are located within the large area of agricultural land bordered by; Station Road to the south, the Cut-off Channel to the north, Rabbithill Covert to the south west, residential gardens to Drift Road to the west, and Plantation Farm employment area to the north east. Concern arose because the initial proposals for development included the removal of many of the trees which if retained would enhance the development and provide an attractive setting for the new dwellings.
5. This Tree Preservation Order (TPO3 2016) supplements existing orders (TPO1 1984 and TPO2 2013) which protect adjacent tree belts along this road and on the opposite side of the road which together form the treed gateway to the village.
6. Representations have been made in relation to the Tree Preservation Order by an agent on behalf of the developer and the landowner of the land. The main areas of contention are that:
  - the TPO is unnecessary and unreasonably restrictive when considered alongside the extensive survey works and co-operation of Pigeon Investment Management Ltd as part of the negotiations involved with the current planning submission.
  - A detailed tree survey has been undertaken of the trees on the site and detailed information, provided with regards the site's proposed access, all of which have informed and guided the design
  - Whilst it is recognised there is an initial loss of trees proposed as part of the proposed development, there is extensive planting anticipated as part of the scheme submitted that would securing sustainable long-term tree cover on the site
  - The Council is serving the TPO to cover Area A1 along Station Road, irrespective of the fact that it is clear that trees will have to be lost to facilitate the access proposed.
  - It would be more appropriate and a constructive approach to wait until the planning application is approved and then serve a Tree Preservation Order on those trees that are to be retained and protected as part of the approved development.
7. Officers have considered the objections to the order carefully along with the information which is available including that which was submitted as part of the current planning application.
8. The Tree Preservation Order has not been made to prevent legitimate development of the site but to protect the site assets and to ensure the trees, pine lines and tree belts are properly considered as a material matter in any proposal for development. The Tree Preservation Order has

been specifically made to stop precipitous removal of trees that might otherwise be retained particularly in light of the submitted development layout which included the removal of many of the trees.

9. The tree survey information submitted with the planning application is noted and Officers agree that the trees at the entrance to the site within the tree belts may not individually be of high merit and may need to be removed to allow the entrance to the site to be formed. If planning permission is granted, the removal of these trees will form part of the consent, however the protection of all other trees within this tree belt will be secured. The tree belt as a whole will be retained and protected as a result of the Tree Preservation Order. This tree belt is important as it will reduce the impact of any future development when viewed from Station Road. Without the Tree Preservation Order the tree belt could be removed without any consent or permission being sought.
10. Proposals for tree management for the rest of the site which were included in the initial site layout were not consistent with the findings of the tree survey. The proposals threatened the retention of many category B trees such as the pine line that crosses the site. The pine trees in the pine line may exhibit characteristics such as an asymmetric crown or contorted trunks, however these are the characteristics that are considered to be special or iconic to the Brecks.
11. The existing trees on the site are considered to be a site asset which will only increase in importance and amenity value as the site is developed. Any trees that are retained will make an instant contribution to the character of the village extension. The retention of the existing environment and natural greenspace including trees provides instant structural landscaping that can be immediately enjoyed by the new residents of the proposed houses. It would be counter productive to allow the removal of significant trees on the site where, with good planning, they can be retained. In addition existing trees including the Brecks pine lines make a significant contribution to biodiversity. New trees would require time (up to 15 years) before they make an equivalent contribution to the green infrastructure.
12. The Tree Preservation Order has been served prior to any planning application being given consent to ensure that the decision of the committee was not prejudiced. In addition it is essential the tree protection forms part of any planning consent such that trees are retained in a healthy condition into the future.

### **Finance/Budget/Resource Implications:**

13. Works to or removal of a tree or trees covered by a TPO will require the formal consent of the local planning authority before any work can be carried out. Currently all such applications are submitted to the local planning authority and do not attract a fee. The Council's Planning Services and Arboricultural Officers will deal with subsequent applications arising as a result of the TPO without any additional fee income. There may also be appeals should TPO consent be refused.
14. Should an application for works to a preserved tree (or for its removal) be refused, the local planning authority may in certain circumstances, be liable to pay compensation to the affected property owner, should the trees cause damage to a property. Such claims are, however, rare and, in this instance, considered unlikely given that the condition and location of the trees can be considered fully when deciding where to locate new dwellings and other facilities associated with any development.

### **Environmental Impact and Sustainability**

15. Removal of any trees, which are considered to be worthy of protection in the public interest, would detract from the visual amenity of the local environment and in this case would effect the amenity of the future development.

### **Policy Compliance/Power**

16. The local planning authority has powers under the Town & Country Planning Act 1990 and the Town & Country Planning (Trees) Regulations to make a TPO if it appears expedient in the interests of amenity to do so.
17. The making of a TPO in this instance, is in line with the powers and policies of the Council.

### **Performance Management Implications**

18. The applications determined under the TPO provisions and any subsequent appeals are not currently the subject of any national or local performance indicators.

### **Legal Implications**

19. This provisional TPO is served on the owner and occupier of the land affected by the TPO, and also on owners and occupiers of adjoining land, who had a period within which to make objections or



representations to the Order. The statutory consultation period expired on 4 July 2016.

### **Human Rights Act and Diversity Implications**

20. These matters have been assessed in relation to and are considered to comply with the requirements of the Human Rights Act 1998. In relation to Article 6, interested parties have been advised of the making of this provisional Tree Preservation Order and their views have been considered within this report. Any interference with Rights under Article 8 and Article 1 of the First Protocol are necessary in the public interest.

### **Crosscutting Implications**

21. None

### **Risk Assessment**

22. As set out above, the Council may, in certain circumstances, be required to pay compensation to owners of properties damaged by preserved trees, if the Council has refused consent to carry out works to the affected tree and such works may have prevented the damage. These claims, however, are rare.

### **Council Priorities**

23. The Council is keen to safeguard the built and natural environment.

### **Recommendation:**

- 24. It is recommended that the report be noted and Members CONFIRM the Tree Preservation Order without modification.**

### **Documents Attached:**

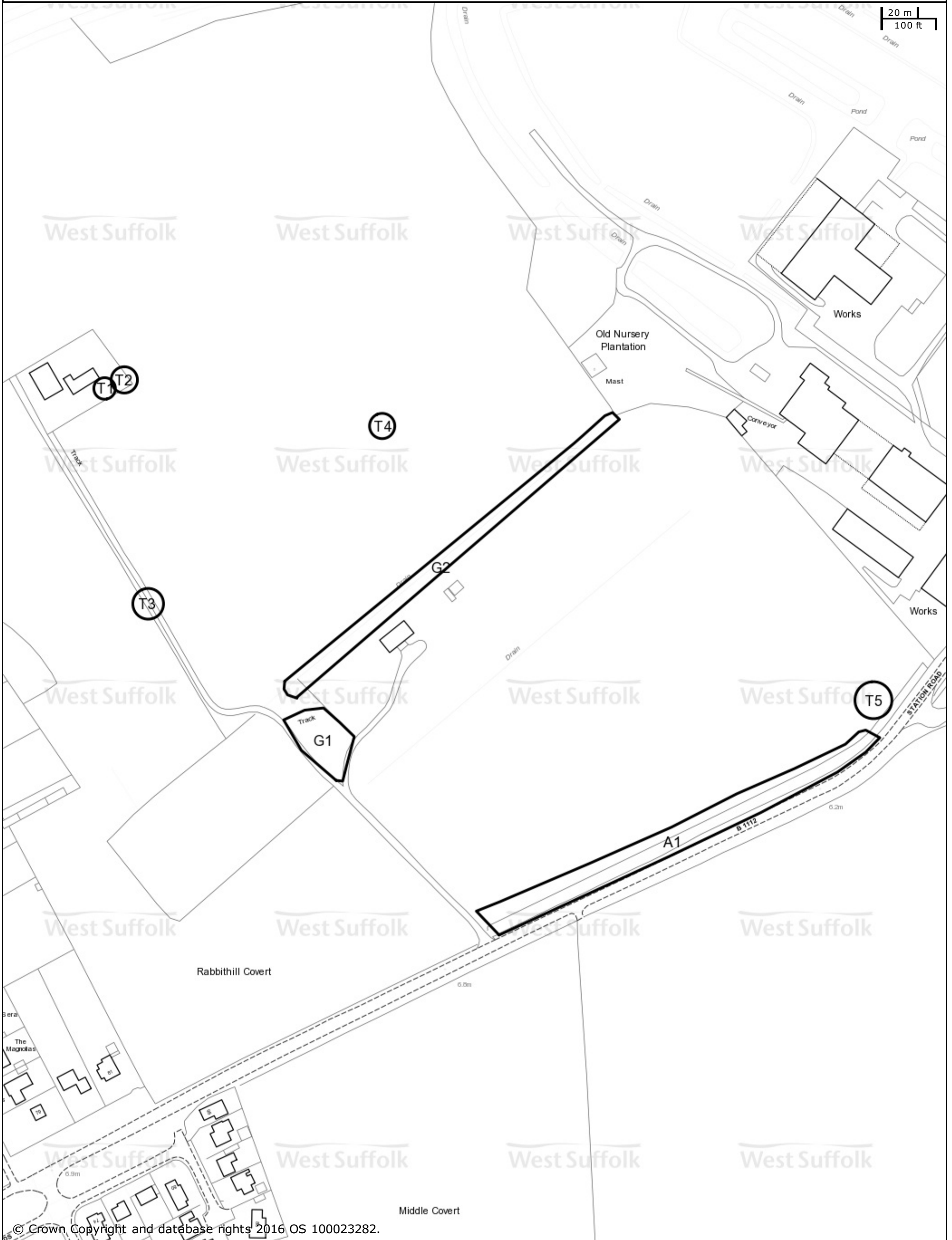
Working Paper 1 – TPO plan showing location  
Working Paper 2 – TPO schedule  
Working PAPER 3 – Plans showing potential entrance to the development site and impact on the treebelt  
Working Paper 4 – TEMPO Amenity assessment report

### **CONTACT OFFICER**

Jaki Fisher  
[Jaki.fisher@westsuffolk.gov.uk](mailto:Jaki.fisher@westsuffolk.gov.uk)  
01284 757346

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**TPO 3 (2016) - Land north of Station Road, Lakenheath**



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St Edmundsbury BC  
Western Way  
Bury St Edmunds  
IP33 3YU  
01284 763233

Forest Heath & St Edmundsbury councils  
**West Suffolk**  
working together  
www.westsuffolk.gov.uk

Forest Heath DC  
College Heath Road  
Mildenhall  
IP28 7EY  
01638 719000

Scale: 1:2000  
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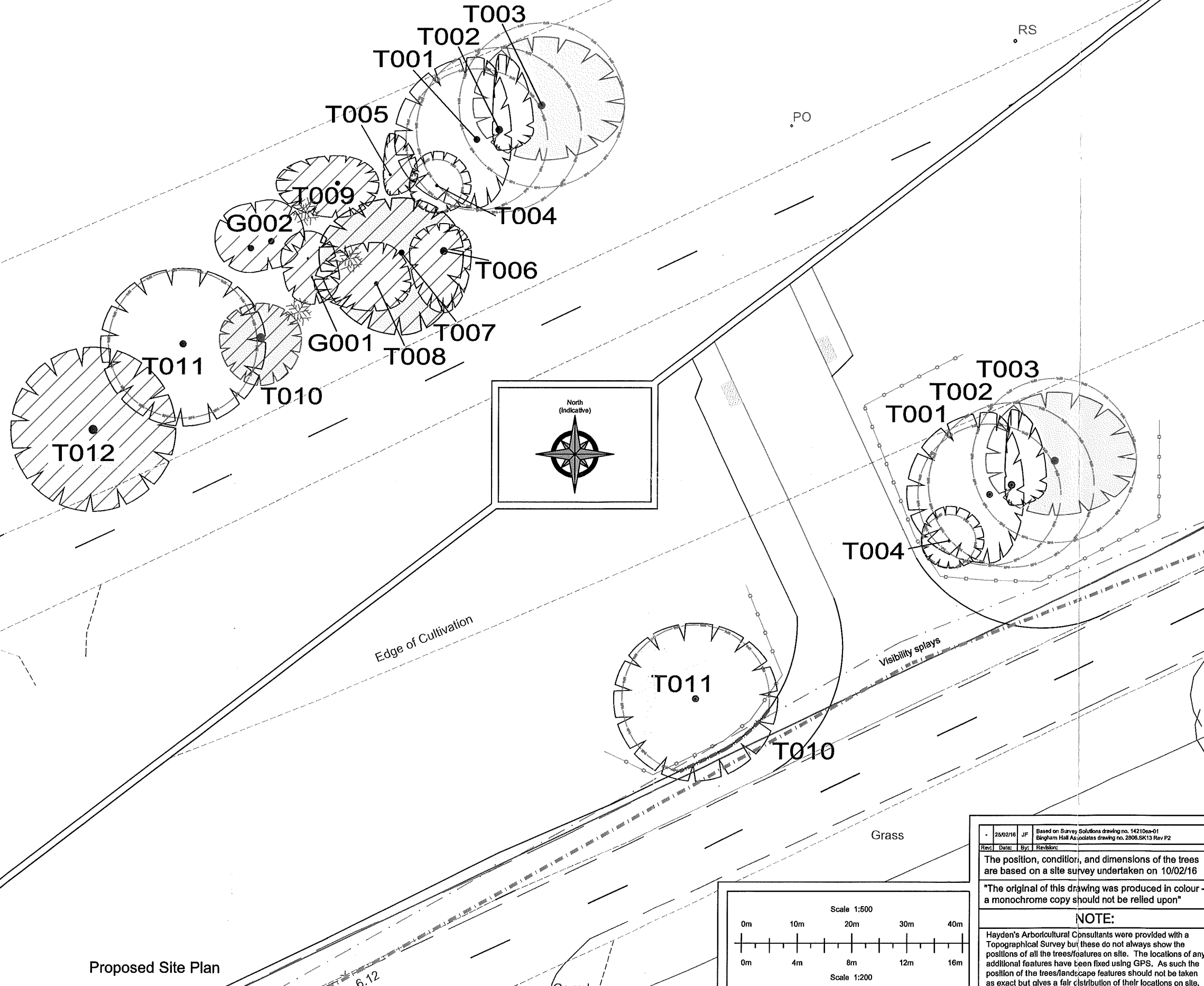


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<b>SCHEDULE</b>		
<b>SPECIFICATION OF TREES</b> Trees specified individually (encircled in black on the map)		
<i>Reference on Map</i>	<i>Description</i>	<i>Situation</i>
T1	Scots Pine	Land north of Station Road, Lakenheath
T2	Oak	
T3	Scots Pine	
T4	Oak	
T5	Oak	
<b>Trees specified by reference to an area</b> (within a dotted black line on the map)		
<i>Reference on Map</i>	<i>Description</i>	<i>Situation</i>
A1 A2	Breckland tree belt of whatever species mainly Scots Pine, Sycamore, Ash and Walnut.	Land north of Station Road, Lakenheath
<b>Group of Trees</b> (within a broken black line on the map)		
<i>Reference on Map</i>	<i>Description (including number of trees of each species in the group)</i>	<i>Situation</i>
G1	Group of 8 Oak, 1 Hawthorn 1 Sycamore	Land north of Station Road, Lakenheath
G2	Group of 21 Scots Pine 1 Oak	
<b>Woodlands</b> (within a continuous black line on the map)		
<i>Reference on Map</i>	<i>Description</i>	<i>Situation</i>

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Existing Site Plan



Proposed Site Plan

Page 223

**CATEGORY AND DEFINITION**

Trees unsuitable for retention	
Category U	Those in such condition that they cannot realistically be retained as living trees in the current land use for longer than 10 years
Trees to be considered for retention	
Category A	Trees of high quality with an estimated remaining life expectancy of at least 40 years
Category B	Trees of moderate quality with an estimated remaining life expectancy of at least 20 years
Category C	Trees of low quality with an estimated remaining life expectancy of at least 10 years, or young trees with a stem diameter below 150mm

**LEGEND**

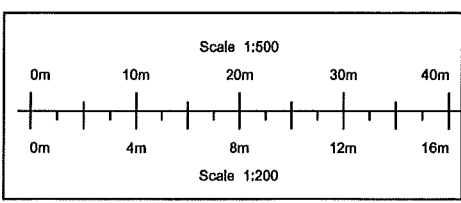
	Existing Tree/Hedge BS 5837:2012 Category B
	Existing Tree/Hedge BS 5837:2012 Category C
	Existing Tree/Hedge BS 5837:2012 Category U
	Line of Root Protection Area (RPA) - calculated following guidelines set in BS 5837:2012
	Dead or Dying Tree
	Existing Tree/Hedge to be removed to allow for development BS 5837:2012 Category B
	Existing Tree/Hedge to be removed to allow for development BS 5837:2012 Category C
	Existing Tree/Hedge to be removed to allow for development BS 5837:2012 Category U
	Line of proposed temporary protective barrier (see appendix F.3)



