

# Development Control Committee



Forest Heath  
District Council

<b>Title:</b>	<b>Agenda</b>		
<b>Date:</b>	<b>Wednesday 7 June 2017</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>	<u>Conservative Members (9)</u>	Chris Barker David Bowman Ruth Bowman J.P. Rona Burt Louis Busuttill	Stephen Edwards Brian Harvey Carol Lynch Louise Marston
	<u>West Suffolk Independent Members (3)</u>	Andrew Appleby Simon Cole	David Palmer
	<u>UKIP Members (2)</u>	Roger Dicker	Peter Ridgwell

**SITE VISITS WILL BE HELD ON MONDAY 5 JUNE 2017 AT THE FOLLOWING TIMES:**

**NB: A coach is to be provided for the site visits and Members are requested to convene at the District Offices, Mildenhall at 9.30am on 5 June 2017 to enable the coach to leave promptly at 9.40am.**

**The times listed against each of the site visits are therefore approximate, if not travelling by the coach and wishing to meet at site(s) Members are requested to contact the Case Officer for directions/meeting points.**

**1. Planning Application DC/16/2740/FUL - Caps Cases , Studlands Park Industrial Estate, Newmarket**

Planning Application - (i) Extensions to B1 Light Industrial warehouse including loading bay (ii) additional parking area and new access

**Site visit at 10.00am**

**2. Planning Application DC/16/2832/RM - Land East of Kings Warren, Warren Road, Red Lodge**

Reserved Matters Application - Submission of details under Planning Permission F/2013/0257/HYB - the means of access, appearance, landscaping, layout and scale for Phases B and C

**Site visit at 10.40am**

**Cont. overleaf...**

**3. Planning Application DC/16/2833/FUL - Land East of Kings Warren, Warren Road, Red Lodge**

8no dwellings and associated garaging and parking

**Site visit at 10.40am**

**4. Planning Application DC/13/0660/FUL - Land off Briscoe Way, Lakenheath**

Erection of 67 dwellings (including 20 affordable dwellings) together with public open space, as amended

**Site visit at 11.40am**

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

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

**Site visit at 11.55am**

**6. Planning Application F/2013/0345/OUT - Land at Rabbit Hill Covert, Station Road, Lakenheath**

Residential development (up to 81 dwellings, as amended)

**Site visit at 11.55am**

<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 Officer <b>Tel:</b> 01638 719363 <b>Email:</b> <a href="mailto:helen.hardinge@westsuffolk.gov.uk">helen.hardinge@westsuffolk.gov.uk</a>

**DEVELOPMENT CONTROL COMMITTEE:  
 AGENDA NOTES**

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

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

**Material Planning Considerations**

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

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

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

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

### **Documentation Received after the Distribution of Committee Papers**

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

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

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

### **Public Speaking**

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

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## **DEVELOPMENT CONTROL COMMITTEE: DECISION MAKING PROTOCOL**

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

### **Decision Making Protocol**

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

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

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

## **Notes**

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

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

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# Agenda

## Procedural Matters

### Part 1 – Public

- 1. Election of Chairman for 2017/2018**
- 2. Election of Vice Chairman for 2017/2018**
- 3. Apologies for Absence**
- 4. Substitutes**
- 5. Minutes** **1 - 8**

To confirm the minutes of the meeting held on 3 May 2017 (copy attached).
- 6. Planning Application DC/16/2652/OUT - Stock Corner Farm, Stock Corner, Beck Row** **9 - 30**

Report No: **DEV/FH/17/015**

Outline Planning Application (Means of Access and Layout to be considered) 9 no. dwellings (following demolition of existing agricultural buildings), alterations to existing access and associated works (amended scheme to DC/15/2456/OUT)
- 7. Planning Application DC/14/2096/HYB - Land North of Station Road, Lakenheath** **31 - 166**

Report No: **DEV/FH/17/016**

Hybrid planning application - 1) Full application for the creation of a new vehicular access onto Station Road, and entrance to a new primary school, 2) Outline application for up to 375 dwellings (including 112 affordable homes), and the provision of land for a new primary school, land for ecological mitigation and open space and associated infrastructure (as amended)
- 8. Planning Application F/2013/0345/OUT - Land at Rabbit Hill Covert, Station Road, Lakenheath** **167 - 262**

Report No: **DEV/FH/17/017**

Residential development (up to 81 dwellings, as amended)

- 9. Planning Application DC/13/0660/FUL - Land off Briscoe Way, Lakenheath** **263 - 354**  
 Report No: **DEV/FH/17/018**  
 Erection of 67 dwellings (including 20 affordable dwellings) together with public open space, as amended
- 10. Planning Application DC/16/2832/RM - Land East of Kings Warren, Warren Road, Red Lodge** **355 - 372**  
 Report No: **DEV/FH/17/019**  
 Reserved Matters Application - Submission of details under Planning Permission F/2013/0257/HYB - the means of access, appearance, landscaping, layout and scale for Phases B and C
- 11. Planning Application DC/16/2833/FUL - Land East of Kings Warren, Warren Road, Red Lodge** **373 - 386**  
 Report No: **DEV/FH/17/020**  
 8no dwellings and associated garaging and parking
- 12. Planning Application DC/16/2740/FUL - Caps Cases , Studlands Park Industrial Estate, Newmarket** **387 - 400**  
 Report No: **DEV/FH/17/021**  
 Planning Application - (i) Extensions to B1 Light Industrial warehouse including loading bay (ii) additional parking area and new access
- 13. Planning Application DC/16/2184/FUL - Nowell Lodge, Fordham Road, Newmarket** **401 - 426**  
 Report No: **DEV/FH/17/022**  
 10 No. apartments (demolition of existing dwelling)
- 14. Planning Application DC/16/2731/HH - 5 Whitegates, Newmarket** **427 - 436**  
 Report No: **DEV/FH/17/023**  
 Householder Planning Application - (i) Single storey front extension (ii) Two Storey side and rear extension (iii) Single storey rear extension - revised scheme of DC/15/2282/HH

# Development Control Committee



Forest Heath  
District Council

**Minutes** of a meeting of the **Development Control Committee** held on  
**Wednesday 3 May 2017** 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	Stephen Edwards
David Bowman	Brian Harvey
Ruth Bowman J.P.	Carol Lynch
Louis Busuttill	David Palmer
Simon Cole	Peter Ridgwell
Roger Dicker	

## 213. **Chairman's Announcement**

On commencement of the meeting the Chairman asked Members to note that it may be necessary to convene an extraordinary meeting of the Development Control Committee on 17 May 2017, and she asked that the Committee make a note of this provisional date.

Members were also reminded that they were requested to attend the District Offices at 5.15pm on 10 May 2017 (immediately prior to the Council's Annual Meeting) to enable a whole Council photograph to be taken.

## 214. **Apologies for Absence**

There were no apologies for absence.

Councillor Louise Marston was unable to attend the meeting.

## 215. **Substitutes**

There were no substitutes present at the meeting.

## 216. **Minutes**

The minutes of the meeting held on 1 March 2017 were unanimously received as an accurate record and were signed by the Chairman.

**217. Acting Assistant Director of Planning Announcement**

Prior to the consideration of the three RAF Lakenheath Planning Applications that were on the agenda (Items 4, 5 and 6), the Acting Assistant Director of Planning provided the Committee with some background with regard to the ongoing discussions the Planning Authority had been having with the MOD and the work that was taking place with regard to the recently released new noise contour map.

**218. Planning Application DC/16/1088/FUL - Zone 4 Plot 5 Chestnut Way, Lord's Walk (RAF Lakenheath), Eriswell (Report No: DEV/FH/17/011)**

**Planning Application – one dwelling**

This application was referred to the Development Control Committee because the MOD objected to the proposal contrary to the Officer recommendation of approval, subject to conditions as set out in Paragraph 45 of Report No: DEV/FH/17/011.

The Case Officer explained that the application was one of six submitted as part of an ongoing programme of improvement works at the Lord's Walk estate, which included refurbishment of existing dwellings and small-scale residential development.

The application before Members formed part of a wider masterplan for the estate which was currently being considered at Officer level.

The Principal Planning Officer made reference to the announcement made by the Acting Assistant Director of Planning in relation to this application and explained that whilst the MOD objected on grounds of noise and vibration concerns Officers were satisfied that this could be dealt with via appropriate mitigation as detailed in the report.

Furthermore, the Lord's Walk estate was already a considerable housing development and the Planning Authority had not been made aware of or received any evidence to demonstrate harm caused by noise or vibration.

The Committee were also advised that since publication of the agenda Public Health and Housing had requested that two additional conditions be added to the Officer's recommendation in respect of further mitigation measures:

1. The acoustic insulation of the dwelling units within the proposed development shall be such to ensure noise levels with windows close do not exceed an LAeq(16hrs) of 35dB(A) within bedrooms and living rooms between 07:00 and 23:00hrs and an LAeq (8hrs) of 30dB(A) within bedrooms and living rooms between 23:00 and 07:00hrs; and
2. Post construction and prior to occupation, an independent validation shall be carried out to demonstrate to the satisfaction of the Local Planning Authority that noise mitigation measures have been implemented and the properties achieve the internal noise levels as set out in the above condition.

Speaker: John Barbuk (agent) spoke in support of the application

Some Members raised questions with regard to the size of the property, Officers explained that the existing Lord's Walk estate demonstrated a mixture of property size and the proposed development was deemed appropriate in context.

Councillor Peter Ridgwell explained that he recalled being advised by the MOD that the F-35 Joint Strike Fighter aircraft, which were to be stationed at RAF Lakenheath from 2021, would be operating 24 hours a day/7 days a week. The Acting Assistant Director of Planning responded and advised the Committee that in recent discussions with the MOD and USAF they had clarified that normal, existing operating hours were not intended to be changed.

