

# Development Control Committee



Forest Heath  
District Council

<b>Title:</b>	<b>Agenda</b>									
<b>Date:</b>	<b>Wednesday 7 September 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> <table style="width: 100%; border: none;"> <tr> <td style="vertical-align: top;"><u>Conservative Members (9)</u></td> <td style="vertical-align: top;">David Bowman Ruth Bowman Louis Busuttil Stephen Edwards</td> <td style="vertical-align: top;">Brian Harvey Carol Lynch Louise Marston</td> </tr> <tr> <td style="vertical-align: top;"><u>West Suffolk Independent Members (3)</u></td> <td style="vertical-align: top;">Andrew Appleby Simon Cole</td> <td style="vertical-align: top;">David Palmer</td> </tr> <tr> <td style="vertical-align: top;"><u>UKIP Members (2)</u></td> <td style="vertical-align: top;">Roger Dicker</td> <td style="vertical-align: top;">Peter Ridgwell</td> </tr> </table>	<u>Conservative Members (9)</u>	David Bowman Ruth Bowman Louis Busuttil Stephen Edwards	Brian Harvey Carol Lynch Louise Marston	<u>West Suffolk Independent Members (3)</u>	Andrew Appleby Simon Cole	David Palmer	<u>UKIP Members (2)</u>	Roger Dicker	Peter Ridgwell
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<p><b>SITE VISITS WILL BE HELD ON MONDAY 5 SEPTEMBER 2016 AT THE FOLLOWING TIMES:</b></p> <p><b>PLEASE NOTE – A coach will be provided for Members of the Committee to attend all the site visits listed below. Members are requested to convene at the District Offices, College Heath Road, Mildenhall at <u>9.15am</u> on Monday 5 September 2016, so that the coach can depart no later than <u>9.25am</u>.</b></p> <p><b>1. Planning Application DC/16/0723/FUL - 35 Kingsway, Mildenhall Planning Application DC/16/0723/FUL - Dwelling adjoining No. 35 Kingsway Site visit to be held at 9.30am</b></p> <p style="text-align: right;"><b>(Cont. overleaf .....)</b></p>										

**2. Planning Application DC/16/0596/OUT - Land east of Newmarket Road and north of Elms Road, Red Lodge**

Outline planning application DC/16/0596/OUT (Means of Access to be considered) -

- (i) Residential development for up to 125 dwellings
- (ii) Public open space including children's play area and electricity substation

**Site visit to be held at 10.00am**

**3. Planning Application DC/16/1175/FUL - Weston, Milburn Drove, Moulton**

Planning Application DC/16/1175/FUL -

- (i) Change of use of existing garage to Hairdressing salon (Use Class A1)
- (ii) Extension to front of existing garage

**Site visit to be held at 10.30am**

<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>

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## 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.

## **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/altered, together with the material planning basis for that change.
  - Members can choose to
    - delegate the detailed wording and reason to the Head of Planning and Regulatory Services
    - delegate the detailed wording and reason to the Head of Planning and Regulatory Services following consultation with the Chair and Vice Chair(s) of Development Control Committee

- Member Training
  - In order to ensure robust decision-making all members of Development Control Committee are required to attend annual Development Control training.

## **Notes**

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

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

# Agenda

## Procedural Matters

### Part 1 – Public

- 1. Apologies for Absence**
- 2. Substitutes**
- 3. Minutes** **1 - 22**

To confirm the minutes of the meeting held on 3 August 2016 (copy attached).
- 4. Planning Application DC/16/1274/HH - Lowlands Lodge, 70 Holmsey Green, Beck Row** **23 - 30**

Report No: **DEV/FH/16/025**

Householder Planning Application DC/16/1274/HH

  - (i) Retention of car port to side elevation
  - (ii) Retention of Alterations to side extension roof
- 5. Planning Application DC/16/0723/FUL - 35 Kingsway, Mildenhall** **31 - 40**

Report No: **DEV/FH/16/026**

Planning Application DC/16/0723/FUL - Dwelling adjoining No. 35 Kingsway
- 6. Planning Application DC/16/1175/FUL - Weston, Milburn Drove, Moulton** **41 - 54**

Report No: **DEV/FH/16/027**

Planning Application DC/16/1175/FUL

  - (i) Change of use of existing garage to Hairdressing salon (Use Class A1)
  - (ii) Extension to front of existing garage
- 7. Planning Application DC/16/0596/OUT - Land East of Newmarket Road and North of Elms Road, Red Lodge** **55 - 122**

Report No: **DEV/FH/16/028**

Outline Planning Application DC/16/0596/OUT (Means of Access to be considered)

  - (i) Residential development for up to 125 dwellings
  - (ii) Public open space including children's play area and electricity substation



# Development Control Committee



Forest Heath  
District Council

**Minutes** of a meeting of the **Development Control Committee** held on **Wednesday 3 August 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

Andrew Appleby

Carol Lynch

John Bloodworth

Louise Marston

Louis Busuttill

David Palmer

Stephen Edwards

Peter Ridgwell

Brian Harvey

Nigel Roman

**151. Chairman's Announcement**

The Chairman informed all members of the public in attendance that they were present in order to listen to the discussion and did not have the right to address the meeting. They were not to cause a disturbance or interrupt and, if necessary, anyone making a disturbance could be asked to leave.

**152. Apologies for Absence**

Apologies for absence were received from Councillors David Bowman, Ruth Bowman, Simon Cole and Roger Dicker.

**153. Substitutes**

Councillor John Bloodworth attended the meeting as substitute for Councillor Ruth Bowman and Councillor Nigel Roman attended as substitute for Councillor David Bowman.

**154. Minutes**

The minutes of the meeting held on 6 July 2016 were accepted as an accurate record and were signed by the Chairman, with 11 voting for the motion and with 1 abstention.

**155. Planning Application DC/14/2047/HYB - Land East of Beeches Road, West Row (Report No: DEV/FH/16/024)**

The Chairman agreed for this item to be brought forward on the agenda.

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.

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

A Member site visit was held prior to the meeting. Officers were recommending that the application be approved, as set out in Paragraphs 94 - 97 of Report No DEV/FH/16/024.

The Service Manager (Planning – Development) advised that since publication of the agenda a further five additional letters of objection had been received from West Row residents, all of which raised issues which had been covered in previous representations.

The Officer also outlined the following corrections to the report:

Paragraph 20 – the footpath referred to as FP8 should have read **FP6**;

Paragraph 49 – the reference to the village of Lakenheath should have read **West Row**;

Paragraph 55 – the reference to the town of Mildenhall should have read **West Row**; and

Paragraph 94 – the Travel Plan Bond S106 contribution should have read **£123,644**.

The Officer made reference to the current status of the Council's Local Plan and the NPPF. She explained that the recommendation was one of balance; with Officers having weighed up the benefits and dis-benefits of the scheme.

Considerable discussion took place on the highways elements of the development with the Officer outlining the extensive traffic measures that were to be delivered.

Councillor Brian Harvey drew attention to Condition 15 within Paragraph 96 which referred to the Zebra Crossing to be delivered on Beeches Road as part of the scheme. He asked if the condition could be amended to ensure that the crossing was in place prior to the development commencing (as opposed to prior to the first dwelling being occupied). The Officer confirmed that the condition could be amended to reflect this.

Accordingly, Councillor Harvey then moved that the application be approved (inclusive of the amendment to Condition 15, above) and this was duly seconded by Councillor Louis Busuttil.

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

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 - £123,644
  - 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.
  
2. 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
3. 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 development commencing.
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
4. 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

Speakers: Mr John Smith (West Row Action Group) spoke against the application.  
Mr Simon Butler-Finbow (Agent) spoke in support of the application.

156. **Planning Application DC/16/0715/FUL - Flat, The Manor, Newmarket Road, Barton Mills (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)

This application was referred to the Development Control Committee due to the complex policy issues.

Officers were recommending that the application be approved as set out in Paragraph 39 of Report No DEV/FH/16/017.

It was moved by Councillor Brian Harvey, seconded by Councillor Nigel Roman and with the vote being unanimous, it was resolved that

Planning permission be **GRANTED**.

157. **Planning Application DC/15/0070/OUT - Rolfe's Coal Yard, Wilde Street, Beck Row (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.

This application was deferred from consideration at the Development Control Committee on 6 July 2016 as Members resolved that they were 'minded to approve' planning permission, contrary to the Officer recommendation of refusal, due to the benefits the scheme provided.

Report No DEV/FH/16/018 included a risk assessment of the potential reasons for approval. A Member site visit had been held prior to the July meeting. Officers were continuing to recommend that the application be refused.

Councillor Louise Marston made reference to the benefits the scheme afforded and moved that the application be approved, this was duly seconded by Councillor Brian Harvey.

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

Planning permission be **GRANTED** subject to the following conditions:

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.

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

**158. Planning Application DC/16/0179/FUL - Development Site, Gazeley Road, Kentford (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.

This application was referred to the Development Control Committee due to the complex policy issues.

A Member site visit was held prior to the meeting. Officers were recommending that the application be approved, as set out in Paragraph 64 of Report No DEV/FH/16/019.

Councillor Brian Harvey raised a query with regard to the amended scheme no longer containing garages. The Planning Officer explained that in order to alleviate Members' concerns with this element a condition could be added to remove permitted development rights, therefore, ensuring that a planning application would have to be submitted for any further development on the site.

Councillor Carol Lynch spoke in support of the application in view of the Parish Council and neighbours supporting the scheme. She moved that it be approved, inclusive of the additional condition regarding permitted development rights, and this was duly seconded by Councillor John Bloodworth.

With the vote being unanimous, it was resolved that:

Planning permission be **GRANTED** 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

15. Permitted development rights be removed from the site

159. **Planning Application DC/14/2096/FUL - Land North of Station Road, Lakenheath (Report No: DEV/FH/16/020)**

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).

This application was referred to the Development Control Committee because it was a proposal for 'major' development. In addition, it also raised complex planning issues of national and international importance.

By way of background; the Committee were reminded that the application had been withdrawn from the agenda of the Development Control Committee meeting on 2 March 2016 to enable appropriate consideration of a direct threat of legal challenge received from solicitors acting on behalf of Lakenheath Parish Council.

The application was then returned to the Development Control Committee on 6 April 2016 following receipt of a request from Suffolk County Council for the Planning Authority to provide a steer on the merits of the planning application. However, a number of key matters had changed since the April Committee meeting and the Committee were now being asked to determine the planning application in light of the strength of evidence which currently existed.

The Principal Planning Officer – Major Projects opened his presentation by providing the following updates since publication of the agenda:

- Working Paper 4 – this had been mistakenly omitted from the printed agenda, with Working Paper 3 having been attached twice. Working Paper 4 had, therefore, been circulated under separate cover, prior to the meeting;
- Layout plan - the version attached to the agenda was now obsolete, a concept drawing of the new layout was included as part of the Officer's PowerPoint presentation;
- Paragraph 216 – the last sentence beginning "*The receipt from the Leader of Suffolk County Council...*" should be removed and disregarded;
- Paragraph 283 – it had been determined that aircraft movement did not lead to air quality concerns at the application site and this would, therefore, not be part of the Officer's presentation (contrary to what was written in this paragraph of the report);
- Secretary of State – the Planning Authority had received confirmation from the Secretary of State that he would consider whether or not to formally call-in the application following the decision made by the Planning Authority; and
- Four further representations had been received in respect of the application from:
  - I. Lakenheath Parish Council (solicitors acting on their behalf);

- II. Defence Infrastructure Organisation (MoD);
- III. Elveden Estates (agents acting on their behalf); and
- IV. The Council's Public Health and Housing Team.

These representations had been emailed to the Committee by the Case Officer, prior to the meeting. Hard copies were also tabled to the meeting to all present.

The Officer then went through each of the representations and summarised the points made and his response to each.

Lastly, the Committee was advised that a further representation had been forwarded from the Parish Council to the Planning Authority purporting to be from Lakenheath Primary School. However, as the Officer had been unable to confirm the source with anyone from the school, this representation had not been circulated to Members and could not be considered.

The Officer made reference to the current status of the Council's Local Plan and the NPPF. He also outlined each of the other large scale residential planning applications in/around Lakenheath.

Considerable discussion took place with regard to the perceived noise impacts that RAF Lakenheath's operations would have on the development site; as highlighted by the late representations from the Parish Council, the MoD and Elveden Estates.

Councillor Louis Busuttill asked the Council's Lawyer to advise on this matter. The Lawyer explained that she could not guarantee that the Council would not be subject to legal challenge, however, the Council's Public Health and Housing team believed that any noise could be mitigated.

Councillor Louise Marston, Ward Member for the application, spoke in support of the scheme and welcomed the movement of the school site within the new layout. She explained that the existing primary school, together with much of the village, was susceptible to noise from RAF Lakenheath aircraft movement. And she stressed that the existing school had no noise mitigation measures due to the age of the building.

Councillor Marston also asked if it would be possible for a pick up/drop off point to be included at the new primary school. The Planning Officer explained that the District Council would be a consultee on the reserved matters planning application for the school and this could be brought before the Committee.

Councillor Brian Harvey raised a question with regard to the extension of the 30mph limit out of the village that would take place as a result of the development. The Suffolk County Council Officer who was in attendance explained that the extension had been approved by the County Council and would be delivered on receipt of the relevant S106 funding.

The Planning Officer explained that on commencement of the development would be the earliest point at which the S106 funding could be collected by the County Council to deliver the extension of the 30mph zone. And this could be conditioned to reflect this should Members wish.

Councillor Louise Marston moved that the application be approved, inclusive of the condition with regard to the implementation of the 30mph extension, and this was duly seconded by Councillor Louis Busuttill.

With the vote being unanimous, it was resolved that

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); and
- 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)
- The extension of the 30mph zone past the frontage of the site to take place upon commencement of the development
- Any additional conditions considered necessary by the Head of Planning and Growth.

In the event of;

1. 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,

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

or,

3. 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.

Speakers: Councillor Hermione Brown (Lakenheath Parish Council) spoke against the application  
Mr Simon Butler-Finbow (agent) spoke in support of the application.

**160. Tree Preservation Order TPO 3, 2016 - Land North of Station Road, Lakenheath (Report No: DEV/FH/16/021)**

The Principal Planning Officer – Major Projects advised the Committee that 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 were an important landscape feature characteristic of the area and of the Breckland landscape character type. The TPO was required to prevent the precipitous removal of trees on this potential development site and to protect retained trees into the future when, if the site is developed, they would increase in their public amenity value.

The statutory consultation period for the TPO expired on 4 July 2016. An objection to the TPO had been received from the agent in connection with the



planning application that had been submitted for the site (as determined under the previous item on the agenda, Report No DEV/FH/16/020).

Members were informed that Planning Officers did not consider the objections made to be warranted and they were recommending that the TPO be confirmed without modifications.

It was moved by Councillor Louise Marston that the TPO be confirmed as per the Officer recommendation and this was duly seconded by Councillor Stephen Edwards.

With the vote being unanimous, it was resolved that

Tree Preservation Order TPO 3, 2016 (Land North of Station Road, Lakenheath) be **CONFIRMED** without modification.

**161. Planning Application DC/16/1036/FUL - Newmarket Leisure Centre, Exning Road, Newmarket (Report No: DEV/FH/16/022)**

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

This application was referred to the Development Control Committee because the applicant was Forest Heath District Council.

Officers were recommending that the application be approved as set out in Paragraph 17 of Report No DEV/FH/16/022.

It was moved by Councillor Carol Lynch that the application be approved as per the Officer recommendation and this was duly seconded by Councillor Nigel Roman.

With the vote being unanimous, it was resolved that

Planning permission be **GRANTED** 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.

**162. Planning Application DC/16/1131/FUL - Southernwood, Fordham Road, Newmarket (Report No: DEV/FH/16/023)**

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.

This application had been referred to the Development Control Committee because it was a major development and Newmarket Town Council had objected to the development which was contrary to the Officer recommendation.

A Member site visit had been held prior to the meeting. Officers were recommending that the application be approved as set out in Paragraph 45 of Report No DEV/FH/16/023.

The Senior Planning Officer explained that the site already had planning permission achieved in February 2016 for 10 apartments. For the benefit of the Committee she outlined the changes made to the scheme in the application before them.

Whilst some Members spoke in support of the application (including Councillor Andrew Appleby, the Ward Member), Councillor Carol Lynch voiced concern at the loss of a prestigious large house in Newmarket.

Councillor Brian Harvey raised a query concerning the trees on the site. The Officer explained that as the site was within a Conservation Area all the trees were automatically protected.

It was moved by Councillor Appleby that the application be approved, as per the Officer recommendation, and this was duly seconded by Councillor Louis Busuttill.

With 8 voting for the motion and with 4 against, it was resolved that

Planning permission be **GRANTED** 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.

Speaker: Mr Philip Kratz (Agent) spoke in support of the application.

The meeting concluded at 8.54 pm

**Signed by:**

**Chairman**

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## Forest Heath District Council

**DEVELOPMENT  
CONTROL COMMITTEE**

**7 SEPTEMBER 2016**

**DEV/FH/16/025**

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

**PLANNING APPLICATION DC/16/1274/HH - LOWLANDS LODGE, 70 HOLMSEY  
GREEN, 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: Matthew Gee

Email: [matthew.gee@westsuffolk.gov.uk](mailto:matthew.gee@westsuffolk.gov.uk)

Telephone: 01638 719792

# Committee Report

**Date Registered:** 04/07/2016

**Expiry Date:** 29/08/2016

**Extension of time:** 09/09/2016

**Case Officer:** Matthew Gee

**Recommendation:** Approve

**Parish:** Beck Row

**Ward:** Eriswell and the Rows

**Proposal:** Householder Planning Application DC/16/1274/HH – (i) Retention of car port to side elevation (ii) Retention of Alterations to side extension roof

**Site:** Lowlands Lodge, 70 Holmsey Green, Beck Row

**Applicant:** Mr Michael Almond

## **Background:**

**This application is referred to the Development Control Committee because the applicant is a relation of an Officer of Forest Heath District Council Staff**

## **Proposal:**

1. Planning permission is sought for the retention of:
  - i. A car port to the side elevation measuring 4.45m in length, 7.59m in depth, and 2.4m in height along the western boundary increasing to 3.15m in height where it meets the dwelling.
  - ii. Alterations to the flat roofed side extension originally measuring 2.4m in height, creating a pitched roof measuring 3.1m to the eaves and 3.95m in height.

## **Application Supporting Material:**

2. Information submitted with the application as follows:
  - Elevations
  - Site location plan

## **Site Details:**

3. The site is situated within the settlement boundary for Beck Row, and comprises of a detached one and half storey dwelling with single storey side extension. The site fronts the highway to the north, and is bounded by dwellings to the east and west. The site is partially screened to the front by trees and shrubbery.



**Planning History:**

4. F/85/248 - Erection of demountable building for use as children nursery for public use – Approved with conditions
5. DC/13/0283/OUT - Erection of 2 no. dwellings – Approved with conditions

**Consultations:**

6. Highway Authority: No objection

**Representations:**

7. Parish Council: No response received.
8. No letters of representation 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 Development Principles and Local Distinctiveness
  - Policy DM24 - Alterations or Extensions to Dwellings, including Self Contained annexes and Development within the Curtilage
10. Forest Heath Core Strategy (2010):
  - Policy CS5 - Design quality and local distinctiveness

**Other Planning Policy:**

11. National Planning Policy Framework (2012) core principles and paragraphs 56 – 68

**Officer Comment:**

12. Policies DM2, DM24 and CS5 all seek to ensure that proposals respect the character, appearance and scale of the existing dwelling and the character and appearance of the immediate and surrounding area. The materials used in the construction of the car port and in the alterations to the roof, are considered sympathetic to those used in the existing exterior of the dwelling as well as those used in the wider area. The car port and roof alterations are of a relatively simple, but non-traditional design (there are no other examples in the immediate area). In addition, whilst the alterations to the roof have increased the eaves height beyond that of the existing dwelling, the roofline is lower than the host dwelling. It is therefore considered that the alterations to the roof and the side car port do not result in any adverse impact on the character or scale of the

existing dwelling. The site is an area with a wide and varied character both in the immediate street scene and the surrounding area and it is not considered that the completed works have a harmful impact.