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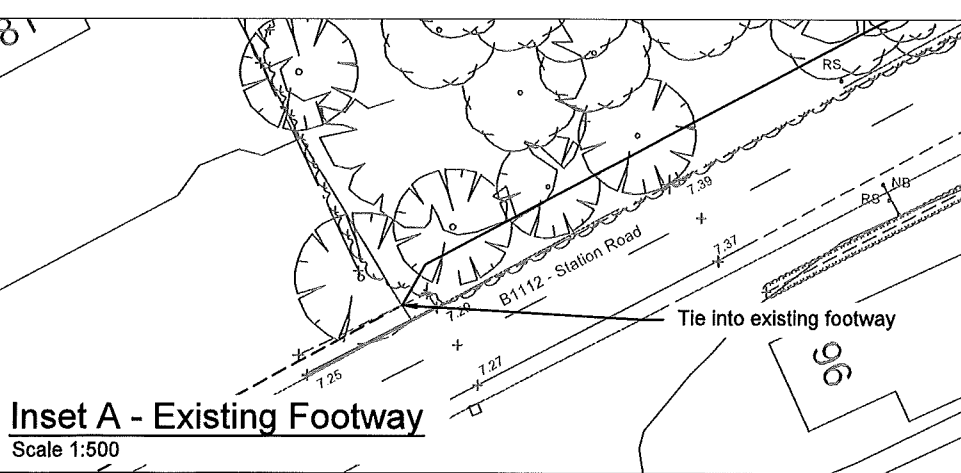
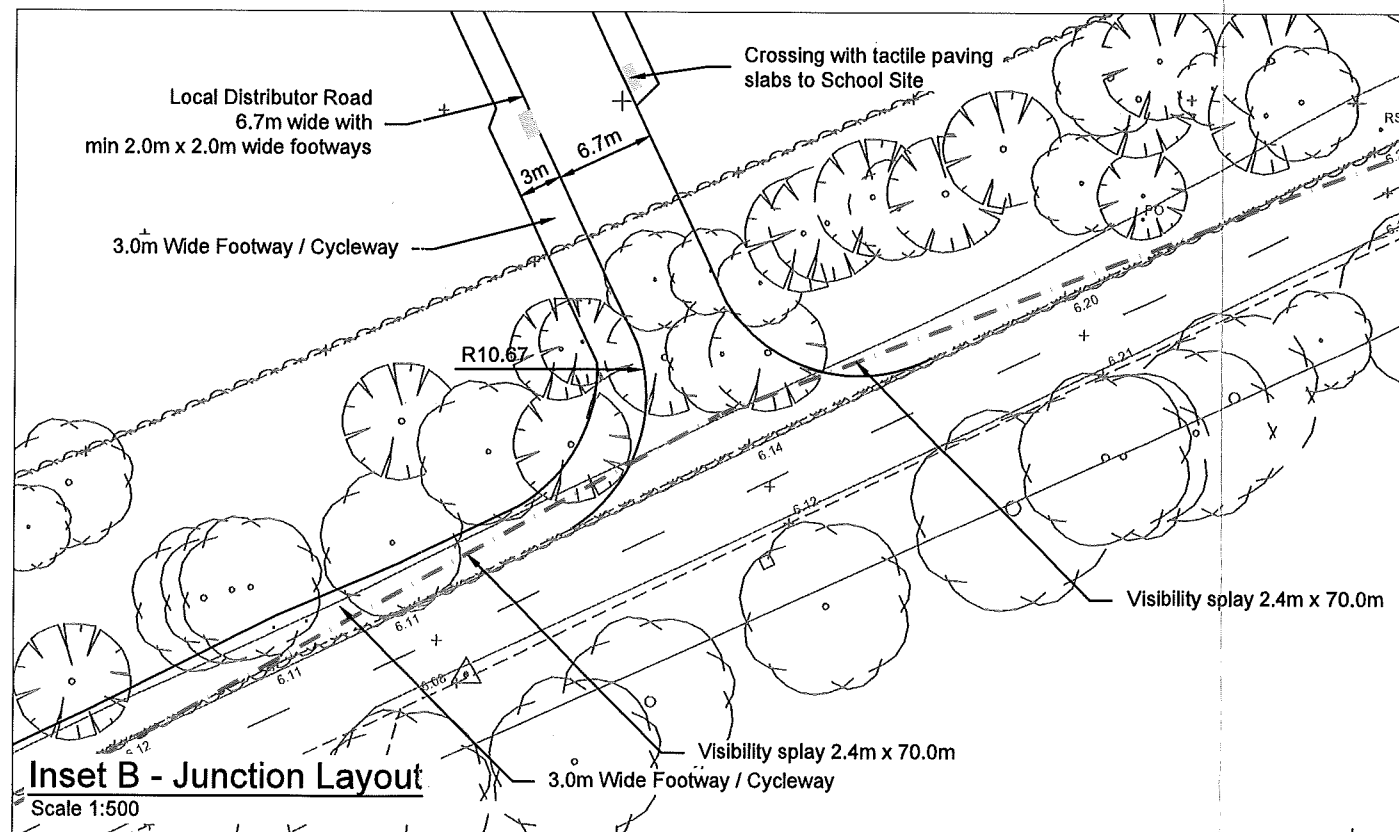
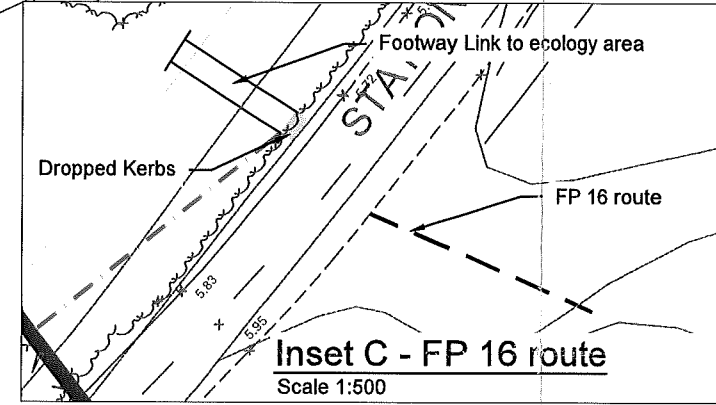
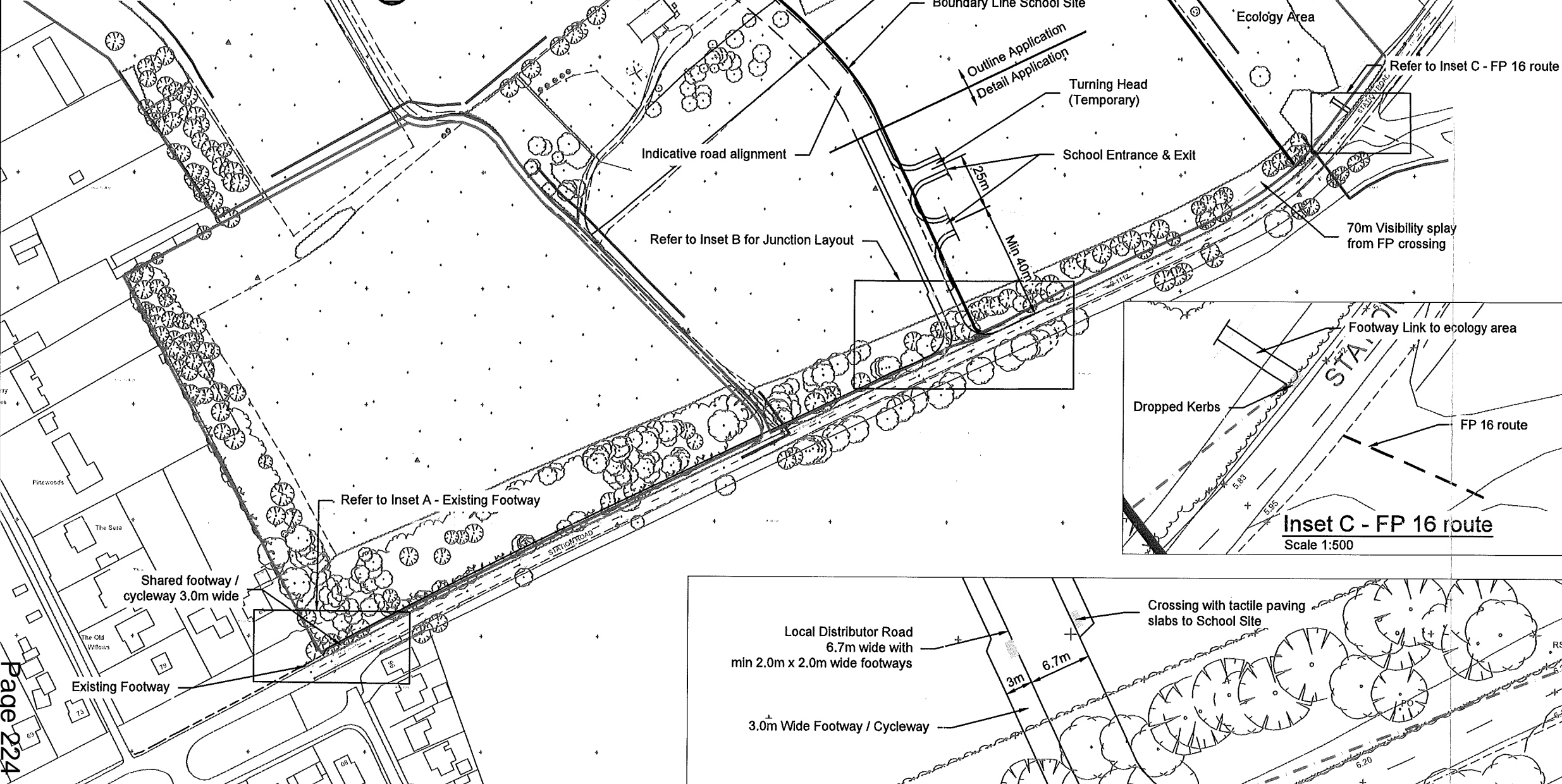
5 Moseleys Farm Business Centre  
 Fornham All Saints,  
 Bury St Edmunds  
 Suffolk IP28 6JY  
 Tel: 01284 765391  
 Mobile: 07850 167400  
 Twitter: @treesurveyors  
 Email: info@treesurveyors.co.uk  
 Web Page: www.treesurveyors.co.uk

Rev	Date	By	Revision
1	25/02/16	JF	Based on Survey Solutions drawing no. 14210ea-01 Bingham Hill Associates drawing no. 2806.SK13 Rev P2
The position, condition, and dimensions of the trees are based on a site survey undertaken on 10/02/16			
*The original of this drawing was produced in colour - a monochrome copy should not be relied upon*			
<b>NOTE:</b>			
Hayden's Arboricultural Consultants were provided with a Topographical Survey but these do not always show the positions of all the trees/features on site. The locations of any additional features have been fixed using GPS. As such the position of the trees/landscape features should not be taken as exact but gives a fair distribution of their locations on site.			



Client:	Evolution Town Planning LLP	Drawn By:	TS & AIA
Site:	Lakenheath North, Station Road, Lakenheath, Suffolk		
Date:	25/02/16	Drawn By:	JF
Scale:	1:200 (A2)	Checked By:	AG/DG
File Name:	C:\Pro5201-D - Lakenheath North - TS & AIA.dwg	Drawing No.:	5201-D

**Highway Layout**  
Scale 1:2000



- GENERAL NOTES**
1. This drawing and the works depicted thereon are the copyright of BHA Consulting Ltd. Unauthorised reproduction infringes copyright.
  2. All dimensions are in millimetres unless stated otherwise.
  3. Do not scale from this drawing.
  4. This drawing should be read in conjunction with Bingham Hall Associates engineering related drawings and all relevant drawings by the Architect and other specialists.

P2	Junctions & footways added	15/09/15	DT	DP
P1	First Issue	03:11:14	DP	AB
Rev	Description	Date	By	App

P - Preliminary  
C - For Construction

**Bingham : Hall Associates**  
Oakleigh Connaught Rd  
Attleborough  
Norfolk NR17 2BW  
Tel 01953 456806  
email: office@binghamhall.com  
website: www.binghamhall.com



Project Title  
**Land at Lakenheath North  
Station Road Lakenheath**

Drawing Title  
**Highway Layout**

Drawn by DP	Checked by AW	Approved By AB
Size A3	Scale As shown	Date Nov 2014

Drawing No. 2806.SK13	Rev P2
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## Forest Heath District Council

**DEVELOPMENT  
CONTROL COMMITTEE**

**3 AUGUST 2016**

**DEV/FH/16/022**

**Report of the Head of Planning and Growth**

**PLANNING APPLICATION DC/16/1036/FUL – NEWMARKET LEISURE CENTRE,  
EXNING 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: Kerri Cooper  
Email: [kerri.cooper@westsuffolk.gov.uk](mailto:kerri.cooper@westsuffolk.gov.uk)  
Telephone: 01284 757341

# Committee Report

**Date:** 17<sup>th</sup> May 2016      **Expiry Date:** 12<sup>th</sup> July 2016  
**Registered:** (EOT 4<sup>th</sup> August 2016)

**Case Officer:** Kerri Cooper      **Recommendation:** Approve

**Parish:** Newmarket      **Ward:** St Mary's

**Proposal:** Planning Application DC/16/1036/FUL - 2.4metre high fencing to the rear of the Leisure Centre including replacement of access gates

**Site:** Newmarket Leisure Centre, Exning Road, Newmarket

**Applicant:** Forest Heath District Council - Mr Oliver Loughton

## **Background:**

**This application is referred to the Development Control Committee as the applicant is Forest Heath District Council.**

## **Proposal:**

1. Planning permission is sought for the provision of 2.4metre high fence and replacement access gates to the rear of the leisure centre.

## **Application Supporting Material:**

2. Information submitted with the application as follows:
  - Drawing nos. 01 and 02 received 17<sup>th</sup> May 2016.
  - Location Plan and Block Plan received 17<sup>th</sup> May 2016.

## **Site Details:**

3. The application site comprises Newmarket Leisure Centre which is situated within the Housing Settlement Boundary of Newmarket. The site is surrounded by residential properties and is accessed via Exning Road and St Fabians Close.

## **Planning History:**

4. F/2009/0018/FU3 - Erection of 1.8 m high boundary fence to Exning Road frontage and to boundary with neighbouring residential property to North – Approved.

**Consultations:**

5. Highway Authority: No objection, subject to condition.
6. Fields in Trust: No comments received.

**Representations:**

7. Town Council: No objection.
8. Neighbours: No comments received.

**Policy:** The following policies of the Joint Development Management Policies Document and the Forest Heath Core Strategy 2010 have been taken into account in the consideration of this application:

9. Joint Development Management Policies Document:
  - Policy DM1 (Presumption in Favour of Sustainable Development)
  - Policy DM2 (Creating Places)
  - Policy DM13 (Landscape Features)
10. Forest Heath Core Strategy 2010:
  - Policy CS5 (Design Quality and Local Distinctiveness)

**Other Planning Policy:**

11. National Planning Policy Framework (2012)

**Officer Comment:**

12. The issues to be considered in the determination of the application are:
  - Principle of Development
  - Design and Form
  - Impact on Neighbouring Amenity
13. The proposed development comprises the provision of a 2.4metre high fence and replacement gates to the rear of Newmarket Leisure Centre, along St Fabians Close. The green paladin fencing is of a design, colour and type and relates to the existing fence and service gates to the front of the site. It is to be installed to the rear of the site to prevent unauthorised access to the site and is therefore required for security reasons.
14. The proposed fence is of a substantial height in order to serve its purpose and is located along St Fabians Close which consists mainly of residential properties. The existing landscaping along the site frontage will soften the impact of the fence within the street scene as the fence is to be located behind the established hedging/planting.
15. Given the nature of the proposed works, there will be no adverse impact on residential amenity.

**Conclusion:**

16. Accordingly, it is considered that the proposal takes account of development plan policies and as such approval is recommended subject to conditions.

**Recommendation:**

17. It is recommended that planning permission be **APPROVED** subject to the following conditions:

1. 01A – Time limit detailed.
2. 14FP – Development to accord with drawing nos. 01 and 02 received 17<sup>th</sup> May 2016 and Location Plan and Block Plan received 17th May 2016.
3. 23 – Existing landscaping to be retained.