It was moved by Councillor David Bowman that the application be approved as per the Officer recommendation (and inclusive of the two additional conditions) and this was duly seconded by Councillor Simon Cole. Upon being put to the vote, with 12 voting for the motion and with 1 abstention, it was resolved that

#### Decision

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

1. 3 year time limit
2. In accordance with approved plans
3. Materials
4. Development in accordance with proposed noise mitigation (including acoustic absorption to glazing)
5. In accordance with tree protection plan
6. PD removed for openings in the East elevation
7. P1 – parking
8. The acoustic insulation of the dwelling units within the proposed development shall be such to ensure noise levels with windows close do not exceed an LAeq(16hrs) of 35dB(A) within bedrooms and living rooms between 07:00 and 23:00hrs and an LAeq (8hrs) of 30dB(A) within bedrooms and living rooms between 23:00 and 07:00hrs; and
9. Post construction and prior to occupation, an independent validation shall be carried out to demonstrate to the satisfaction of the Local Planning Authority that noise mitigation measures have been implemented and the properties achieve the internal noise levels as set out in the above condition.

219. **Planning Application DC/16/1089/FUL - Zone 4 Plot 10 Redwood Lane, Lord's Walk (RAF Lakenheath), Eriswell (Report No: DEV/FH/17/012)**

#### **Planning Application – one dwelling**

This application was referred to the Development Control Committee because the MOD objected to the proposal contrary to the Officer recommendation of approval, subject to conditions as set out in Paragraph 45 of Report No: DEV/FH/17/012.

The Case Officer explained that the application was another one of six submitted as part of an ongoing programme of improvement works at the Lord's Walk estate, which included refurbishment of existing dwellings and small-scale residential development.

The application before Members formed part of a wider masterplan for the estate which was currently being considered at Officer level.

The Principal Planning Officer again made reference to the announcement made by the Acting Assistant Director of Planning in relation to this application and explained that whilst the MOD objected on grounds of noise and vibration concerns Officers were satisfied that this could be dealt with via appropriate mitigation as detailed in the report.

The Committee were also advised that since publication of the agenda Public Health and Housing had requested that two additional conditions be added to the Officer's recommendation in respect of further mitigation measures, and these also applied to this application:

1. The acoustic insulation of the dwelling units within the proposed development shall be such to ensure noise levels with windows close do not exceed an LAeq(16hrs) of 35dB(A) within bedrooms and living rooms between 07:00 and 23:00hrs and an LAeq (8hrs) of 30dB(A) within bedrooms and living rooms between 23:00 and 07:00hrs; and
2. Post construction and prior to occupation, an independent validation shall be carried out to demonstrate to the satisfaction of the Local Planning Authority that noise mitigation measures have been implemented and the properties achieve the internal noise levels as set out in the above condition.

Speaker: John Barbuk (agent) spoke in support of the application

It was moved by Councillor David Bowman that the application be approved as per the Officer recommendation (and inclusive of the two additional conditions) and this was duly seconded by Councillor Simon Cole. Upon being put to the vote, with the vote being unanimous, it was resolved that

### Decision

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

1. 3 year time limit
2. In accordance with approved plans
3. Materials
4. Development in accordance with proposed noise mitigation (including acoustic absorption to glazing)
5. In accordance with tree protection plan
6. PD removed for openings in the East elevation
7. P1 – parking
8. The acoustic insulation of the dwelling units within the proposed development shall be such to ensure noise levels with windows close do not exceed an LAeq(16hrs) of 35dB(A) within bedrooms and living rooms between 07:00 and 23:00hrs and an LAeq (8hrs) of 30dB(A) within bedrooms and living rooms between 23:00 and 07:00hrs; and



9. Post construction and prior to occupation, an independent validation shall be carried out to demonstrate to the satisfaction of the Local Planning Authority that noise mitigation measures have been implemented and the properties achieve the internal noise levels as set out in the above condition.

**220. Planning Application DC/16/1090/FUL - Zone 2 Plots 3,4,5 and 6, Apple Close, Lord's Walk (RAF Lakenheath), Eriswell (Report No: DEV/FH/17/013)**

**Planning Application – one dwelling**

This application was referred to the Development Control Committee because the MOD objected to the proposal contrary to the Officer recommendation of approval, subject to conditions as set out in Paragraph 45 of Report No: DEV/FH/17/013.

The Case Officer explained that the application was yet another one of six submitted as part of an ongoing programme of improvement works at the Lord's Walk estate, which included refurbishment of existing dwellings and small-scale residential development.

The application before Members formed part of a wider masterplan for the estate which was currently being considered at Officer level.

The Principal Planning Officer once again made reference to the announcement made by the Acting Assistant Director of Planning in relation to this application and explained that whilst the MOD objected on grounds of noise and vibration concerns Officers were satisfied that this could be dealt with via appropriate mitigation as detailed in the report.

The Committee were also advised that since publication of the agenda Public Health and Housing and requested that two additional conditions be added to the Officer's recommendation in respect of further mitigation measures and these also applied to this application:

1. The acoustic insulation of the dwelling units within the proposed development shall be such to ensure noise levels with windows close do not exceed an LAeq(16hrs) of 35dB(A) within bedrooms and living rooms between 07:00 and 23:00hrs and an LAeq (8hrs) of 30dB(A) within bedrooms and living rooms between 23:00 and 07:00hrs; and
2. Post construction and prior to occupation, an independent validation shall be carried out to demonstrate to the satisfaction of the Local Planning Authority that noise mitigation measures have been implemented and the properties achieve the internal noise levels as set out in the above condition.

Lastly, Members were informed that the application had been amended since first submitted. The original application had included a further 3 properties on an adjacent plot but Officers considered this element harmful to the Lord's Walk estate's large area of open space, as a result of which the application was amended to remove this part, leaving just one dwelling seeking approval.

Speaker: John Barbuk (agent) spoke in support of the application

It was moved by Councillor David Bowman that the application be approved as per the Officer recommendation (and inclusive of the two additional conditions) and this was duly seconded by Councillor Simon Cole. Upon being put to the vote, with the vote being unanimous, it was resolved that

#### Decision

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

1. 3 year time limit
2. In accordance with approved plans
3. Materials
4. Development in accordance with proposed noise mitigation (including acoustic absorption to glazing)
5. In accordance with tree protection plan
6. PD removed for openings in the North elevation
7. Details of drawings of access arrangement TBA
8. P1 – parking
9. The acoustic insulation of the dwelling units within the proposed development shall be such to ensure noise levels with windows close do not exceed an LAeq(16hrs) of 35dB(A) within bedrooms and living rooms between 07:00 and 23:00hrs and an LAeq (8hrs) of 30dB(A) within bedrooms and living rooms between 23:00 and 07:00hrs; and
10. Post construction and prior to occupation, an independent validation shall be carried out to demonstrate to the satisfaction of the Local Planning Authority that noise mitigation measures have been implemented and the properties achieve the internal noise levels as set out in the above condition.

221. **Planning Application DC/16/2184/FUL - Nowell Lodge, Fordham Road, Newmarket (Report No: DEV/FH/17/014)**

#### **10 No. apartments (demolition of existing dwelling)**

This application was referred to the Development Control Committee because it was for a major development and Newmarket Town Council raised objections, contrary to the Officer recommendation of approval, subject to conditions as set out in Paragraph 40 of Report No DEV/FH/17/014.

A Member site visit was held prior to the meeting.

The Case Officer advised, as part of his presentation, that the application had been amended since first submitted. He showed drawings of the original scheme and explained that it had been significantly reduced in size to a more modest development which reflected the character of other properties in the road.

Speaker: Malcolm Daines-Smith (agent) spoke in support of the application

Councillor Ruth Bowman drew attention to Paragraph 28 of the report where it stated that the "Conservation Officer considers that the building can be classified as an undesignated heritage asset". She raised concern at the loss

of a prestigious building such as this and this sentiment was echoed by Councillor Carol Lynch.

The Acting Assistant Director of Planning clarified that the last survey of Newmarket's properties was undertaken in the 1990s and the property in question was not listed at the time; possibly due to the fact that it demonstrated a relatively common design of its period.

The Principal Planning Officer clarified that as the property was not listed nor within a Conservation Area demolition could be carried out under permitted development and did not require the Committee's approval.

A number of the Committee raised concerns in respect of the scheme in relation to:

- Overdevelopment of the site;
- The proposal being out of character in the street scene;
- Access issues, insufficient car parking and the impact on the highway infrastructure;
- The loss of mature trees on site;
- There being no affordable housing provided as part of the scheme;
- The impact on residential amenity; and
- The cumulative impact of this development alongside those nearby at Southernwood and Kininvie.

In response to which the Officer clarified that the planning application for Kininvie did not receive approval and Suffolk Highways did not object to the proposal and the parking provision fully complied with the County's parking guidelines.

Councillors Simon Cole and Andrew Appleby spoke in support of the application. Praising the design and the good use of the plot, whilst retaining the majority of the tree cover along the frontage.

Councillor Cole proposed that the application be approved, as per the Officer recommendation and this was duly seconded by Councillor Appleby. Upon being put to the vote with 2 voting for the motion and 11 against, the Chairman declared the motion lost.

Councillor Carol Lynch then moved that Members be minded to refuse the application, contrary to the Officer recommendation, for the following reasons:

- Overdevelopment of the site;
- The proposal being out of character in the street scene;
- Insufficient car parking and the impact on the highway infrastructure;
- The loss of mature trees on site; and
- The impact on residential amenity.

This was duly seconded by Councillor David Bowman.

The Acting Assistant Director of Planning confirmed that if Members resolved that they were 'minded to refuse' the application it would be subject to a risk assessment and would be brought back to a future meeting of the Committee for future consideration and determination.

The Chairman then put the motion for 'minded to refuse' to the vote, with 11 voting for the motion, 1 against and with 1 abstention, it was resolved that

Decision

Members were **MINDED TO REFUSE PERMISSION, CONTRARY TO THE OFFICER RECOMMENDATION**, due to concerns with:

- Overdevelopment of the site;
- The proposal being out of character in the street scene;
- Insufficient car parking and the impact on the highway infrastructure;
- The loss of mature trees on site; and
- The impact on residential amenity.