13. Policy DM24 seeks to ensure that proposals do not result in the overdevelopment of the dwelling curtilage. It is considered that curtilage of the dwelling is of a sufficient size that the modest sized car port does not result in the overdevelopment of the site.
14. Policy DM24 also seeks to ensure that alterations/extensions to dwellings do not result in any adverse impact on the residential amenities of neighbouring residents. The amended roofline of the side extension is considered to be a sufficient distance from neighbouring dwellings that the alterations do not result in any adverse impact in terms of loss of light. In addition, the screening along the western boundary, the low height of the car port, sloped roof and distance to neighbouring windows are sufficient to not result in any adverse impact on the light levels afforded to neighbouring residents. The alterations do not result in any overlooking, and are not overbearing to neighbouring residents. As such the proposal does not result in any adverse impact on the residential amenities of neighbouring residents.

**Conclusion:**

15. In conclusion, the principle and detail of the development is considered to be acceptable and in compliance with relevant development plan policies and the National Planning Policy Framework.

**Recommendation:**

16. It is recommended that planning permission be **APPROVED**.  
(NB: no conditions are necessary as this is a retrospective application)

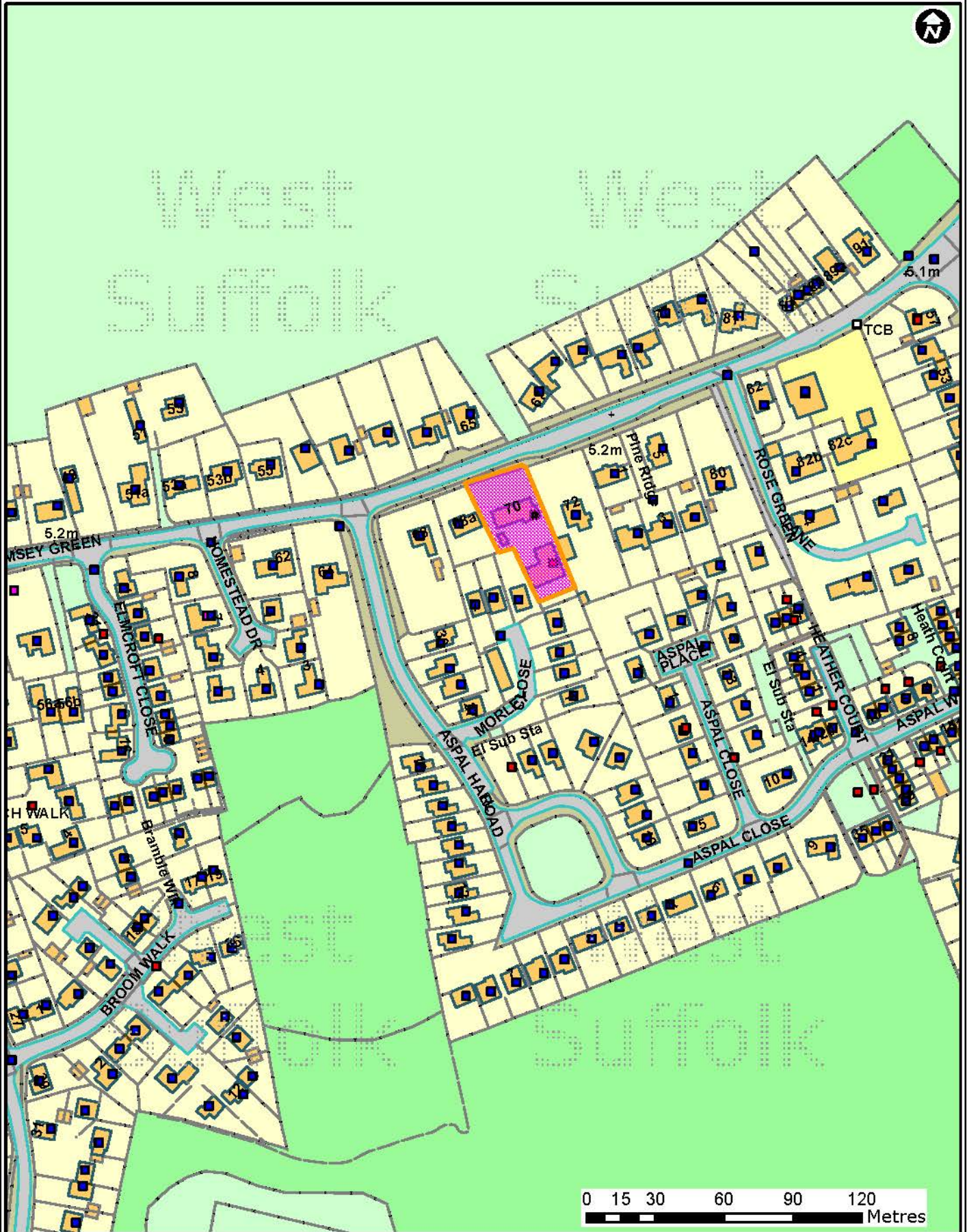
**Documents:**

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=O8THLLPD05M00>

DC/16/1274/hh

Lowlands Lodge, 70 Holmsey Green, Beck Row



Forest Heath • St Edmundsbury

**West Suffolk**  
working together

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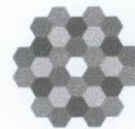
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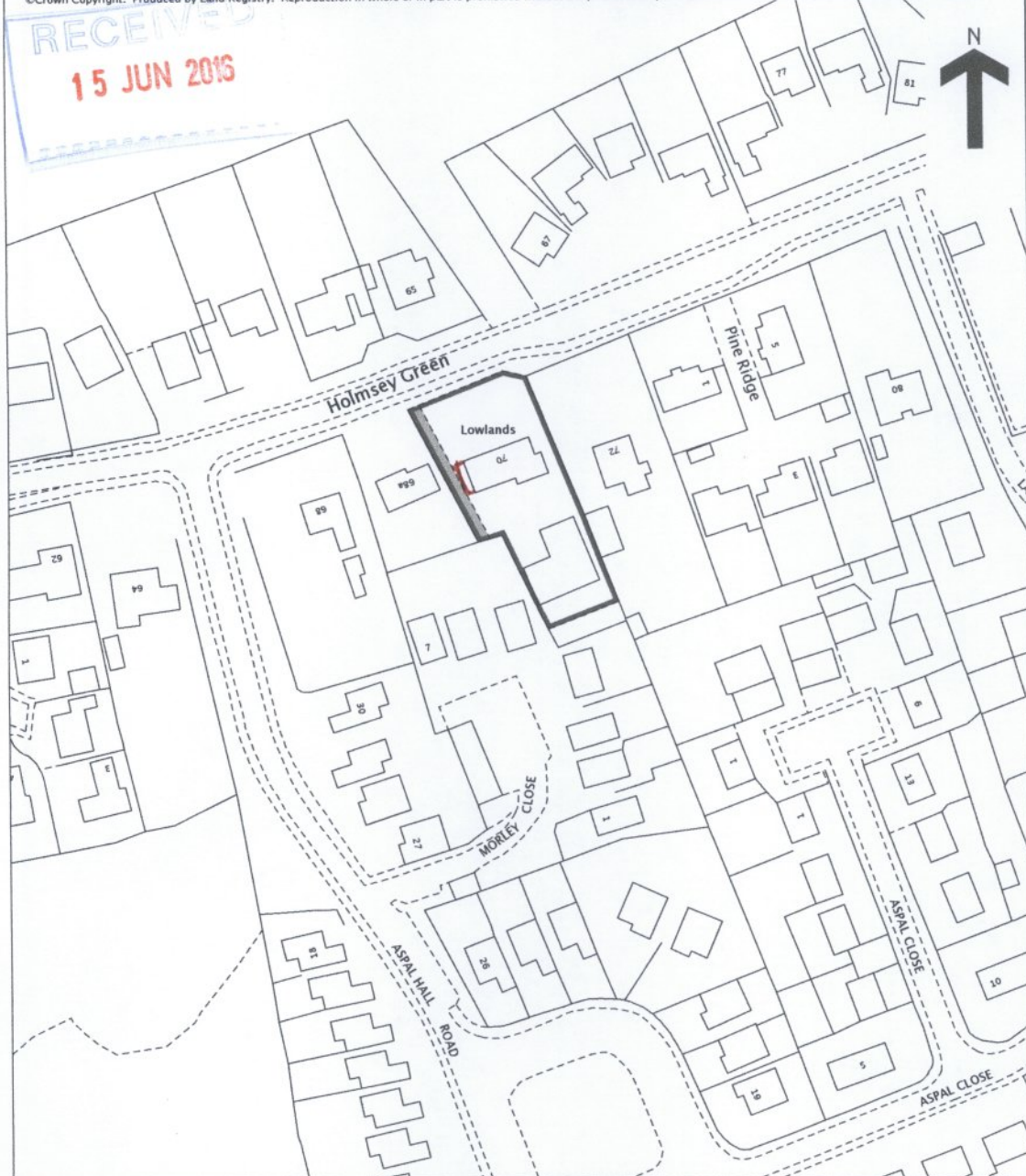
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Land Registry  
Current title plan

Title number **SK239142**  
Ordnance Survey map reference **TL6977NE**  
Scale **1:1250 enlarged from 1:2500**  
Administrative area **Suffolk : Forest Heath**



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## Forest Heath District Council

**DEVELOPMENT  
CONTROL COMMITTEE**

**7 SEPTEMBER 2016**

**DEV/FH/16/026**

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

**PLANNING APPLICATION DC/16/0723/FUL – 35 KINGSWAY, MILDENHALL**

### **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: Marianna Christian  
Email: [marianna.christian@westsuffolk.gov.uk](mailto:marianna.christian@westsuffolk.gov.uk)  
Telephone: 01284 757351

# Committee Report

**Date** 11 April 2016

**Expiry Date:** 6 June 2016

**Registered:**

EoT 19 August 2016

**Case** Marianna

**Recommendation:** Grant

**Officer:** Christian

**Parish:** Mildenhall

**Ward:** Market

**Proposal:** Planning Application DC/16/0723/FUL - Dwelling adjoining No. 35 Kingsway

**Site:** 35 Kingsway, Mildenhall

**Applicant:** Ms C Spraggins

## **Background:**

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

**It was referred to the Delegation Panel as the Parish Council has objected to the application and the Officer recommendation is one of approval.**

**A site visit is scheduled to take place on Monday 5 September 2016.**

## **Proposal:**

1. Planning permission is sought for the erection of a two-storey 3-bedroom dwelling. The dwelling would be attached to No. 35 Kingsway, providing an end-terraced property, and would use the existing vehicular access which would become shared between both properties. To the rear of No. 35 and the new dwelling it is proposed to provide a shared parking area.
2. The application has been amended since submission to clarify the treatment of the front (south) and side (east) boundaries following concerns raised by both the Parish Council and the County Highway Authority.

## **Application Supporting Material:**

3. Information submitted with the application as follows:
  - Application Form
  - Design and Access Statement
  - Land Contamination Questionnaire
  - Groundsure Homebuyers report



- Plans

### **Site Details:**

4. The application site comprises part of the garden area of No. 35 Kingsway - a semi-detached house located in a residential area and within the housing settlement boundary of Mildenhall. There is an existing vehicular access on the east side of No. 35, beyond which is a footpath leading to Peterhouse Close to the north.

### **Planning History:**

5. None relevant to the current proposal.

### **Consultations:**

6. County Highway Authority:  
*Initial comments* – Additional information required. Boundary unclear between driveway and public footpath. Measures to protect boundary and users of footpath required. Details of how railing at end of footpath will be protected from vehicles using the driveway required. Recommend refusal in the absence of this information.  
*Further comments* – Conditions recommended regarding layout and surfacing of access, bin storage, surface water drainage and manoeuvring and parking.
7. Environment Team: Based on submitted information am satisfied that the risk from contaminated land is low.
8. Public Health & Housing: Conditions recommended regarding construction hours, burning of waste and external lighting.

### **Representations:**

9. Councillor Bowman: Concerned regarding the limited space within the site for car parking which will be shared by two family units, and the greater potential for vehicles to have to reverse out onto Kingsway.
10. Parish Council: Object due to the safety and access close to the pathway and the proposed crossing next to the property.
11. A representation has been received from the occupier of No. 33 Kingsway making the following summarised comments:
  - Query whether sufficient room for 4 vehicles as shown.
  - Concern that vehicles may park on grass verge/pavement in front of property, damaging the verge, blocking pedestrian access and limiting visibility for pedestrians crossing the road and for vehicles using the driveway.
  - Query whether conditions can be imposed to prevent parking on pavement/verge.

**Policy:**

12. The following policies have been taken into account in the consideration of this application:
13. Forest Heath Local Development Framework Core Strategy Development Plan Document 2001-2026 (May 2010):
  - Policy CS1 Spatial Strategy
  - Policy CS5 Design Quality and Local Distinctiveness
  - Policy CS7 Overall Housing Provision (sub-paragraph 1 only)
  - Policy CS10 Sustainable Rural Communities
14. Forest Heath Local Plan (1995) Saved Policies:
  - Inset Map 2 - Mildenhall
15. Forest Heath and St Edmundsbury Local Plan Joint Development Management Policies Document (February 2015):
  - Policy DM1 Presumption in Favour of Sustainable Development
  - Policy DM2 Creating Places – Development Principles and Local Distinctiveness
  - Policy DM14 Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards
  - Policy DM22 Residential Design
  - Policy DM46 Parking Standards

**Other Planning Policy/Guidance:**

16. National Planning Policy Framework (2012)
17. Planning Practice Guidance

**Officer Comment:**

18. The issues to be considered in the determination of the application are:
  - Principle of development
  - Design and impact on the area
  - Highway safety
  - Residential amenity

Principle of development

19. The site is located within the town of Mildenhall which Core Strategy Policy CS1 identifies as being one of the key areas for development. The application site currently comprises part of the garden of No. 35 Kingsway, and it is noted that the NPPF excludes private residential gardens from the definition of 'previously developed land'. The NPPF states (in paragraph 53) that LPAs should consider setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area. As such the NPPF does not preclude residential developments on existing garden land but highlights that such proposals should be considered having regard to local

distinctiveness. This approach is reflected in Policy DM2 of the Council's Joint Development Management Policies Document.

20. Having regard to the above, it is considered that the residential development of this site is acceptable in principle.

#### Design and impact on the area

21. The proposed dwelling is of a simple design which is considered to be in keeping with the existing property that it would adjoin. The dwelling has a bay window on the ground floor to match both No. 35 and 33 adjacent and would also be finished in similar materials. There are a variety of dwelling types and styles along Kingsway including terraced properties, and the proposal would not therefore appear out of character in this respect. The scheme is considered to provide an acceptable private amenity space for the new dwelling, commensurate with its modest scale, whilst also retaining an appropriately sized garden for No. 35. The dwelling would be positioned broadly in line with No. 35 and would leave adequate space for a shared driveway to the east leading to a generously sized parking and turning area. Overall the development is considered to be of an acceptable design and would not harm the character or appearance of the area.

#### Highway safety

22. The agent has provided an amended plan to address the initial queries and concerns raised by both the Parish Council and the County Highway Authority regarding the proposal.
23. No. 35 Kingsway has an existing vehicular access which would become a shared access to also serve the proposed dwelling. The access is to be widened slightly by the removal of a section of wall along the front boundary. The remaining wall here is to be replaced with a new wall that is only 600mm high to provide adequate visibility. On the east side of the access the existing brick wall is to be extended in order to protect the existing adjacent railings at the end of the public footpath, preventing conflict between vehicles and pedestrians in this location. This new section of wall would again be 600mm in height. The amended plan also shows that several overgrown bushes in this location will be removed, further improving visibility for pedestrians entering Kingsway from the footpath. Although the Parish Council has maintained its objection to the application on highway safety grounds, the County Highway Authority is now satisfied with the proposals. The scheme includes appropriate improvements to the existing access, having regard to its increased use serving an additional dwelling, and also provides an appropriate level of parking within the site for both dwellings. As such it is not considered that a refusal of planning permission could reasonably be substantiated on highway safety grounds in this case.

### Residential amenity

24. The dwelling would be slightly taller than No. 35 due to its differing roof form but would also be set back from the existing dwelling so as not to appear overly dominant. No windows are proposed in the west elevation overlooking No. 35 and there is a good degree of separation between the proposed dwelling and No. 39 to the east, with a public footpath also separating the two. As such the proposal is not considered to raise any adverse issues in terms of residential amenity.

### **Conclusion:**

25. In conclusion, the principle and detail of the development is considered to be acceptable and in compliance with relevant development plan policies and the National Planning Policy Framework.

### **Recommendation:**

26. It is recommended that planning permission be **GRANTED** subject to the following conditions:

1. Time limit
2. Compliance with plans
3. Dwelling - materials and colour finishes to match No. 35
4. Boundary walls – materials to be agreed
5. Hours of construction (as recommended by Public Health & Housing)
6. Removal of PD rights for new openings on west elevation
7. Access improvements as per Highways requirements
8. Surfacing of access to be agreed
9. Bin storage area to be provided and retained
10. Surface water drainage to be agreed
11. Parking and turning areas to be provided and retained