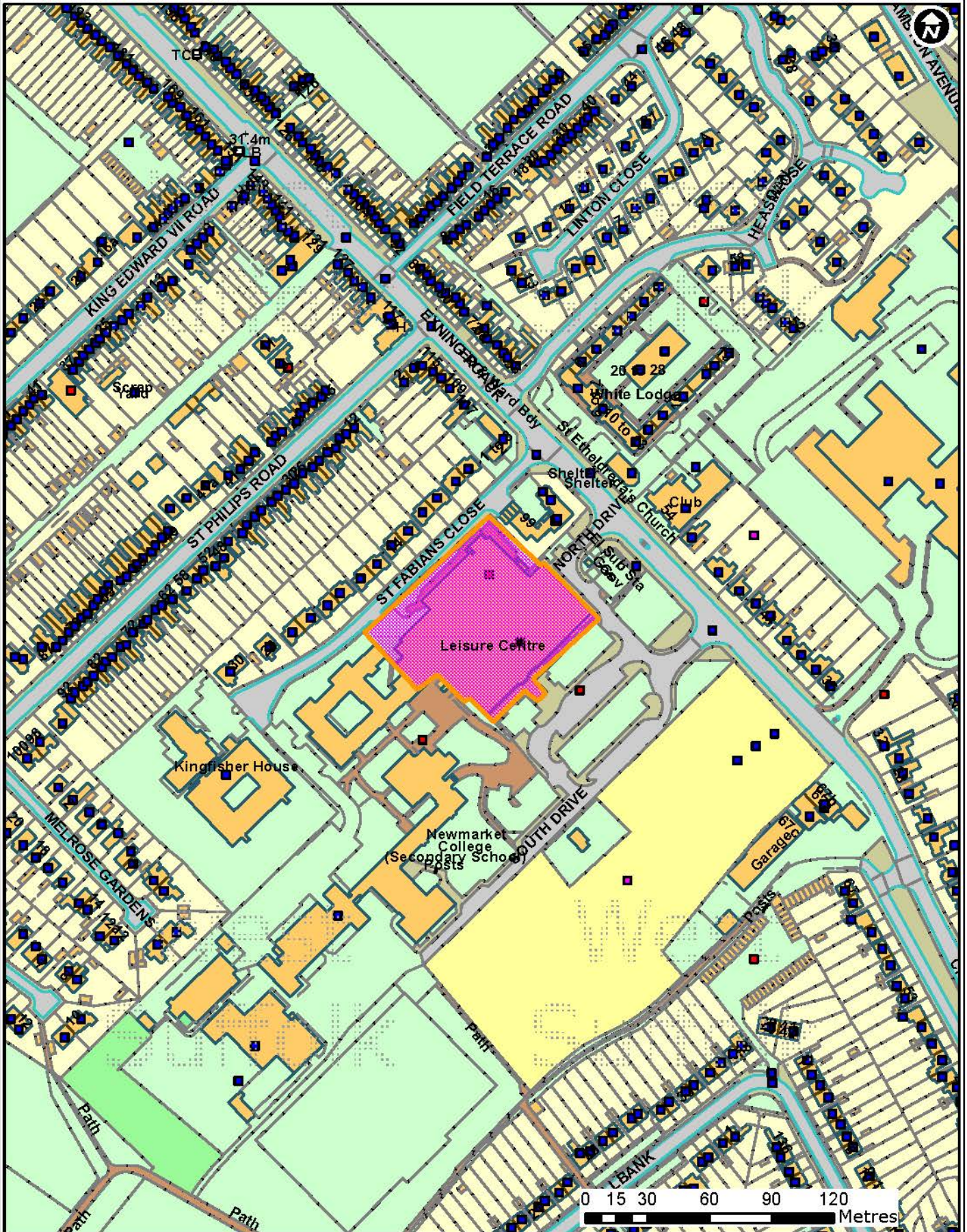
**Documents:**

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=O79RMMPDH5500>

**DC/16/1036/FUL**

Leisure Centre, Newmarket



Forest Heath • St Edmundsbury

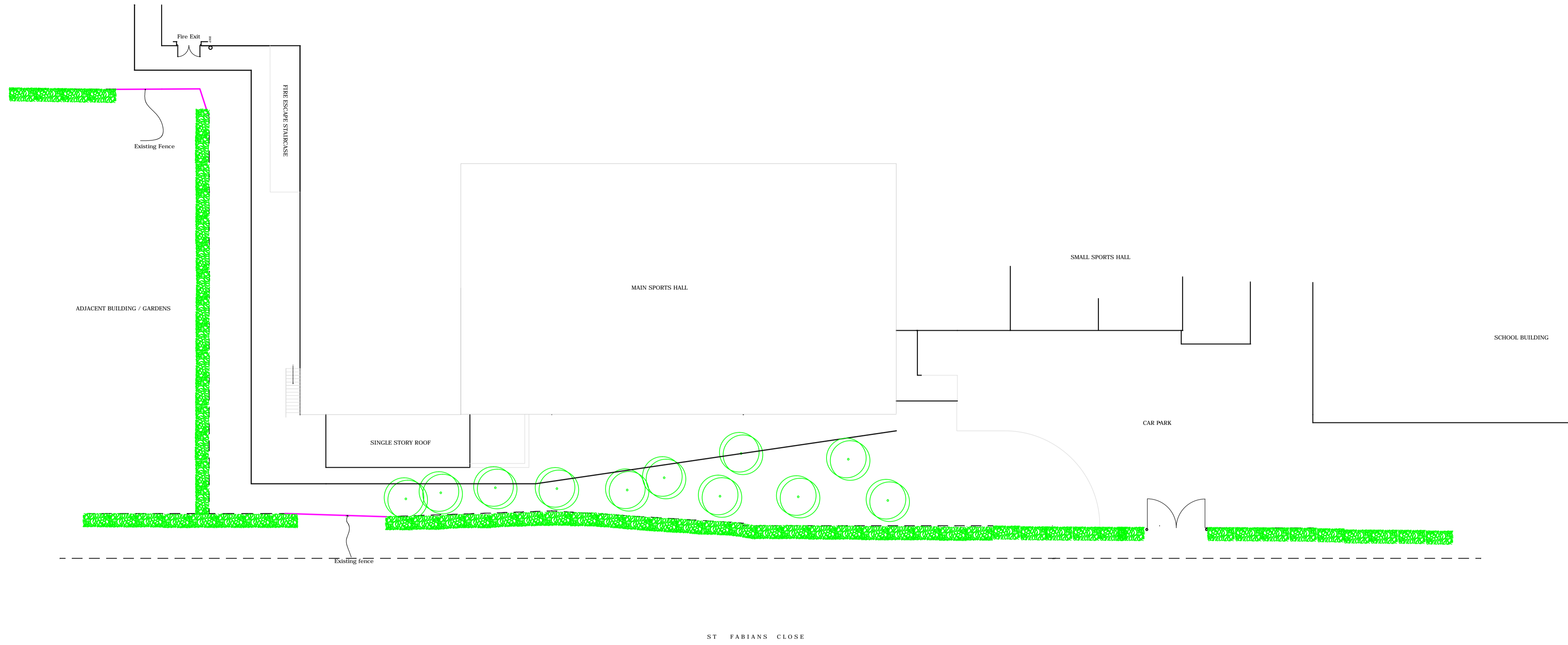
**West Suffolk**  
working together

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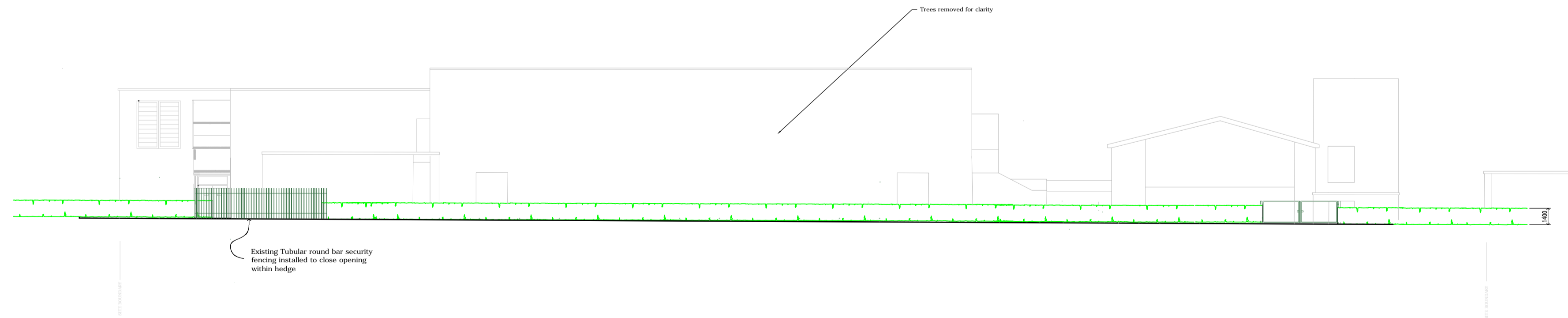
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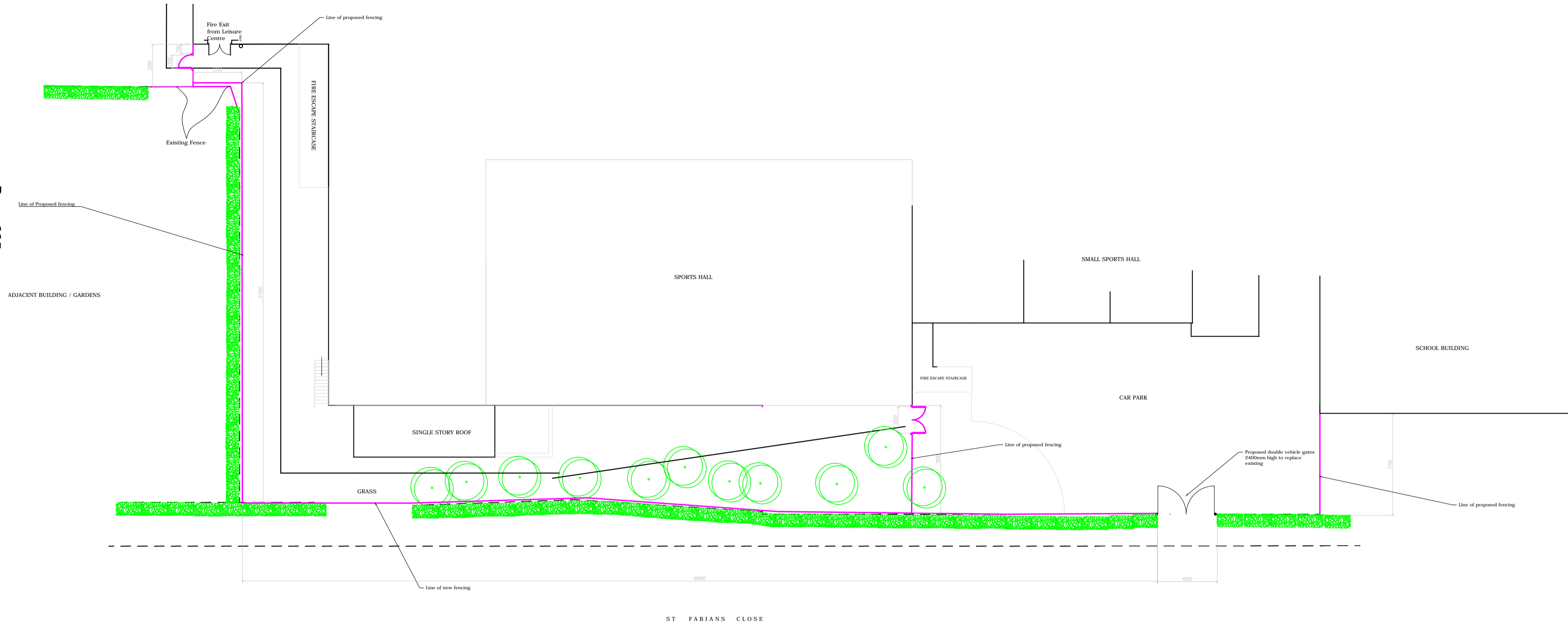
PLAN EXISTING



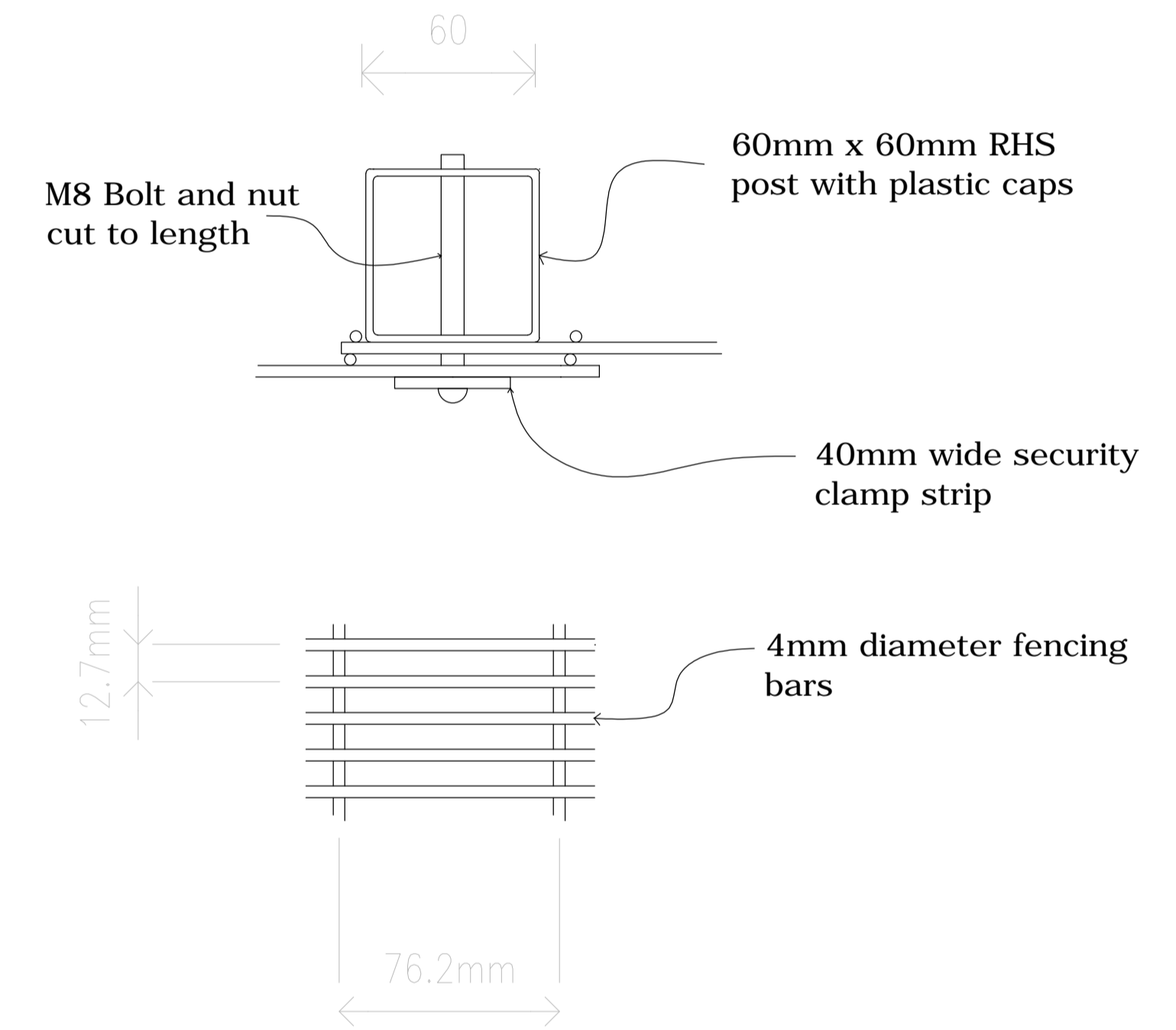
ELEVATION FROM ST FABIANS CLOSE - EXISTING

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<b>West Suffolk</b> working together		
WEST SUFFOLK PROPERTY SERVICES		
Head of Service:	Mark Walsh	
West Suffolk House	Tel: 01284 763233	
Western Way,	Fax: 01284 757386	
Bury St. Edmunds	E-Mail: property.services	
Suffolk IP33 3YU	@westsuffolk.gov.uk	
Project:	Newmarket Leisure Centre	
Title:	Plan and elevation - existing	
Scale:	1 : 200	Drawing Size: A1
Date:	April 2016	Drawn By: OL Appr By:
File No.:	01	Drawing No.: Revision:

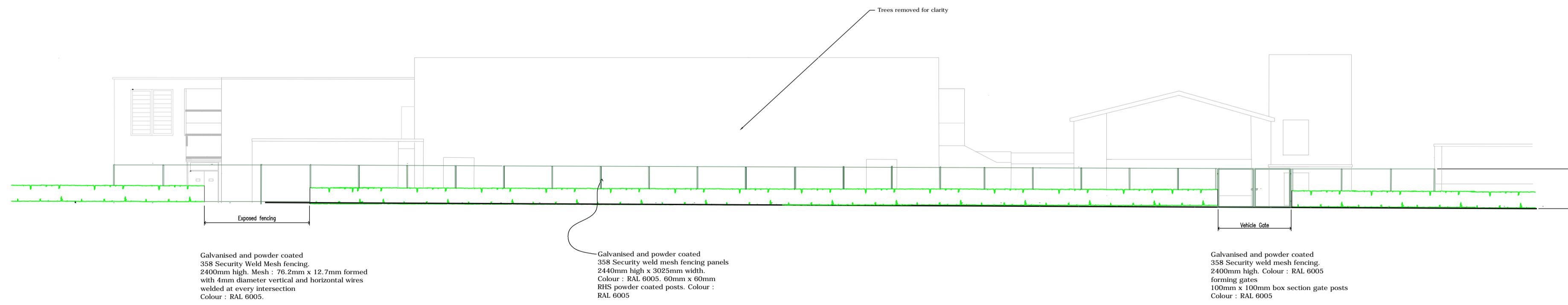
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PLAN PROPOSED



FENCING SECTIONS AND DETAILS



ELEVATION FROM ST FABIAN'S CLOSE - PROPOSED

Galvanised and powder coated  
 338 Security Weld Mesh fencing.  
 2400mm high. Mesh - 75 Zerns x 12.7mm formed  
 with 4mm diameter vertical and horizontal wires  
 welded at every intersection.  
 Colour : RAL 6005.