The meeting concluded at 7.15 pm

**Signed by:**

**Chairman**

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Forest Heath  
District Council

**DEV/FH/17/015**

**Development Control Committee  
7 June 2017**

**Planning Application DC/16/2652/OUT,  
Stock Corner Farm, Stock Corner, Beck Row**

**Date:** 15.12.2016      **Expiry Date:** 25.01.2017

**Registered:**

**Case Officer:** Marianna Christian      **Recommendation:** Refuse

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

**Proposal:** Outline Planning Application (Means of Access and Layout to be considered) 9 no. dwellings (following demolition of existing agricultural buildings), alterations to existing access and associated works (amended scheme to DC/15/2456/OUT).

**Site:** Stock Corner Farm, Stock Corner, Beck Row

**Applicant:** Mr T Sore

**Synopsis:**

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

**Recommendation:**

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

CONTACT CASE OFFICER:

Marianna Christian

Email: marianna.christian@westsuffolk.gov.uk

Telephone: 01284 757351

## **Background:**

**This application is presented to the Development Control Committee as the Parish Council supports the proposal and the recommendation is one of REFUSAL.**

**The application is referred directly to Members in the interests of consistency as the previously refused application on the site, ref. DC/15/2456/OUT, was also considered by Committee.**

## **Proposal:**

1. Outline planning permission is sought for the erection of 9 no. dwellings. The means of access to and the layout of the development are included for consideration at this time. Matters of scale, appearance and landscaping are reserved at this stage and do not therefore form part of the application.
2. It is proposed to utilise an existing vehicular entrance to serve the development. The entrance would be widened and a new access road provided which would also serve the existing bungalow at Stock Corner Farm. It is also proposed to provide a footpath along part of the western boundary of the site terminating at Louis Drive.
3. The layout plan submitted shows 9 no. detached dwellings (with Plots 8 and 9 being 'linked detached'), 6 of which would front the new access road with the remaining 3 facing onto the A1101. All of the dwellings are proposed to be open market properties. There are two large single storey barns at the southern end of the site which are proposed to be demolished.
4. This application has been submitted following a refusal of permission for 11 no. dwellings on the site, reference DC/15/2456/OUT. This earlier application was considered by Development Control Committee on 4<sup>th</sup> May 2016 and refused for the following summarised reasons:
  - 1) Principal of development:  
The site fell outside of the defined settlement boundary of Beck Row and the development was therefore contrary to policies DM5, DM26, DM27 and DM29 of the Joint Development Management Policies Document and the guiding principles of the NPPF.
  - 2) Design:  
The proposal was not considered to represent good design and failed to create a coherent and legible place. The layout of the development lacked visual interest and failed to provide a good standard of amenity for future occupiers. The development was therefore contrary to policy CS5 of the Forest Heath Core Strategy (May 2010), policies DM2 and DM22 of the Forest Heath and St Edmundsbury Local Plan Joint Development Management Policies Document (February 2015) and the principles of good design within the NPPF.

3) Biodiversity:

In the absence of further surveys in respect of bats and great crested newts, the local planning authority could not be satisfied that the development would not result in harm to protected species. The development was therefore contrary to policy DM11 of the Forest Heath and St Edmundsbury Local Plan Joint Development Management Policies Document (February 2015).

4) Trees:

The information provided regarding existing trees on the site was incomplete and it was unclear whether important landscape features could be retained as part of the development with the layout proposed. The development was therefore contrary to Policy DM13 of the Forest Heath and St Edmundsbury Local Plan Joint Development Management Policies Document (February 2015) and Policy CS3 of the Forest Heath Core Strategy (May 2010).

5) S106 issues:

In the absence of a completed Section 106 agreement the proposal failed to secure the appropriate provision of affordable housing required by Policy CS9 of the Forest Heath Local Development Framework Core Strategy (May 2010) and the provision or improvement of infrastructure needed as a result of the development as required by Policy CS13 of the Core Strategy.

5. This application has sought to address the above reasons for refusal as far as possible.

**Application Supporting Material:**

6. Information submitted with the application as follows:

- Application Form
- Design, Access, Heritage and Supporting Planning Statement
- Biodiversity Checklist
- Extended Phase 1 Ecology Survey
- Bat Activity Survey
- Topographical Survey
- Groundsure Screening Report
- Contamination Report
- Plans

**Site Details:**

7. The site lies adjacent to but outside of the defined housing settlement boundary for Beck Row and forms part of Stock Corner Farm. At the southern end of the site are two large brick built barns and areas of hardstanding, adjacent to which is a conifer hedge which divides the site. To the north of the hedge the site is predominantly laid to grass with several timber outbuildings. Stock Corner Farm Bungalow is sited in the north east corner and is separated from the application site by a low post

and wire fence. To the south of the site are residential properties in Louis Drive and Falcon Way, to the east is agricultural land within the applicant's ownership and to the north is a residential property known as The Chestnuts. There is an extant planning permission for 5 dwellings on the site of The Chestnuts, ref. DC/14/2293/FUL. To the west of the site on the opposite side of the A1101 are paddocks which are also used for the holding of car boot sales.

### **Planning History:**

<b>Reference</b>	<b>Proposal</b>	<b>Status</b>	<b>Decision Date</b>
DC/15/2456/OUT	Outline Planning Application (Access and Layout to be considered) - 11 no. dwellings (existing buildings to be demolished); alterations to existing vehicular access.	Application Refused	05.05.2016
N/70/1357/M	Erection of agricultural dwelling.	Application Granted	11.08.1970

### **Consultations:**

#### 8. Parish Council:

- Support (without comments).

#### 9. Planning Policy:

- Council has demonstrated an up to date five year supply of housing land.
- Application site lies outside the settlement boundary and within the countryside.
- Allocated sites within the Proposed Submission Site Allocations Local Plan (2017) have all gained planning permission or a resolution to grant planning permission and all are located within the eastern part of the settlement.
- Policy DM27 permits new dwellings in the countryside where the proposal is for 1 or 2 dwellings, in a closely knit cluster, adjacent to or fronting an existing highway. The application proposal does not accord with this policy.
- Principle of development on this site would be contrary to policies CS10 and DM5;
- The Emerging Proposed Submission Site Allocations Local Plan (2017), taking into account all available evidence including a Settlement Boundary Review (2017), is not proposing to allocate the application site or extend the settlement boundary in this location.
- Proposal would put pressure on infrastructure capacities regarding education, health, sport and recreation and notably green infrastructure.



10. Ecology Tree & Landscape Officer:

*Initial comments:*

- Existing trees are marked on plan but there is no assessment of the impact of the proposal on these. Root protection areas are not shown. As layout of the site is being considered, this information is required to assess whether the trees can be retained.
- Mature horse chestnut tree on roadside edge is of high value and should be retained.
- Conifers to be removed comprise a linear feature for bats and should ideally be replaced in line with the recommendations of the bat survey.
- Retention of hedge fronting site is important to reduce the impact of the proposals. Any sections of hedge removed must be replaced.
- Mitigation and enhancement measures in ecological report must be secured by condition.
- Bat activity survey confirmed common pipistrelles, soprano pipistrelles, brown long-eared, Daubenton's and Natterer's bats were recorded roosting at the site within the Large Barn, Piggery & Tool Shed. Demolition of the Large Barn and Piggery will result in the loss of day roosts used by individual bats of five species. Conservation value of these roosts when taken individually by species is Low. When taken in combination the value of the site for bats is of Local value. Report confirmed a Natural England Licence would be required and sets out a provisional mitigation strategy.
- Report also notes moderate level of foraging and commuting activity from at least six species of bat and recommends the loss of high value foraging habitat should be avoided. Where this is not practicable replacement habitat should be provided. Landscaping scheme to show replacement planting will be required.
- Recommend an additional condition in relation to bats to ensure that demolition works do not take place until evidence of an appropriate license, or confirmation that this is not required, has been provided to the LPA.

*Further comments:*

- Amended plan showing root protection areas of trees to be retained is acceptable.
- Tree protection details will be required, possibly by condition.

11. Natural England:

- No comments.

12. Suffolk Wildlife Trust:

- Unclear whether horse chestnut on western boundary with suspected bat roosting potential will be impacted by the proposal.
- Are satisfied with the findings of the ecological survey reports. Request recommendations made are secured by condition.

13. County Highway Authority:

- Footpath link may be provided by the adjacent development DC/14/2293/FUL however as this is not guaranteed an appropriate condition should be imposed.

- Query whether sufficient parking for 4 bedroom dwellings and visitor spaces.
  - Conditions recommended regarding layout, gradient and surfacing of access, bin storage, surface water drainage, manoeuvring and parking areas including secure cycle storage, visibility splays and provision of new footway.
14. Environment Team:
- Conditions recommended to secure appropriate investigation and remediation in respect of land contamination.
15. Ministry of Defence:
- Does not object to the proposed development but requests adequate mitigation measures are incorporated due to the site's location within the 66dB(A) noise contour for RAF Lakenheath.
16. Public Health and Housing:
- Site is close to Mildenhall Stadium and the RAF base. Recommend a noise assessment is carried out. Details of the assessment and proposed noise attenuation measures should be provided for agreement in writing.
  - Conditions recommended regarding acoustic insulation, hours of construction, disposal of waste and external lighting.
17. County Archaeological Service:
- Conditions recommended to secure appropriate investigation.
18. Environment Agency:
- Site is located above a Principal Aquifer and within Source Protection Zone however we do not consider the proposal to be high risk.
  - Refer to standing advice regarding contamination.
19. Anglian Water:
- As the proposal is for less than 10 dwellings we will not be providing comments.
20. County Flood and Water Engineer:
- We had a holding objection to the previous application that was not resolved. New application is a minor development and does not therefore require our formal comments.
  - Would still however advise the LPA to ensure a drainage strategy is submitted.
21. Strategic Housing:
- Under Policy CS9 proposals for housing outside the defined settlement boundary will only be permitted to meet a proven local need to deliver affordable housing, such as an exception site. The Strategic Housing Team is therefore unable to support this application in its current form.