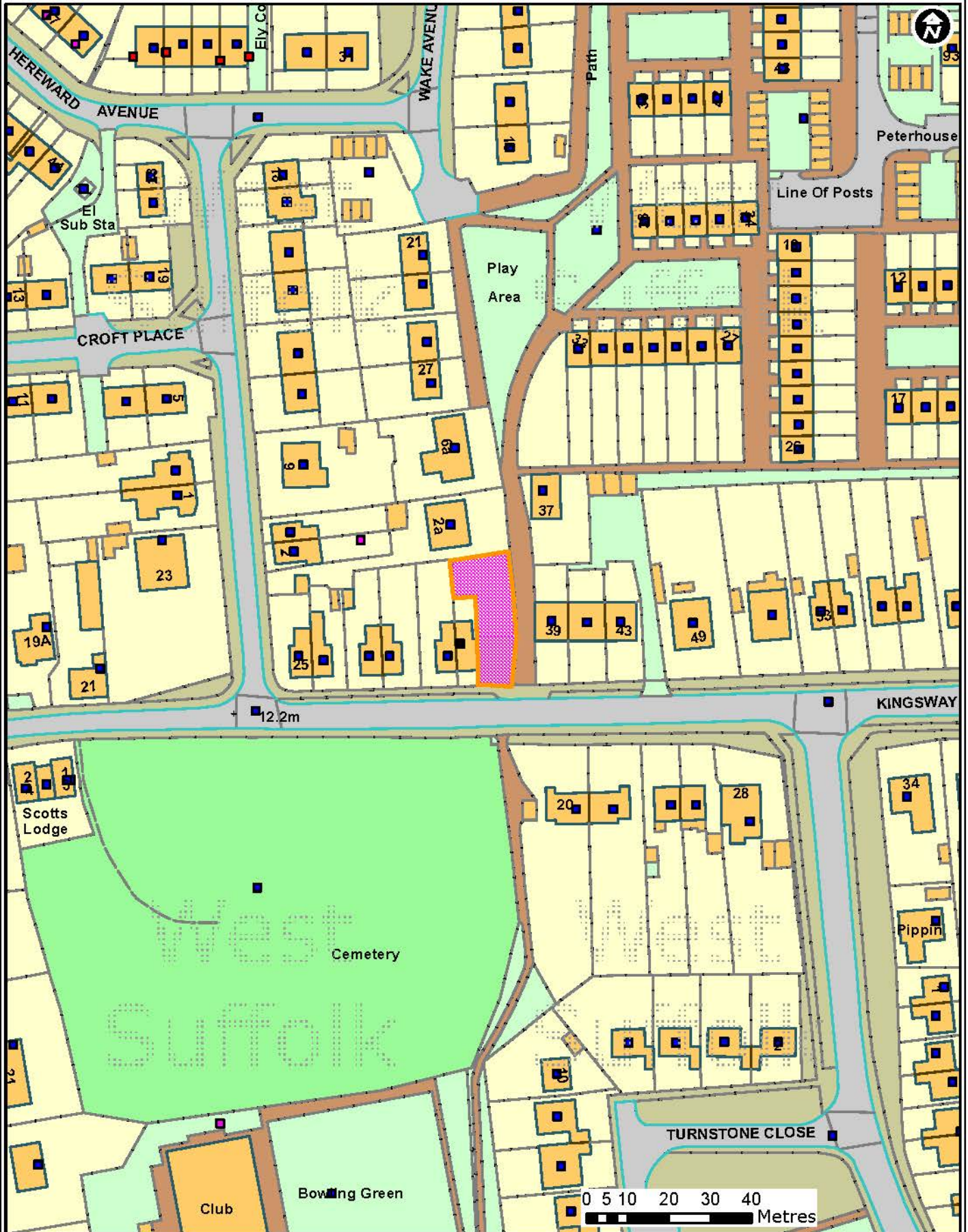
### **Documents:**

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=O59JO4PDGGA00>

DC/16/0723/FUL

35 Kingsway, Mildenhall



Forest Heath • St Edmundsbury

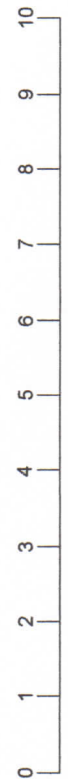
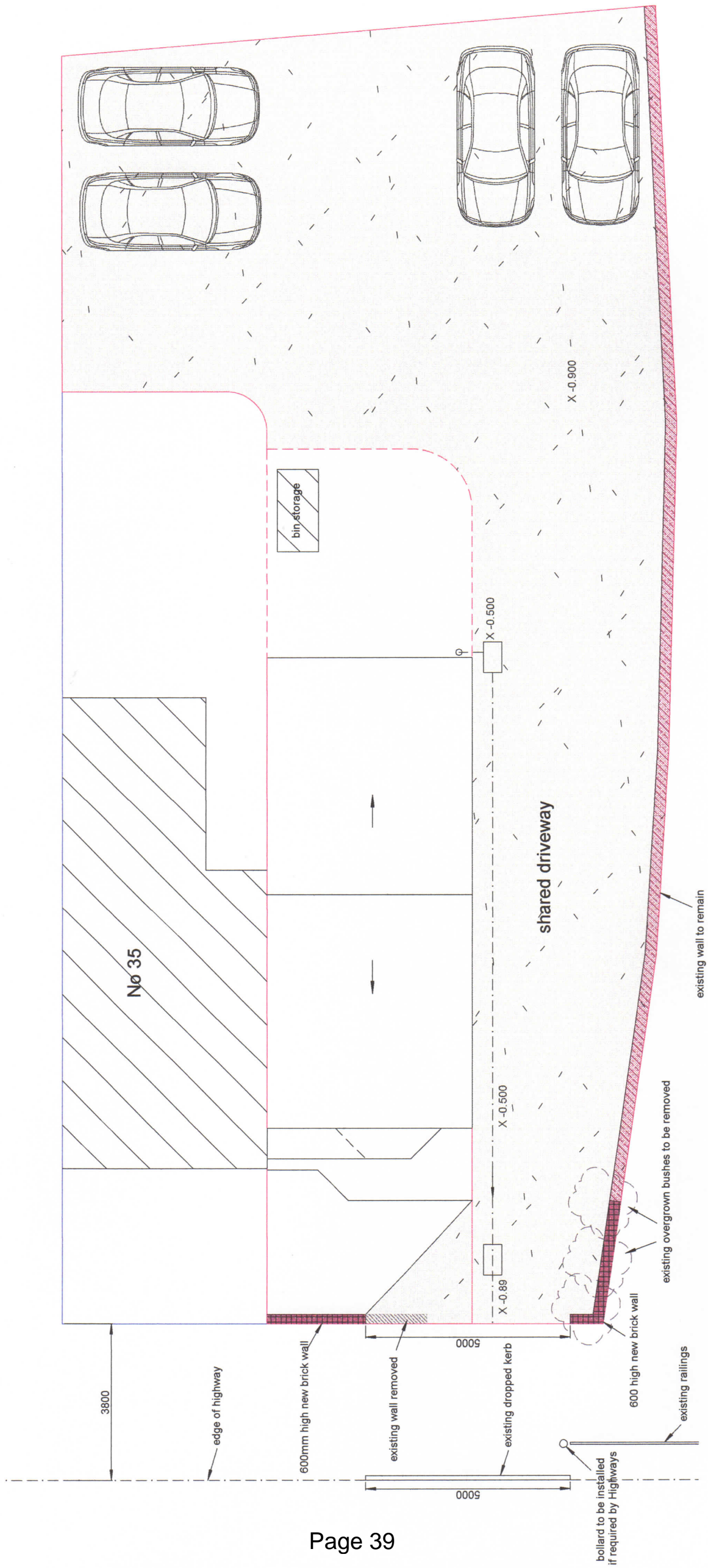
**West Suffolk**  
working together

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Date: 17/08/2016

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SCALE 1:100 on A3

P Grisbrook Building Design Services 01842 827995 / 07752 135740 paul@pgrisbrookbuildingdesign.co.uk	
<b>PROJECT ADDRESS</b>	ADJ 35 KINGSWAY, MILDENHALL, SUFFOLK, IP28 7HP
<b>TITLE</b>	PROPOSED BLOCK PLAN
<b>SCALE</b>	1:100
<b>DRAWING NO</b>	EP/002 D

- Rev A: Boundary line colours amended
- Rev B: Amendment to driveway added and highway shown
- Rev C: Bushes to be removed shown and details of wall added
- Rev D: Existing wall shown and additional section of 600mm wall

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## Forest Heath District Council

**DEVELOPMENT  
CONTROL COMMITTEE**

**7 SEPTEMBER 2016**

**DEV/FH/16/027**

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

**PLANNING APPLICATION DC/16/1175/FUL - WESTON, MILBURN DROVE,  
MOULTON, SUFFOLK**

### **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: Edward Fosker  
Email: [edward.fosker@westsuffolk.gov.uk](mailto:edward.fosker@westsuffolk.gov.uk)  
Telephone: 01638 719431

# Committee Report

**Date** 7 February 2016 **Expiry Date:** 1 September 2016

**Registered:**

**Case** Ed Fosker **Recommendation:** Approve

**Officer:**

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

**Proposal:** Planning Application - (i) Change of use of existing garage to Hairdressing salon (Use class A1) (ii) Extension to front of existing garage

**Site:** Weston, Milburn Drove, Moulton, Suffolk

**Applicant:** Mr Jon Button

## **Background:**

**This application is referred to the Development Control Committee at the request of the Delegation Panel. The application is recommended for Approval.**

**A site visit is scheduled to take place on Monday 5<sup>th</sup> September 2016.**

## **Proposal:**

1. Planning permission is sought to extend to the front of the existing garage and change the use of part of the garage to a hairdressing salon (Use class A1).
2. The proposed front extension measures 6 metres in depth, 3.9metres in width and a maximum height of 4 metres at the ridge sloping to 2.5 metres at the eaves.

## **Application Supporting Material:**

3. Information submitted with the application as follows:
  - Application form
  - Plans
  - Travel Plan

### **Site Details:**

4. The application site comprises a large, detached bungalow situated within the Housing Settlement Boundary of Moulton. The host dwelling is set back from Milburn Drove (a private road off the southern side of Newmarket Road) in a substantial sized plot with a large gravel surfaced frontage which provides a considerable amount of off street parking.

### **Planning History:**

5. DC/14/1207/HH: Householder Planning Application: Single storey rear extension and replacement of flat roof detached garage with duo pitched roof detached garage. Approved: 17.09.2014.

### **Consultations:**

6. Highway Authority: his change of use will not lead to a severe impact upon the highway as stated in the NPPF and as such SCC Highways would be not be able to recommend refusal of this application. In respect of the proposed parking any recommendation for approval should include conditions to require:
  - Details of the parking and manoeuvring area (to be retained);
  - Details of adequate turning space within the site to allow vehicles to enter and exit in forward gear;
  - Travel Plan, including monitoring provisions shall be submitted and approved in writing by the Local Planning Authority and such approved arrangements shall be implemented before the development is first brought into use and thereafter adhered to. The travel plan shall include but not be limited to the following;
    - Hours of business:
    - No of potential customers per day and the maximum length of time each client will spend at the salon:
    - Method of travel to from the salon by clients:
    - No of staff (both full and part time (this to include holiday/maternity coverage also).
6. Rights of Way: No objection.
7. Ramblers: The current application does not affect a public right of way.
8. Public Health & Housing: It is understood that the salon would accommodate two chairs and it is assumed that the full range of treatments, including perms, would be available. The salon is proposing opening hours of 09:00 to 19:00 hours on Mondays to Fridays and 09:00 to 15:00 hours on Saturdays.

Whilst Public Health and Housing would not object in principle to this application, the proposed hairdressing salon will be in very close proximity to the adjacent residential property at Rough Acres. The submitted plans

do not include the provision of any extract ventilation to the proposed hairdressing salon and ventilation will only therefore be available via the entrance door and the two casements windows to the east elevation of the salon. It is therefore likely that the use of hairdryers will be heard outside of the building when the windows and doors are open; furthermore, the use of chemicals for perms or other hair treatments are also likely to give rise to strong odours which may be noticeable in the vicinity of the proposed salon. The use of the salon, may therefore give rise to some loss of amenity to the neighbouring residents, particularly during the early evening and on a Saturday morning when they will want to enjoy their amenity space.

To minimise this impact, should planning approval be granted, it is recommended that the operating hours of the salon are reduced to between 09:00 and 17:00 hours on Mondays to Fridays only. It is also recommended that any planning consent is personal to the applicant only.

9. Environment Agency: No comment.

10. Suffolk Fire & Rescue Service: No additional water supply for fire fighting purposes are required in respect of this planning application.

### **Representations:**

7. Parish Council: Support the application.

8. Neighbours: The occupiers of Skeraton Lodge, Tethers, Nos. 1 & 2 Milburn Drove, Nos. 9, 15, 16, 19 & 36 Lark Hill, Nos. 31, 39, 43 & Long Acre Newmarket Road & No. 40 Maltings Close raise concerns with regard to:

- Parking problems
- Road Safety
- Vehicles parked along Newmarket Road
- Impact on residential Amenity
- Noise/Smell from hairdryer and hair products
- Inadequate parking
- Restrictive covenant applies to all dwellings in the Drove for access to residents, guests and service providers only
- Damage to the Drove from additional traffic
- Devaluation of properties in the Drove
- No arbicultural impact statement
- Access & visibility onto Newmarket Road
- Disagree with the Highways Authorities comments

**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 2015:
  - Policy DM1 (Presumption in Favour of Sustainable Development)
  - Policy DM2 (Creating Places – Development Principles and Local Distinctiveness)
  - Policy DM24 (Alterations and Extensions to Dwellings)
  - Policy DM46 (Parking Standards)
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
  - Highways
13. Policy Policy DM2 requires all proposals to respect the scale, density and massing of the locality in question. The proposed front extension to the existing garage, in the context of the application site, it is suitably and of a modest scale.
14. Policy DM24 requires extensions and alterations to respect the scale, character and design of the existing dwelling and the character and appearance of the immediate and surrounding area. It should not result in the over-development of the dwellings curtilage. This relatively modest addition is not considered to adversely impact on the character of the surrounding area given the fact that it is located to the western side of the property and does not project forward of the front elevation.
15. The proposed use as a small scale hair dressers salon with two chairs, one stylist (the applicant), and on the basis that one client will be waiting whilst another client is being seen, is of such a nature and scale that is it considered questionable whether planning permission is required; however the application will be judged on what has been put before us by the applicant. Furthermore, the potential for noise and odour arising from the use, as articulated in the consultation response from Public Health and Housing, suggests a potential intensity of impact that means that planning permission is required.
16. Policy DM2 and DM24 require all proposals to ensure existing residential amenity is not adversely affected.
17. Whilst it is acknowledged that the existing garage is in relatively close proximity to the neighbouring property to the western side 'Rough Acre', it is not considered that the perceived noise or odour from operations associated with hair dressing would be notably over and above any other

ancillary use for which an existing garage or outbuilding could otherwise be used. Ventilation is provided by the doors and window on the east facing side of the building facing the applicants property 'Western' and as a hairdressers this part of the garage will not benefit from any permitted developments rights for openings or alterations to the roof, therefore it is not necessary to condition this. The use of a modest number of domestic vehicles arriving at and departing from the site during the day, nor any associated noise and disturbance arising, is not considered to lead to any significantly adverse effects upon amenity.

18. Concerns have been raised with regard to any future intensification of the proposed use. To cover this the permission is to be conditioned to not allow any more than one stylist to be on site at anytime, giving the Local Authority control over this area of concern. The applicant does not propose to provide any additional beauty treatments, however given the fact that only one stylist would be allowed at the salon by condition it is considered unreasonable to restrict additional beauty treatments. Any intensification of use beyond a single stylist on site at any one time would be required to be the subject of a planning application which if ever submitted would be judged on its planning merits.
19. Whilst Public Health and Housing have recommended that the operating hours of the salon are reduced to between 09:00 and 17:00 hours on Mondays to Fridays only. This is considered to be overly restrictive given the small scale nature of the use and the fact that only one stylist will be operating at the premises. The fact that some clients may be working during the day means that 19.00 is considered to be an acceptable time to allow operation until, as is Saturdays until 15.00 with no working on Sundays or Bank holidays.
20. The concerns of neighbouring residents have been noted with regard to parking problems, road safety, vehicles parking along Newmarket Road, access and visibility and damage to the Drive.
21. However with regard to part of the vehicle garage at "Weston" at Milburn Drive being converted for the purposes of a Hairdressing Salon. As per the guide lines as set out within the Suffolk Guidance for Parking – 2014 (SGP) parking provision in respect of combined residential/ Commercial should be as follows: A1 (Hairdressers) - 1 space per 20 Square metres of floor space + 1 secure cycle stand (1 stand allows 2 cycles to park). C3 (Dwelling Houses) - Onsite parking is based on the number of bedrooms the dwelling has. For example, a 3 bedroom dwelling will require two onsite parking places to be provided and 2 secure covered cycle spaces. (This can be satisfied if a garage or secure area is provided within the curtilage of the dwelling subject to minimum dimensions).
22. The application states that the current 6 parking spaces will be reduced to 5 as a result of this application. The five spaces are to be allocated as three for the residential dwelling and two for the proposed salon. The new gross internal floor space proposed is 20 square metres which complies with SGP guidelines as set out above.

23. It is noted that Milburn Drove is a private road and therefore not subject to SCC Highway standards of construction. However, in order to allow vehicles to enter and exit "Weston" in a forward gear a condition is recommended to ensure adequate turning space is provided within the site.
24. The salon proposes two chairs with one stylist (the applicant). On the basis that one client will be waiting whilst another client is being seen, it is noted that there will be an increase in vehicular traffic potentially using Milburn Drove, however this increase is considered negligible and it is not known how many clients will walk or cycle to the salon. Also it is not known how many vehicle movements will be removed due to the business being relocated to the property.
25. Milburn Drove accesses the Highway along the Newmarket Road. For this class of road, with a 30 mph speed limit, SCC Highways require visibility to be demonstrated at 90 metres in both directions taken at a point 2.4 metres from the centre of the access. In the case of an existing access these may be lowered based on the level of increased intensification of use. Following several visits to the site good visibility was available as demonstrated by the pictures attached within SCC Highways response.
26. SCC Highways have checked accident data and there have been no recorded injury accidents at this location in the last three years. The issue regarding vehicles parking on the main road close to the junction would be in noncompliance with the Highway Code and therefore would be enforceable by the police.
27. The application must be judged purely on its planning merits; Suffolk County Council Highways Authority is a statutory consultee and therefore significant weight must be attributed to any comments received with regard to this application. Restrictive covenants that apply to all dwellings in the Drove for access to residents, guests and service providers only and devaluation of properties in the Drove are not material planning considerations. An arboricultural impact statement was also not required as part of this application.

### **Conclusion:**

28. Accordingly, it is considered that the proposal does not cause a significant adverse impact on residential amenity or highway safety and takes account of the Forest Heath and St Edmundsbury Joint Development Management Policies DM1 (Presumption in Favour of Sustainable Development), DM2 (Creating Places), DM24 (Alterations and Extensions to Dwellings), Policy DM46 (Parking Standards), Forest Heath Core Strategy 2010 Policy CS5 (Design Quality and Local Distinctiveness) and the provisions of the National Planning Policy Framework. As such approval is recommended subject to conditions.

### **Recommendation:**

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

1. Standard Time limit
2. Accord with plans
3. Materials as specified
4. Hours of operation – (09.00 – 19.00 Monday to Friday & 09.00 – 15.00 Saturdays with no working on Sundays or Bank holidays).
5. No more than one stylist to be on site at anytime
6. Highways – Parking & Manoeuvring to be retained
7. Highways - Travel Plan (as submitted)

**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=O86SIEPDHGP00>

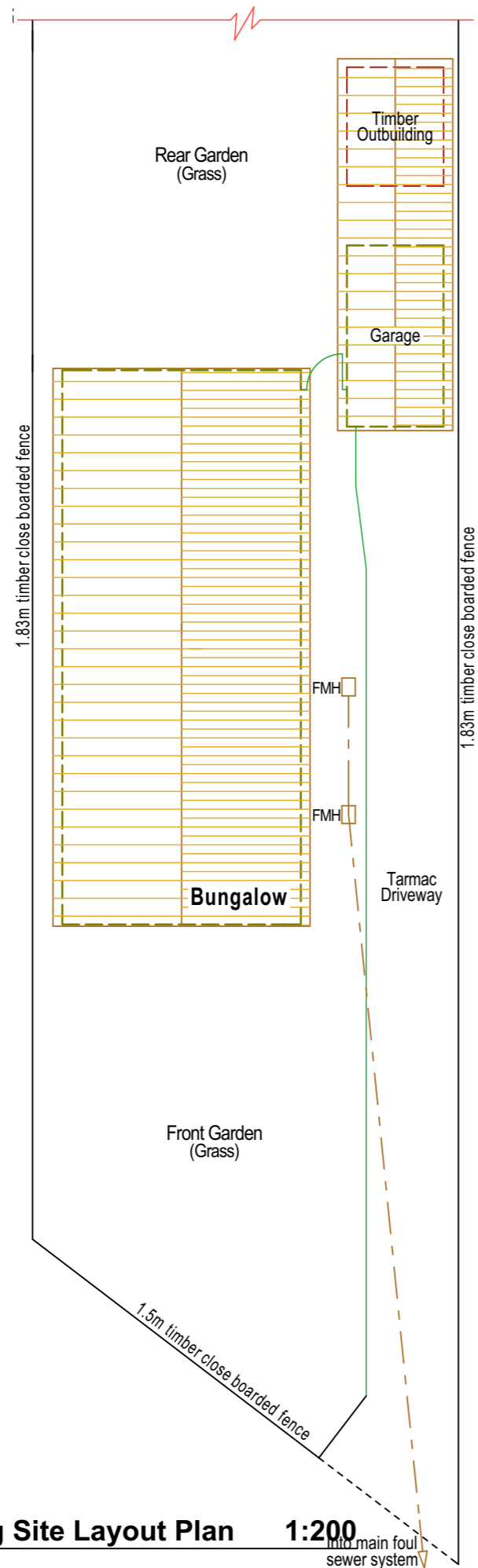


**DC/16/1175/FUL**

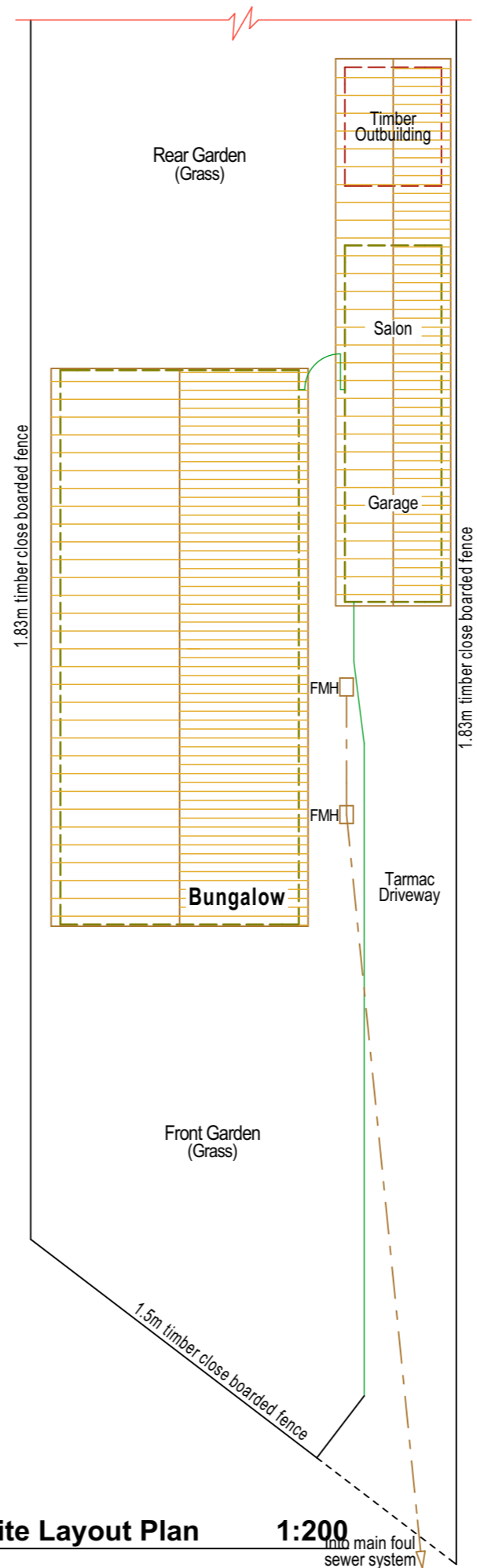
Weston, Milburn Drove, Moulton



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**Existing Site Layout Plan 1:200**



**Proposed Site Layout Plan 1:200**

Rev.A / 02.06.16 / krw  
Foul drainage added.