Galvanised and powder coated  
 338 Security weld mesh fencing panels  
 2440mm high x 3025mm width.  
 Colour : RAL 6005. 60mm x 60mm  
 RHS powder coated posts. Colour :  
 RAL 6005

Galvanised and powder coated  
 338 Security weld mesh fencing.  
 2400mm high. Colour : RAL 6005.  
 forming gates  
 150mm x 100mm box section gate posts  
 Colour : RAL 6005

Forest Heath • St Edmundsbury		
<b>West Suffolk</b> working together		
WEST SUFFOLK PROPERTY SERVICES		
Head of Service:	Mark Walsh	
West Suffolk House	Tel: 01284 763233	
Western Way,	Fax: 01284 757386	
Bury St. Edmunds	E-Mail: property.services@suffolk.gov.uk	
Suffolk	IP33 3YU	
Project: Newmarket Leisure Centre		
Title: Plan and elevation - Proposed		
Scale: 1 : 200	Drawing Size: A1	
Date: April 2016	Drawn By: OL	Appr By:
File No.: 02	Drawing No.:	Revision:

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## Forest Heath District Council

**DEVELOPMENT  
CONTROL COMMITTEE**

**3 AUGUST 2016**

**DEV/FH/16/022**

**Report of the Head of Planning and Growth**

**PLANNING APPLICATION DC/16/1131/FUL – SOUTHERNWOOD, 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: Charlotte Waugh  
Email: [charlotte.waugh@westsuffolk.gov.uk](mailto:charlotte.waugh@westsuffolk.gov.uk)  
Telephone: 01284 757349

# Committee Report

**Date** 1<sup>st</sup> June 2016 **Expiry Date:** 31<sup>st</sup> August 2016

**Registered:**

**Case** Charlotte **Recommendation:** Approve

**Officer:** Waugh

**Parish:** Newmarket **Ward:** Severals

**Proposal:** Planning Application DC/16/1131/FUL - (i) 2no buildings to include 11no. apartments and 1no. Office unit (following demolition of existing building) (ii) Freestanding bicycle/bin store

**Site:** Southernwood, Fordham Road, Newmarket

**Applicant:** Kings UK

## **Background:**

**This application is referred to the Development Control Committee as the Town Council have objected to the development which is contrary to the Officer recommendation of APPROVAL. The application is a major development.**

## **Proposal:**

1. Planning permission is sought for the demolition of the existing dwelling with annexe and office and its replacement with two detached buildings in a staggered position with gable ends facing the highway. The buildings would be 2½ storey in height utilising a mixture of materials including render, brick and boarded elevations with a slate and clay tile roof. The buildings would accommodate 11 apartments (10 x 2 bedroom, 1 x 3 bedroom) as well as an office on the ground floor of the south building.
2. Parking is proposed to the front of the site including 16 vehicle parking spaces and a cycle store to accommodate 12 bicycles.

## **Application Supporting Material:**

3. Information submitted with the application as follows:
  - Location plan
  - Existing plans
  - Proposed floor plans, elevations and sections
  - Proposed sketch views
  - Site layout plan
  - Tree Survey

- Tree protection measures
- Planning Statement
- Design and Access Statement
- Land Contamination Assessment
- Swept vehicle path

### **Site Details:**

4. The site is located within the Settlement Boundary for Newmarket, to the west of Fordham Road and currently accommodates a large two storey dwelling 'Southernwood' with an annexe and office. The site is within the Conservation Area and the dwelling is considered a building of local interest. The dwelling itself dates from the early 20<sup>th</sup> century and is designed in a mock Tudor style. It stands centrally within the site with a large forecourt containing a number of trees. 'Tanglewood' sits to the north of the site and is a large detached private dwelling, Kremlin House Stables is to the south with Induna Stables paddocks to the rear.
5. The office use at the site is filled by Kings UK Ltd which provides staff to the equine industry as well as other sectors.

### **Planning History:**

6. DC/15/2112/FUL - Planning Application - (i) Construction of 2no. One Bed apartments, 7no. Two Bed apartments and 1no. Three Bed apartment within 2no. buildings (i) 1no. Office unit (iii) Freestanding bicycle/bin store (iv) Demolition of existing dwelling and apartment – Approved

### **Consultations:**

7. Highway Authority: No objection subject to conditions.
8. Conservation Officer: Whilst identified in the conservation area appraisal as a building of local interest its origin as an early/mid 20<sup>th</sup> century villa does not preclude its redevelopment should an application for an appropriately designed and detailed replacement be proposed.

The proposed development is of simple contemporary design incorporating a palette of local materials. The two buildings are staggered and face gable end onto Fordham Road, incorporating steep catslide roofs reducing the eaves to single storey to adjoining boundaries responding to the wider context of this part of the conservation area.

The proposed demolition and redevelopment of the site is a bold approach particularly as the building has been identified in the conservation area as a building of local interest, however the proposal respects and responds to both the immediate context in terms of scale, massing, site layout, street pattern plot size, materials and detailing. The replacement buildings are therefore considered to both preserve and enhance the character and appearance of the conservation area. No objections from a conservation point of view.

9. Environmental Health (Land Contamination): The risk from contamination is low. No objections.
10. Public Health and Housing: No objections subject to conditions.
11. Environment Agency: No objections.
12. Natural England: No comment.
13. Anglian Water: Newmarket water recycling centre and sewage system has capacity for this development.
14. Historic England: The application(s) should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.
15. SCC Development Contributions Manager: The proposal results in a net increase of 9 units and as such, is below the threshold of 10 dwellings which requires contributions.

### **Representations:**

16. Newmarket Town Council: Whilst the Town Council had no objection to the previous application, allowing a delegated decision to be issued, the committee has a new make up and objected to the current application on the grounds of it being an overdevelopment of the site, adding to unacceptable traffic congestion, causing damage to existing businesses and street scene.
17. Two representations have been received from local residents raising the following summarised objections:
  - Building will be an eyesore
  - Adjacent historic stable yard houses close to 100 horses
  - Southernwood is a handsome house which fits in
  - Other development on Fordham Road has not been sold
  - Will not be space for parking
  - Birds and wildlife will be at risk
  - Construction noise will cause stress to horses in adjacent stables
  - There is not the space or infrastructure for the development
  - Boundary treatments between site and Tanglewood should be upgraded
  - Building B is closer to Tanglewood than existing buildings – loss of amenity – not addressed
  - Trees on boundary are deciduous so will be overlooked in winter and spring – additional tree required
  - Building B will be dominant given its 'ski-slope' roof rising above the 2 upper storeys
  - Dormer windows should be re-designed to reduce overlooking
  - Lighting should be soft and not flood



- Previously imposed conditions should be used if granted

18. Jockey Club: The site is directly adjacent to two training yards, namely Induna Stables and Kremlin House (Varian) Stables. Combined, these yards have the capacity for over 180 horses.

Induna Stables' trotting ring is directly to the rear of the property and is used every day for the horses to warm up on before accessing the gallops. Consequently, the main concern to this application is the effect it will have on the already congested Fordham Road and the effects it will have on the two neighbouring stable yards.

The Maltings, the enlarged Tesco and more recently the application at Kininvie for 31 retirement units and 26 car parking spaces will all increase vehicle movements on the Fordham Road and put the horses crossing on the Rayes Lane/Fordham junction under particular pressure. Construction close to a trotting ring is not ideal. Horses will have their warm up trot on this facility before going onto the gallops and at this stage of the day are extremely fresh (excitable).

If the above application is successful we would ask that a detailed working method statement is required as a condition:

- ensuring liaison with the two yards mentioned above to minimise risk and disturbance during any noisy demolition or construction works. A restriction on noisy works at certain times of day may be required.
- during construction, all vehicles (including deliveries) access the site via the A14 and then A142 rather than through town.

In addition I would suggest that a contribution via a section 106 towards the planned improvements to the Rayes Lane/ Fordham Road junction is appropriate.

**Policy:** The following policies of the Joint Development Management Policies Document 2015 and the Forest Heath Core Strategy 2010 have been taken into account in the consideration of this application:

19. Joint Development Management Policies Document 2015:

- DM1 - Presumption in favour of Sustainable Development
- DM2 - Creating Places
- DM6 - Flooding and Sustainable Drainage
- DM7 - Sustainable Design and Construction
- DM11 - Protected Species
- DM13 - Landscape Features
- DM14 - Safeguarding from Hazards
- DM22 - Residential Design
- DM46 - Parking Standards

20. Forest Heath Core Strategy 2010

- CS1 Spatial Strategy
- CS5 Design & Local Distinctiveness

## **Other Planning Policy:**

### 21. National Policy and Guidance

- Core Principles
- Section 6: Delivering a Wide Choice of High Quality Homes
- Section 7: Requiring Good Design

## **Officer Comment:**

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

- Principle of Development
- Visual Amenity/Impact on Conservation Area
- Impact on Residential Amenity
- Impact on Highway Safety
- Other Issues

### Principle of Development

23. The Core Strategy states that development will be focussed in the towns and primary villages of the District. Policy CS1 confirms Newmarket as a market town due to the range of services and facilities it contains. In addition, the site is within the housing settlement boundary where there is a presumption in favour of residential development, subject to compliance with other policy considerations.

24. Having regard to both the national and local policy position it is considered that the location of the site represents an acceptable position for residential development. The site is not considered of high environmental value and whilst it is within a Conservation Area this is discussed below in detail. As such, subject to compliance with other policies, the principle of re-development is considered acceptable.

25. Furthermore, planning permission was granted last year for the re-development of the site to provide 10 units of accommodation as well as an office. This permission is still capable of being implemented and demonstrates that the principle of development is already established.

### Visual Amenity/Impact on Conservation Area

26. The Framework states that 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. Policy DM2 reinforces this view and states that proposals should recognise and address key features and local characteristics and create or maintain a sense of place as well as producing designs which respect the scale, density and massing of the locality.

27. Southernwood has been designated as a Building of Local Interest. Despite this designation, it is unexceptional in appearance. However, it's positioning within the site as a large single dwelling set back in the

spacious plot allows vegetation to dominate the site and this contributes to the overall appearance of the conservation area. The building itself, whilst attractive, is not considered of sufficient architectural merit to warrant refusal of the application on this ground alone.

28. The Conservation Area in this location includes a variety of stables and paddocks on the western side of Fordham Road, interspersed with large detached dwellings, which largely fill the Eastern side. Buildings are set back from the road and feature strong boundary treatment, be it fencing, walls or hedging. The area is well treed. There is no dominant building style although the scale of dwellings is largely two storey.
29. The proposed scheme has taken a contemporary approach with two separate buildings on a similar footprint, this has reduced the potential bulk of the development by having two gable ends fronting the highway. This scheme represents an increase in development over that previously approved and this is achieved by extending both buildings on their inner elevations (hence the southern elevation of building B has been extended outwards as has the northern elevation of building A). Whilst this has increased the overall mass of the development it still allows the majority of trees within the site to be retained as well as providing a courtyard area between the two buildings. The material palette proposed combines a mixture of brick, render and boarding which further breaks up the elevations and reduces the bulk of the development whilst still appearing attractive in the street scene. The 2½ storey scale represents a similar height to surrounding buildings due to the use of the roof space for accommodation. The reduced height eaves, which drop to single storey on the side boundaries provides an element of domestic scale which is characteristic of the area. The form proposed means the large area of garden around the building is retained which means the site keeps its spacious nature; part of what contributes to the character of the surrounding area. On this basis, the proposal, whilst accommodating a large number of units, is considered to be acceptable in scale, spacious in nature and appropriate in terms of design, height, materials and footprint.
30. A tree survey has been submitted which identifies a number of trees to be removed as a result of the development. These are largely in the front half of the site and are predominantly category C (low quality) with 2 category B (moderate quality). Overall, whilst their loss is regrettable, these are not the best quality trees and due to their position within the site a good degree of tree cover will be retained. A tree protection plan accompanies the survey and will be conditioned as part of any approval as well as the submission and approval of a landscaping plan to enable additional planting to be agreed. With these conditions it is considered that the impact on the landscape is acceptable and can be mitigated through the use of additional planting and protection of the highest quality trees.

#### Impact on residential Amenity

31. The Framework states that *good planning should contribute positively to making places better for people*, as well as ensuring a *good standard of*

*amenity for all existing and future occupants of land and buildings.* Additionally, policy DM2 seeks to ensure new housing developments do not result in the loss of residential amenity.

32. The buildings proposed represent a significant increase in accommodation within the site which in turn will generate a degree of activity and vehicle movements. Boundary treatments at present comprise timber fencing as well as mature landscaping. Whilst this will screen part of the development, views of the upper floors will be visible to neighbouring properties.
33. The northern building (Building B) has replaced the existing two storey annexe/office and sits on a similar footprint. This building will be adjacent to the northern boundary of the site with the eaves height on this elevation reducing to single storey and the roof pitching away from the boundary. The building will be visible from Tanglewood, especially in the winter months due to deciduous trees on the boundary, although the use of a steeply pitched roof has helped to lessen the dominance of the structure. The annexe building is two storey at present and as such, this development has increased the height of the building on this elevation to incorporate a further storey of accommodation. Windows have been positioned on the front and rear elevations where possible, although due to the number of units there is a need to have windows on the side elevations of the buildings. These comprise 4 dormer windows and roof lights on the north elevation of building B and 4 dormer windows and roof lights on the south side of Building A. Trees on the application site as well as on the 'Tanglewood' side of the boundary provide a height of 10-15 metres which will screen some views from the dormer windows but it is likely that a degree of overlooking will be suffered.
34. The southern boundary with Kremlin House Stables also benefits from trees on the boundary with a similar height of 10-15 metres. Adjacent to this boundary the neighbours site has a driveway and parking area which provides a sufficient degree of separation to ensure the building does not appear dominant or result in significant overlooking. Furthermore, conditions will be imposed regarding the installation of lighting and the submission and approval of boundary treatments as requested by neighbours.
35. Concerns have been raised by the adjacent stable yard as well as the Jockey Club about the impact of the development on the equine activities that take place there. Whilst these concerns are understandable and clearly have the potential to impact on the daily routine that takes place within the yards, disturbance throughout construction is not sufficient to warrant refusal of the application. The Jockey Club has requested a detailed working method statement to be submitted which is to be agreed with the adjoining stables and restricts construction access through the town centre. Whilst it is not considered reasonable, due to the scale of the development to restrict access, or potentially to restrict certain times of day for development, a condition has been recommended to ensure that a construction management plan is submitted and approved. This will allow

consideration of the work required during both demolition and construction and any mitigation measures required.

#### Impact on Highway Safety

36. 16 Vehicular parking spaces are provided to serve the development as well as secure cycle parking for 12 cycles. This amount meets Suffolk County Councils adopted parking standards and no objection is raised on this basis.
37. Concerns have been raised to the intensification of use of the adjacent highway; Fordham Road which is a major thoroughfare. The Highway Authority is satisfied with the access point, subject to improvements, and do not consider the additional traffic movements associated with this development to result in an unacceptable increase to traffic on Fordham Road. Furthermore, traffic lights are now installed close to the application site which provides a safe horse crossing. On this basis, no objections are raised in this regard.

#### Other Issues

38. The application site is located within Environment Agency flood risk zone 1 where the risk of flooding is extremely unlikely. Surface water will be managed via soakaways and permeable areas as well as existing drainage infrastructure. The County Council Flood engineer has assessed the application and is satisfied with the scheme.
39. The planning application is accompanied by a contamination report. This concludes the site has not been unduly impacted by former land uses. The Council's Contamination Officer has concluded that the risk of contamination is low and has therefore, raised no objections.
40. In accordance with the order of the Court of Appeal dated 13 May 2016, which gives legal effect to the policy set out in the Written Ministerial Statement of 28 November 2014 Section 106 contributions are required when the scale of development results in a net increase of 10 residential units or more or a gross floor area of 1,000sq metres or above. In this case, the scheme results in a net increase of 9 dwellings and whilst the proposed floor area is above 1,000sq metres, vacant building credit, as described within the National Planning Policy Guidance (NPPG) states that any existing residential floor space which is to be demolished (whether vacant at present or not) should be deducted from the total. Consequently, the scheme is below the threshold which requires a developer contribution. On this basis, there have been no requests from Suffolk County Council seeking contributions towards infrastructure and whilst The Jockey Club have requested a contribution towards the horse crossing it is not considered appropriate or necessary in this case.