**Representations:**

22. None received.

**Policy:**

23. The following policies have been taken into account in the consideration of this application:

24. Forest Heath Local Development Framework Core Strategy Development Plan Documents 2001-2026 (with housing projected to 2031) (May 2010):

- Policy CS1 Spatial Strategy
- Policy CS3 Landscape Character and the Historic Environment
- Policy CS4 Reduce Emissions, Mitigate and Adapt to future Climate Change
- Policy CS5 Design Quality and Local Distinctiveness
- Policy CS7 Overall Housing Provision (sub-paragraph 1 only)
- Policy CS10 Sustainable Rural Communities

25. Forest Heath Local Plan (1995) Saved Policies:

- Inset Map 6 – Beck Row

26. Forest Heath Local Plan:

- The Single Issue Review (SIR) of Core Strategy Policy CS7 Overall Housing Provision and Distribution
- Site Allocations Local Plan Document

The above documents were submitted to the Secretary of State for examination on 24 March 2017.

27. 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 DM5 Development in the Countryside
- Policy DM6 Flooding and Sustainable Drainage
- Policy DM11 Protected Species
- Policy DM12 Mitigation, Enhancement, Management and Monitoring of Biodiversity
- Policy DM13 Landscape Features
- Policy DM14 Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards
- Policy DM20 Archaeology
- Policy DM22 Residential Design
- Policy DM27 Housing in the Countryside
- Policy DM46 Parking Standards

**Other Planning Policy/Guidance:**

28. National Planning Policy Framework (2012)

29. National Planning Practice Guidance

30. ODPM Circular 06/2005 Government Circular: Biodiversity and Geological Conservation – Statutory Obligations and their Impact within the Planning System (August 2005)

**Officer Comment:**

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

- Legislative context for outline applications
- Principle of development
- Design and residential amenity
- Noise
- Biodiversity
- Landscape impacts
- Access and highway safety
- Drainage
- Other matters
- Reference to nearby approved schemes

Legislative context for outline applications

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

33. Reserved matters are those aspects of a proposed development which an applicant can choose not to submit details of with an outline planning application, i.e. they can be 'reserved' for later determination. These are defined in Article 2 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 as:

- Access – the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network.
- Appearance – the aspects of a building or place within the development which determine the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture.
- Landscaping – the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes: (a) screening by fences, walls or other means; (b) the planting of trees, hedges, shrubs or grass; (c) the formation of banks, terraces or other earthworks; (d) the laying out or provision of gardens, courts, squares, water features, sculpture or public art; and (e) the provision of other amenity features;

- Layout – the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development.
  - Scale – the height, width and length of each building proposed within the development in relation to its surroundings.
34. An application for outline permission does not need to give details of any reserved matters, albeit information is often provided at the outline stage in 'indicative' fashion to demonstrate that the site is capable of accommodating the level of development proposed.
35. In this case matters of access and layout are included for consideration as part of the application. Matters of appearance, landscaping and scale are reserved matters and are not therefore for consideration at this time.

#### Principle of development

36. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise. Recent High Court cases have reaffirmed that proposals that do not accord with the development plan should not be seen favourably, unless there are material considerations that outweigh the conflict with the plan. This is a crucial policy test to bear in mind in considering this matter since it is not just an absence of harm that is necessary in order to outweigh any conflict with the development plan, rather tangible material considerations and benefit must be demonstrated.
37. The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and is a material consideration in planning decisions. Paragraph 12 of the NPPF is clear however that the Framework does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise.
38. Whilst Beck Row is identified as a Primary Village in Core Strategy Policy CS1, the site lies outside of the defined settlement boundary for the village and is therefore classed as countryside. Policy CS10 states that in villages and small settlements not identified for a specific level of growth in Policy CS1, residential development will only be permitted where there are suitable sites available inside the limits of a defined settlement boundary, or where the proposal is for affordable housing, a gypsy and traveller site, the replacement of an existing dwelling or the provision of a dwelling required in association with existing rural enterprises.
39. Development Management Policy DM5 states that areas designated as countryside will be protected from unsustainable development. New residential development will only be permitted in the countryside where it is for affordable housing for local needs, a dwelling for a key agricultural,

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

40. As the proposal in this case is for nine open-market dwellings on a site that is outside of the defined settlement boundary for Beck Row and within the countryside for planning purposes, the proposal is contrary to Policies CS10, DM5 and DM27.
41. The emerging Site Allocations Local Plan (SALP) sets out the Council's preferred development sites across the district up to 2031 and has been submitted to the Secretary of State for examination. The application site was submitted to the Council for inclusion within the SALP but was discounted on the following grounds:
  - The site is located adjacent but outside the existing development boundary.
  - The site is considered to be within an unsustainable location and at an unsuitable scale.
  - The site is partly within the MOD noise safeguarding zone.
42. The sites that are proposed to be allocated for development within Beck Row have all gained planning permission or a resolution to grant planning permission and are located within the eastern part of the settlement, closer to its main services and facilities.
43. The settlement boundaries within Forest Heath have also been reviewed as part of the Site Allocations Local Plan. The Review does not propose to amend the Beck Row settlement boundary to include the application site.
44. The latest FHDC assessment of a five year supply of housing land was published on 22 December 2016. This confirms that the Council is able to demonstrate a five year supply of housing.
45. Having regard to the above, the principle of residential development in this location is contrary to both adopted and emerging planning policy. Significant weight must be attached to this conflict with the development plan, noting the latest Court rulings on the interpretation of the NPPF.
46. The submitted Design and Access Statement acknowledges the conflict with policy in this case but states that there are combined benefits and material justifications that should outweigh this in the planning balance. These are, in summary:
  - The development of a brownfield site with a non-conforming use currently benefitting from unrestricted hours of operation and vehicular movements.
  - The 'fall-back' position offered by permitted development rights which would enable the existing agricultural buildings to be converted to provide up to 3 dwellings, together with a further 1-2 dwellings that could be supported under Policy DM27.
  - The provision of housing in a sustainable location.
  - The generation of economic activity.

- Improvement to visual amenity by developing a currently unkempt site.
47. There are currently two large brick built barns at the southern end of the site, close to dwellings in Louis Drive. Whilst there are no restrictions on the hours of use of these buildings or the number of associated vehicle movements, which is not uncommon for agricultural buildings, the Council is not aware of any adverse impacts arising from the existing situation on the site in terms of neighbour amenity. In addition, the buildings do not appear to be in use at the present time and the submitted Design and access Statement explains that they are surplus to requirements and unsuitable for modern agricultural practices. Officers therefore consider that the benefits of redeveloping this brownfield site and the removal of the existing use should be given limited weight in the planning balance.
48. It is acknowledged that the existing agricultural buildings could potentially be converted to residential units under the provisions of Schedule 2 Part 3 Class Q of the General Permitted Development Order. This would however comprise the re-use of existing buildings, which is encouraged in both national and local policy, and would provide no more than 3 residential properties. As such this is not considered to be comparable to the provision of 9 newly constructed dwellings in the countryside. The agent states that following such a conversion, a further 1-2 dwellings could be provided under Policy DM27 which supports small scale residential development within existing clusters of housing subject to specific criteria. This is however speculative as any such proposal would need to be assessed via an appropriate application. As such, officers are of the opinion that the 'fall-back' position cited in this case carries little weight in the planning balance.
49. The proposal would provide 9 open-market dwellings and would therefore contribute to housing supply in the District. The Council is however able to demonstrate a five year supply of housing and its proposed allocations for new housing, including within Beck Row, are now at an advanced stage. The sites proposed to be allocated have all gained planning permission or a resolution to grant planning permission. In addition, the site has been discounted for allocation on sustainability grounds and it is noted that the sites that are proposed to be allocated are within the eastern part of Beck Row, closer to its main services and facilities. For these reasons it is considered that the contribution to housing supply in this case should be given limited weight in the planning balance.
50. It is acknowledged that the proposal would generate some economic activity if approved. This could however be said for all development proposals and is not, in itself, sufficient reason to set aside the conflict with policy in this case. The agent also states that the existing site is unkempt and that its re-development would be beneficial in visual terms. The site is however relatively well screened from the highway by established hedgerows and is a typical agricultural site with old, though not dilapidated, buildings with some overgrown areas of land and open storage. The application under consideration is also in outline form and as such does not provide details of the appearance of the dwellings or the

landscaping of the site. It is therefore very difficult to quantify the visual benefit of redeveloping the site.

51. For the reasons outlined above, officers consider that the material considerations cited by the agent do not outweigh the clear and significant conflict with the development plan in this case.

#### Design and residential amenity

52. Whilst the scale and appearance of the proposed dwellings are reserved matters, the layout of the site is under consideration at this stage. This includes the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development.

53. In terms of design and amenity, the previously refused scheme for 11 dwellings on the site was not considered to represent good design and failed to create a coherent and legible place. The layout of the development lacked visual interest and a sense of place, with prominent buildings orientated with their flank or rear elevations facing the A1101. Certain plots had a contrived relationship and a poor standard of amenity due to their limited private garden space and/or relationship with adjacent dwellings.

54. The current proposal is for fewer dwellings and seeks to address the concerns summarised above by revising the layout. Plots 1 to 3 now have their front elevations facing the main road and Plot 9, which is adjacent to the site entrance, has been designed to address both the A1101 and the new access road. The reduction from 11 to 9 dwellings has also improved the amenity spaces serving the properties and the relationships between the buildings. The proposal is considered to be acceptable in terms of its layout and residential amenity.

#### Noise

55. The site lies within the 66dB(A) noise contour for RAF Lakenheath which is approximately 4.8km northeast of the application site. The Ministry of Defence (MoD) has been consulted on the application and has raised no objection to the development provided that adequate mitigation measures are incorporated. The MoD has provided guidance within their consultation response regarding the recommended minimum acoustic insulation within the 66dB(A) contour. The Council's Public Health and Housing Officer has similarly not objected to the proposal on noise grounds but recommends that a noise impact assessment is carried out prior to the commencement of development with noise attenuation measures to be agreed in writing. This could be secured by condition were the development otherwise acceptable.