This drawing and information within it is the sole property of ShanRye Architectural and Surveying Services and must not be used for reproduction. Please do not scale this drawing. Scales are for guidance only and given dimensions must be used.

**Architectural and Surveying Services**

**Kevin Watts BSc.**  
Building Surveyor and Architectural Technician  
24 Sandgalls Drive, Lakenheath, Suffolk. IP27 9EG.  
Tel: 01842 862445. Mobile: 07876 310614.  
kevin@shanrye.co.uk www.shanrye.co.uk

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Client  
**Mr.J.Button**

Site  
**Weston, Milburn Drove, Moulton.**

Project  
**Proposed Outbuilding Extension and Change of Use**

Drawing  
**Site Layout Plans**

Drawing Size **A3** Scale(s) **1:200**

Date **June 2016** Drawing no. **146/2/02/A**

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## Forest Heath District Council

**DEVELOPMENT  
CONTROL COMMITTEE**

**7 SEPTEMBER 2016**

**DEV/FH/16/028**

Report of the Head of Planning and Growth

**PLANNING APPLICATION DC/16/0596/OUT - LAND EAST OF NEWMARKET  
ROAD AND NORTH OF ELMS ROAD, RED LODGE**

### **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** 21<sup>st</sup> March 2016 **Expiry Date:** 20<sup>th</sup> June 2016

**Registered:**

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

**Parish:** Red Lodge **Ward:** Red Lodge

**Proposal:** Outline Planning Application (Means of Access to be considered) - (i) Residential development for up to 125 dwellings (ii) Public open space including children's play area and electricity substation

**Site:** Land East Of Newmarket Road And North Of Elms Road, Red Lodge

**Applicant:** Jaynic Properties Ltd

## **Background:**

**This application is referred to the Development Control Committee as it is a proposal for 'major' development. The proposal also raises matters requiring interpretation of extant planning policy.**

**A panel of Members are due to visit the site on 5<sup>th</sup> September 2016.**

## **Proposal:**

1. Outline planning permission is sought for the erection of up to 125 dwellings, including public open space. Means of access to the site is included for consideration at outline stage whilst proposals for the layout and landscaping of the site and scale and appearance of the dwellings are reserved. The planning application is accompanied by a number of illustrative plans, including a layout plan, serving to demonstrate how the site might accommodate the dwellings proposed by the application.
2. The proposed dwellings would be developed at a density of just over 30 units per hectare (125 dwellings across a 4.15 hectare site).

## **Application Supporting Material:**

3. The following documents were submitted to support this application when it was registered in March 2016:
  - Application forms and drawings including site location, illustrative land use plan, illustrative landscape strategy, illustrative housing layout, illustrative development framework, opportunities and constraints



- plan.
- Planning Statement
- Design & Access Statement
- Economic Statement
- Landscape and Visual Appraisals
- Ecological Impact Assessment
- Transport Assessment
- Travel Plan
- Air Quality Assessment
- Archaeological Desk Based Assessment
- Noise Impact Assessment
- Geo-environmental desk study and investigation reports
- Tree Survey and Arboricultural Impact Assessment, Preliminary Arboricultural Method Statement and Tree Protection Plan.
- Flood Risk Assessment
- Draft Proposed Heads of Terms Document (later amended)
- Foul sewage and utilities assessment

#### **Site Details:**

4. The site, which is approximately 4.15 hectares in size, is presently in agricultural use (predominantly Grade 4, but also Grade 5 towards the southern fringe) and has a 270 metre open frontage onto Newmarket Road.
5. The application site is situated within the settlement boundaries of Red Lodge as defined by the Development Plan. The site is allocated for employment related development by the Red Lodge Masterplan which is linked to the 1995 Forest Heath Local Plan. The site is also allocated for employment related development in the emerging Site Allocations Development Plan Document (Preferred Options version, 2016).
6. The site fronts east onto Newmarket Road towards residential properties on the opposite side of the road. The majority of the east boundary is marked by a post and rail fence. The site backs onto the A11 trunk road to the west. The southern site boundary is open and abuts Elms Road. A small group of dwellings are situated on the opposite side of Elms Road to the site.
7. There are no landscape or heritage asset designations at the site, and there is no Conservation Area at Red Lodge. The Environment Agency flood risk maps indicate that the site is situated within Flood Zone 1 (with little or no risk of flooding).

#### **Planning History:**

8. There is no history of planning applications associated with the application site.

## Consultations:

9. The planning application has been the subject to a single round of consultation in April 2016. The following is a summary of all responses received.
10. **Environment Agency** - raises **no objections** and provides advisory comments for the benefit of the applicant/developer. The Agency comments the proposal is at low risk of contamination (such that no further provision needs to be made at this stage).
11. **Anglian Water Services** – **no objections** and comment that the sewerage system and waste water recycling centre (Tuddenham WRC) have capacity available to accommodate waste water generated by this development. Anglian Water notes the presence of its assets close to the site which may affect the future layout of the development. They advise there should be no development proposed within 15 metres of the boundary of the pumping station to the north of the application site.
12. **Natural England** – submit **no objections** and comment that the proposals, if undertaken in strict accordance with the details submitted, is not likely to have a significant effect on the interest features for which the Breckland SPA has been classified. Natural England advises that an Appropriate Assessment (under the Habitats Regulations) is not required. Natural England also advises that increased recreational disturbance to the SPA needs consideration and whilst its opinion is there will not be significant recreation effects, the site may contribute to recreational impacts in future. Natural England therefore advises of the need for a strategic review of recreational impacts upon the SPA and the importance of ensuring that residential applications have sufficient green infrastructure on site and in the settlement in order to contain recreational activity.
13. **Natural England** also notes the presence of the Red Lodge Heath SSSI in close proximity to the site and reports this is showing signs of recreational damage, particularly in close proximity to the main path. Whilst the extent of existing damage is not significant, Natural England is keen to ensure this does not become an issue in future with increasing levels of housing in the vicinity. Natural England is satisfied the proposed development, if carried out in strict accordance with the details of the application submitted, is not likely to lead to a significant effect on the SSSI, either alone or in-combination.
14. **NHS Property Services** – considered the proposals would place additional pressures upon local NHS services which are operating beyond capacity and requested a development contribution of £39,500 to be used towards increasing the capacity of the local GP surgery. The letter confirms by raising **holding objections** to the planning application which would be resolved if the requested contribution is secured via a S106 Agreement or equivalent.
15. **Suffolk Police** – provides **comments** on the detail of the illustrative

layout drawing submitted with the application and sets out other advice to inform the later design and layout of the development.

16. **FHDC (Environmental Health) – no objections** – and comment they are satisfied the risk from contaminated land is low and that residents of the scheme are unlikely to suffer air quality issues and traffic emerging from the new dwellings would not be significant.
17. **FHDC (Strategic Housing)** (April 2016) – are content to support the development in principle but express concerns about the affordable dwelling sizes proposed as they appear to be below DCLG Technical Space Standards.
18. Also in April 2016 the **Strategic Housing** team revised their comments following confirmation from the applicants that the affordable housing units would (at Reserved Matters stage) adhere to the DCLG space standards. The following comments were provided:
  - *I can confirm that the Strategic Housing Team supports the above application in principle as it meets our CS9 policy to deliver 30% affordable housing. I can confirm that I am happy with the affordable housing mix proposed of 1,2 3 and 4 bedroom dwellings and consider that the overall development provides a good mix of dwelling types and sizes for Red Lodge.*
  - *The Strategic Housing Team in line with our Affordable Housing SPD would look to secure a tenure mix of 70% (affordable rent) and 30% (shared ownership) on the affordable dwellings.*
19. **FHDC (Leisure, Culture and Communities)** made the following comments:
  - The site layout makes no meaningful area of public open space that would be suitable for informal recreational opportunities for a development of this size.
  - The location of the children’s play area should be reconsidered as it is not easily accessible to all within the development with no clear/safe access/egress routes.
  - Consideration should be given to the existing barrier provided by Turnpike Road and safe access to the wider community of Red Lodge for young people from this development.
  - Consideration should also be given to providing safe access links between the new developments on this side of Red Lodge.
  - The provision of the SUD’s features are a requirement in their own right and should not form part of the required POS.
20. **FHDC (Planning Policy)** – raises **no objections**. The written comments received summarise relevant emerging saved and adopted local policies

and national policies set out in the NPPF and NPPG before confirming the Council is presently able to demonstrate a 5-year supply of deliverable housing sites. They also confirm the application site is not included in the calculation of the 5-year supply and its 'deferred' status in the Strategic Housing Land Availability Assessment (SHLAA) is on the basis it has an existing designation for employment. The following additional comments were received:

#### Employment land review

- The preparation of the Core Strategy was informed by the 'Western Suffolk Employment Land Review (May 2009). This document helped determine the number of jobs to be accommodated in the district in the plan period 2006-2026, broad locations for employment allocations and in setting the approximate amount of land required to accommodate the established levels of employment growth. It made a number of recommendations for Forest Heath of which the following are particularly pertinent to this proposal. (Forest Heath South focused on Red Lodge and Kentford):
- R28: Maintain existing employment sites with the exception of London Road, Brandon.
- R30: Concentrate Development within Forest Heath South and Forest Heath Newmarket.
- R31: Allocate additional employment land in Forest Heath South or Forest Heath Newmarket.
- This document remains a key evidence base for the local plan however the Employment Land Review (ELR) is currently being updated to inform the emerging Submission SIRLP & SALP documents, with a final report expected in late August 2016.

#### Conclusions

- The Council has demonstrated an up to date five year land supply for housing land (March 2016).
- The LPAs main employment evidence bases, the West Suffolk 2009 ELR and A11 study indicate that Red Lodge is a key location for employment growth in the district and that the existing sites should be retained.
- Given the stage that the Authority has reached in the preparation of the SIRLP & SALP, refusal on the grounds of prematurity is unlikely to be justified.
- The Merrifields report commissioned by the LPA has verified the applicants marketing information in the submitted Economic Statement. It concludes that an office use is unviable in this location and that unless there is significant improvement in funding,

commercial rents and commercial capital values the site is unlikely to be viable for such uses in the near future.

- It is considered that B2 and B8 employment uses would not be appropriate on this site due to its prominent location on the entrance to the settlement and the potential impact on the amenity of the existing adjacent residential areas.
- The NPPF is clear that where there is no reasonable prospect of a site being used for an allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.
- The proposal has also demonstrated that it can meet the requirements of Policies CS6 and DM30 (b) in terms of viability and that alternative uses can be considered on the site.
- The need for a very high quality of design and landscape setting for any scheme on this prominent site at the 'entrance' to the settlement should be noted.
- The emerging SALP document gives the LPA the opportunity to review its land allocations as required by para 22 of the NPPF, allowing it to consider an appropriate strategy for the distribution of new homes and alternative, more viable sites in more appropriate locations, for employment land at Red Lodge to create a sustainable and mixed community.
- To conclude it is for the case officer to balance the above planning policy issues and any harm identified against the potential benefits of the proposed housing scheme including the provision of affordable housing and the economic / employment benefits of house building itself, and to assess if the proposal constitutes sustainable development.

21. **FHDC (Economic Development and Growth)** (June 2016 – before the Merrifields report was received) – **objects** to the proposals on the grounds it would prefer the site to stay in employment use. The following comments are provided:

- Firstly, there are a number of general points to be made that influence the view of ED&G with regard to this application.
  - There are only a limited number of sites currently allocated as Employment land in the Council's Local Plan. This site is one of the larger sites currently available.
  - There are significant "constraints" to development in Forest Heath so finding alternative Employment sites in Forest Heath (if this site were allocated for Housing) would not be straightforward.

- The economy of Forest Heath is, in ED&G's view, broadly "Cambridge-centric." As such the closer employment sites are to Cambridge the more attractive they will be for potential new/inward investment or businesses looking to benefit from or connect with the Cambridge Economic Sub-region and its supply chains.
- The above point would suggest that (within a Forest Heath context) the most attractive location for investors/businesses interested in the Cambridge Economic Sub-region would be Newmarket but, with the possible exception of Hatchfield Farm (where the future position is unclear at the moment), there are very few plots available in Newmarket and nothing of any significant size (i.e. similar to this site). The next Forest Heath location available for this potential market would therefore be Red Lodge. Whilst interest in Red Lodge has not been significant over the last few years it is expected that the demand for locations in/near Cambridge will continue in the future, but the available supply of sites in Cambridge is continuing to decline (and prices will therefore rise) so as we move into the future it is expected that some demand will shift from Cambridge to locations around/near to Cambridge, offering more potential for sites in Forest Heath and potentially this site in Red Lodge will therefore become more attractive/competitive.
- In addition, Forest Heath District Council is now working in collaboration with the neighbouring Councils of East Cambridgeshire, Breckland and South Norfolk to set up an initiative, currently with the working title of "the A11 Technology Corridor," that will work with key landowners and developers along the A14/A11 between Cambridge and Norwich to target particular sectors, tackle any issues holding back site development (by seeking Public Sector funding/support) and look to attract investment and businesses into that area. This initiative is in its formative stages but will look to add some 10,000 additional jobs (as a minimum) along the "Corridor" over the next 15 years. The site covered by this application is currently viewed by the Council as one of at least 11 key locations along the "Corridor" that this initiative would look to support, along with two other sites located in Forest Heath. It is expected that this initiative would raise the profile of this site (and the other 10), significantly add value to any current marketing activity undertaken by landowners/developers and hopefully attract interest and enquiries that would lead to development over the next 15 years.
- In addition to the above there are some specific points raised by the applicant in the supporting evidence supplied with their planning application. These points are essentially that, despite marketing activity to support this site, there has been no significant interest for permitted commercial use to date and that a report jointly commissioned by the Council (along with Breckland and South Norfolk) to look at the feasibility of the "A11 Technology Corridor" concept and the various sites along the length of the "Corridor" designated this site as "unviable." Looking at these points as they are described above: -

- ED&G would accept that marketing activity has been undertaken and that the level of interest generated in this site to date has been disappointing and most interest has been for uses outside of those currently permitted. Nevertheless, it is also our view that, whilst more flexibility on permitted uses would be helpful, the development of the "A11 Technology Corridor" initiative will significantly add value to this site and generate more interest in the site in the future. It is also our view that there is potential in the future for the demand for sites in Cambridge to overheat and force investors/businesses to look further afield – something they have not had to do over the last few years and that this could operate to the benefit of this site.
  
- With regard to the report commissioned to look at the "A11 Technology Corridor" it is ED&G's view that the reference to the viability of this site, made by the applicant, has been taken a little out of context. It is true that the report does at one point categorise this site as "not viable" but this is not intended within the overall report to signify that the site has no viable employment use. The report was commissioned, amongst other things, to identify to the commissioning Councils any barriers that may be preventing or hindering the development of particular sites and, with due consideration to any such issues, look at the feasibility of the employment aspirations of the Councils with regard to the "Corridor." Set within this brief the report looks at some 27 sites along the Corridor and suggests that the employment aspirations can be achieved if certain issues are addressed and public sector funding is obtained to "remove" certain barriers. The report suggests that aspirations can be achieved over a 15 year period. It also suggests that there should be a focus on 11 key sites in order to achieve this: and this site is listed as one of those key sites. The categorisation of it as "not viable" is used in the report to indicate that without a level of support to address some issues with the site it will, in the opinion of the report authors, remain undeveloped. These issues are identified in the report and "cost" estimates also supplied to provide a figure for the amount of Public Sector support that would be required to deliver the jobs outputs etc. The issues identified in this report for this site are site access, drainage and marketing. The question of marketing has already been discussed above and will most likely be addressed by the development of the "A11 Technology Corridor" initiative. The other issues will, most likely, be incorporated into a wider business case that this initiative will go on to develop and present to Government and other funding agencies once it has been properly established. Given the possibility that these issues will also be addressed in the near future there is, as the report suggests by including this site within the "Key Sites" list for the "A11 Technology Corridor" initiative, every possibility that an employment use could be achieved over the life of the initiative. Notwithstanding the designation of "not viable" and the issues identified, the report does also identify this site as one that could be delivered in the "short term" (within the context of a 15

year project).

- In addition to the above, would it not also be true to say that if the issues of site access and drainage, identified in the A11 Technology Corridor feasibility report, are accurate then they would also impact on any Housing application in a similar way i.e. these issues would need to be addressed regardless of the use?

**22.FHDC (Ecology, Tree and Landscape Officer) – no objections**  
(subject to conditions) and provides the following comments

1. Ecology

*Constraints*

- The site is located 2.1km from Breckland SPA, and outside of the 1.5km frequent nesters, 1.5km and 400m constraint zones. The nearest component is Breckland Farmland SSSI. The site is located 4.6km from Breckland SAC (Cavenham and Icklingham Heaths SSSI). Fenland SAC/Chippenham Fen NNR/ Chippenham Fen and Snailwell Poor's SSSI is located 4 km to the south west. European sites (also commonly referred to as Natura 2000 sites) are afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended (the 'Habitats Regulations').

*Representations*

- Natural England has advised that the proposed development is unlikely to have a significant impact on the interest features of the SPA and an Appropriate Assessment is not required. They have, however noted the potential for the site to contribute to cumulative recreational impacts within Breckland SPA, and this should be reviewed. They additionally suggest that the proposal should have sufficient green infrastructure to allow recreational activities on site and to ensure there is sufficient strategic green infrastructure within the settlements in this case Red Lodge to support residents.
- In their comments in relation to Red Lodge Heath SSSI, Natural England highlighted that there have recently been signs of recreational damage to the site reported by the NE site manager. They are concerned that although there has been no significant damage to the interest features they are keen to ensure that this does not become an issue in future with increasing levels of housing in the vicinity.