## **Conclusion:**

41. 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.
42. Newmarket is a Market town that can accommodate growth, as specified within the Council's Core Strategy. The proposed development is within the housing settlement boundary and adjacent to established residential areas. There are a number of positive attributes which lend support to the scheme, not least the efficient re-use of the land which contributes to the housing stock. A satisfactory layout has been demonstrated with the units respecting local character and appearance and achieving good design.
43. It is considered therefore, that the scheme meets the Framework's definition of sustainable development by fulfilling the economic, social and environmental roles. Economic benefits through housing growth, short term jobs and local spending likely to be generated by future residents. Social benefits through the re-use of the current site to create a high quality environment which meets a housing need and is accessible to local services. Environmental benefits through the use of ecological enhancements, landscaping and sustainable construction.
44. Having regard to the Framework and all other material planning considerations, including the extant permission for 10 flats which was granted last year, the proposal is considered to comply with the provisions of both national and development plan policy. On this basis, the application is recommended for approval.

## **Recommendation:**

45. It is **recommended** that planning permission be **APPROVED** subject to the following conditions:
1. The development hereby permitted shall be begun not later than 3 years from the date of this permission.
  2. Prior to development above ground level, samples of the proposed external materials have been submitted to and approved in writing by the Local Planning Authority.
  3. Prior to development above ground level, details of the windows to be used (including details of glazing bars, sills, heads and methods of opening and glazing) shall be submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed with the Local Planning Authority the details shall be in the form of elevations drawn to a scale of not less than 1:10 and horizontal and vertical cross-section drawings to a scale of 1:2 fully detailing the replacement windows. Unless otherwise approved in writing by the Local Planning Authority all glazing shall be face puttied. The works shall be carried out in complete accordance with the approved details.

4. No part of the development shall be commenced until details of the proposed access (including the position of any gates to be erected and visibility splays provided) have been submitted to and approved in writing by the Local Planning Authority. The approved access shall be laid out and constructed in its entirety prior to first occupation of the property.  
Thereafter the access shall be retained in its approved form.
5. The areas to be provided for storage of Refuse/Recycling bins as shown on drawing number 15.556 P 01 F shall be provided in its entirety before the development is brought into use and shall be retained thereafter for no other purpose.
6. Before the development is commenced details shall be submitted to and approved in writing by the Local Planning Authority showing the means to prevent the discharge of surface water from the development onto the highway. The approved scheme shall be carried out in its entirety before the access is first used and shall be retained thereafter in its approved form.
7. The use shall not commence until the area(s) within the site shown on drawing number 15.556 P01 F for the purposes of [LOADING, UNLOADING,] manoeuvring and parking of vehicles and storage of cycles has been provided and thereafter that area(s) shall be retained and used for no other purposes.
8. Prior to commencement of development a construction management plan including a scheme for the mitigation of possible nuisance caused by dust, shall be submitted to and approved in writing by the Local Planning Authority.
9. No security lights or floodlights shall be erected on site without the submission of details to, and written approval from, the Local Planning Authority to ensure a lighting environment of low district brightness at residential properties.
10. No development above ground level shall commence until full details of a hard landscaping scheme for the site has been submitted to and approved in writing by the Local Planning Authority. These details shall include proposed finished levels and contours showing earthworks and mounding; surfacing materials; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulations areas; hard surfacing materials; minor artefacts and structures (for example furniture, play equipment, refuse and/or other storage units, signs, lighting and similar features); proposed and existing functional services above and below ground (for example drainage, power, communications cables and pipelines, indicating lines, manholes, supports and other technical features); retained historic landscape features and proposals for restoration where relevant. The scheme shall be implemented prior to the occupation of any part of the

development (or within such extended period as may first be agreed in writing with the Local Planning Authority).

11. No development above ground level shall commence until there has been submitted to and approved in writing by the Local Planning Authority a scheme of soft landscaping for the site drawn to a scale of not less than 1:200. The soft landscaping details shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants noting species, plant sizes and proposed numbers/ densities. The approved scheme of soft landscaping works shall be implemented not later than the first planting season following commencement of the development (or within such extended period as may first be agreed in writing with the Local Planning Authority). Any planting removed, dying or becoming seriously damaged or diseased within five years of planting shall be replaced within the first available planting season thereafter with planting of similar size and species unless the Local Planning Authority gives written consent for any variation.
12. The trees shown on the approved landscaping scheme to be retained shall be protected in the manner shown on plan no. TIP19 244 or shall be fenced as described below, (and the Local Planning Authority shall be advised in writing that the protective measures/fencing have been provided) before any equipment, machinery or materials are brought onto the site for the purposes of development and shall continue to be so protected during the period of construction and until all equipment, machinery and surplus materials have been removed from the site. Where possible the fencing shall be erected outside the 'Root Protection Area' (RPA) defined by a radius of  $dbh \times 12$  where  $dbh$  is the diameter of the trunk measured at a height of 1.5m above ground level and shall consist of robust wooden stakes connected by robust wooden cross members to a height of not less than 1.2 metres. Where fencing can not be erected outside the RPA an arboricultural method statement shall be submitted and approved in writing in accordance with the relevant condition. Within the fenced area no work shall take place; no materials shall be stored; no oil or other chemicals shall be stored or disposed of; no concrete, mortar or plaster shall be mixed; no fires shall be started; no service trenches shall be dug; no soil shall be removed or ground level changed at any time, without the prior written consent of the Local Planning Authority.
13. No development shall be commenced until details of the treatment of the boundary of the site have been submitted to and approved in writing by the Local Planning Authority. The details shall specify the siting, design, height and materials of the screen walls/fences to be constructed or erected. The approved screen walling and/or fencing shall be constructed or erected before the buildings; to which it relates is first occupied.
14. Details of any ventilation systems, to include any proposed noise attenuation, to be submitted to and approved by the local planning authority and installed prior to their use commencing.



15.No individual dwelling hereby approved shall be occupied until the optional requirement for water consumption (110 litres use per person per day) in Part G of the Building Regulations has been complied with for that dwelling.

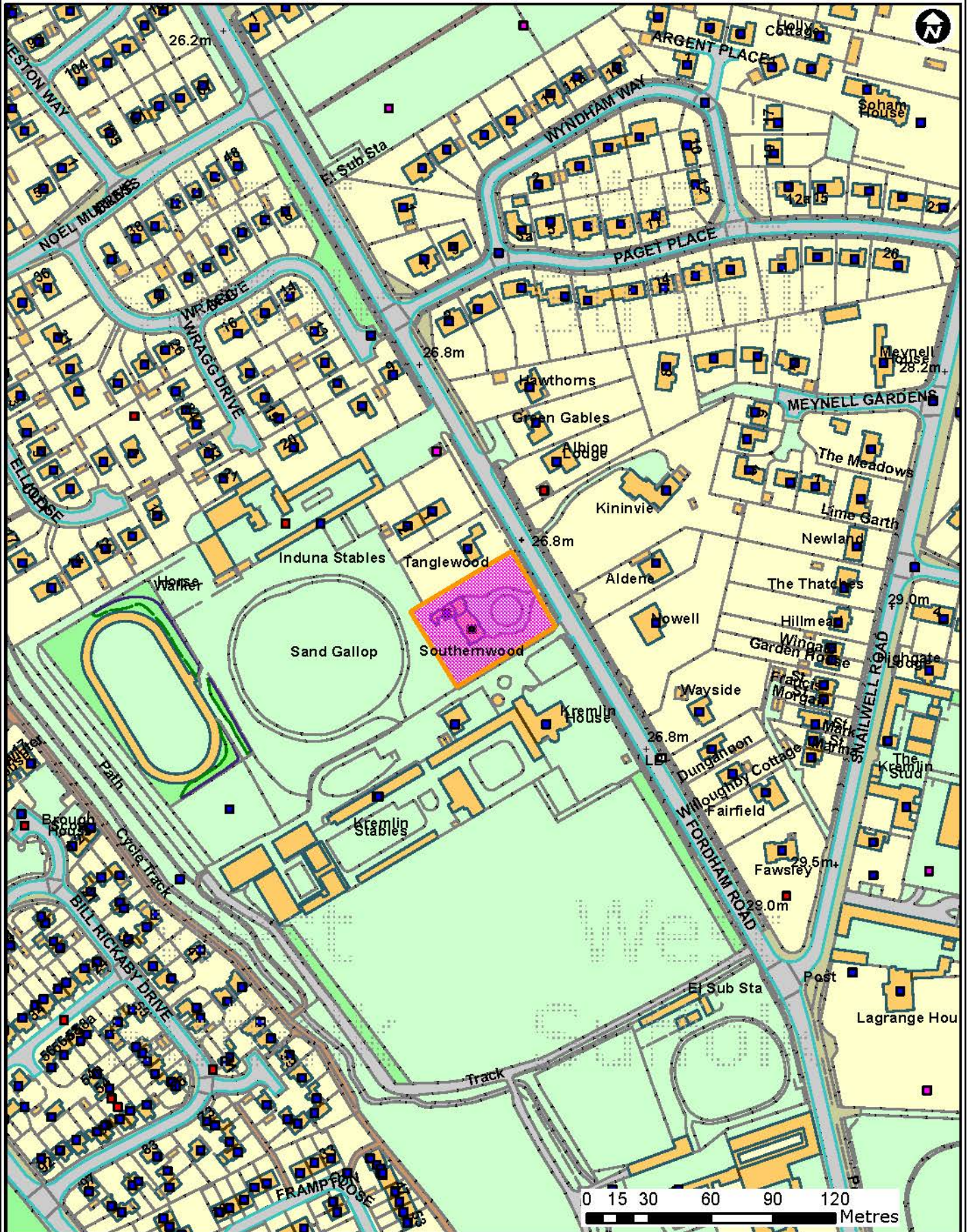
16.The development hereby permitted shall not be carried out except in complete accordance with the details shown on the approved plans and documents.

**Documents:**

All background documents including application form, 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=O7UAIXPDHD500>

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**Notes**  
 1: This drawing must not be scaled - work only to figured dimensions  
 2: Dimensions must be verified on site by the contractor before preparation of shop drawings  
 3: The architect must be notified of any discrepancies immediately  
 4: This drawing applies only to this job and site  
 5: This information on this drawing is copyright protected

C	08 / 10 / 15	
D	08 / 10 / 15	Additional parking spaces shown
E	25 / 04 / 16	Post planning changes
F	20 / 05 / 16	Amended scheme planning appn.

<b>HaysomWardMiller Architects</b>		<b>Proposed Site and Ground Floor Plans</b>	
7 Downing Place Cambridge CB2 3EL	<b>Project</b>	Southernwood Newmarket	Job no. 15.556
T : 01223 578545 F : 01223 351955	<b>For</b>	Kings UK	Drawing no. P 01
email : info@haysomwardmiller.co.uk	<b>Scale</b>	1:100	Paper Size A1
			Revision no. F

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## Forest Heath District Council

**DEVELOPMENT  
CONTROL COMMITTEE**

**3 AUGUST 2016**

**DEV/FH/16/024**

Report of the Head of Planning and Growth

**PLANNING APPLICATION DC/14/2047/HYB – LAND EAST OF BEECHES ROAD,  
WEST ROW**

### **Synopsis:**

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

### **Recommendation:**

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

### **CONTACT OFFICER**

Case Officer: Rachel Almond  
Email: [rachel.almond@westsuffolk.gov.uk](mailto:rachel.almond@westsuffolk.gov.uk)  
Telephone: 01638 719455

# Committee Report

**Date** 28.11.2014 **Expiry Date:** 17.05.2016 (with extension)  
**Registered:**  
**Case Officer:** Rachel Almond **Recommendation:** Approve  
**Parish:** Mildenhall **Ward:** Eriswell & The Rows

**Proposal:** Hybrid Planning Application DC/14/2047/HYB comprising: Full application for erection of 41 dwellings (including 12 affordable dwellings), creation of new vehicular access onto Beeches Road, an outline application with all matters reserved for the erection of up to 90 dwellings and an outline application with all matters reserved for 7 self-build homes, the provision of 1.91 hectares of public open space, 1.9 hectares of landscaping and 4.46 hectares of retained agricultural land for potential ecological mitigation.

**Site:** Land East of Beeches Road, West Row

**Applicant:** Waters Family, Suffolk County Council, Pigeon Investment

## **Background:**

**This application is referred to the Development Control Committee because one of the applicants is related to the Leader of the District Council and because the application is contrary to the Development Plan.**

## **Proposal:**

1. Planning permission was originally sought for the erection of 131 dwellings (including 42 affordable dwellings), creation of new vehicular accesses onto Mildenhall Road, and Beeches Road, and the creation of two new vehicular accesses onto Chapel Road, the creation of a cycle and pedestrian access onto Beeches Road, the provision of public amenity space, allotments, a community car park, and associated infrastructure.  
2) Outline Application with all matters reserved for the erection of 7 self build homes and provision of 0.3 hectares of land for future community uses.
2. The application still proposes 138 dwellings including 7 self build dwellings. The application includes details of only one new access which is onto Beeches Road. The remaining outline elements do not include details of other proposed access but they could be submitted with future reserved



matter applications. The scheme now includes 1.91 hectares of public open space, 1.9 hectares of landscaping and 4.46 hectares of land for ecological mitigation. Additionally the scheme proposes two pedestrian crossings on Beeches Road and a layby near the new junction, within the development which would allow short stay parking to drop off children for the primary school opposite.

### **Application Supporting Material:**

3. Information submitted with the application as follows:

- Amended Site Layout
- Details of the proposed Beeches Road junction
- Amended Drainage Strategy
- Parking Compliance Layout
- Transport Assessment and Addendums
- Flood Risk Assessment
- Amended site location plan
- Travel Plan
- Statement of Community Involvement
- Noise Impact Assessment
- Arboricultural Assessment
- Land contamination report
- Biodiversity report
- Site levels plans
- Tree Survey
- Elevational plans

### **Site Details:**

4. The site is situated south of Mildenhall Road, east of Beeches Road and north of Chapel Road. Mason Gardens is also directly south of the proposed site. The local primary School, village shop and post office, hairdressers and a fast food take away are to the west and various community facilities (tennis courts, recreation ground, sports pavilion, village hall, allotments) are located to the south west.
5. Mildenhall Air Base is located to the north east. A footpath is on the eastern side of the site and links Mildenhall Road and Chapel Road. This footpath then links into another footpath which links Chapel Road and Church Road.
6. The site is located outside the existing Housing Settlement Boundary for West Row but it does abut it in several places.

### **Planning History:**

7. Within the eastern part of the site is the location of the former White Horse Public House. This was demolished some years ago now. The remainder of the site is an agricultural field and has no relevant planning history.

## **Consultations:**

8. Conservation Officer: The proposed development would not adversely affect the setting of either of the listed buildings. I therefore have no objection to this application.
9. Environment Agency: No objection with the recommendation of 2 conditions relating to SUDS and a remediation strategy if contamination is found.
10. Landscape and Ecology officer: The officer has carried out a Habitats Regulation Assessment and concluded that the proposal will not have a likely significant effect on the SPA with the mitigation proposed. The mitigation must be secured in perpetuity by S106. A variety of standard conditions are also recommended.
11. Environmental Health (Land Contamination): Recommends that conditions relating to land contamination be attached to any permission granted.
12. Environment Team (Air Quality): No objection The Air Quality Assessment sufficiently demonstrates that the impact on the local air quality will be negligible.
13. Housing Strategy and Enabling Officer: No objection. Strategic Housing team accepts the mix proposed for the 12 affordable units within the Full application for 4 x 1 bed flats, 6 x 2 bed houses and 2 x 3 bed houses. To meet our CS9 policy of 30% affordable housing the remaining 0.3 of a dwelling would need to be secured as a commuted sum. Officers also highlight that future affordable housing which will be brought forward in the reserved matter element of the site should not be adjacent to the affordable housing which is shown in the full details part of the site to ensure that clusters of more than 15 homes within one location do not occur. Additionally it is highlighted that there is a need for smaller market dwellings within the overall development and encouragement is given to propose these within future reserved matters applications. Concern has been raised at the amount of detached three and four bed dwellings which are proposed with the full element of the application (such dwellings are considered unaffordable for the majority of local residents)
14. Natural England: No objection. They consider that there is a risk that the proposed development may contribute to cumulative recreational impacts to the SSSI and SPA in future. Therefore they do not object to the proposed development but reminds the authority of the need to strategically review the cumulative recreational impacts of new residential developments when within 7.5km of the SPA.
15. Anglian Water: No objection but seek a condition that restricts development within 15m of the boundary of the sewage pumping station
16. Highway Authority: No objection to the scheme but require various conditions and a proportionate contribution to a new traffic light controlled

junction at the Queensway Junction in Mildenhall. This junction is at capacity at peak times already. There are a number of other developments which were set out in the Preferred Options Site Allocations Local Plan which will also impact on this junction and will need to make their proportionate contribution. Officers have identified four schemes including this application so there will be no conflict with the CIL regulations which states that no more than 5 contributions can be pooled on one project. The Highway Authority are familiar with the 4 identified schemes through the Local Plan consultation. To legitimately secure funds a costed scheme is needed. To date this has not been finalised by the Highway Authority but officers request delegated powers to secure a proportionate sum of money toward a junction once the scheme is fully costed in the coming weeks.