#### Biodiversity

56. The information provided with the previously refused application indicated that bats were present on the site, and utilised two of the buildings that



were proposed to be demolished to allow residential development of the site. The submitted ecology survey was also unclear as to the potential impact of the development on great crested newts. In the absence of further surveys the Council could not be satisfied that the proposals would have no adverse impact on protected species.

57. This revised application is accompanied by a Phase 1 habitat survey and subsequent bat survey. The Phase 1 survey recommends mitigation in relation to great crested newts and hedgehogs and a lighting strategy and best practise in relation to birds and reptiles, which could be secured by condition were the development otherwise acceptable. The survey also recommends enhancement measures which could be delivered via an appropriate landscaping scheme at reserved matters stage.
58. Bat activity surveys have now been undertaken at the site. This confirms that common pipistrelles, soprano pipistrelles, brown long-eared, Daubenton's and Natterer's bats have been recorded roosting at the site within the buildings namely the large barn, piggery and tool shed which are proposed to be demolished. The demolition of the large barn and piggery would result in the loss of day roosts used by individual bats of five species. The conservation value of these roosts when taken individually by species is Low. When taken in combination the value of the site for bats is of Local value. The report confirms that a Natural England Licence would be required and sets out a provisional mitigation strategy. The report also notes that there was a moderate level of foraging and commuting activity from at least six species of bat recorded during the surveys, and recommends that the loss of high value foraging habitat should be avoided. Where this is not practicable then replacement habitat should be provided. Again, this could be secured via a landscaping scheme at reserved matters stage.
59. Having regard to the above, this revised application is considered to be acceptable in terms of biodiversity impacts.

#### Landscape impacts

60. There are a number of significant trees on the site including a line of pine trees which are a landscape feature characteristic of the area, and a horse chestnut tree that is identified as providing potential habitat for bats. The information provided with the previously refused application was inadequate and it was unclear whether these important landscape features could be retained.
61. This revised application is accompanied by a topographical survey showing the locations of existing trees and hedges within the site and these are also shown on the proposed layout plan. Following the Ecology, Tree and Landscape Officer's request for further information, a revised layout plan including the root protection areas of the existing trees has been provided. This indicates that important trees on the site could be retained with the layout that has been put forward. Based on the information provided, the development would not have an unacceptable adverse impact on existing landscape features within the site.

### Access and highway safety

62. It is proposed to improve the existing vehicular access to the site to serve both the new development and Stock Corner Farm Bungalow. The submitted layout plan shows a new roadway within the site and the construction of a new footpath along part of the western boundary of the site ending at Louis Drive. No objections have been received from the County Highway Authority regarding these aspects of the proposals. The Highway Authority has queried whether adequate parking is provided for the four-bedroom dwellings indicated and for visitors. Given however that the scale of the dwellings is a reserved matter not for consideration at this stage, the sizes of the individual dwellings that have been provided are indicative and a revised mix of property types could therefore be subsequently submitted if outline permission were granted. The layout plan shows that nine dwellings could be accommodated on the site with three spaces (including garages) each. Subject to the garages being of sufficient size to accommodate a vehicle, this level of provision would accord with current County guidelines.

### Drainage

63. National Planning Practice Guidance (NPPG) states that when considering major development of 10 dwellings or more, sustainable drainage systems should be provided unless demonstrated to be inappropriate. The previously refused scheme for 11 dwellings failed to provide an acceptable surface water drainage strategy. The current application is however for 9 dwellings and does not therefore constitute a major development. As such, a drainage scheme is not required to be submitted prior to the application being determined.

### Other matters

64. A further reason for refusal of the previous application was its failure to secure the appropriate provision of affordable housing required by Policy CS9 of the Forest Heath Local Development Framework Core Strategy (May 2010) and the provision or improvement of infrastructure needed as a result of the development as required by Policy CS13 of the Core Strategy. The current application however falls below the thresholds for affordable housing and infrastructure improvements, being for less than 11 dwellings.
65. The Environment Agency has advised that the proposal is not high risk in terms of contamination and the Council's Environment Officer has recommended conditions to secure appropriate investigation and remediation. It is considered that land contamination could be dealt with by way of these conditions were the development otherwise acceptable.

66. The County Archaeological Service advises that the proposals affect an area of archaeological potential. Appropriate investigation and recording could be secured by condition were the development otherwise acceptable.

Reference to nearby approved schemes

67. The submitted Design and Access Statement makes reference to a planning permission granted for 8 dwellings at 'Medway', 1 The Grove in Beck Row ref. DC/16/0436/HYB which was determined in August 2016. That site also lies outside of the settlement boundary. The approval followed a High Court decision - Wychavon District Council v SSCLG decided on 16 March 2016 - which found that the general presumption in favour of sustainable development set out in paragraph 14 of the NPPF applies even when the development plan is not absent, silent or out-of-date. In determining the application therefore the Council weighed the benefits of the proposal against any adverse impacts, in accordance with paragraph 14.

68. Since that time however there have been two High Court judgements that disagree with the above stance. These cases are East Staffordshire Borough Council v SSCLG (decided on 22 November 2016) and Trustees of the Barker Mill Estate v Test Valley Borough Council & SSCLG (decided on 25 November 2016). These held that the presumption in favour of sustainable development expressed in the NPPF is only applicable in the circumstances set out in paragraph 14, i.e. when the development plan is absent, silent or out-of-date. The development plan is not absent, silent or out-of-date in this case. These recent High Court cases have reaffirmed that proposals that do not accord with the development plan should not be seen favourably, unless there are material considerations that outweigh the conflict with the plan.

69. Members may recall that the adjacent land to the north of the application site, 'The Chesnuts', also benefits from an extant planning permission for 5 no. dwellings (ref. DC/14/2293/FUL) and is similarly outside of the defined settlement boundary for Beck Row. This development was however approved prior to the formal adoption of the Joint Development Management Policies Document and prior to the Forest Heath District Council assessment of a five year supply of housing land. The Joint Development Management Policies are now afforded more weight in the decision-making process, being adopted policy and forming part of the development plan against which proposals must be assessed. The Council is also now able to demonstrate a five year supply of housing, which it was not at the time that the application at 'The Chestnuts' was approved.

70. Having regard to the above context, the approvals cited are not considered to alter the assessment of the current application under consideration.

## **Conclusion:**

71. The application site lies outside of the defined settlement boundary for Beck Row and is therefore within the countryside where the provision of new housing is strictly controlled. The proposals are contrary to adopted planning policies which direct new open-market housing to sites within the defined limits of existing settlements and the application does not therefore accord with the development plan.
72. Whilst the application is considered to have addressed the majority of the reasons for refusal of the previous application on the site (DC/15/2456/OUT), having a satisfactory layout and addressing previous concerns regarding the impact on trees and biodiversity, the significant conflict with planning policy identified previously remains. An absence of harm is not sufficient to outweigh any conflict with the development plan - tangible material considerations and benefits must be demonstrated.
73. Furthermore, since the refusal of application DC/15/2456/OUT the Council has submitted The Single Issue Review (SIR) of Core Strategy Policy CS7 Overall Housing Provision and Distribution and Site Allocations Local Plan Document to the Secretary of State for examination. The application site is not proposed to be allocated for development and it is not proposed to amend the Beck Row settlement boundary to include the application site. The sites proposed to be allocated have all gained planning permission or a resolution to grant planning permission and are within the eastern part of Beck Row, closer to its main services and facilities. The Council is also able to demonstrate a five year supply of housing.
74. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 12 of the NPPF, the development plan is the starting point for decision making and proposals that conflict with the development plan should be refused unless other material considerations indicate otherwise. As set out earlier in this report, officers are of the opinion that there are no material considerations that indicate that policy should be set aside in this case.

## **Recommendation:**

75. It is recommended that Outline Planning Permission is **REFUSED** for the following reason:
- 1) The site falls outside of the defined settlement boundary of Beck Row and is therefore within the countryside where the provision of new housing is strictly controlled. The exceptions are set out under policies DM5, DM26, DM27 and DM29 of the Forest Heath and St Edmundsbury Local Plan Joint Development Management Policies Document (February 2015), these being affordable housing, dwellings for rural workers, small scale infill development of 1 or 2 dwellings, and the replacement of an existing dwelling. The proposal does not represent any of these exceptions and as such is contrary to policies DM5, DM26, DM27 and DM29 of the Joint Development Management Policies

Document, CS10 of the Forest Heath Core Strategy 2010 and the guiding principles of the National Planning Policy Framework (NPPF).

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions. Paragraph 12 of the NPPF is clear however that the Framework does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise. There are no material considerations in this case that warrant an approval of the proposed development which is contrary to policy.