*Habitats Regulations Assessment*

- 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).
- *Impact of the proposals on designated sites*



- Breckland SAC - The site is located at a distance of 4.6km from Breckland SAC, and given this distance and the intervening land use (housing, arable and roads), no direct or indirect likely significant effects have been identified.
- Fenland SAC - The site is located at a distance of 4km from Fenland SAC, and given this distance and the intervening land use, no direct or indirect likely significant effects have been identified. The potential for recreational impacts on Chippenham Fen has been considered however this site is unlikely to attract additional visitors because: there are no car parking or toilet facilities at Chippenham Fen and there is limited public access through the Fen with other paths controlled by permit.
- Breckland SPA - The application site is 2.1km from the edge of Breckland SPA (Breckland Farmland SSSI) and is positioned between the main carriageway and junction of the A11 and two further roads on the western side of Red Lodge. A clear avoidance by Stone Curlews of otherwise suitable habitat adjacent to major roads has been demonstrated in a number of studies. These effects exist up to a distance of at least 1,000 m from trunk roads and possibly up to 2,000 m. Recent work found that, regardless of the amount of nearby buildings, the nest density for Stone curlews was always lowest in the subset of areas within 0.5 km of the nearest trunk road (A11, A14 or A47) and highest in the areas furthest from the nearest trunk road.
- The site is also screened by existing development from the SPA and does not advance the line of built development at Red Lodge towards Breckland SPA. The site is therefore located where foraging and nesting stone curlew are unlikely to occur nearby, and likely significant effects can be screened out.

#### *Recreational impacts*

- The proposals include a circular walk around the site with dog walking provision as a counteracting measure to address the potential for recreational impacts on Breckland SPA. This route would be the main open space for the site along with a small open space/play space located close to the main entrance to the site. There is concern that the spaces are not laid out to best provide for the needs of the new residents (also see below) and without better onsite provision, residents are very likely to look beyond the boundaries of the site for their local green space. The site is not currently well connected to the Public Rights of Way network however Red Lodge Heath is a short walk to the south along Turnpike Road. This is the closest area of natural greenspace however Natural England has expressed concern that there have recently been signs of recreational damage. Nevertheless the site and the footpath across it are available for the use of new residents. Residents will also be able to use the greenspace which will be delivered as part of the adjacent Turnpike Road development. The proposed level of development alone is unlikely to result in recreational impacts on Breckland SPA; concern about increased pressure on Red Lodge Heath SSSI is discussed below.

### *In-combination effects*

- There is potential for in-combination effects to arise in relation recreational pressure.
- Planning applications registered with the local planning authority or granted permission but not commenced in Red Lodge at the current time including projects published for consultation but prior to application include: F/2013/0257/HYB Land East of Red Lodge – 374 dwellings; and DC/16/0596/OUT Land East Of Newmarket Road And North Of Elms Road - up to 125 dwellings; a total of 500 homes.
- In response to the findings of the recreation study and to support the FHDC Site Allocation Local Plan, the Council has undertaken a natural greenspace study which, based on an existing accessible natural greenspace available in each settlement, recommended an approach to mitigation for each settlement identifying some of the opportunities available to achieve this. For Red Lodge additional provision as part of future developments in particular extension of the existing greenspace provision and/or improvements to divert pressure away from the SPA and Red Lodge Heath SSSI and new access routes are required potentially focusing on the River Kennet corridor was identified.
- This site is located 4.6km from the closest heathland component of Breckland SPA, and has the potential to contribute to in-combination recreational impacts. The proposals must provide measures for influencing recreation in the surrounding area, to avoid a damaging increase in Visitors to Breckland SPA through either provision of suitable alternative natural greenspace on site that will provide an attractive alternative greenspace, the provision and/or enhancement and promotion of a dog friendly access route in the immediate vicinity of the development and/or other contribution that would increase the capacity of the existing green space to accommodate recreational use. This could be achieved through a developer contribution, and could potentially be conditioned- see also below

### 2. Red Lodge Heath SSSI

- Red Lodge Heath SSSI supports a nationally important assemblage of invertebrates, chiefly associated with dry grassland and wet woodland with ponds, including a nationally important population of the nationally rare five-banded tailed digger wasp *Cerceris quinquefasciata*. The site also supports a nationally important assemblage of rare plants. The SSSI is privately owned although there is access on a public right of way through the site as well as permissive access on a series of paths and tracks around the site.
- The applicant's ecological report identified that heathland and grassland habitats at Red Lodge SSSI are potentially sensitive to inappropriate recreational use. Some aspects of this such as off-road bikes and fly-tipping have been significantly reduced through the

erection of exclusion fencing. The SSSI is actively managed by a local interest group supported by FHDC and is under an HLS scheme in an agreement with Natural England.

- The SSSI is recorded as being in 'unfavourable-recovering' condition and Natural England has expressed concern that the further development could lead to recreational pressure that could damage the interest features of the site in the future.
- The ecological report suggests that overall, based on current management practices and recreational controls, no significant effects are predicted as a result of the proposed development, although there is little evidence to back this up.
- The Natural Greenspace Study formed background evidence for the Preferred Options SALP which was consulted on in spring 2016. As part of this process Natural England made comments on the document, including support for a wardening service for the nationally and locally designated sites located within existing settlements that are showing signs of visitor pressure. Red Lodge Heath is one such site. Provision of a warden at Red Lodge Heath which would support and extend the existing community activities could be achieved through developer contributions and would address the concerns about the impact of the proposals on this SSSI as it is considered that it would increase the capacity of the site to accommodate visitors and additionally make a contribution to the strategic mitigation strategy for the SPA as required above.

### 3. Other Ecology matters

- The site is currently in arable production, and any biodiversity potential is confined to the margins of the site. There is a short section of planted hedgerow at the northern end of Newmarket Road near the roundabout, and a few young oak trees also located on the verges. The site is generally isolated from other habitat and wildlife sites within the Red Lodge area, with only the A11 providing a corridor for some species for migration purposes and has limited value for wildlife.
- The ecological report suggests the following enhancements, which should be conditioned:
  - bat roosting opportunities (bat boxes);
  - bird nesting opportunities (bird boxes);
  - strategic landscaping to include native species;
  - landscaping within residential areas to include species to benefit to wildlife.

### 4. Landscape and open space

- The landscape and visual appraisal notes, in section 3.1, that the site is surrounded by roads, and this presents the main challenge for this site: providing good residential amenity for the homes adjacent to

these roads; and connectivity to facilities within Red Lodge which will serve the new residents. The proposals include a substantial bund and acoustic fence to the north-west boundary of the site which is shown to be landscaped to improve its visual quality. The SUDs swales (indicated on the plan to be infiltration basin and crates) have been placed along the same boundary. These essential infrastructure features, whilst making a contribution to the green infrastructure to the site are not considered to be part of the amenity open space that a development of this size would be expected to provide. The open space required in the FHDC SPD has been used to provide a footpath around the periphery of the site as a counteracting measure to avoid recreational impacts on Breckland SPA and also a small LEAP. There is concern that as the whole length of the proposed path would be adjacent to roads, this would not necessarily be an attractive route to take and would give limited opportunities for dog exercising. The children's play space could be better located to provide a meaningful open space in a safe location with informal supervision from overlooking properties and well connected to all parts of the development.

- However, it is noted that the layout is indicative and that this is an application for up to 125 homes. There is scope for a detailed proposal to come forward that would meet the need of the new residents and provide counteracting measures to avoid recreational impacts. The outline of such a scheme would be the provision of meaningful sized POS, which is informally supervised through residential overlooking and well connected by green corridors to the greenspace on the Turnpike Road development to the south and linking to the safe access across Newmarket Road. This would also then provide a number of options and routes suitable for walking dogs onsite, and linking offsite. This could be provided in conjunction with a buffer along the A11 boundary (required to mitigate the noise impacts from the road and ensure residential amenity is protected). The detailed open-space layout of the site should be conditioned to ensure it meets the needs of the new community in particular providing connectivity through the site
- The proposed bund and noise fencing will isolate a section of stopped up Elms Lane between two such fences. There is significant concern about security of this remaining space and a more appropriate design solution should be sought with highways if possible before determination of the planning application.

#### 5. Trees

- The existing vegetation is confined to the periphery of the site. The tree assessment shows the majority of the trees and scrub/hedges retained except tree T004 which is an early mature English oak. There are no tree protection details and these would need to be provided with any reserved matters should the application be granted permission.

23. **Suffolk County Council (Highways)** (April 2016) – The **Development Management Team** provide detailed comments with respect to the proposed access, internal layout and pedestrian/cycle links that require amendment or (if appropriate) control via planning conditions.
24. In the same letter, the **Passenger Transport Team** requests upgrades are made to the bus stops adjacent to the site, with new shelters, raised kerbs and RTPPI screens. They request these measures are secured via a S106 Agreement.
25. The letter also includes comments from the **SCC Travel Plan Officer** whom comments that whilst the Travel Plan submitted is clear and well-structured and identifies a 10% reduction in single occupancy vehicle journeys over a 5 year period, some more detail will need to be included. This principally relates to the method of monitoring the travel plan (and further remedial measures if the 10% shift is not being achieved), but also attributing a value and scope to bus and cycle vouchers forming part of residents Travel Information Packs.
26. **Suffolk County Council (Fire and Rescue Service) - no objections** to the proposals and advise that access for fire appliances needs to meet with Building Regulations requirements and advocates the use of sprinkler systems within new buildings. The service confirms no additional water supply for fire fighting is required.
27. **Suffolk County Council (Highways – Development Management, including Travel Planning) - No objections** subject to appropriate amendments to the layout and S106/Travel Plan requests being agreed. Conditions were recommended to ensure future controls are placed over; access, internal roads, turning, parking and footpaths, visibility splays, refuse bins, off site works (pedestrian crossing of the Newmarket Road and cycleway provision). S106 contributions were requested for bus stop improvements and travel planning initiatives.
28. **Suffolk County Council (Archaeology) – No objections** and comments that the site lies in an area of archaeological potential with evidence of prehistoric occupation and ritual activity identified from the wider vicinity. There are no grounds to consider refusal of planning permission in order to secure preservation in situ of any important heritage assets. Conditions are recommended to secure the implementation of a programme of archaeological works, in accordance with a written scheme of investigation.
29. **Suffolk County Council (Planning Obligations)** – provided the following comments (precised):
- Forest Heath is currently undertaking a Single Issue Review looking at housing numbers and distribution across the district. Without the following contributions being agreed, the development cannot be considered to accord with relevant policies.

### **Education (Primary)**

- The local catchment (primary) school is St Christopher's CEVC Primary School and is already under pressure regarding demand for school places to meet existing need.
- With latent population growth and further planned housing growth in Red Lodge over the plan period to 2031 the agreed education strategy is to deliver a new 420 place primary school. A site location has been identified and negotiations are in progress to deliver a new primary school by September 2018. On this basis, SCC considers that it is equitable to share the site acquisition costs and build costs in a pro-rata and proportionate way between developers.
- The estimated cost of providing a new 420 place primary school (excluding land costs) is £6.9M (£16,429 for each school place). It is forecast that this development would generate 31 pupils of primary school age. The contribution to be secured from this development is therefore £509,299 (31 places x £16,429 per place).
- With regard to site acquisition costs we can assume a maximum of, £100,000 per acre (£247,100 per hectare) which gives a total cost of £617,750 for a 2.5 hectare site and equates to £1,471 per pupil place. This gives a land contribution of 31 places x £1,471 per place = £45,601.

### **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)**

- It is the responsibility of SCC to ensure that there is sufficient local provision under the Childcare Act 2006. The Act sets out a duty to secure free early years provision for pre-school children of a prescribed age. From these development proposals SCC would anticipate up to 12 pre-school pupils at a cost of £6,091 per place, resulting in a capital contribution request of £73,092. The agreed strategy for Red Lodge is to deliver a new early years setting collated 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.

### **Libraries.**

- A capital contribution of £27,000 to be used towards libraries is requested. The contribution would be available to spend in Red Lodge after consultation with local Councillors and the Parish Council. There is no existing library facility in Red Lodge, which clearly demonstrates that there is an existing shortfall of provision.

### **Waste.**

- 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 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.

### **Supported Housing.**

- In line with Policy DM22(I) of the West Suffolk Development Management Policies and sections 6 and 8 of the NPPF, homes should be designed to meet the changing needs of residents. The dwellings should be designed to specified standards and provision made for elderly care if a local need is identified.

### **Sustainable Drainage Systems.**

- As of 6<sup>th</sup> April 2015, the sustainable drainage provisions within the Flood and Water Management Act 2010 have been implemented and developers are required to seek drainage approval from the County Council alongside planning consent. Surface water drainage matters are usually covered by planning conditions.

### **Fire Service.**

- Any fire hydrant issues will need to be covered by appropriate planning conditions. Suffolk Fire and Rescue Service seeks higher standards of fire safety in dwellings and promote the installation of sprinkler systems.

### **Superfast broadband.**

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

30. **Suffolk County Council (Floods Team)** (May 2016) - **no objections** but requested clarification on a number of technical points. Once these matters are addressed, a condition was recommended to ensure full

details of a drainage scheme are submitted with any subsequent submission of Reserved Matters.

31. In July 2016, the **Floods Team** provided further comments in light of clarification in response to the technical matters it had previously raised. Further clarification had been provided by the applicant's drainage consultants. As a consequence, the Floods Team were able to confirm they are satisfied with the outline drainage strategy and further technical information (infiltration) would be provided at the later reserved matters stage.

### **Representations:**

32. **Red Lodge Parish Council** (May 2016) – **object** to the proposals on the following grounds:
- Some sheltered housing should be included.
  - The proposed play area would be better sited away from the main road. Any play equipment should complement that provided at the nearby Taylor Wimpey site.
  - Housing for the elderly should be a key feature.
  - Upset that the brick bus shelter has been earmarked for removal and replacement.
33. **Red Lodge Parish Council** (June 2016) – **withdrew its earlier objections** subject to the brick built bus shelter (identified for replacement by SCC's representations) being retained. They request that monies saved should be spent on local highway improvements, specifically resurfacing of a local road to the north.
34. **Worlington Parish Council** – provide the following comments (in full):
- *Our concerns relate to the additional flow of traffic to and from Red Lodge which will be using the Newmarket Road into Worlington village and the corresponding congestion at the Walnut Tree T-junction. There is strong evidence from Highways, Police and our Speed Watch Team concerning volumes and the speed of vehicles approaching the village.*
  - *We would recommend that we require Traffic calming and a Speed Buffer Zone on the approach road into the village (40 mph). And a revised road layout for traffic joining from the Golf Links Road onto the Newmarket Road to increase the visibility and safety at this junction. We need the road into the village sorting, 40 mph buffer, white entrance gates and a more meaningful traffic calming solution. Also, the exit onto the C610 from Red Lodge from Golf Links Road is dangerous with poor sight lines and visibility and needs better safety.*
35. One letter was received from a **local resident** whom raises **no objections** to the proposed development. Whilst content with the proposals, the author, whom lives and operates his small business from the adjacent Elms Road, comments that any development would need to ensure there is no impact upon the business.



## **Policy:**

36. 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)**

37. The following policies from the Joint Development Management Policies document are considered relevant to this planning application:
- DM1 – Presumption in Favour of Sustainable Development
  - DM2 – Development Principles and Local Distinctiveness
  - DM5 – Development in the Countryside
  - DM6 – Flooding and Sustainable Drainage
  - DM7 – Sustainable Design and Construction
  - DM10 – Impact of Development on Sites of Biodiversity and Geodiversity Importance.
  - DM11 – Protected Species
  - DM12 – Mitigation, Enhancement, Management and Monitoring of Biodiversity.
  - DM13 – Landscape Features
  - DM14 – Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards.
  - DM20 – Archaeology
  - DM22 – Residential Design.
  - DM30 – Appropriate Employment Uses and Protection of Employment Land and Existing Businesses.
  - DM42 – Open Space, Sport and Recreation Facilities
  - DM44 – Rights of Way
  - DM45 – Transport Assessments and Travel Plans
  - DM46 – Parking Standards

### **Core Strategy (2010)**

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

### ***Visions***

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

### ***Spatial Objectives***

- **Spatial Objective ECO1** – Attract high quality economic development

into the District

- **Spatial Objective ECO2** - Diversification of Forest Heath's economy
- **Spatial Objective ECO3** - Inward investment.
- **Spatial Objective ECO6** - Support the growth of the local economy and rural regeneration.
- **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 C2** - Provision and maintenance of open space, play & sports facilities and access to the countryside.
- **Spatial Objective ENV1** - Habitats and landscapes and improving biodiversity.
- **Spatial Objective ENV2** - Climate change and reduction of carbon emissions.
- **Spatial Objective ENV3** - Promotion of renewable energy and energy efficiency.
- **Spatial Objective ENV4** - Design and architectural quality respecting local distinctiveness.
- **Spatial Objective ENV5** - Designing out crime and anti-social behavior
- **Spatial Objective ENV6** - Reduction of waste to landfill.
- **Spatial Objective ENV7** - Achieve sustainable communities by ensuring services and infrastructure are commensurate with new development.
- **Spatial Objective T1** - Location of new development where there are opportunities for sustainable travel.

### ***Policies***

- **Policy CS1** - Spatial Strategy
- **Policy CS2** - Natural Environment
- **Policy CS3** - Landscape Character and the Historic Environment
- **Policy CS4** - Reduce Emissions, Mitigate and Adapt to future Climate Change.
- **Policy CS5** - Design Quality and Local Distinctiveness
- **Policy 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 13.1** - Expansion of Red Lodge to 2006 (approximately 1500 additional dwellings).
- **Policy 13.2** - Preparation of a Masterplan for the expansion of Red Lodge.
- **Policy 13.3** - Content of the Red Lodge Masterplan

- **Policy 13.4** – Provision for infrastructure, community facilities, school, public open space, highway improvements, environmental improvements, affordable housing with respect to the development of Red Lodge promoted by Policies 13.1 and 13.2.
- **Policy 13.5** – Approval of a Masterplan prior to development being permitted.
- **Policy 13.6** – Guidance for the preparation of a Masterplan.
- **Policy 14.1** – Securing Infrastructure and Community Facilities from Major New Developments.

### **Other Planning Policy:**

#### Supplementary Planning Documents

39. 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

40. 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 (July 2016). 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 and employment.
41. 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.

42. The emerging Single Issue Review and Site Allocations documents have reached 'Preferred Options' stage but, given the consultation period has only relatively recently closed these emerging documents can be attributed limited 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 employment related development and retains its status and being situated within the defined village settlement boundary.

#### National Policy and Guidance

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

44. 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."

45. 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".

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

47. 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.

**Officer Comment:**

48. 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

49. 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 Council's formal Screening Opinion concluded the proposals are not 'EIA development' and an Environmental Statement was not required to accompany the planning application.

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

50. 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.
51. The application site is in the vicinity of designated (International) sites of nature conservation but is not within a designation or land forming a formal buffer to a designation (including the 1.5km Nest Attempts Constraint Zone which serves to protect frequent Stone Curlew nesting attempts at locations outside the designated boundaries of the Special Protection Area).
52. The implications of the development 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.

Natural Environment and Rural Communities Act 2006

53. 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)

54. 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

55. 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.*

56. 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.*

57. 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 or close to a Conservation Area.

Crime and Disorder Act 1998

58. 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

59. 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).
60. 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.

- 61. 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'.
- 62. Planning obligations arising from the proposed development are discussed later in this section of the report.

### **Principle of Development**

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

- 63. 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.
- 64. 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.
- 65. 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"*.
- 66. 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.
- 67. 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 the dwellings proposed by this planning application are not included in current five-year supply forecasts. If planning permission is granted for the development it would add to the 5-year housing supply.