17. NHS England: No objection and seek a contribution of £45,380

18. Suffolk County Council Rights of Way: No objection but seek a contribution to upgrade the physical surface of existing rights of way that lead to a car free route to Mildenhall along the River Lark.

19. Suffolk County Council Archaeological Service: Recommends that conditions relating to archaeological matter be attached to any permission granted. Have highlighted that no ground disturbance should occur on the area of Public Open Space.

20. Suffolk County Council Contributions Manager: No objection and seeks the following contributions;

- Pre School Provision £73,092
- Primary School Provision £401,793
- Conversion of FP7 and FP8 to Public Bridleway and surface works £87,000
- Travel Plan Evaluation and Support
- Library Provision of £2,208

21. Suffolk County Council Flood and Surface Water Manager: The overall strategy for the site is to use permeable paving to drain both roof water and parking areas. The Flood and water engineer has said that this approach is acceptable with a maintenance contribution secured during the adoption process. A condition is recommended

### **Representations:**

22. Mildenhall Town Council: Object to the scheme for the following reasons

- Concern over the access opposite the school
- Infrastructure
- Highways
- Parking per house

23. 106 Representations have been received from local residents from the following roads:

24. Mason Gardens, Cricks Road, Stirling Close, Wellington Close, Pott Hall Road, Beeches Road, Beeches Close, Church Road, Church Lane Close, Church Walk, Church Lane, Eldo Road, Ferry Lane, Bargate Road, Blenheim Close, The Green, Corinth Close, Ford Close, Park Garden, Rolfe Close, Williams Way, Bagsham Lane, Friday Street, Chapel Road, Mildenhall Road, Jarmans Lane, Hurdle Drove, The Gravel, Cooks Drove, Undley Common, Cow and Sheep Drove, Arundel Court (Northampton), Fen Bank (Isleham)

These representations raise the following summarised concerns:

- Loss of privacy/Amenity/View
- Site is outside Development Boundary
- Development should take place on the air base instead
- Detrimental impact on schools
- Loss of agricultural land – some of which is grade I
- Impact on Roads/Highway Safety – pavement needed, Chapel Road not good, Queensway already too busy
- Will spoil a rural village – Too much growth – Will increase village by 20%
- Not enough detail included within application
- Only minor changes have been made
- Impact on sewers/drainage/flooding – concerns over sewerage capacity, water supply and water pressure
- Will become dormitory for Mildenhall with no jobs and no local housing need
- Access should be off Mildenhall Road not opposite the school
- Doubts over green travel plan
- No gas
- Construction traffic and disturbance
- Poor housing mix included
- Better broadband is needed
- Development of agricultural land and public open space should be prevented
- Fengate Farm will be surrounded by development
- Poor public transport
- Applicant is family of Council leader
- Questions over methodology of transport assessment
- Prematurity
- Questions over ecology reports
- Health and Rescue Services cant cope
- CO2 emissions

**Policy:**

25. 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:

26. 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.
- DM17 – Conservation Areas
- 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)

27. 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.

## Policies

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

Local Plan (1995)

28. A list of extant 'saved' policies is provided at Appendix A of the adopted Core Strategy (2010) and of 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.

- Policy 14.1 – Securing Infrastructure and Community Facilities from Major New Developments.
- Inset Map 15 (West Row Development Boundary)

### **Other Planning Policy:**

Emerging Development Plan Policy

29. The Council has consulted on issues and options for two Development Plan Documents (Single Issue Review of the Core Strategy and Site Allocations Document). The Council's "preferred options" consultation finished on the 1<sup>st</sup> July 2016. It is the intention of the council to consult on its "Submission Version" of these two documents between November 2016 and January 2017. Following further amendments to the document, in the light of public consultation, the 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.

30. National Planning Policy Framework

31. National Planning Practice Guidance

32. The site is included in the 2016 SHLAA

### **Officer Comment:**

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

- Principle of Development
- Highways matters
- Sustainable Travel
- Archaeology
- Ecology, Open Space and landscape
- Surface Urban Drainage (SUDS)
- Impact on residential dwellings
- Design, density and visual Impact.
- Other matters
- Conclusion and Planning Balance

### **Principle of Development**

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

34. 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.

35. 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.
36. 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"*.
37. 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 are presently the subject of review as part of the emerging Single Issue Review document.
38. The latest 5-year housing supply assessment (considered by Members of the Local Plan Working Group on 1<sup>st</sup> March 2016) confirms the Council is presently able to demonstrate a 5-year supply of deliverable housing sites. Members will note that 66 of the dwellings proposed by this planning application are included in current five-year supply forecasts.

#### What is sustainable development?

39. 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;)
40. 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.
41. 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

42. Concerns have been raised locally that approval of this planning application would be premature and its consideration should await the formation (adoption) by the Council of an appropriate Local Policy Framework.

43. 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:

44. 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.

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

46. In this case the development proposal for 138 dwellings is not particularly



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. Notwithstanding the weight that can be attributed to these documents, the Site Allocations Document, in particular, includes part of the application site as a site allocated for housing. The proposals are therefore considered consistent with the emerging Development Plan position.

47. It would be difficult to justify any decision that approval of this scheme would be premature in the context of the facts of the case and current national guidance. This advice is further re-enforced by the fact that the Council is already 15 years into the Plan period (2001 – 2031) and in the continued absence of an adopted Site Allocations Document the proposed development would make a positive contribution towards the overall number of dwellings required to be provided by Core Strategy Policy CS7.

48. 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

49. Vision 1 of the Core Strategy confirms development will be focussed in the towns and key service centres. Vision 7 (and policy CS1) confirms Lakenheath as a Primary Village. Spatial Objective H1 seeks to provide sufficient homes in the most sustainable locations to meet the needs of communities. Policy CS10 confirms that Primary Villages will reflect the need to maintain the vitality of those communities.

50. 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.

51. 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

52. 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 planning application 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.

53. 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

54. The application site is situated outside the settlement boundary of the village and is thus situated in the Countryside for the purposes of interpreting planning policy. The detailed settlement boundaries were 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 do have Development Plan status. The settlement boundaries are illustrated at a large scale on the Policies Map 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 Joint Development Management Policies Document and thus have not been altered from the 1995 Local Plan Inset Maps. Accordingly, it is reasonable to read the Policies Map and Local Plan Inset Maps together to establish the precise locations of the settlement boundaries.

55. Core Strategy policy CS10 confirms the settlement boundaries will be reviewed as part of the emerging Site Allocations Development Plan Document. That said, the 'Preferred Options' Site Allocations Plan extends the settlement boundary in Mildenhall to include part of the application site but only limited weight can be attributed to this emerging position at the present time. 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.

56. A key determining factor will be whether the proposed development can be deemed 'sustainable' in the context of the policies contained in the Framework (as a whole) and even if it is concluded the proposals 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.
57. 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.

### **Highways matters**

58. Concerns have been raised about the traffic that would arise from the development and the proposed access onto Beeches Road. Specifically the amount of traffic and how the surrounding highway network would not be able to cope and how the access is opposite the local primary school.
59. The Highway Authority have raised no objection to the scheme. The transport assessment submitted by the applicants demonstrates that the Queensway Junction in Mildenhall is already over capacity at peak times. The Highway Authority have informed officers that they are satisfied that an amended junction layout can be accommodated within the Highway land available. At this point in time the Highway Authority are still working on a new layout and as such a worked up scheme can not be costed which is a requirement to enable officers to secure an appropriate financial contribution. However in the coming weeks the Highway Authority will have this which will enable a proportionate contribution to be calculated. This development will not be expected to pay for the complete works. This will be apportioned to the other planned developments which are already known through the Site Allocations Local Plan work completed to date. It is therefore considered that this development should make a proportionate, and in scale contribution to a new junction arrangement at Queensway which would improve pedestrian and cycle safety and increase capacity.
60. The Highway Authority have considered the full details presented and are satisfied that the layout complies with the latest minimum parking standards for development like this in rural areas.
61. The Highway Authority has considered the proposed new access onto Beeches Road. The developer has provided a detailed drawing to demonstrate how the junction would work in relation to a new pedestrian crossing that would be used to access the Primary School on the other side of Beeches Road to the site. The Highway Authority are satisfied that the junction and the crossing were safe and that highway safety would not be compromised. The scheme also proposes another pedestrian crossing

on Beeches road to the south of the proposed new junction. This will act as a safe route for pedestrians from the new development to the services and facilities to the south west of the site. Whilst full details of this would be agreed at condition stage the Highway Authority are satisfied that this will be safe.

62.The indicative drawings show the seven self build dwellings served by a new access onto Chapel Road. This access is not part of the application and precise details will be submitted to the council at a later stage but the Highway Authority have confirmed that an access could be accommodated with safe visibility splays.

### **Sustainable Travel**

63.The Highway Authority have asked for a sum of £15,000 to improve infrastructure at bus stops. These bus stops are nearby to the site and within a walking distance and therefore considered acceptable.

64.The Rights of Way and Access team at Suffolk County Council have asked for a sum of money to upgrade the status and surface of two footpaths. These footpaths are known as FP7 and FP6. They link Mildenhall Road and link in with each other on Chapel Road and then finish at the junction of Eldo Road, Church Road and Cricks Road. These rights of way are approximately 750metres in length and help pedestrians and cyclists link into a Bridleway that was surfaced 3 years ago and that follows the route of the river lark into Mildenhall. Whilst this route isn't completely traffic free and is slightly longer than simply travelling along Mildenhall Road into Mildenhall it would create a very attractive mostly traffic free route which is less than 3 miles in length from the application site to the High Street in Mildenhall. This improvement is considered by officers to weigh heavily in the acceptability of the scheme.

### **Archaeology**

65.The proposed 1.9 hectares of Public Open Space is generous in size and relates to an area of land that is likely to contain shallow highly important archaeological matter. The open space area is an important link between the proposed dwellings and the proposed southern pedestrian crossing on Beeches Road. This new link will provide a safe route to the existing facilities (tennis courts, football ground, play equipment, community centre) in West Row which are south west of the site. The Archaeological Service has said that they would not wish to see any ground disturbance on the Public Open Space. Officers have asked if this includes the creation of a year round surfaced foot/cycleway as indicatively shown on drawing no. 013-027-105. Developer assessments can be used to help identify an appropriate route for a path and the Archaeological Service that a path of no more than 200mm should be acceptable. Details of precise route and alignment of the separated foot/cycle ways will be required and one of those reasons will be to protect archaeological matter on the open space.

## **Ecology, Open Space and Landscape**

66. The scheme has three main elements which are relevant in this section. That is (1) the 1.90 hectares of agricultural land retained for ecological mitigation (2) the 1.91 hectares of Public Open Space and the 1.9 hectares of landscaping.
67. The site is within 3.7km of Breckland Special Protection Area (SPA), in this case Breckland Forest. This is a site of international importance important for woodlark and Nightjar. The site is sufficiently remote from the boundary of the SPA and its constraint zones for direct impacts to be screened out. However the potential for the construction of residential dwellings on this site has been considered in relation to the potential to contribute to recreational pressure on the SPA.
68. As such it is necessary that residential applications within this distance to the SPA provide their own sufficient green infrastructure to allow for recreational activities on site such as dog walking paths, allotments and areas of natural green space. Such on site provision will help to ensure that new residents are not travelling to the adjacent protected sites because there is insufficient quality green space. Of particular concern is ensuring residents are able to exercise dogs. Mitigation in the form of provision of well connected open space that will serve as local green space for residents should be provided on this site and connection to the wider network of public rights of way is a priority.
69. The application includes indicative plans on the outline to demonstrate how the future reserved matter details will include separated foot/cycle ways across the site which will provide linkages between the full element of residential dwellings, the Public Open Space on the western side of the site, the footpath to the east and the outline element of the residential dwellings. The Public open space would be a large semi-natural open greenspace suitable for exercising dogs and for other types of informal recreation. It will be important for the Public Open Space on the western side of the site to link with a strategic green corridor which will enable wildlife and people to travel between the Open Space on the west of the site and other existing and proposed green corridors (footpaths and hedgerows) to the east.
70. It will be important for the public open space to be available from the day of the first occupation of dwellings. This will therefore provide the space for dog walkers from day one and which will help protect the SPA. A condition requiring the agreement of the delivery programme of the open space is considered appropriate.

## **Surface Urban Drainage (SUDS)**

71. The Flood and Surface Water Engineer has no objection to the scheme. The Highway Authority has confirmed that it will adopt the permeable roads which are proposed to be adopted. This will require a maintenance contribution to be paid. Whilst the development does not include swales or retention basin officers are satisfied that the scheme will not cause

flooding or cause harm to water quality. A standard condition is recommended which amongst requires details of water butts with high level overflows.

### **Impact on residential dwellings**

72.Loss of amenity to existing nearby properties would be contrary to Local Plan policies. This can occur through overbearing, loss of light or overlooking. Particular attention has been given to the impact of properties on Beechleigh which are to the north of the 41 full detailed dwellings. Plots 10 and 11 which are 2 storey dwellings back onto properties in Beechleigh but the distance is considered acceptable as to not cause any significant harm.

73.Properties in Mason Gardens will back onto the outline dwellings. The details of those dwellings are not known at this time and the acceptability of those dwellings will be considered at a later stage. Due regard to the private amenity of residents will be given at that time.

74.It is therefore considered that the details shown at this time are acceptable and do not cause any significant harm.

### **Design, density and visual Impact.**

75.The density of the full application for the 41 dwellings is 22.3 dwellings per hectare (dph). The outline element of the scheme is up to 90 dwellings and 90 dwellings would equate to 28.3 dph. The 7 self build dwellings equate to 5.5 dph. If these areas are combined and the full 138 dwellings were delivered this would make a density of 22.15 dph. The amount of open space which is needed to make a development acceptable is included in calculating a developments density. In this instance the following amount and categories of open space should be delivered by 138 dwellings. The following figures total 21,276m<sup>2</sup> (2.1276 hectares)

- Sport Space 5,910 m<sup>2</sup>
- Play space 1,773m<sup>2</sup>
- Parks and Recreation Grounds 2,955m<sup>2</sup>
- Informal Green Space 2,955m<sup>2</sup>
- Natural Green Space 5,910m<sup>2</sup>
- Allotments 1,773m<sup>2</sup>

76.The proposal does not propose any Sports Space, Play Space or allotments and as such could be considered as being deficient. However developers often look to see what facilities are present nearby or within a village setting and concentrate on specific types of open space over others where there might be a perceived shortfall. In this instance allotments sport space and play equipment are already located nearby to the site and will be accessible to the future occupants of this development. The scheme proposes a total of 3.81 hectares of Open Space which is made up of the 1.91 hectares of Public Open Space and 1.90 hectares of Strategic Landscaping. The scheme on the face of it proposes a far greater total of open space than is necessary. However the site is required to provide a

quantum of open space that will mitigate the possible harm to the Breckland SPA. In this instance the Public Open Space (1.91 h) and the links (including the strategic green corridor that will link the Public Open Space and the Public Rights of Way which is not included in this calculation) to other footpaths act as dog walking opportunities. Therefore in this situation it is considered by officers that the scheme does not provide an excess of open space but it does provide sufficient open space.

77. Guidance says that open space that serves a wider area should not be taken into consideration when calculating density. Given the above need for this Open Space it is considered that the 1.91 hectares of Public Open Space should be included in calculating overall density of a scheme. This results in an overall development density of 16.93 dph. 16.93 dph is a low density form of development in any situation. This appears worse by the fact that the agricultural land being lost is classified as "best and most versatile". However sites that have the potential to cause harm to the SPA on their own, or cumulatively must have the appropriate mitigation that will help protect the SPA. That mitigation will, by its very nature, take up a lot of land and reduce the overall density of any scheme. Therefore on balance the overall density of the development is considered acceptable.
78. The scheme proposes a landscape buffer on the eastern edge of the public footpath that runs between Mildenhall Road and Chapel Road. This landscaping belt is substantial in width and will help screen the built development proposed from views from the east and it is considered acceptable.
79. The scheme currently proposes 41 dwellings in full. The Strategic Housing Officer has highlighted that a disproportionately large percentage of those dwellings in the full element are 3 and 4 bedroom detached dwellings which will be unaffordable to local residents. This is considered acceptable because officers will be able to work with the developer and the Strategic Housing Team to ensure that the overall development delivers a balance and mix of housing sizes and types that are needed and appropriate for the area in accordance with Local Plan policies. It is expected that future reserved matter applications will have a higher proportion of semi detached, terrace and small properties to balance out the overall development. Therefore on balance the proposal is considered acceptable.
80. The Self build dwellings have the potential to cause intrusion and harm into the countryside. These dwellings are the only residential element of the scheme that is outside of the proposed housing settlement boundary for West Row that was consulted on in the Site Allocations Local Plan (Preferred options). If we are to consider them favourably, they will need to make a positive contribution to the character of the countryside and be viewed as integrating with their rural surroundings, rather than as an extension to a suburban housing development. We need to avoid imposing houses filling their plots, each one competing with its neighbours for dominance and avoiding urbanising features such as uninviting high boundary walls and gates. Despite its ultra-low density, there is no guarantee that inappropriate development will not appear cramped. It is therefore important that the scale of development is appropriate for its

setting.