**Documents:**

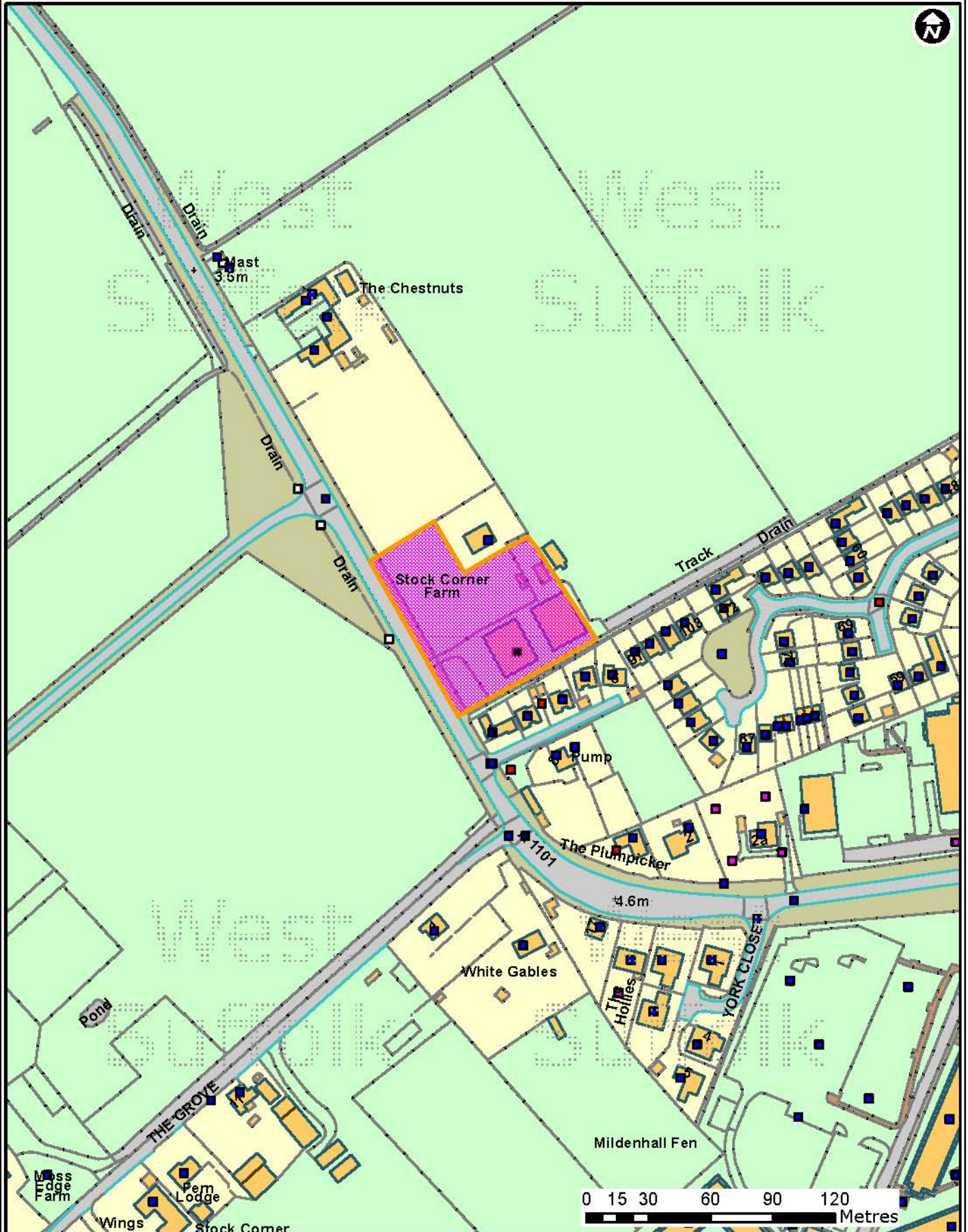
All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online:

<https://planning.westsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=OHEYVDPDL7000>

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**DC/16/2652/OUT**

Stock Corner Farm, Beck Row



Forest Heath • St Edmundsbury

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CONTRACTORS MUST CHECK ALL DIMENSIONS ON SITE. ONLY FIGURED DIMENSIONS TO BE WORKED FROM. DISCREPANCIES MUST BE REPORTED TO THE DESIGN OFFICE BEFORE PROCEEDING.

KEY

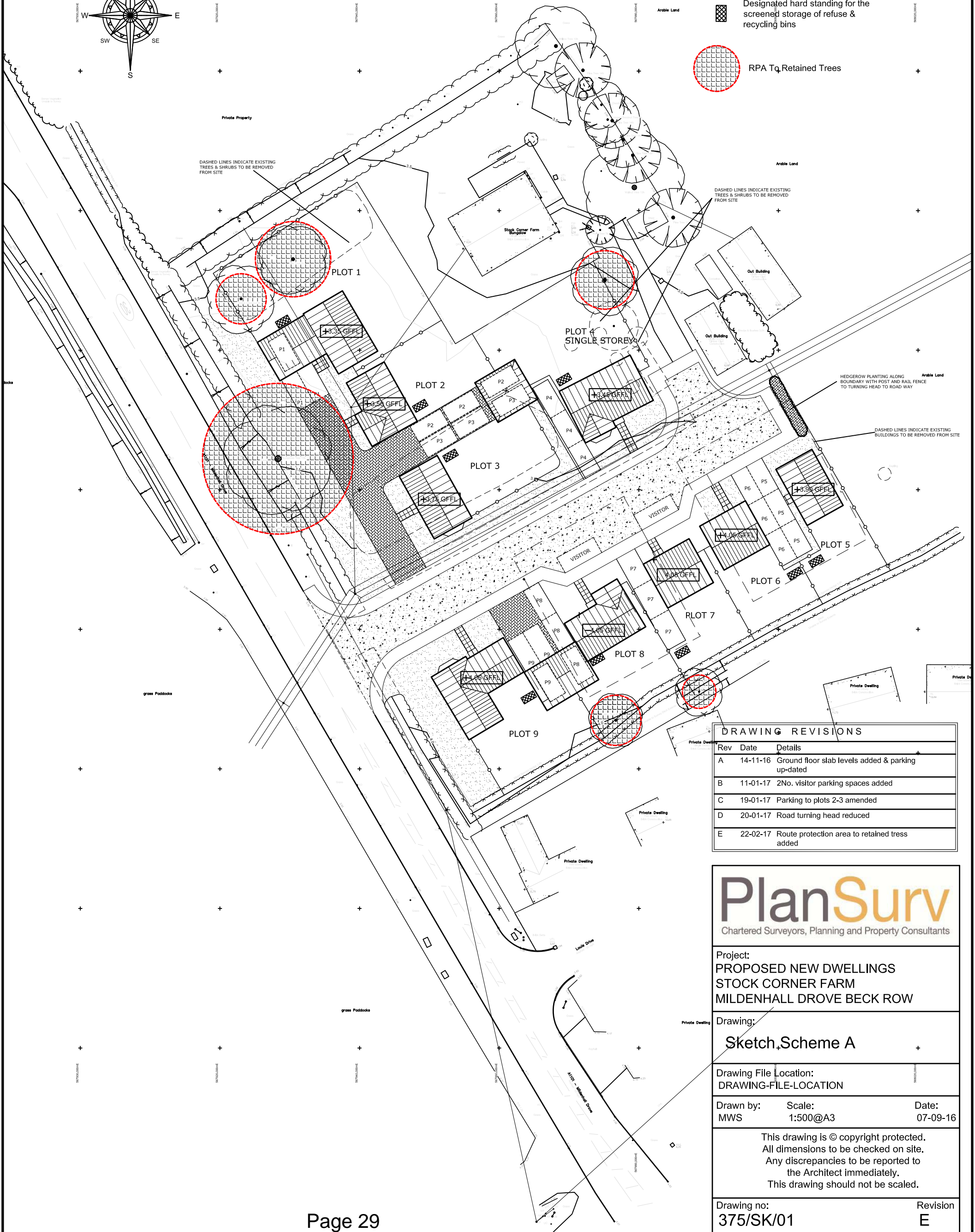
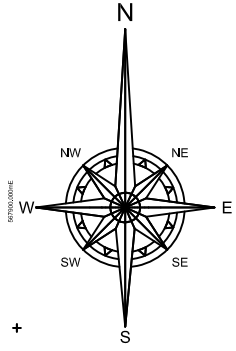
The existing boundary treatments to overall site boundary shall be retained unless stated otherwise on the drawing or detailed.

+99.550 Indicative new ground floor slab levels

+ 11.65 Existing levels

Designated hard standing for the screened storage of refuse & recycling bins

RPA To Retained Trees



DRAWING REVISIONS		
Rev	Date	Details
A	14-11-16	Ground floor slab levels added & parking up-dated
B	11-01-17	2No. visitor parking spaces added
C	19-01-17	Parking to plots 2-3 amended
D	20-01-17	Road turning head reduced
E	22-02-17	Route protection area to retained trees added

**PlanSurv**  
Chartered Surveyors, Planning and Property Consultants

Project:  
**PROPOSED NEW DWELLINGS  
STOCK CORNER FARM  
MILDENHALL DROVE BECK ROW**

Drawing:  
**Sketch, Scheme A**

Drawing File Location:  
DRAWING-FILE-LOCATION

Drawn by: MWS      Scale: 1:500@A3      Date: 07-09-16

This drawing is © copyright protected. All dimensions to be checked on site. Any discrepancies to be reported to the Architect immediately. This drawing should not be scaled.

Drawing no: **375/SK/01**      Revision **E**

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**Forest Heath**  
District Council

# DEV/FH/17/016

## Development Control Committee 7 June 2017

### Planning Application DC/14/2096/HYB Land off Station Road, Lakenheath

**Date:** 24 November      **Expiry Date:** 15<sup>th</sup> February 2017  
**Registered:** 2014

**Case Officer:** Gareth Durrant      **Recommendation:** Minded to Grant Planning Permission  
**Parish:** Lakenheath      **Ward:** Lakenheath

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

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

**Applicant:** The Cobbold Family & Pigeon Investment Management

**Synopsis:**

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

**Recommendation:**

It is recommended that the Committee resolve an 'of-mind' decision with respect to the attached planning application and associated matters.