#### What is sustainable development?

68. 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)
69. 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.
70. 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

71. The NPPF does not address 'prematurity' directly, but advice about the approach the decision maker should take is set out in the National Planning Practice Guide. It states:
- Annex 1 of the National Planning Policy Framework explains how weight may be given to policies in emerging plans. However in the context of the Framework and in particular the presumption in favour of sustainable development – arguments that an application is premature are unlikely to justify a refusal of planning permission other than where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, taking the policies in the Framework and any other material considerations into account.



Such circumstances are likely, but not exclusively, to be limited to situations where both:

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

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

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

72. In this case the development proposal for (up to) 125 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 presently carry only limited weight in the decision making process.
73. Notwithstanding the limited weight officers consider it is appropriate to attribute to the emerging documents, the 'Preferred Options' version of the Site Allocations Document, in particular, allocates the totality of the application site for employment related development. The proposals are therefore inconsistent with the emerging Development Plan position.
74. It would be difficult to justify any decision that approval of this scheme would be premature in the context of the evidence provided with the planning application, expert advice sourced independently and current national policy and guidance. This advice is 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.
75. On the basis of national guidance on the issue of prematurity and relevant national policies providing for the delivery of sustainable development without delay, your officers (including Planning Policy 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 housing policy context

76. Vision 1 of the Core Strategy confirms development will be focussed in the

towns and key service centres. Core Strategy policy CS1 confirms Red Lodge 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).

77. The surviving elements of Core Strategy policy CS7 provides for 10,100 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.
78. Policy CS1 confirms Red Lodge is identified as a key service centre recognising the completion of the school and village centre is required in order to provide adequate facilities for residents. The School and village centre have been completed. The policy also states the existing outline planning permission for (inter alia) 1,659 dwellings will be implemented in accordance with the most up to date Red Lodge Master Plan. The policy confirms 800 further dwellings are allocated on brownfield or mixed brownfield/greenfield sites, the majority of which are to be built after 2021, but no greenfield urban extensions will come forward prior to 2021. The Red Lodge section of Policy CS1 finishes with a promise to improve links to countryside rights of way and resolve gaps in the bridleway network.
79. A number of saved policies in the 1995 Local Plan address the 'Masterplanned' development of Red Lodge. Significant elements of the overall masterplan, predominantly the housing but also the school, public open spaces and other community facilities, have already been delivered on the ground. Furthermore, an element of the employment land allocated by the Masterplan has been provided, but this particular land use has lagged behind the delivery of housing and associated facilities with large areas of employment land allocated in the Masterplan document (including the application site) remaining undeveloped.
80. Core Strategy policy CS6 states (inter alia) that economic and tourism growth at Red Lodge will be in broad alignment with the scale of housing development to discourage commuting and achieve a homes/jobs balance.
81. Policy DM1 of the Joint Development Management Policies Document reaffirms the tests set out at paragraph 17 of the NPPF (balancing the positives against the negatives).

#### Impact of the announced closure of Mildenhall airbase

82. 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 alternative 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 the need for re-use/re-development to be planned is unlikely to be required until the next planning cycle.

83. 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

84. The application site is situated within the settlement boundary of the village. 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.

85. The location of the site within the housing settlement boundary deems the proposals for a housing redevelopment (as a starting point) acceptable in principle. However, this degree of policy support for the proposals must be considered in the context of any other policy based or site/context specific constraints, including the specific allocation of the application site for employment development in both the existing (adopted) and emerging (preferred options) Local Plan documents. The technical details of the proposed development, including the ability of local infrastructure to absorb its impacts also require consideration. These matters are discussed later in this report.

86. In considering this planning application, appropriate weight should be attributed to relevant policies in the Core Strategy and adopted Joint Development Management Policies document, with greater weight

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

87. An officer discussion to assist with Members consideration of the merits of the proposed development is set out below on an issue by issue basis.

### **Loss of land formally allocated for employment development**

88. The application site is currently in agricultural use and there are no buildings present. It is allocated for employment related development as part of the approved Masterplan for the sustainable urban expansion and regeneration of Red Lodge. The Masterplan is intrinsically linked to a number of saved policies of the Forest Heath Local Plan (1995). Furthermore the site is a 'preferred site' for employment related development within the emerging Site Allocations Development Plan document (emerging policy EM1(c)).
89. The Framework commits to securing economic growth, including sustainable growth in rural areas. The document does not contain policies seeking to retain employment sites in employment use per se, but at paragraph 22 states:

*Planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.*

90. Core Strategy Policy CS6 states that land allocated for employment and existing employment sites will only be considered for alternative uses in exceptional circumstances where it is demonstrated they are no longer viable for employment use and specific community and environmental benefits can be achieved.
91. There are no saved policies in the 1995 Local Plan which seek to retain or control the redevelopment of employment land or premises.
92. Policy DM30 of the Joint Development Management Policies Document addresses proposals involving the loss of employment sites or sites allocated for employment development. It states such schemes will only be permitted if it complies with other policies in the plan (policies DM1 and DM2 in particular) and one of the following criteria has been met:
  - (a) there is a sufficient supply of alternative and suitable employment land available to meet local employment job growth requirements
  - (b) evidence can be provided that genuine attempts have been made to sell/let the site in its current use and that no suitable and viable alternative employment uses can be found or are likely to be found in the foreseeable

future;

(c) the existing use has created over-riding environmental problems (eg noise, odours or traffic) and permitting an alternative use would be a substantial environmental benefit that would outweigh the loss of an employment site;

(d) an alternative use or mix of uses would assist in urban regeneration and offer greater benefits to the community in meeting local business and employment needs

(e) it is for an employment related support facility such as employment training/education, workplace crèche or industrial estate café

(f) an alternative use or mix of uses would provide other sustainability benefits that would outweigh the loss of an employment site.

93. Criteria (c), (d) and (e) from policy DM30 are considered irrelevant to the specific circumstances of the site and/or proposals.

Policy DM30 Criteria (a)

94. The applicants have submitted an Economic Statement with the planning application which seeks to (inter alia) demonstrate the application site is surplus to requirements (in terms of the supply of land for employment development). The document analyses currently available evidence of the need for employment land and concludes there is presently an over-supply of land available for the uses permitted at the site (focussing on B1 office development).
95. The applicant's evidence is contradicted by the findings of the A11 corridor study which investigates the potential of the trunk road corridor to function as a hub for 'high-tech' industries. The report concludes there are opportunities and indicates that Red Lodge is potentially favourable for such development. The corridor study identifies the application site as a potential site for such development (alongside 10 other potential sites).
96. The Council has commissioned an Employment Land Review to inform the strategic employment sites it will be allocating as part of the Site Allocations Local Plan Document. Whilst a final version of the ELR is not yet available, an early draft version did not suggest the application site is strategically important in providing an adequate stock of developable employment land through the current planning cycle to 2031.
97. The applicant's case is convincing with respect to the absence of a current need for the application site to be retained in the stock of existing employment land. Demand for employment land in the District has remained low during and coming out of the 2008/2009 recession. The applicant's conclusions are supported by the fact they have only received enquiries for large scale warehouse (Class B8) developments over the lengthy period it has been allocated in the Development Plan and marketed for those purposes. The application site is not suitable for a Class B8

development given its prominence at the entrance into the village and its relationship to existing residential areas.

98. The applicant's conclusions are contradicted to an extent by the A11 corridor study. The study considers the application site could be strategically important if High Tech industries were to develop along the corridor. The document is aspirational in this respect and there is no guarantee that such industries would ultimately choose to locate to sites along the A11 corridor, away from the large clusters of similar uses that have developed around Cambridge over a long period. The corridor study is diluted somewhat by the initial findings of the ELR which is not indicating that the site is particularly 'strategic' or important in the overall employment land supply. It must be noted, however, the ELR is presently in draft form.
99. Whilst the applicants have demonstrated there is a sufficient supply of land to cater for demand for Class B1 uses at the present time (and over past years), the evidence is less clear with respect to future markets and needs. Whilst independent evidence commissioned by the Council seems to be contradictory with respect to the potential need for the application site to be safeguarded for employment use, officers consider it cannot be concluded at this time that the applicants have adequately demonstrated there is a sufficient supply of alternative and suitable employment land available to meet local employment job growth requirements as required by criteria (a), particularly with respect to future employment needs.

Policy DM30 criteria (b)

100. Whilst criteria (a) addresses future needs for employment land, criteria (b) is very much concerned with past and current requirements. The applicant's have been marketing the site for a number of years. Whilst some interest has been generated by the campaign, this has been for Class B2 warehouse developments for which the site is not deemed suitable for reasons discussed above. Full details of the marketing of the site have been included as part of the applicants report. Officers raised concerns about certain aspects of the marketing, the asking price for the site in particular. A local commercial land agent (Merrifields) was therefore commissioned to assess the marketing information with particular regard to the test set out at criteria (b) of Policy DM30 that "genuine attempts" have been made.
101. The report provided by Merrifields, which is attached to this report as Working Paper 1, is emphatic in its conclusions that genuine attempts have been made to realise an employment related development at the site and appropriate marketing has been carried out in that respect, but planning restrictions and market demands and preferences have conspired against the site coming forward.
102. It is considered, particularly in the light of the Merrifields report and the significant weight that should be attributed to it, the applicants have adequately demonstrated compliance with criteria (b) of Policy DM30.

*Policy DM30 criteria (f)*

103. The application proposes housing development on a site allocated for (restricted) employment uses. The site was allocated for employment use in order to provide jobs in a village that was (at the time) positively planned in order to accommodate significant new housing growth and by delivering a mix of uses the aim was to achieve sustainable development in its purest sense.
104. Whilst the housing aspects of the Red Lodge Masterplan have been developed and, latterly, its community facilities have followed, there has been little take up of the allocated employment land to date.
105. Given this context and wider ambitions behind the recent growth of Red Lodge, it cannot be concluded that the replacement of an allocated employment site with housing would provide other sustainability benefits that would outweigh the loss of the employment site. This is particularly the case at present with the Council being able to demonstrate a 5-year supply of housing.
106. Officers consider the specific allowances set out under criteria (f) of Policy DM30 can not be attributed to the application proposals.

Conclusions on policy DM30

107. Core Strategy Policy DM6 seeks to protect allocated employment sites. This high level strategy is built upon by Policy DM30 of the Joint Development Management Policies Document which sets out more detailed criteria for considering proposals involving the loss of existing or allocated employment sites. The policies, when read together, are considered fully consistent with Government Policy set out in the NPPF which seeks to avoid the long term protection of employment sites.
108. Policy DM30 sets out six criteria against which proposals involving the loss of existing or allocated employment land is tested. The proposals only need to meet one of the criteria of the policy for the protection it affords to be set aside. In this case the independently tested evidence submitted with the planning application has demonstrated that genuine attempts have been made to seek an employment development of the site over a number of years without success. Accordingly, officers are content the loss of the allocated employment site is, given the particular circumstances of this case, compliant with extant development plan policies.
109. The application site is allocated for an employment related development by the emerging Site Allocations Development Plan document. However, given it has been established the application proposals are not premature or prejudicial to the emerging plan (a view shared by the Planning Policy Team), this should not in itself stand in the way of this proposal for a housing (non-employment) development of the site.

## **Landscape Impact**

110. 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.
111. 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.
112. 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.
113. The application site is categorised as 'Estate Sandlands' by the Suffolk Landscape Character Assessment (SLCA). The Assessment states that despite the presence of so much forestry, the views in this landscape are often long and there can be a powerful sense of isolation. The 'planned' nature of the landscape over such a large area does, however, mean that there is little variation in the views.
114. The SLCA recognises that one of the key forces for change is the expansion of existing settlements into this landscape and creation of new settlement patterns and clusters associated with infrastructure development.
115. In respect of visual impact the SLCA considers the regular nature of the estate sandlands landscape means that it does have more potential capacity to accept significant settlement expansion than the ancient countryside of the claylands. The assessment recognises (in a general sense) the sandland plateau, with its simpler and more modern land cover pattern and extensive regular pattern of tree cover, can be adapted to accept larger growth. However, the area does not have a history of substantial settlements. Therefore, the impact on the character of the landscape both directly and indirectly can, depending upon circumstances, be highly significant and damaging.
116. The proposed development would be harmful to the character of the countryside as a matter of principle given that it would ultimately change currently undeveloped agricultural land into a developed housing estate and this would be a dis-benefit of the proposals.
117. 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 the fact the site is allocated for employment related development in both extant and emerging Local Plan documents. The presence of larger and taller structures would be anticipated from an employment related development would potentially be of greater harm to the landscape than a residential development. Accordingly, the development of the site with a lower scale housing development is likely to be more successfully assimilated into the local landscape. The fact that a buffer needs to be retained between the housing development and its countryside edge (owing to the presence of the A11 trunk road close to this boundary) means there are generous opportunities available to mitigate the impact of the proposed development upon the landscape through new strategic planting. Careful attention does need to be given to the outer treatment of the bunding and the acoustic barrier which is required along this boundary. This will require particular attention at reserved matters stage when details of the site layout and landscaping (and acoustic measures) are submitted for consideration and approval.

118. 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).**

119. 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.
120. 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.
121. 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.
122. 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.

123. 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.
124. 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)).
125. The Core Strategy categorises Red Lodge as a Key Service Centre and is thus regarded a 'sustainable' location which can support growth. Local employment opportunities are restricted with limited provision in the village at present. The two air bases nearby at Mildenhall and Lakenheath are presently key providers of local employment. The towns of Newmarket, Mildenhall and Bury St Edmunds, which provide a range of more traditional employment opportunities, are positioned nearby. People living in Red Lodge, 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 shops, services, a school, public open spaces, a church and other meeting rooms which serve to contain a number of trips. The village does not have a large grocery supermarket (although there is a reasonably sized Nisa grocery store in the village centre, close to St Christopher school).

*Information submitted with the planning application*

126. The planning application is accompanied by a Transport Assessment. The document uses the TRICS database to calculate that an average of 69 vehicles would use the vehicular access during the am peak (19 arrivals and 50 departures) and 75 vehicles during the pm peak (47 arrivals and 28 departures), which equates up to 1.25 vehicle movements per minute during the peak periods. The document concludes there is capacity in the road network to accommodate this level of housing growth.
127. The document recognises that pedestrian access from the site into the village is good (the school and village centre are located a 6 minute and 6.5 minute walk away) and recognises opportunities for provision within the application site. The Highway Authority has requested additional measures are secured off site, including a formal pedestrian crossing and other foot/cycle improvements. The applicants have agreed in principle to provide/fund these measures.

128. It is likely that potential occupiers of the dwellings proposed by 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) and the majority would be by car. However, there are services and facilities in the village that will prevent the need for travel to some facilities and internalise some trips. The proposals accord with the 'settlement hierarchy' set out at Policy CS1 of the Core Strategy. Given the village scale of Red Lodge 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.
129. Details of means of access into the site is included with the planning application for consideration now. Vehicular access is to be taken from the existing (but improved) Elms Road with an improved highway junction onto Newmarket Road. The improvements which would not necessitate tree felling or other potentially visually harmful works are considered acceptable on technical and visual grounds. Further and precise details of the access junction improvements and internal roads and other footpath/cycle connections could be secured by means of appropriately worded planning conditions.
130. Access to the proposed development is considered safe and suitable and officers (including the Highway Authority) are content the development would not lead to significant highway safety issues or hazards. Furthermore, the development proposals would enhance pedestrian links towards the village centre (considered to be the school and village centre parade of shops in this case). Having considered the evidence and comments received from the Highway Authority, your officers are content the proposed development would not lead to traffic danger or congestion of the highway network, including during the am and pm peak commuting hours.

### **Impact upon natural heritage**

131. 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.
132. 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.
133. 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.

134. 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

135. The designated Special Protection Area (SPA) is situated to the east of Red Lodge. 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. Accordingly, given these distances and the fact the development proposals would be concealed from the SPA by the existing built form of the village, there are unlikely to be significant direct impacts arising. 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, 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.
136. The likelihood of direct impacts to the SPA from the development proposals has already been addressed. 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.
137. The applicants have submitted an Ecological Impact Assessment with the planning application. The information has been prepared by a suitably qualified Ecologist (CSA Environmental). The report considers the direct and in-direct impacts of development (the scheme in isolation and in-combination with other plans and projects) and, with respect to indirect impacts upon the SPA, makes the following observations;
  - Most recent research (Lilley, 2015) indicates there is no clear effect of recreational pressure on breeding success on [protected] birds at the SPA and that recreational disturbance – at current levels – does not seem to be a current issue.

- The research suggests that nightjar and woodlark are instead likely to be declining due to habitat loss linked to forestry management.
  - Significant adverse recreational effects upon nightjar and woodlark at the SPA are not predicted as a result of this development alone.
  - Stone Curlew numbers at the SPA have increased in recent years and therefore recreational impacts are unlikely to be adversely affecting this population currently.
138. The Ecological Impact Assessment also concludes significantly adverse recreational impacts to the Breckland SAC and the Rex Graham Reserve SAC & Chippenham Fen Ramsar site are unlikely.
139. The Assessment also considers the potential impact from recreational pressure upon the Red Lodge Heath SSSI which is located in the village a short (and walkable) distance to the south of the site. No significant effects are predicted. This conclusion is also shared by Natural England. The application proposals do provide (in illustrative format for the time being) a perimeter dog walking route in order to provide an alternative to the SSSI for recreational purposes.
140. The scope of the alternative route and its ability to attract dog walkers away from the SSSI is limited given the relatively small size of the application site (and the relatively short route provided) and whilst it may filter some of the shorter walks away from the SSSI, those wishing to embark on longer walks are likely to leave the site and may opt to use the SSSI as part of their daily route. Accordingly, it is likely, given the absence of alternative public open space on the western side of Red Lodge, the development proposals will increase recreational pressure onto the SSSI.
141. In order to mitigate this impact, the applicants have agreed (in principle) to fund the part time wardening of the SSSI in order to improve its regular management and maintenance. A commuted sum would need to be secured in order to fund the warden over a period of time. At the time of writing, the precise details of the wardening and amount of the developer contributions required is yet to be fully resolved. Once this has been calculated and agreed, the commuted sum will form part of a s106 Agreement to be completed in advance of any (potential) grant of outline planning permission.
142. The Ecological Impact Assessment has been the subject of public consultation. Natural England are content the proposed development would not have significant effects upon the conservation interests of the international and national designated sites and has advised the Council, as decision maker, of its view that an Appropriate Assessment (under Regulation 61 of the Habitats Regulations) is not required.
143. The Council has screened the proposals under the provisions of the Habitats Regulations and has concluded 'appropriate assessment' of the implications for internationally designated sites in view of their

conservation objectives (both individually and in combination with other plans and projects) is not required.

Protected species.

144. The Ecological Impact Assessment concludes the site is of low intrinsic ecological value and no habitats or species of ecological importance are present. The assessment does, however, make recommendations for ecological enhancements. The following measures, which could be secured by means of condition, are recommended:
- Provision of bat and bird nesting boxes within the new development.
  - New strategic landscaping should include native species, including flowering and fruiting trees.
  - Formal landscaping in residential areas should include species known to be beneficial to wildlife.
145. 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.
146. There is no evidence to dispute the applicants view that a carefully a constructed and landscaped development is likely to result in net ecological gains at the site. The delivery of the mitigation and enhancement measures at and beyond the site could be secured via appropriately worded planning conditions and or via a S106 agreement, as appropriate.

**Impact upon trees**

147. Existing vegetation is confined to the periphery of the site along part of the boundaries. The tree assessment shows the majority of these (save for one early mature English Oak) are to be retained. No tree protection measures are indicated, although these could be secured by planning condition in the event that planning permission is to be granted.
148. Opportunities are available to enhance the existing tree stock by providing new tree planting throughout the development, but particularly to site boundaries. Details of new planting would as a matter of course be required to accompany a reserved matters submission. Furthermore the longer term and beneficial management and maintenance of the tree belt could be secured.
149. The impact of the development upon existing trees is considered acceptable.