81. To mitigate any such harm, it is considered essential to require a design code or design strategy for the self build units that will act as guidance for the separate developers or individuals that bring forward these dwellings. To ensure that these dwellings successfully integrate into the countryside setting out important characteristics will be a vital component of the design code. It will be important for the design strategy to help deliver a well designed development whilst still allowing for different approaches that will be architecturally unique.

### **Other matters**

82. A sum of £45,380 is sought from NHS England to increase capacity at the Market Cross and White House surgeries in Mildenhall. These are considered acceptable.
83. Additionally the County Council has sought a contribution for improved library provision. This sum is £2,208 and it would be spent on stock improvement in the local Library in Mildenhall.
84. The Environmental Health officer has confirmed that there will be no air quality issues. However there is the potential for contamination and a standard condition is recommended to ensure this is investigated appropriately.
85. SCC requests that waste bins and garden composting bins should be provided before occupation of each dwelling and this will be secured by way of a planning condition. SCC would also encourage the installation of water butts connected to gutter down-pipes to harvest rainwater for use by occupants in their gardens.

### **Planning Balance and conclusions:**

86. 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.
87. 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.



- 88.If it is subsequently concluded that potential 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.
- 89.In relation to the economic role of sustainable development, the proposal would generate direct and indirect economic benefits, as housing has an effect on economic output both in terms of construction employment and the longer term availability of housing for workers and increased population which leads to higher local spend and general economic growth. The development would provide additional infrastructure of significant wider benefit – including significant provision of new green infrastructure.
- 90.In terms of the social role of sustainability the development would enhance the local community and provide a level of much needed market and affordable housing to meet the needs of present and future generations. The development could, subject to the later submission of reserved matters, result in a built environment of high quality. The proposal would rely on, and to an extent support and enhance (particularly primary education provision) and the viability and accessibility of existing local services, both within West Row and further afield.
- 91.In relation to the environmental role officers’ are satisfied the proposed development would have no significant effects on European designated sites. It is self-evident that the landscape would be changed as a result of the proposal albeit this would only be perceptible at the immediate location of the application site and its close surroundings. This would be the case for any development on a greenfield site - which will inevitably have to happen in order to meet the housing needs of the District. Good design and the retention of existing vegetation and provision of new planting to sensitive parts of the site would satisfactorily mitigate these effects.
- 92.The progress of the LDF has been slow to date owing largely to the successful challenge of the Core Strategy (CS7) in the High Court, and the content of the final documents (including the location of sites allocated for development) remains uncertain, given that the Single Issue Review and Site Allocation documents are yet to be adopted or submitted for adoption. In any event, there is no evidence to suggest approval of the proposals would be premature to or prejudice emerging Development Plan documents.
- 93.To the limited extent that the evidence demonstrates material considerations against the proposal – essentially relating to the limited

local landscape effects and loss of agricultural land of good to moderate quality, the benefits of development, particularly those arising from the delivery of a significant number of new homes, including affordable homes and significant new green spaces would significantly outweigh those concerns (dis-benefits) and, (subject to an acceptable and deliverable package of highway mitigation measures being subsequently agreed and secured) points firmly towards the grant of planning permission.

**Recommendation:**

94.It is recommended that full and outline planning permission be **GRANTED** subject to:

1) The completion of a S106 agreement to secure:

- Proportionate Highway contribution to an altered Queensway Junction – Cost to be confirmed in the coming weeks.
- SCC Travel Plan evaluation and & support officer – £1,000 per year up to 5 years from final occupation
- Travel Plan Bond - £123,623
- Rights of Way - Between £82,320 and £88,920 depending on the order making process.
- Primary Education £401,973
- Pre School £73,092
- Public Transport £15,000
- Affordable Housing - 30%
- Library Provision - £2,208
- Health - £45,380.00
- Off-site skylark habitat compensation – Control of land and provisions
- Any further clauses considered necessary by the Head of Planning and Growth.

95.In regard to the Outline part of the permission for up to 90 dwellings the following conditions are proposed to be attached;

1. Time Limit – Outline
2. Reserved Matters – Phasing
3. Approved Plans
4. Details of the internal accesses to be submitted, approved and implemented
5. Detailed of the parking and manoeuvring and cycle storage to be submitted, approved and implemented
6. Garage/ parking areas for each dwelling to be submitted, approved and implemented and retained – PD rights removed
7. Details of refuse/ recycling bins and a compost bin have been submitted, approved and implemented.
8. Details of means to prevent the discharge of Surface water onto the highway to be submitted, approved and implemented.
9. Details of estate roads, footpaths to be submitted approved and implemented
- 10.No dwelling shall be occupied until the carriageways and footways

serving the dwelling have been constructed to at least binder course

11. Details of a Arboricultural Method Statement submitted, approved and implemented for the approved dwellings
  12. Details of the foot/cycle paths as indicatively shown on drawing no. 013-027-106 to be submitted, approved and implemented. The details shall include a strategic green corridor for pedestrians, cyclists and wildlife and link the Public Open Space with the existing right of way that links Mildenhall Road and Chapel Road.
  13. Soft Landscaping plan submitted, approved and implemented for the dwellings hereby approved
  14. Hard Landscaping plan submitted, approved and implemented for the dwellings hereby approved
  15. Details to be submitted of future residential development shall be informed by further ecological investigations
  16. No dwelling shall be occupied until the optional requirement for water consumption (110 litres use per person per day) in Part G of the Building Regulations have been complied with.
  17. A remediation strategy should be submitted to and agreed in writing if contamination is found during construction
  18. Submit and implement Archaeological WSI
  19. Post investigation assessment of archaeology investigation
  20. Fire Hydrants
  21. Details of an updated Travel Plan to be submitted to an approved in writing by the LPA
  22. Construction Method Statement
  23. Samples of external facing and roofing materials to be approved in writing
  24. Details of the SUDS strategy to be submitted, approved and implemented
96. In regard to the Full details part of the permission (41 dwellings, Public Open Space and Strategic Landscaping) the following conditions are proposed to be attached;
1. Standard Time limit
  2. Approved plans
  3. Details of the proposed new access onto Beeches Road in general accordance with Drawing No. 2765.SK11 rev P2 to be submitted, approved and implemented prior to any works commencing or the delivery of any other materials
  4. The loading, unloading, manoeuvring and parking areas shall be shown on drawing No. 013-027-108 Rev – shall be available for dwelling that it served prior to the occupation of that dwelling
  5. Details of cycle parking shall be submitted, approved and implemented.
  6. The garage parking areas shown on drawing No. 013-027-108 Rev implemented – shall be retained and made available.
  7. The visibility splays serving the new access onto Beeches Road hereby approved shall be provided and maintained prior to the access first being brought into use. PD rights removed to maintain the visibility splays

8. The visibility splays for the internal accesses shall be submitted to and approved in writing before development commences. The visibility splays must be available prior to serving relevant dwellings and retained thereafter.
9. Prior to commencement of the internal roads which are to be adopted a Construction Management Plan shall be submitted, approved and followed. The plan shall include details on the construction method, maintenance and protection of the permeable paving.
10. Details of refuse/ recycling bins and a compost bins have been submitted, approved and implemented.
11. Details of means to prevent the discharge of Surface water onto the highway to be submitted, approved and implemented.
12. Details of estate roads, footpaths to be submitted approved and implemented
13. No dwelling shall be occupied until the carriageways and footways serving the dwelling have been constructed to at least binder course
14. Before any development commences details of a pedestrian crossing from the hereby approved layby to the northern side of the new estate road will be submitted to and approved in writing. The crossing will enable the parents and children using the layby to then use the proposed zebra crossing on Beeches Road. The approved layby and crossing shall be available for use prior to the first dwelling being occupied.
15. Prior to development commencing details to be submitted in general accordance with drawing no. 2765-SK11 Rev P2 of the proposed Zebra Crossing on Beeches Road. The approved details shall be implemented prior to the first dwelling being occupied.
16. Prior to development commencing details shall be submitted for the southern pedestrian access. The location of the southern access shall have regard to the foot/cycle paths that will go across the Public Open Space, the route of which will be informed by avoiding important shallow archaeological matter. The crossing shall be implemented at a time that shall be agreed in writing with the local planning authority
17. Details of the Landscape and Ecological Management Plan (LEMP) for the Public Open Space, Strategic Open Space and the retained agricultural land to be submitted to and approved
18. Details of a Arboricultural Method Statement submitted, approved and implemented for the approved dwellings
19. Details of a Arboricultural Method Statement submitted, approved and implemented for the approved Public Open Space
20. Soft Landscaping plan submitted, approved and implemented for the dwellings hereby approved
21. Soft Landscaping plan submitted, approved and implemented for the Strategic Landscaping hereby approved
22. Hard Landscaping plan submitted, approved and implemented for the dwellings hereby approved
23. For the residential element the ecological enhancements as set out within the ecology report and update letter to be implemented. Further ecological enhancement measures to be submitted, agreed

and implemented.

24. For the Public Open Space, the Strategic Landscaping and the Agricultural field element the ecological enhancements as set out within the ecology report and update letter to be implemented. Further ecological enhancement measures to be submitted, agreed and implemented.
25. Details of Strategic Landscaping for the Public Open Space and the Strategic Landscape areas to be submitted, approved and implemented.
26. No dwelling shall be occupied until the optional requirement for water consumption (110 litres use per person per day) in Part G of the Building Regulations have been complied with.
27. A remediation strategy should be submitted to and agreed in writing if contamination is found during construction
28. Submit and implement Archaeological WSI
29. Post investigation assessment of archaeology investigation
30. No ground disturbance, storage of materials during construction, placing of fencing other than may be approved under other conditions in the permission shall occur in the area hereby approved for the Public Open Space or strategic landscaping areas
31. Fire Hydrants
32. Details of an updated Travel Plan to be submitted to an approved in writing by the LPA
33. Construction Method Statement
34. Details of the SUDS strategy to be submitted, approved and implemented

97. In regard to the Outline part of the permission for 7 dwellings the following conditions are proposed to be attached;

1. Time Limit – Outline
2. Reserved Matters – Phasing
3. Approved plans
4. Upon receipt of the first reserved matters application details of the new access on Chapel Road shall be submitted and approved – sight splays must not be obstructed PD rights removed
5. The new junction shall be implemented prior to any works commencing or the delivery of any other materials commencing.
6. Design Strategy submitted to and approved in writing ahead of the first reserved matters application being submitted to the LPA.
7. No dwelling shall be occupied until the optional requirement for water consumption (110 litres use per person per day) in Part G of the Building Regulations have been complied with.
8. A remediation strategy should be submitted to and agreed in writing if contamination is found during construction
9. Submit and implement Archaeological WSI
10. Post investigation assessment of archaeology investigation
11. Details of refuse/ recycling bins and a compost bin have been submitted, approved and implemented.
12. Details of means to prevent the discharge of Surface water onto the highway to be submitted, approved and implemented.
13. Details of estate roads, footpaths to be submitted approved and

- implemented
- 14.No dwelling shall be occupied until the carriageways and footways serving the dwelling have been constructed to at least binder course
  - 15.A Soft Landscaping plan submitted, approved and implemented for the each plot hereby approved
  - 16.Details of the SUDS strategy to be submitted, approved and implemented

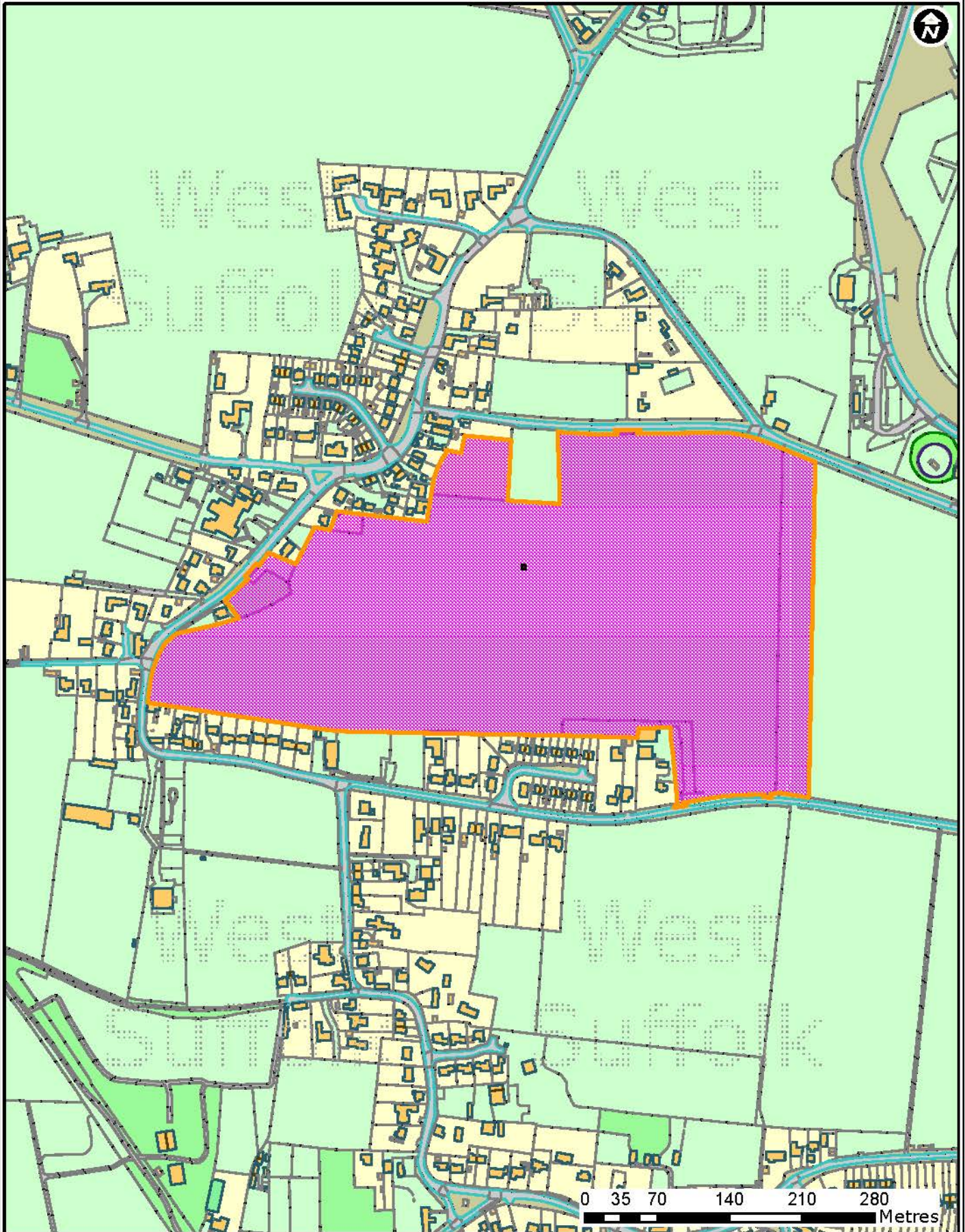
**Documents:**

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=NE5XH0PDMIN00>

**DC/14/2047/HYB**

Land East of Beeches Road, Beeches Road, West Row



Forest Heath • St Edmundsbury

**West Suffolk**  
working together

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**Date: 24/06/2016**

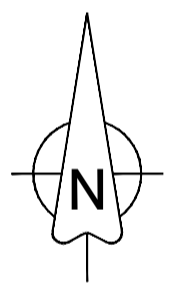
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200m	100m	50m	0	1:2500
100m	50m	25m	0	1:1250
40m	20m	10m	0	1:500
12m	6m	3m	0	1:200
8m	4m	2m	0	1:100
4m	2m	1m	0	1:50

### SCHEDULE OF ACCOMMODATION

Open Market Housing			
Ref	Type	Floor Area (sq.ft)	Number
3B	3 bed, semi-detached link	971	5
3Bi	3 bed, semi-detached link	971	1
3C	3 bed, detached	1033	2
4C	4 bed, detached	1199	8
4D	4 bed, detached	1382	6
4E	4 bed, detached	1356	1
4Ei	4 bed, detached	1356	1
4F	4 bed, detached	1288	2
4G	4 bed, detached	1507	1
4K	4 bed, detached	1744	2
sub-total			29
Affordable Housing			
Ref	Type	Floor Area (sq.ft)	Number
AH1	1 bed, Ground Floor Apartment	474	2
	1 bed, First Floor Apartment	563	2
AH2 / AH2i	2 bed, terraced	836	5
AH2A	2 bed, terraced	836	1
AH3	3 bed, semi-detached	940	2
sub-total			12
<b>Total</b>			<b>41</b>



200m	100m	50m	0	1:2500
100m	50m	25m	0	1:1250
40m	20m	10m	0	1:500
12m	6m	3m	0	1:200
8m	4m	2m	0	1:100
4m	2m	1m	0	1:50

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Sketch proposals are for illustrative purposes only and as such are subject to detailed site investigation. Sketch proposals may be based on enlargements of OS Sheets and estimations of existing site features and will therefore need to be verified by survey.  
 Do not scale. Only figured dimensions to be worked to. Any discrepancies are to be reported to Parc Design Solutions Ltd.