CONTACT CASE OFFICER:

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

## **Background:**

**This application has been considered previously by this Committee culminating in a resolution to grant planning permission at its meeting on 3 August 2016.**

**The planning application is returned to Committee to enable it to consider material changes in circumstances that have occurred since it reached its decision last year. These are (in no particular order):**

**i) The submission to the Planning Inspectorate of the 'Single Issue Review' and 'Site Allocations' Development Plan Documents.**

**ii) The completion of a cumulative traffic assessment for the village, having regard to the cumulative impact of a number of development proposals upon the local road network and key junctions. Since the Committee considered this planning application in August 2016, further work has been carried out to examine the ability of the 'Eriswell Road' junction to physically accommodate improvement works.**

**iii) The recent publication of fresh noise contour information by the Defence Infrastructure Organisation on behalf of the Ministry of Defence and its linked advice about addressing development proposals at sites within the defined contours. The fresh noise contours do have implications for planning decisions in the village, including the application site.**

**The full officer report to the Development Control Committee (3 August 2016) is included with this update report as Working Paper 1, and should be read in conjunction with this report. An extract from the minutes of the 3<sup>rd</sup> August 2016 meeting, relevant to this site, is also provided as Working Paper 2.**

**Following the resolution of the Development Control Committee to grant planning permission for this development in August 2016, the Secretary of State issued an 'Article 31 Direction'. The notice has the effect of preventing the Local Planning Authority from granting planning permission for the proposed development in order to enable the Secretary of State to determine whether he wishes to 'call in' the planning application for his own determination. The Direction remains in place. The Committee is able to resolve an 'of mind' resolution at the meeting, but officers' would only be able to action it if the Article 31 Direction were subsequently to be withdrawn. The recommendation at the end of the report is worded in a manner to reflect the Article 31 Direction.**

## **Proposal:**

- 1. The development proposed by this application is described at paragraphs 1-9 of the report to the 3<sup>rd</sup> August 2016 meeting of Development**

Committee (attached as Working Paper 1).

**Application Supporting Material:**

- The material supporting the planning application (and amendments received up to the date of the Committee) are listed at paragraphs 10 and 11 of the report to the 3<sup>rd</sup> August 2016 meeting of Development Control Committee (attached as Working Paper 1).

**Site Details:**

- The application site is described at paragraphs 12-15 of the report to the August 2016 meeting of Development Control Committee (attached as Working Paper 1). The site area has not changed.

**Planning History:**

- The planning history relevant to the application site and details of other planning applications proposing large scale residential development at Lakenheath and Eriswell are set out at paragraphs 16 and 17 of the report to the August 2016 meeting of the Development Control Committee (attached as Working Paper 1). The following table updates the current status of these planning applications:

<b>Project Ref.</b>	<b>Application Reference.</b>	<b>Address.</b>	<b>No. of dwellings.</b>	<b>Current Status (n.b. all remain undetermined)</b>
A	DC/14/2096/HYB	Land at Station Road, Lakenheath	Up to 375 + school	The subject of this report.
B	F/2013/0345 /OUT	Land at Rabbit Hill Covert, Lakenheath	Up to 81	Committee resolved to grant in Sept 2014. The application is to be referred back to Committee for further consideration owing to changed circumstances.
C	F/2013/0394 /OUT	Land west of Eriswell Road, Lakenheath	Up to 140	Committee resolved to grant in Sept 2014. Requires further consideration by Committee before decision owing to changes in circumstances.
D	DC/13/0660/FUL	Land at Briscoe Way, Lakenheath	67	Committee resolved to grant in Sept 2014. Requires further consideration by Committee before decision owing to changes in circumstances.
E	DC/13/0918/OUT	Land east of Eriswell Road and south of Broom Road, Lakenheath	Up to 750 + school etc.	The planning application was <u>withdrawn</u> in February 2016.

F	DC/14/2042/ OUT	Land North Of Broom Road, Covey Way And Maids Cross Hill Lakenheath	Up to 110	Was refused planning permission following consideration by the Development Control Committee at its meeting in February 2017. An appeal has been submitted and will be determined following a public inquiry.
G	DC/14/2073/ FUL	Land adjacent 34 Broom Road, Lakenheath	120	An appeal was submitted against non-determination of the planning application within prescribed periods. The Development Control Committee resolved (July 2017) that it would have refused planning permission had it been able to make a formal determination. A public inquiry closed in March 2017. The Inspectors decision letter is awaited (anticipated in early July 2017).
H	DC/16/0670/ HYB	Land west of the B1112 (opposite Lords Walk), Little Eriswell	Up to 550 + school + retail unit etc.	Amendments have been received and due to be consulted upon. Anticipated report to Development Committee in June or July 2017.

### Consultations:

5. Consultation responses received in advance of the report to the August 2016 Development Control Committee meeting are summarised at paragraphs 18-60 of the committee report attached as Working Paper 1.
6. The following additional consultation responses have been received post August 2016 (including those received in the run up to the Committee meeting after the Committee report had been published):
7. **Defence Infrastructure Organisation (DIO)** on behalf of the **Ministry of Defence** – submitted further representations in August 2016 that were reported verbally to the Committee meeting at the time. The DIO **objected** to the application. Their comments are summarised as follows:
  - In view of the nature of operational activity undertaken at RAF Lakenheath, and its proximity to the application site, the MoD has significant concerns regarding the proposed development and its appropriateness for the application site. These concerns include:

the potential noise levels that the future occupants of the proposed dwellings and school children will be exposed to and the potential impact of the proposed development on RAF Lakenheath; vibration, public safety, and highway concerns.

- Around civilian airports, there have been numerous reports prepared that demonstrate that aircraft noise can have a detrimental effect on a child's learning capacity.
- The application site is located directly underneath the approach path to RAF Lakenheath from a recovery point, known to RAF Lakenheath as Point Charlie. The operational flying activity undertaken at RAF Lakenheath will likely constitute a source of noise disturbance to the local area for a number of reasons. The issue of noise should constitute a material planning consideration in respect of the Local Planning Authority's assessment of the proposed development.
- The planning application is not accompanied by a Noise Impact Assessment, but instead relies upon an Assessment prepared in support of planning application DC/13/0660/FUL (Land at Briscoe Way, Lakenheath). The DIO sets out a number of criticisms in regard to the noise assessment. The DIO asserts the submitted Noise Assessment report to be insufficient and fails to fully address the issue of noise in connection with the operational aircraft flying activity associated with RAF Lakenheath and fails to address the issue of noise in connection with the application site and proposals. The DIO suggests the planning application should be accompanied by a site-specific noise assessment.
- The DIO also criticises the 'Aviation Advice' report (7<sup>th</sup> June 2016) and its addendum, dated July 2016, and challenges the credibility of its author.
- The DIO do not believe the Local Planning Authority are currently in a position where it can fully consider the impact of noise associated with the operational aircraft flying activity associated with RAF Lakenheath on the proposed development. It is suggested that planning permission should be refused as a consequence, but the DIO are prepared to leave this consideration to the Local Planning Authority.
- With respect to potential effects of vibration to the development proposals from aircraft activities associated with RAF Lakenheath, the DIO asks that the applicant is requested to undertake a vibration assessment and submit this with the planning application, before it is determined.
- The DIO also asserts that, if planning permission is granted, the occupants of the proposed dwellings and the school children would be at greater risk of 'incursion' in the event of an aircraft emergency, in comparison to the existing agricultural land use.

- It is the contention of the Ministry of Defence that any proposals which would adversely impact upon the vehicular access to RAF Lakenheath should be refused planning permission, unless appropriate mitigation is provided by the developers.
8. In April 2017, the Forest Heath District Council's **Ecology and Landscape** Officer provided additional comments to reflect changes in circumstances on ecological matters that had occurred following the August 2016 meeting of the Development Committee. These are as follows:
- These comments are made further to previous comments made in July 2016. They are to highlight changes that have occurred since that time.

#### Stone Curlew Buffers in the Brecks - 21st July 2016

- In July 2016 the Council published up-dated Special Protection Area (SPA) constraints buffers taking into account Natural England's advice and new information that has come to light since the Core Strategy was published. In particular the frequent nesters buffer was re-visited.
- Policy CS2 of the Core Strategy defines constraint zones to Breckland SPA. These also protect land outside the SPA, considered to be supporting habitat, which is used by Stone Curlew considered to be part of the same Breckland population. The policy requires that all development within 1,500m of a 1km grid square which has supported 5 or more stone curlew nesting attempts since 1995 will require a project level HRA.
- The stone curlew population is currently increasing and the birds use areas outside the SPA boundary for both breeding and foraging. Forest Heath commissioned Footprint Ecology to review the constraint zones previously used. There is still strong evidence that the 1500m distance is appropriate, however it is important to ensure up to date data is used to reflect the areas of the SPA used by Stone Curlews and the areas outside the SPA that are also important. More recent stone curlew data (2011-2015 inclusive) were used to review the constraint zones relating to supporting habitat outside the SPA.
- In advising on direct impacts of this planning application upon the SPA, Natural England paid full regard to the relevant nesting records which also informed the revised nesting buffers. Accordingly, the updated buffers (which have now caught up with the source nesting records) do not affect Natural England's advice or the Councils HRA screening.

#### Emerging Single Issue Review and Site Allocations Local Plan



- The Council has submitted the emerging 'Single Issue Review' and 'Site Allocations Local Plan' documents to the Planning Inspectorate for examination. The plans were submitted on Thursday 23rd March 2017. This means that increased weight can be attributed to the provisions of the policies contained in those documents given the next stage in the process of preparing the Plans has been reached.
  - Policy SA8 of the Site Allocations Document allocates sites for housing development at Lakenheath including Land north of Station Road. The policy requires: measures for influencing recreation in the surrounding area to avoid a damaging increase in visitors to both Maidscross Hill and the Breckland SPA; strategic landscaping and open space; a substantial buffer next to the Cut Off Channel providing semi-natural habitat next to the water course; and retention of the area of grassland to the east of the site. This adds further weight to the need for the proposals, if allowed, to provide the requested strategic green infrastructure.
9. In August 2016, the Council's **Public Health and Housing** officers prepared an advice note in the run up to the Development Control Committee meeting. The following advice was provided:
- PHH were consulted and in January 2015 raised no objections. The potential for noise complaints during development of the site was reduced by conditions for the hours of construction, construction management and restricted hours for use of generators.
  - Our comments were repeated in July 2016 following consultation with respect to the applicant's 'Aviation Advice'.
  - The approach that PHH has taken is to consider the (noise level information available in the survey available for RAF Lakenheath) Aviation advice available and a noise assessment report from a nearby development. The contours relating to RAF Lakenheath for more excessive noise from aircraft activity do not cover the area of land being proposed for development through this application. It was considered appropriate at this time to require compliance with the WHO guidance and the BS8233 standards on maximum noise levels, to be achieved through design and construction, and this would suffice in protecting the residents of the new development. Furthermore, there are estates in the nearby vicinity that are exposed to similar levels of aircraft noise and with possibly less attenuation through their construction.
  - Whilst Richard Buxton [*on behalf of the Parish Council*] is stating precedent in terms of a previous planning decision being quashed, because it was determined without all of the available information, we believed at the time of consultation that sufficient noise information was available to make our comments. It is my understanding the appeal decision [*discussed in Mr Buxton's letter on behalf of the Parish Council*] relates to the very large, busy,

commercial airport of Manchester International airport where numerous flights to and from the airport are undertaken throughout the day. Flights to and from RAF Lakenheath are significantly lower in number and a comparison of noise arising from the two may not be reasonable.