### **Impact upon built heritage**

150. 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.
151. 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.
152. Core Strategy Spatial Objective C4 aims to protect and enhance the Historic Environment. This objective is implemented via Policy CS3.
153. Policy DM20 of the Joint Development Management Policies Document sets out criteria for development affecting Scheduled Ancient Monuments and/or archaeological sites (including below ground assets).
154. The development proposals would not impact upon any designated heritage assets (i.e. listed buildings, (including their settings) and conservation areas etc).
155. A desk top archaeological evaluation of the site was submitted with the planning application. This considered it unlikely that any archaeological remains are present at the site and all but the lower deposits of deeper features would have been removed by land improvement. The report offered the opportunity for further intrusive archaeological investigations if the archaeological advisors to the local planning authority deemed it necessary.
156. The Archaeological Service at Suffolk County Council has been consulted of the planning application and has requested further investigations are carried out. Their comments are reported at paragraph 28 above. Further archaeological investigations and recordings could be secured by means of appropriately worded planning conditions should planning permission subsequently be granted.
157. The development proposals would have no significant impacts upon undesignated heritage assets (potential archaeological remains in this case).

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

158. 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.”

159. 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.

160. 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”.

161. 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.

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

163. 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

164. 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 Red Lodge has the environmental capacity to deliver the maximum of 125 dwellings proposed by this planning application.

165. In terms of the potential environmental capacity of infrastructure in Red Lodge, it has been held at planning appeal that the 2009 Infrastructure and Environmental Capacity Assessment (‘IECA report’) represents the best available evidence.

166. 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.

#### Waste water treatment infrastructure

167. Details submitted with the planning application confirm the proposed development would connect to existing foul water systems in the village. The village is served by Tuddenham Waste water Treatment Works (WwTW) with waste water being pumped to that facility via the Herringswell pumping station. The applicants Utilities and Waste Water Assessment (received with the planning application) confirms, following liaison with Anglian Water Services that the existing waste water network has sufficient spare capacity to accept flows arising from this development. The document also confirms that there is currently spare capacity at the Tuddenham Water Recycling Centre for the effluent generated by the proposed development.
168. IECA comments that the Strategic Flood Risk Assessment and Water Cycle Study identifies that the rising main runs to the south east of Red Lodge and that Tuddenham WwTW has limited headroom and is significantly constrained due to its location adjacent to a SSSI.
169. The IECA report refers to the Strategic Flood Risk Assessment and Water Cycle Study which identifies that the Tuddenham WwTW can accommodate 1,310 new dwellings within its existing headroom, which is due to be reached by 2025 and the plant is potentially unsuitable for upgrade.
170. Anglian Water Services (AWS) has been consulted of the development proposals and, in response, has not objected to the planning application. Anglian Water's confirmation that there is capacity in the existing foul water system to accommodate the additional flows generated by the development validates the conclusions of the applicant's Utilities and Waste Water Assessment.
171. As part of the background evidence into the emerging Local Plan documents, the Council commissioned Hyder consulting to carry out an independent review of the ability of the waste water infrastructure serving Red Lodge to cope with additional demands from new developments. The study reported in October 2014 and is neatly summarised in the draft Infrastructure Delivery Plan which has been prepared in support of the emerging Single Issue Review and Site Allocations Local Plan:
  - The Hyder study concluded that recent capacity improvements undertaken by Anglian Water at the Tuddenham Waste Recycling Centre (WRC) are sufficient to accommodate proposed development at Red Lodge, and the 2021 embargo placed on expansion by the Core Strategy is no longer appropriate.
  - It also concluded that, depending upon growth levels realised,

additional modifications/extensions to the WRC processes will be required potentially from 2021 onwards.

- The report advised that availability of land on site and the design of the facility should allow Anglian Water to provide any necessary improvements.
- The study also concluded that many of the historic sewerage network issues were unrelated to growth. Furthermore, changes in network connectivity undertaken by Anglian Water now allow the connection of development sites into the network by utilising recent capacity improvements and the avoidance of the areas of the network with historic capacity concerns.
- The study went on to find that wastewater flooding and odour historically experienced at Herringswell relate to operational and resilience issues, rather than a lack of asset capacity. It found that additional flows from proposed development should reduce the risk of wastewater becoming septic, which in turn should reduce the risk of odour nuisance.

#### Water supply

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

#### Energy supply

173. The village is served by Kennet substation. The IECA report states that EDF Energy has identified that the substation is nearing capacity and are planning to upgrade it. IECA (published in 2009) identifies the tipping point (500 dwellings) may be nearing but additional capacity is likely to come forward in due course.

#### **Flood risk, drainage and pollution**

174. 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.
175. 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.
176. 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.

177. 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.
178. The application site is in Flood Zone 1 (low risk of flooding). It is therefore unlikely the proposed dwellings would be at risk of flooding from the nearest river resource.
179. The flood risk assessment submitted with the planning application confirms that surface water run off from the development would be managed within a series of linear basins/swales and grate features running parallel to the A11. It is also possible that (subject to later detailed design) on-plot infiltration facilities (blankets beneath permeable driveways for example) may also be employed at the site. The proposals, which have been approved in principle by the Flood Management Team at Suffolk County Council (subject to further clarification of some technical points at design stage), are subject to later detailed design which could be secured by means of planning condition.
180. The planning application is accompanied by a Geo-environmental Desk Study Report and a Geo-environmental Investigation Report. The desk study identified the potential for contaminants to be present from suspected made ground and pesticides from agricultural use and recommended a further intrusive study. The intrusive study (as set out in the Investigation Report) included soil testing and found only very low levels of contaminants such that no further remediation works were deemed necessary.
181. The Council's Environmental Health team has advised that no contaminated land conditions are required in the event that planning permission is granted.
182. The planning application is also accompanied by an Air Quality Assessment. The Assessment has been prepared not only to assess any potential air quality impacts to future occupiers of the proposed development from traffic on the A11 but also to assess impacts arising from traffic forecast to be generated by the development itself. The Assessment found that predicted air quality impacts to the development were below the relevant air quality standards across the site and predicted air quality impacts from traffic generated by the development were not significant. The Council's Environmental Health Officers have raised no concerns with respect to these findings. The application proposals would not give rise to any

concerns about potential impacts arising upon air quality at the site or wider village/transport routes.

183. 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 Floods Team at Suffolk County Council have not objected to or raised concerns about the application proposals.
184. 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**

185. The County Council as Local Education Authority has confirmed the village school (St Christopher's) is unlikely to be able to accommodate the new pupils forecast to emerge from this and other developments forecast around the village. 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.
186. Suffolk County Council has identified a site to the north of the village (east of the application site) for the delivery of a new primary school facility. Public consultation has been carried out and a planning application is anticipated to be submitted within the next few weeks. The County Council has requested the developer provides a proportionate commuted sum to be used towards the land purchase and construction costs of the new primary school facility. The sums are calculated on the basis of the number of primary school pupils forecast to emerge from the development proposals. The County Council's request is considered reasonable and lawful (CIL Regulation compliant) and precise sums have been agreed by the applicants. These would be secured as part of a S106 Agreement after the meeting should the Committee resolve to grant planning permission.
187. 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. These contributions would be secured in a similar way to contributions required for the construction of the primary school.
188. 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**

189. 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.

190. 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.
191. 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.
192. The dwellings proposed by the planning application are submitted in outline form with all matters, except means of access, reserved to a later date. Accordingly matters of design are not particularly relevant to the outcome of this planning application.
193. The application is submitted in outline form with all matters, except means of access, reserved to a later date. Accordingly matters of design are not particularly relevant to the outcome of the planning application at this initial stage.
194. A design and access statement has been submitted with the planning application to explain 'potential' design strategies that could be implemented at the outline stage. Furthermore, an illustrative layout drawing has been submitted which suggests a 'perimeter block' approach to the housing layout. This would be an acceptable approach to the site layout, but as advised by the Council's Ecology Tree and Landscape Officer, further thought needs to be given to the strategic approach to open space provision as part of the development in order to i) make it as attractive as possible to potential users (particularly dog walkers) and ii) sensibly link the development to other strategic green infrastructure and likely desire lines (i.e. in the direction of the schools, shops and other village amenities). These matters would be fully resolved at a potential Reserved Matters stage.
195. The application proposes 'up to' 125 dwellings which means any subsequent reserved matters submission could be for a lower number. The final number of units could be affected by a number of factors including the desired density, the preferred design solution (layout, including provision of public open spaces) and the mix and type of dwelling proposed (for example a 4-bed detached dwelling will accommodate a much larger plot size than a 2-bed terraced dwelling). The maximum gross density of the proposed development would be just over 30 dwellings per hectare, which is considered appropriate at this edge of village location.

196. The development of the application site with a housing scheme would, in combination with the new development to the south on the opposite side of Elms Road, create an undesirable environment to the remaining Elms Road Highway (beyond the point where it has been stopped up to vehicular traffic). Both sites (the application site and the adjacent development site to the south) are required to provide bunds and acoustic barriers to their rear boundaries facing towards the A11. These measures are required in order to mitigate against traffic noise emanating from the trunk road. Given the retained highway status of Elms Road (which terminates at the A11 corridor) neither development is able to close the gap between their respective sites that is formed by Elms Road. This means the acoustic bunds and fencing for both sites need to return back a short distance along Elms Road. This means that a short length of Elms Road bounded to both sides by acoustic barriers set atop earth bunds. This serves to create an uninviting corridor along part of Elms Road.
197. Unfortunately the applicants are unable to improve the design of this area given the retained highway status of the relevant section of Elms Road and the need for the Highways Agency to continue to gain access to the A11 corridor from the stopped up highway. The problem does not exist whilst the application site remains undeveloped, but is likely to be an issue with whatever development is realised at the application site (a commercial user is likely to require security fencing along the same boundary or may even require similar noise mitigation measures). The unresolved nature of the stopped up part of Elms Road closest to the A11 corridor is an unfortunate, but unavoidable negative impact of this development (in combination the adjacent development site, which already has the benefit of planning permission. Whilst the creation of a poor quality and potentially anti-social environment in this area is unfortunate, it is not anticipated that large numbers of people would seek to access this area given it approaches the bus A11 Trunk Road with no opportunity for vehicular access. Accordingly, the impact of this unsatisfactory design feature, whilst counting as a negative against the development, is not considered particularly significant or over-riding.

### **Impact upon residential amenity**

198. 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.
199. Vision 1 of the Core Strategy seeks to provide 'a higher quality of life' for residents.
200. The application site is close to a number of dwellings to its south and east, but these are separated by Elms Road (south) and Newmarket Road (east). The design and layout of the development at Reserved Matters state would need to have particular regard to impacts upon these dwellings

from positioning of buildings and window locations, but, no issues are envisaged given the degree of separation provided by these roads.

201. The application site is adjacent to a pumping station which is situated to the south of the site. The infrastructure has a standardised 'cordon sanitaire' of 15 metres drawn around it. Housing development should be avoided in this area (because potential odour release from the pumping station could give rise to amenity issues for occupiers of dwellings inside this distance). The cordon sanitaire affects a small area of the application site to the south and is a minor constraint on the development which will need to be properly resolved at Reserved Matters stage. It is not envisaged this matter will ultimately influence the number of dwellings achieved at the site.
202. The occupiers of the dwellings proposed by this application would potentially be adversely affected by noise emanating from traffic using the A11 trunk road running north/south to the east of the site.
203. The planning application is accompanied by a noise assessment to address this particular matter. The document draws the following conclusions:
  - The noise exposure of the site has been assessed and if appropriate mitigation is afforded in the form of a combination of a bund and barriers, building envelope specification, and internal design then the noise environment for potential future occupiers will be satisfactory.
204. The document goes on to specify areas that require particular attention when the precise details of the scheme are prepared for reserved matters submission. Further details of such measures (that are likely to include noise barriers, bunding, internal dwelling layouts, noise insulation and ventilation) could be secured by planning condition. The adjacent development site to the south, which has a planning permission and is now substantially complete, has a similar relationship to the A11 road and similar measures are being employed at that development.
205. The granting of planning permission for a residential development of the application site does not raise residential amenity concerns at this outline stage.

### **Loss of agricultural land**

206. 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.
207. 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.

208. The application site is Grade 4 and 5 agricultural land (poor/very poor quality) and its loss is not considered significant. The development of lower grade agricultural land is favoured over the best and most versatile land by relevant National planning policy. The loss of this particular parcel of low grade agricultural land is not, therefore, considered an 'in-principle' barrier to a development of this particular site.

### **Sustainable construction and operation**

209. 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".
210. 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.
211. 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.*
212. 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.
213. 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).
214. The documentation submitted in support of this planning application does not include a sustainable construction statement (or equivalent). Furthermore the requirements of the aforementioned policies CS4 and DM7



are not addressed by either the submitted Planning Statement or Design and Access Statement.

215. The planning application does not address water efficiency measures in detail as is required by Policy DM7 and does not presently propose a strategy for ensuring water use does not exceed 110 litres per person, per day (as is required by the policy). The proposals are therefore technically contrary to policy DM7 of the Joint Development Management Policies Document in this respect. However, the Building Regulations allow for more stringent standards to be applied to water use in new development (matching the 110 litres use per person requirement set out in Policy DM7) on the proviso there is a planning condition that also requires those more stringent measures to be achieved. It is no co-incidence that policy DM7 of the Joint Development Management Policies Document requires more stringent water use requirements to match those applied by the Building Regulations.
216. 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. Should such a condition be imposed (as is recommended) the proposals would comply with Policy DM7 (which is more up to date than Policy CS7) and allow the proposals to proceed through the outline planning stage.

### **Planning Obligations**

217. 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.
218. 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.
219. 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.

220. 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.
221. 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.
222. The following developer contributions are required from these proposals.

#### Affordable Housing

223. 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.
224. 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 (37.5 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).
225. 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' 125 dwellings = 'up to' 37.5 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).

#### Education

226. 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.
227. 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).

228. 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 paragraph 29 above.

#### Public Open Space

229. 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.
230. 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.
231. 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).
232. 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 SPD could be secured at Reserved Matters stage/s by incorporating the SPD formulaic approach into the S106 Agreement.

233. In this case, and as discussed elsewhere in this report, a fully policy compliant level (quantity) of open space will need to be provided on site to serve this development. This is to safeguard against potentially adverse recreational impacts occurring or increasing at the nearby SSSI as an indirect consequence of the development proposals being realised. The precise location and configuration of the relevant quantity of public open space (and the location and equipping of the children's play space) on site is a matter to be resolved at detailed design stage where quantum can be precisely calculated and incorporated into detailed (and firm) designs and layouts.

#### Transportation

234. The County Council Highway Authority has requested developer contributions to be used towards various off-site measures. These would include, foot and cycleway provision/enhancement and crossings and bus stop provision/improvement. These would be funded by financial contributions secured from this development. Further measures and initiatives (including potential financial contributions) arising from the Travel Plan for the site may also need to be secured via the S106 Agreement where it would not be appropriate or lawful to secure them via conventional planning conditions.

#### Libraries

235. 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 £27,000.

#### Health

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

#### Summary

237. 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 the Framework and 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:**

238. 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. The site is, however, within the defined settlement boundary and its suitability for a housing development is not contingent on the absence of a 5 year housing supply (although an absence would place greater emphasis on the granting of a planning permission for a residential scheme).
239. The application site is allocated by both extant and emerging development plan policies for restricted employment related uses. Extant Core Strategy and Development Management policies seek to retain such sites in employment use. The Framework confirms that planning policies should avoid long term protection of sites allocated for employment. This policy steer is reflected in particular by the criteria set out in policy DM30. Officers have concluded (in the light of independent evidence) the applicants have complied with the requirements of policy DM30 (and thus also the requirements of relevant parts of Core Strategy Policy CS6). Furthermore (and partly as a consequence of compliance with DM30) the proposals for a residential development of the allocated employment site are not considered premature or prejudicial to the emerging Local Plan (site allocations document in particular).
240. In light of the above, officers consider the proposals as submitted (and in the light of the evidence accompanying the submission) comply with the provisions of the Development Plan. In such circumstances, the Framework advises that planning permission should be approved without delay. As discussed in the officer comments section of this report, there are no other matters (including technical matters) that would stand in the way of the proposed development. The officer recommendation is therefore one of conditional approval.

### **Recommendation:**

241. Full and outline planning permission be GRANTED subject to:
- 1) The completion of a S106 agreement to secure:
    - (a) Policy compliant affordable housing provision (30%).
    - (b) Land (£45,601) and construction (£509,299) contributions towards the construction of a new primary school.
    - (c) Pre-school contribution (up to £73,092).
    - (d) Libraries Contribution (up to £27,000).

(e) Public Open Space contributions: Formula to be included in the Agreement to secure, at reserved matters stage, policy compliant provision on site including delivery and future management of those areas.

(f) Local Highways contributions as specified by the Highway Authority.

(g) Travel Plan – matters not appropriate for inclusion as planning conditions, including payment of any financial contributions towards travel planning initiatives reasonably required.

(i) Commuted payment towards wardening of the Red Lodge Heath SSSI site (precise specification and sum to be agreed).

(j) Health Contribution (up to £39,500)

(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)
- Water efficiency measures (compliance with the option for more stringent requirements set out by the Building Regulations)
- 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 and future management of landscaping outside of domestic gardens)
- Retention and protection during construction of existing trees and hedgerows to be retained.
- Ecology (enhancements at the site)
- Noise mitigation measures
- Construction management plan
- As recommended by the Local Highway Authority
- Means of enclosure (details to be submitted with relevant Reserved Matters submissions)
- Noise mitigation measures
- Fire Hydrants
- Waste minimisation and re-cycling strategy
- Details of the surface water drainage scheme.
- Archaeology.
- Submission of open space plans with subsequent Reserved Matters submissions.
- Details of pedestrian and cyclist links to be provided with Reserved Matters submissions.
- Travel Plan measures (matters not addressed in the S106

- Agreement)
- Any additional conditions considered necessary by the Head of Planning and Growth.

242. That, in the event of;

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

or,

iii) the applicant declining to enter into a planning obligation to secure the Heads of Terms set out 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.

<https://planning.westsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=O48QO1PDG4800>

Working Papers (attached):

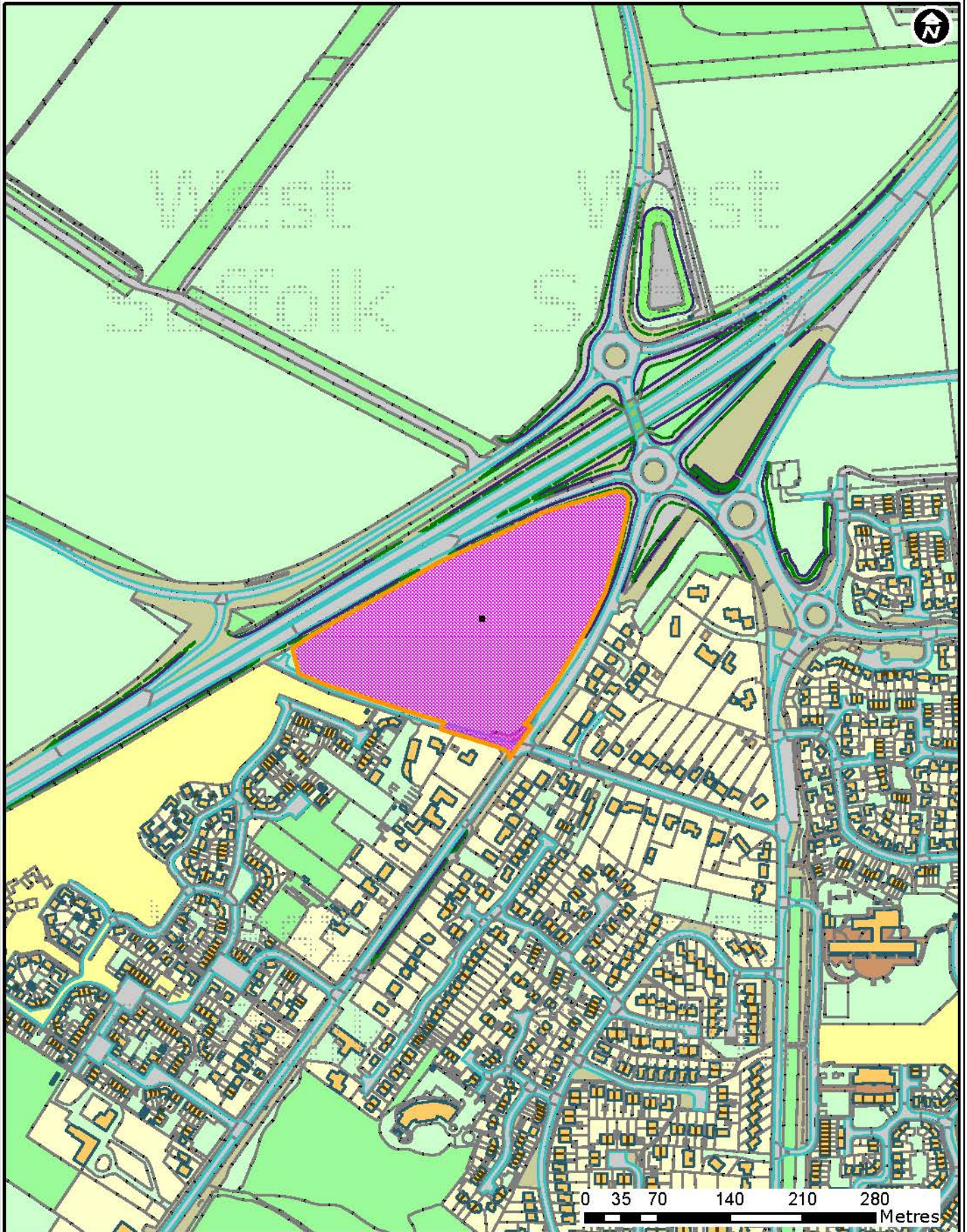
1. Merrifields assessment of marketing.