**notes**

rev.	date	by	detail

**site**  
 Proposed Residential Development  
 WEST ROW  
 SUFFOLK

**client**  
 Pigeon Investment Management

**drawing title**  
 Site Layout

<b>drawn</b> SC	<b>checked</b> SC
<b>scale</b> 1:500 @ A1	<b>date</b> November 2015
<b>drawing number</b> 013 - 027 - 101	<b>revision</b> -

**parc** DESIGN SOLUTIONS  
 architecture and urban design

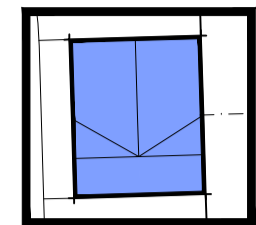
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 Northampton Science Park  
 Northampton  
 NN3 6JG

e: info@parcdesign.co.uk  
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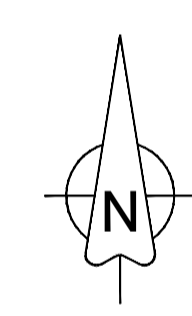
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200m	100m	50m	0	1:2500
100m	50m	25m	0	1:1250
40m	20m	10m	0	1:500
12m	6m	3m	0	1:200
8m	4m	2m	0	1:100
4m	2m	1m	0	1:50

**LEGEND**



Affordable Housing units shaded thus



200m	100m	50m	0	1:2500
100m	50m	25m	0	1:1250
40m	20m	10m	0	1:500
12m	6m	3m	0	1:200
8m	4m	2m	0	1:100
4m	2m	1m	0	1:50

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**notes**

rev.	date	by	detail
-	-	-	-

**site**  
 Proposed Residential Development  
 WEST ROW  
 SUFFOLK

**client**  
 Pigeon Investment Management

**drawing title**  
 Affordable Housing Locations

<b>drawn</b> SC	<b>checked</b> SC
<b>scale</b> 1:500 @ A1	<b>date</b> November 2015
<b>drawing number</b> 013 - 027 - 103	<b>revision</b> -

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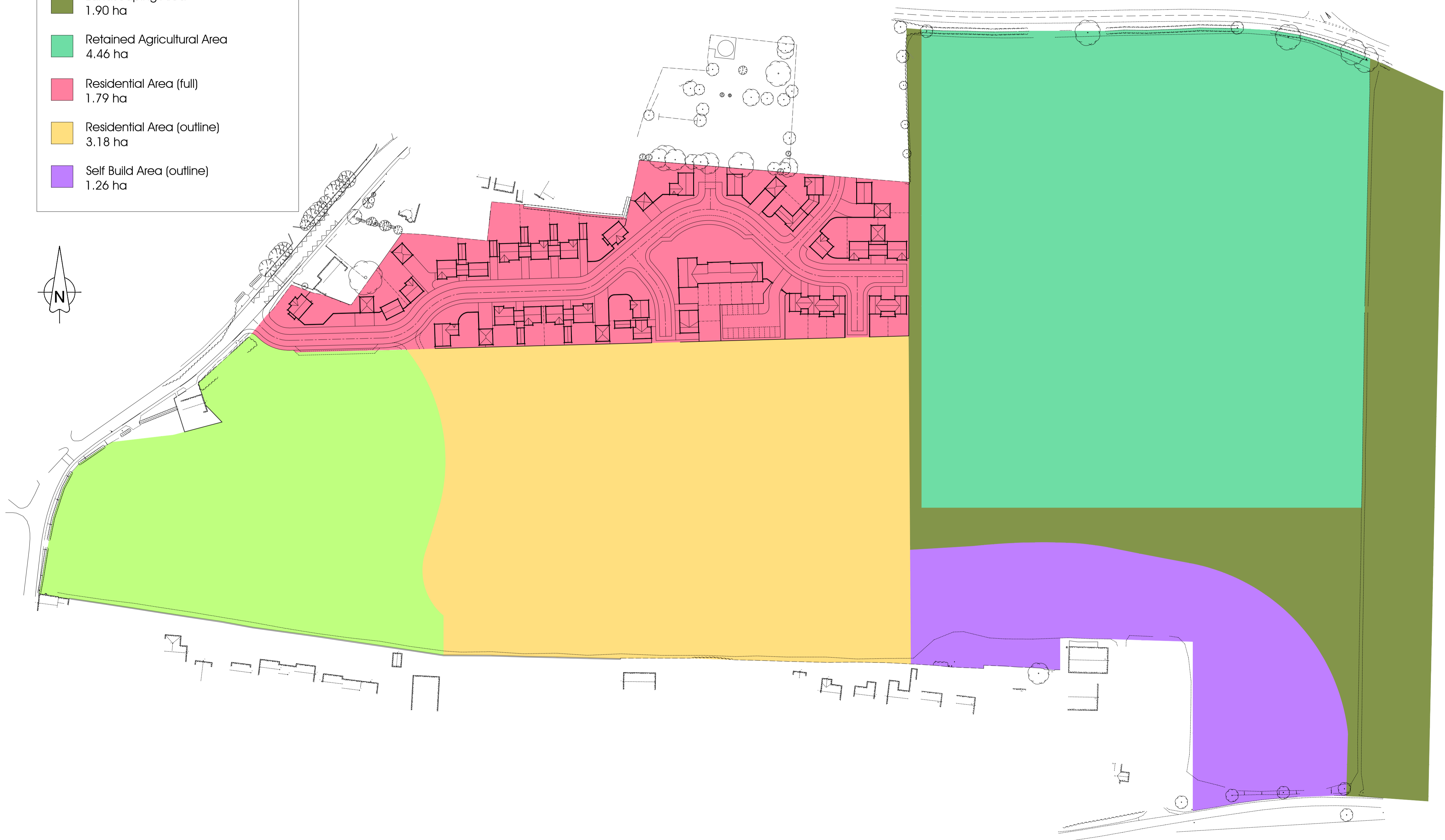
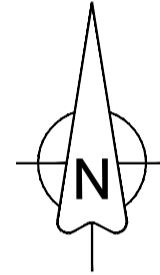
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200m	100m	50m	0	1:2500
100m	50m	25m	0	1:1250
40m	20m	10m	0	1:500
10m	5m	2m	0	1:200
8m	4m	2m	1m	1:100
4m	2m	1m	0.5m	1:50

Legend	
	Public Open Space 1.91 ha
	Landscaping Area 1.90 ha
	Retained Agricultural Area 4.46 ha
	Residential Area (full) 1.79 ha
	Residential Area (outline) 3.18 ha
	Self Build Area (outline) 1.26 ha



200m	100m	50m	0	1:2500
100m	50m	25m	0	1:1250
40m	20m	10m	0	1:500
10m	5m	2m	0	1:200
8m	4m	2m	1m	1:100
4m	2m	1m	0.5m	1:50

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rev.	date	by	detail
-	-	-	-

rev.	date	by	detail
-	-	-	-

**site**  
 Proposed Residential Development  
 WEST ROW  
 SUFFOLK

**client**  
 Pigeon Investment Management

**drawing title**  
 Areas Plan

<b>drawn</b> SC	<b>checked</b> SC
<b>scale</b> 1:1000 @ A1	<b>date</b> December 2015
<b>drawing number</b> 013 - 027 - 104	<b>revision</b> -

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**notes**

**site**  
 Proposed Residential Development  
 WEST ROW, SUFFOLK  
**drawing title**  
 Concept Plan  
 IMAGE BASE

drawn SC	checked SC
scale NTS	date December 2015
drawing number 013 - 027 - 105	revision -

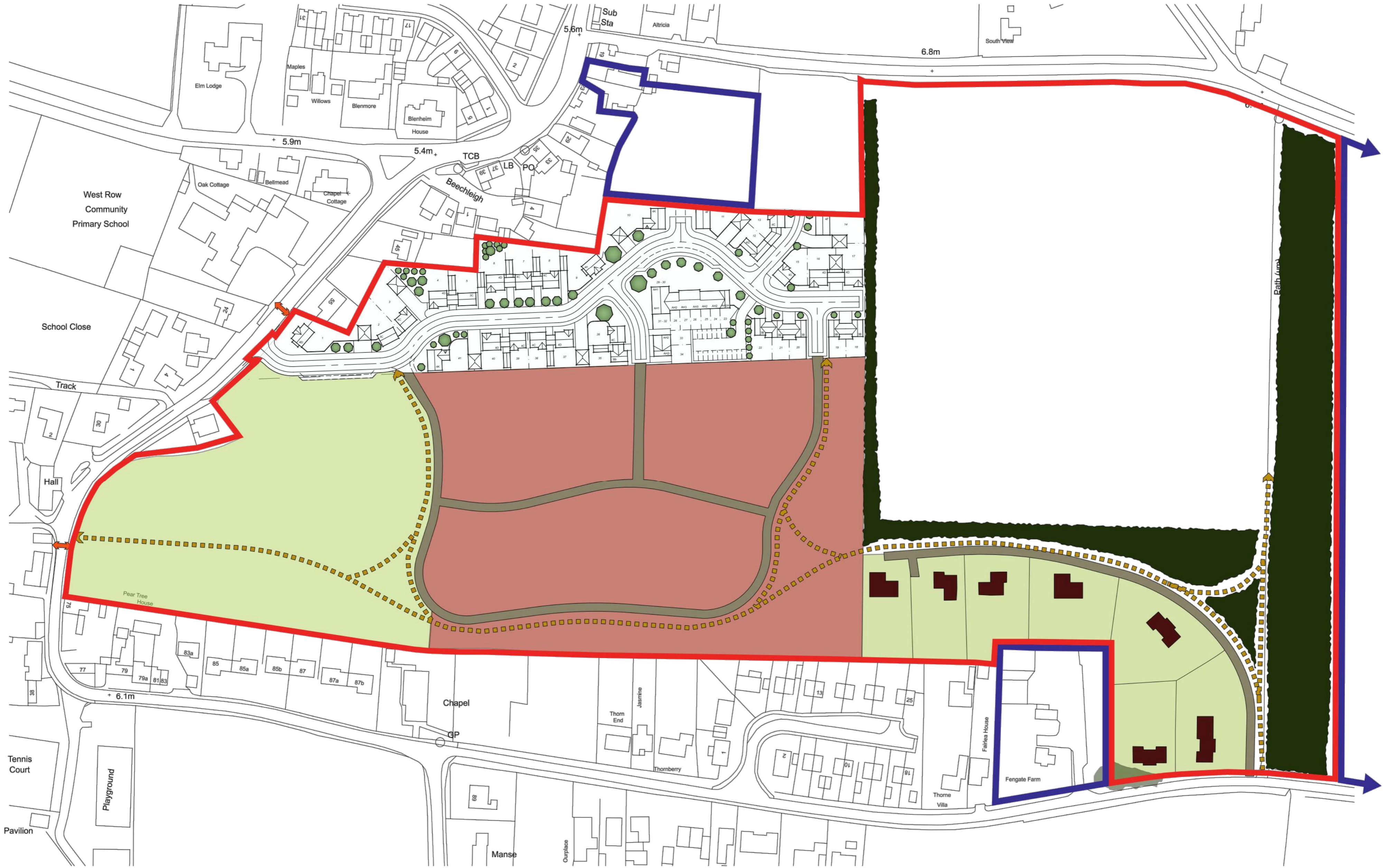
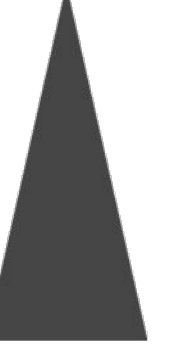
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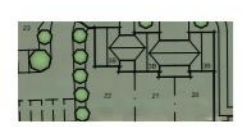







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**Key:**

-  Residential (full)
-  Residential (outline)
-  Open Space
-  Footpath links
-  Road links
-  Landscaping
-  Self-build (outline)
-  Pedestrian crossing

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**notes**

**site**  
 Proposed Residential Development  
 WEST ROW, SUFFOLK

**drawing title**  
 Concept Plan  
 OS BASE

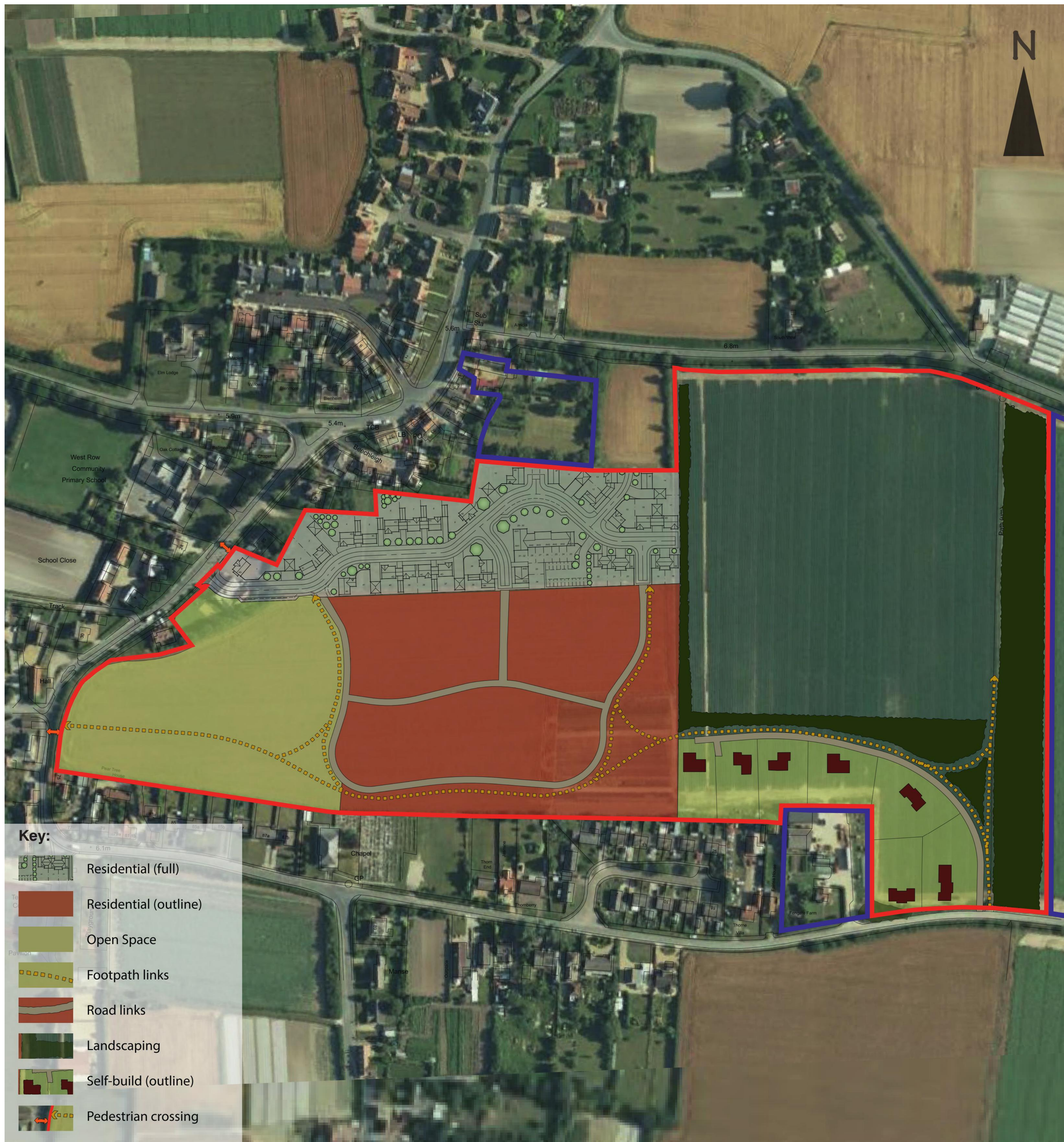
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**notes**

**site**  
 Proposed Residential Development  
 WEST ROW, SUFFOLK  
**drawing title**  
 Concept Plan  
 COMBINED IMAGE & OS BASE

drawn SC	checked SC
scale NTS	date December 2015
drawing number 013 - 027 - 107	revision -

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