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**DC/16/0596/OUT**

Land East of Newmarket Road and North of Elms Road, Red Lodge



Forest Heath • St Edmundsbury

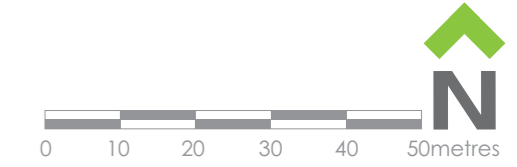
**West Suffolk**  
working together

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**Date: 23/08/2016**

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# For Illustrative Purposes Only



SCHEDULE OF ACCOMMODATION: 07.01.2016			
PRIVATE SALE HOUSING			
HOUSE TYPE	SIZE (sq.m)	SIZE sq.ft	No
1 BED APARTMENT (V1)	41.2	443	6
2 BED COACH HOUSE	54.7	589	2
2 BED APARTMENT	60.1	647	8
2 BED HOUSE	64.0	689	14
3 BED HOUSE (V1)	80.5	866	23
3 BED HOUSE (V2)	84.1	876	2
3 BED HOUSE (V3)	88.4	951	2
3 BED TOWN HOUSE	104.5	1125	14
4 BED HOUSE (V2)	114.0	1227	8
4 BED TOWN HOUSE	116.0	1252	8
<b>TOTAL</b>	<b>7232.9</b>	<b>77812.0</b>	<b>87</b>

AFFORDABLE HOUSING			
HOUSE TYPE	SIZE (sq.m)	SIZE sq.ft	No
1 BED APARTMENT	45.0	484	10
2 BED GROUND FLOOR APARTMENTS	54.7	589	4
2 BED HOUSE	60.1	647	13
3 BED HOUSE	84.5	910	8
4 BED HOUSE	102.1	1098	3
<b>TOTAL</b>	<b>2432.4</b>	<b>26181</b>	<b>38</b>

DEVELOPMENT TOTAL:			
	9665.3	103993	125
SITE AREA -	4.08	Hectares	10.08 Acres
SITE AREA (NETT) -	2.60	Hectares	6.42 Acres
DENSITY (GROSS) -	30.6	dph	17.56 dpa
DENSITY (NETT) -	48.1	dph	19.46 dpa
COVERAGE -	3717	sq.m per ha	16187 sq.ft per acre



- Site boundary
- 1 Proposed vehicular access point
- 2 Proposed children's equipped play area
- 3 Proposed acoustic barrier (1.2-2m landscape bund with 3m high fence)
- 4 Proposed sustainable drainage feature
- 5 Electrical sub-station
- Proposed 3 metre wide foot / cycleway
- Potential pedestrian / cycle link



Dixies Barns, High Street,  
Ashwell, Hertfordshire SG7 5NT

t 01462 743647  
e ashwell@csaenvironmental.co.uk  
w csaenvironmental.co.uk

**Project** Land west of Newmarket Road and north of Elms Road, Red Lodge

**Drawing Title** Proving Layout

**Client** Jaynic Properties Ltd

**Scale @ A2** 1:1000 **Drawing No.** CSA/2748/106

**Date** Dec 2015 **Rev** ~

**Drawn** AS **Checked** RR

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63 Churchgate Street, Bury St Edmunds, Suffolk IP33 1RL Telephone: 01284 700700 Fax: 01284 722699  
www.merrifields.co.uk

Our ref: GE/DE/P5898

[gordon@merrifields.co.uk](mailto:gordon@merrifields.co.uk)

22 July 2016

Mr G Durrant  
Principal Planning Officer  
West Suffolk House  
Western Way  
Bury St Edmunds  
IP33 3YU

By post and email: [gareth.durrant@westsuffolk.gov.uk](mailto:gareth.durrant@westsuffolk.gov.uk)

Dear Gareth

**Planning Application DC/16/0596/OUT  
Land East of Newmarket Road and North of Elms Road, Red Lodge  
Review of Economic Statement**

**Instructions**

Forest Heath District Council have instructed Merrifields to provide advice with respect to whether "genuine attempts" have been made to market the site as mentioned above for employment related purposes with particular regard to its published asking price.

Merrifields review of the Economic Statement is restricted to those parts which contain information and evidence with respect to the marketing of the site.

The parts of the report that refer to marketing of the site have been reviewed by Gordon Ellis BSc Property Management and Member of the Royal Institution of Chartered Surveyors and Managing Director of Merrifields. Merrifields are Chartered Surveyors specialising in the sale and letting of commercial property, including advice with regard to the planning and development of land. Gordon Ellis has been employed by Merrifields since 1993 and is considered to have sufficient experience and knowledge to comment on the marketing of this site.

The site was inspected on Friday 15 July 2016.

**The Site**

The site is located next to the A11 at Red Lodge, about 2.5 miles south west of Mildenhall, 7 miles north east of Newmarket, 12 miles west of Bury St Edmunds and 14 miles southwest of Thetford. The A11 merges with the A14 about 4 miles away. The site has excellent access to the A11. The site is triangular shaped with one border abutting the A11, one the access road to the village with residential housing opposite, the other opposite a residential housing scheme and some established commercial properties.

Red Lodge is a master planned expanded settlement with an expanding residential community of a population about 3,842 with a limited but expanding range of services.

The site is previously undeveloped extending to around 4.06 hectares (10 acres), it is prominent to the A11 and adjoins the roundabout at the junction with the B0185. The site has been allocated for employment use since the Forest Heath Local Plan of 1995 and Red Lodge Master Plan of 1998. In summary, the 1995 Local Plan and the Red Lodge Master Plan require high quality development in a landscaped setting, primarily as this is a prominent gateway site to the village.

The site is in close proximity to residential dwellings. Forest Heath District Council has advised that B8 (Storage and Distribution) use is an unsuitable use for the site. I believe that B2 (General Industrial) use would also be unsuitable bearing in mind the proximity to the residential dwelling houses and the loss of amenity such a use would cause them. B2 (General Industrial) users also unlikely to find the site attractive as their use is likely to be restricted through hours of operation and noise and odour levels due to the proximity of the residential dwellings. Its employment uses would therefore be restricted to B1 (Business) use where office, light industrial and research and development units could be sited.

No comment will be made on planning policy in this report as it was not part of the instruction and it is felt that Forest Heath District Council Local Planning Officer would be best placed to comment on such matters as stated within the Economic Report.

### **Marketing of the Site**

I would expect the site to be marketed with a clear description and marketing information available on local services, planning, availability of services, condition and details of its availability in respect of being available as a whole or in part.

I believe the property should have a quantifiable numerical asking price.

I believe the marketing that should have been adopted should have included the provision of a marketing brochure, both in hard copy and electronic format. There should be evidence of that brochure being mailed to applicants on the appointed agents mailing register, to enquiries received in the agents office in respect of employment uses and furthermore the brochure should have been mailed to agents in the region specialising in commercial property and the local authority for the benefit of their employment lists, premises register etc. For Sale boards should have been clearly erected on the site, specifically along the A11 where they can be seen by a significant amount of passing traffic. Details of the property should be placed on the Internet on a number of the commercial listing sites and on the agents own website. The advent of the internet and property portals has made them a far superior source of enquiries than adverts in the local press, whilst therefore we would not expect regular advertising we would expect the site to have been advertised from time to time in appropriate publications.

As the site has been on the market for some time we would expect a review of that marketing from time to time i.e. the refreshing of brochures, mailing, boards etc.

Our judgement has been sought to assist Forest Heath District Council as to whether the marketing commented upon in the Economic Report produced by Boyer in March 2016 shows that genuine attempts have been made to market the site, particularly for employment related purposes, as such we are only able to comment on the information provided to us and have assumed it to be true and reliable.

I am advised that the site has been marketed for 8 years since March 2008. The original agents appointed were Cheffins of Cambridge and Mather Jamie of Loughborough. Both firms are known to us. We work with Cheffins on a number of projects and we would consider them to be a professional experienced firm of surveyors who would be appropriate to receive an instruction of this type. Mather Jamie are known to us as we share the same website designer and again they would appear to be a professional firm suitable for the marketing of such a site.

The joint agents marketing brochure clearly sets out the sites availability in respect of the size, location, description, services available (with a further services information pack available), details on planning and terms. The site appears to have been marketed to a wide range of users (subject to planning). It is being marketed as a whole however, we would have expected the site to have been made available as a whole or in part, perhaps with an indicative development of how the site could be developed with more than one access off the highway negating the need for site spine roads. There is no comment on ground conditions, but we do not believe this would affect the saleability of the site. The Economic Report contains a chronological list of marketing undertaken and interest received. This includes a number of direct marketing activities where the brochure was mailed to particular use groups, commercial agents and developers. We believe further mailing of the brochure could have been undertaken during the marketing period, although the recent mailing of targeted groups including convenience stores, nursery operators etc has been extensive and unsuccessful.

Merrifields were aware of the availability of the site through the promotion of Cheffins and during the period of marketing we have not been aware of any developers or occupiers that were interested in the purchase of the site. We did however act for AJN Steelstock a few years ago. AJN Steelstock are Steel Stockholders and Fabricators of Steel based at Kentford on the A14 and were looking for a new site to house a hi-tech laser cutting plant to complement their existing premises at Kentford. The site was of particular interest to AJN Steelstock but as they are a B2 (General Industrial) user and require 24/7 access both they and Merrifields were advised that the site would not be suitable for their use.

The board presence on the site has been sufficient and it is good to see the boards were refreshed in 2015.

In addition to local advertising the property has been advertised on the Internet including adverts placed on EG Propertylink and Cheffins website.

Advertisement have been placed in various publications including Property Week, Cambridge Evening News, Estates Gazette, Cambridge Business Weekly and various editorial has also been placed in such publications. We do not believe that newspaper and magazine advertising is particular efficient, so whilst there has not been regular advertising we believe it has been promoted sufficiently in this form of media.

### **Overview of Marketing**

From the evidence supplied to us and our knowledge of the market we believe there has been a genuine attempt to market the site for B1 and alternative uses. (This is on the assumption that B2 and B8 uses would not form suitable development). A constant board and internet presence throughout the period of marketing would allow serious purchasers and developers (who are likely to be represented by surveyors) the ability to find the availability of the site.

There is emphasis in the Local Plan and Red Lodge Master Plan for the site to be developed for research and development purposes with a high quality building in a landscaped setting. This designation is used in many local towns that abut the A11 and A14 to try and benefit from the Cambridge effect. Cambridge is a City with international importance in respect of research and development and business, however there is very little evidence of such firms moving away from the Cambridge bubble and this is evidenced by the lack of such firms in more prominently established business locations in the region such as St Ives, Ely, Newmarket and Bury St Edmunds. The sites and buildings that Merrifields have let or sold to such business in the last 25 years have been generally let or sold to directors of companies that live in the locality so they are moving their businesses to be near their houses as opposed to bringing their businesses away from Cambridge for cheaper rents etc. I am therefore not surprised by

the lack of interest shown in the site for research and development uses and consider this an unlikely use for the site.

Other uses fallings within Class B1 of the Uses Classes Order would include office and industrial use.

I would agree with the Economic Report which states that the site is not an appropriate office location. It is too remote and we can confirm, with the exception of a number of rural farm diversification schemes providing small office units, there is not sufficient demand for the site to be developed for office purposes. I am not aware of any speculative office developments that have been built in the Forest Heath District Council or St Edmundsbury Borough Council areas in the last ten years. The Economic Report states that the rents that would be payable in such a locality would make office development unviable. I would concur with this comment, but would go further to suggest that an office scheme in this locality would be unviable, un-fundable and its development cost would be significantly in excess of its value once constructed unless it was let to a "blue chip" office tenant on a long lease with built in rental uplifts. I am confident enough to say any such development would not take place in Red Lodge. Furthermore, such development is unlikely to take place at this current time in Bury St Edmunds or Newmarket where there are opportunities for this type of development to take place and where rents are 50% higher than stated in the Economic Report. I do not believe the site is suitable for office development.

Industrial development of the site would be restricted to B1 light industrial use. I am not aware of any large scale B1 units having been constructed in the locality during the period of marketing (many B8 and B2 units have been constructed). I therefore believe the site would need to be developed for small scale light industrial use and assuming a say 40% site coverage up to 180,000 sq ft could be developed. Such a sized development would be unviable and uneconomic.

Merrifields over the last 8 years have been involved with the Risby Business Park at Risby and Oaklands Park at Rougham Hill in Bury St Edmunds. During this period 16 units have been built at Risby where the units are between 1,000 and 1,300 sq ft. They have generally been sold to small independent businesses by owner occupiers, or self-invested pension schemes and let back to connected companies. The Risby Business Park is located adjacent to the A14 next to the prosperous town of Bury St Edmunds. The site has permission for about 90,000 sq ft of space but as yet only limited development has taken place. The original developer has ceased trading and development has stopped.

Oaklands Park is a development of 17 business units which originally received consent for B1 use. After 8 years all 17 units are now sold, let or under offer. The average price for a unit of 1,700 sq ft has been £95 per sq ft, up to £120 per sq ft has been achieved for units of less than 1,000 sq ft. The developer hopes to break even and this is only possible due to the project being self-managed and the owner being the main contractor and with a significantly reduced specification. Oaklands Park is located adjacent to the A14 on the opposite side of the A14 to Sainsbury with easy access to the town centre. The owner, Oaklands Developments Anglia Limited, are looking for other sites to develop as they now believe they have established a strategy for the development of B1 business units, but will only look in major connotations and would only look to build 5 units per year. Such a development would need to be high density and of low specification. Their development is only viable due to the availability of private funding. Any such scheme in the locality is unlikely to be undertaken speculatively and is unlikely to be funded by the high street lending institutions.



The market for small B1 business units is at its highest peak since the recession and credit crunch of 2007/8 however I do not believe the subject site is viable for speculative business development. This is primarily due to the cost of any completed buildings, including infrastructure works etc, being more than the value of the completed buildings.

In my opinion the only likelihood of development on the subject site in the near future would be from an owner occupier of the whole site, however in terms of viability such an occupier is likely to favour sites in existing urban areas where values are higher and where building costs are the same, making alternative sites more viable.

The site could be of interest to smaller occupiers if it was made available in parts, but this would involve significant investment in infrastructure works to provide spine roads and services, again on a speculative basis and whilst some smaller 1 acres up to 5 acre plots may attract interest the cost of providing the infrastructure speculatively would be unjustifiable to undertake speculatively.

Other uses that have been pursued including pubs/restaurants, hotels, retail, care homes and day nursery uses all appear to have been reviewed and tested. Such uses are economically viable due to the rents that are paid and as such we believe a genuine attempt has been made to attract such users but not surprisingly such users have rejected the site due to proximity of nearby facilities, the local area population and demographics.

#### **Asking Price**

The original asking price was £3 to £3.5 million but was reduced to £3 million during the marketing period, although we are not quite sure when that reduction took place. Since the recession and the credit crunch, new development has been limited and generally has been undertaken for business needs as opposed to property investment. I have previously commented in this letter that B1 business use development of the site is unviable due to the high cost and low capital of any finished product. Whilst I consider the asking price to be excessive, even if the site was made available at 50% of the asking price, development is still likely to be unviable. A residual valuation of the site (to produce land value) taking into account the gross development value less building costs, fees, profit and contingency would throw up a negative value of the site hence why very few sites have been developed in the Forest Heath District Council and St Edmundsbury Borough Council districts in the last 8 years.

Merrifields are currently marketing a 5 acre site in Stowmarket, equivalent to £250,000 per acre, where an offer of £125,000 per acre has been received (for a waste transfer station) and we are anticipating to receive a further offer of around £200,000 per acre to be purchased in phases over a number of years. The prospective purchaser of that site would not be interested in the Red Lodge site due to the lack of other businesses within the locality.

Merrifields have recently sold a derelict industrial complex in Thetford amounting to some 12 acres spread over 3 sites. The buildings on the sites are currently being demolished and when taking into account demolition costs, the site which is only 14 miles from the subject property on an established employment estate where there are other B1, B2 and B8 uses, the sale equates to £291,000 per acre plus demolition cost. Part of the site abuts the London Road (former A11) and as such a premium has been paid as it is felt that roadside users may be attracted to the site. Notwithstanding this, it is zoned for B1, B2 and B8 uses only and as such is good direct evidence that the asking price is realistic.

#### **Conclusion**

I believe there has been a genuine attempt to market the site, the marketing has not been extensive but the property has been readily available and detailed discussions have been held with both B8 and B2 users and the agents have tried to promote the site to more high value users including the likes of the hotels and convenience stores.

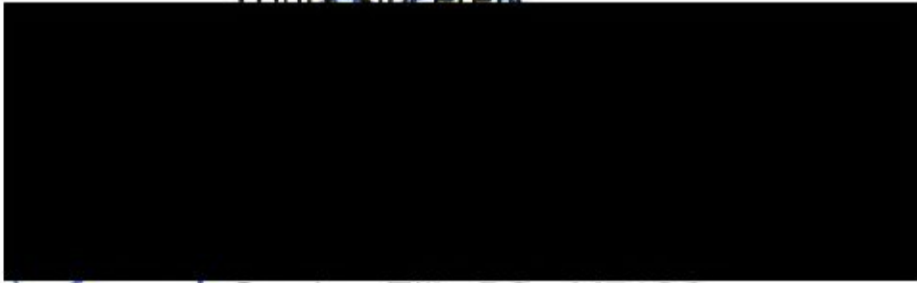
I do not believe the site is viable which is why it has not sold and this is primarily because it is not a location that is going to attract office occupiers, it is remote without appropriate commercial infrastructure and support services and it is more profitable to build B1 premises in an established commercial towns such as Bury St Edmunds, Newmarket, Thetford and Cambridge.

Unless there is significant improvement in funding, commercial rents and commercial capital values, we do not believe the site would be viable for development in the near future.

In my opinion the site has been subject to a genuine marketing campaign, albeit in a period of economic uncertainty when there has been very little new development but where in the future new business development is likely to occur in more viable locations within the district.

We hope the above information is sufficient for your needs, but please contact me if any further clarification or information is required.

Yours sincerely



Gordon Ellis BSc MRICS