- Within our response to the DC/13/0660/FUL application we recommended 'the proposed properties on the development shall be protected internally from environmental noise and the times of construction shall be reasonable'. This is similar to the development under debate. Our recommendations to protect the internal areas of the developments shall be sufficient relating to the aircraft noise.
- From experience, subjectively, the noise levels from aircraft returning to the base are significantly lower than from those of aircraft taking off and the noise durations are relatively short, i.e. it could be measured in seconds to minutes rather than hours. I accept an extrapolation figure of 65.7dB relating to the 62.1dB figure. Even at 65.7dB the suggested conditions in the consultation response will provide the dB reduction to LAeq(16hrs) of 35dB for daytime and an LAeq(8hrs) 30dB for night time. There is also a possible restriction on how extremely accurate noise levels can be obtained because the acoustic consultants are restricted on how many noise measurements they can undertake. It is possible at the same location where the 62.1dB measurement was obtained a different lower level could possibly been read on a different day.
- The MOD is changing its initial position, which was deemed to be no objection. It is now requesting a Noise Impact Assessment and time to consider it. This would be something for the planner to consider. We are of the opinion the habitable areas of properties within the development can be protected against external environmental noise and do not see the need for any further assessments. We have tried to take a pragmatic and proportionate approach, as stated in the officer's report [*August 2016 report – Working Paper 1*].
- Point 13 of the Buxton letter discusses national planning policy and noise levels above 60dbA potentially contradicting this. As mentioned in the report, refusal on the grounds of aircraft noise may set a precedent that would make further development even more challenging.
- Some key points to the planning officers report:
  - The MOD noise contour map confirms the application site is less affected by noise than other parts of the village, particularly areas to the south of the village which are closer to the base runways and jets taking off (when there is more noise).

- In light of the above, it is considered the application site is suitable for a development of new housing and a primary school and it is the view of your officers it is not fettered by aircraft noise to the extent that a refusal of planning permission on these grounds should be considered.

- Indeed, if the application site is considered unacceptable for development because of the noise climate, it is also likely that all other parts of the village, Eriswell, and parts of Brandon and Mildenhall (and possibly elsewhere) would also be inappropriate for housing development. It is considered the pragmatic approach adopted by the Council's Public Health and Housing Team to apply planning conditions to limit the noise climate within the proposed buildings (through design and construction techniques) is an appropriate and proportionate response to the aircraft noise issues which are material to the proposals.

- Notwithstanding the overall conclusions about the impact of aircraft noise on the proposed development, the fact the external areas of the site cannot be fully mitigated from aircraft noise is a dis-benefit of the proposals to be taken into account in the overall planning balance.

10. In April 2017, the Council's **Public Health and Housing** officers confirmed they continued to retain **no objections** to the application proposals and provided the following comments:

- Public Health and Housing have carefully considered the NIA's that have accompanied the applications and feel they are fit for purpose. Whilst the MOD have highlighted some concerns in some of the reports, in that there is no night time noise assessment's (there are no routine night flights) and that the distances to the air bases are slightly out, these have not fundamentally changed our responses to each of the applications.
- In light of the concerns shown and in consideration of the protection of the future residents we will be taking the same approach to all applications recommending acoustic insulation levels be included as a condition (to applications that are under the noise contours), along with the applicant presenting a post completion acoustic test to demonstrate that the building has been constructed to a level required in the condition.
- The flights are mainly during daylight hours with some starting at 06:00hrs, however there are reduced number of sorties in the winter and in inclement weather, with none during night time hours or at weekends (except in exceptional circumstances). The MOD have recommended that each application carries out a vibration test, however we have to my knowledge, not received a single complaint of vibration from

any resident and would feel that this could be deemed as onerous.

11. **Suffolk County Council (Strategic Development)** in January 2017 took opportunity to review and update their requests for developer contributions. The following contributions (to be secured via S106 Agreement) were requested:
  - Primary Education - £1,560,755 towards build costs and £122,930 towards land acquisition costs.
  - Secondary Education – capacity available, no contribution.
  - Pre-school provision - £400,821.
  - Libraries - £81,000.

### **Representations:**

12. Representations included in the officer report to the September 2014 Development Control Committee meeting are summarised at paragraphs 61-77 of the committee report attached as Working Paper 1.
13. The following additional representations have been received post September 2014 including representations received after the August 2016 Committee report had been prepared but were reported to the Committee at that meeting.
14. **Lakenheath Parish Council** (July 2016) with respect to the Lakenheath cumulative traffic study commented they have **grave concerns** regarding the impact on the B1112/A1065 priority cross-roads which is reported in table 1.2 of the Aecom- Lakenheath Cumulative Traffic Study, as still “Not considered to be a severe impact” and “Approaching capacity, mitigation advised”.
15. In early August 2016 the **Lakenheath Parish Council** (via their Lawyers) submitted further **objections** against the planning application proposals. The letter was circulated to Members in advance of the Committee meeting and was reported verbally to the meeting on 5<sup>th</sup> August. The issues and objections raised by the Parish Council are summarised as follows:
  - Significant gaps in outstanding information which the appellant has refused to provide, despite the MoD’s requests in relation to noise impacts from operations at RAF Lakenheath.
  - The Suffolk County Council planning department, in concluding an Environmental Statement is required to accompany a stand-alone application for the school, has requested site specific noise survey information.

- The reasoning for the continuing concern about noise impact is referenced to return flight paths used by military jets returning in proximity to the proposed residential housing and the school site. The route would also be used by the F-35's from 2020.
  - The officer report [*August 2016 – Working Paper 1*] is misleading by stating the Ministry of Defence has no objections. The correct position of the MoD is that the submitted information is inadequate to assess noise impacts and requested a detailed noise assessment was undertaken to its standards. This work has not been done.
  - The noise assessment relied upon by this planning application was submitted by a separate developer (Briscoe Way – Planning application reference DC/13/0660/FUL), but this site is not in as close proximity to the returning military jet flight paths and therefore not capable of providing a basis to assess noise impacts for the operations at RAF Lakenheath, but do show a noise level of 62.1db (LAeq(16-hr)) on land that is further away from the overflight paths than would affect this application.
  - The Parish Council has used this data to extrapolate the noise output over the school and the residential development site, using the inverse square law for sound as an indicator, given the closer distance to the flight paths. This gives 67.7db.
  - It is not lawfully open to the Council to proceed to determine the application regardless of the position of the applicant when the MoD plainly disagrees with the applicant's advice from the Aviation Assessment and has asked for more information and an opportunity to review that further technical information.
  - If the application is determined on the basis of the misleading advice or incomplete information which is material to the application, the decision will be vulnerable to judicial review.
  - The Parish Council goes on to cite an appeal decision relevant to a site proposing a housing development in the vicinity of the flight paths of Manchester International Airport where noise output exceeded 60db(A). Extracts of the appeal decision were provided and the Parish Council pointed out in that case the Inspector held that noise impacts at that level affecting residential development would conflict with the NPPF.
  - The Parish Council requested deferral of determination [from the August 2016 Committee meeting].
16. A letter was received from the Head teacher of the **Lakenheath Community Primary School**. The school was particularly interested in the proposals given that it proposed a site for a new primary school. The letter requested **deferral** of the planning application pending the submission of further information (noise impact assessment). The letter was circulated to the Committee Members by the Parish Council in

advance of the meeting (August 2016). The concerns raised by the Head Teacher, submitted on behalf of the Governing Body, are summarised as follows:

- The 'aviation advice report' accompanying the planning application talks about noise at the existing primary school, implying that it is not a significant issue, and that there would be very little difference in the impact of noise at the new [proposed] school. This is attributed to speculation and opinion given that the school was not consulted and no noise data has been collected from the existing school site.
- The current school has no choice but to live with the disruption of jet noise because it was built before the airbase existed. In school, staff often have to pause when teaching or conducting assembly to wait for the noise to pass and consequently children's concentration is lost.
- There are a number of studies, in particular a World Health Organisation report (WHO 2011) which expresses concern on cognitive impairment in children and on learning and memory being negatively affected by noise. Over 20 studies have shown negative effects of noise on both reading and memory in children. The report states that exposure during critical periods of learning at school could potentially impair development and have a lifelong effect on educational attainment. Impacts could be particularly detrimental for children with some Special Educational Needs. Aircraft noise, because of its intensity and unpredictability is thought to have a greater impact than, say, traffic noise, with the effect continuing after noise has passed.
- This is not a case of an existing school having to 'make do'. We have a choice about where new schools are sited and it cannot be justified that we subject a future school community to the same, or potentially worse, environment. We understand that the proposed new school, unlike us, is directly below or close to one track of the twin flight paths as the jets return to RAF Lakenheath.
- We are also concerned for the future of the village and the school's environment with the news that two squadrons of F35 fighters will be deployed at RAF Lakenheath. A full and comprehensive study of the impacts of this aircraft should be undertaken. We understand the F35's are up to 10db louder than the F15's.
- Some commentary has suggested noise mitigation can be made to a new school building. We question the reality of the day to day operation of a school building to being sealed from external noise. Outdoor learning is an integral part of the Early Years curriculum, so the youngest children spend much of their day outdoors. Learning outside the classroom is actively promoted for older year groups too. This would be jeopardised by siting a school close to or under a flightpath. Furthermore, an important element of sustainable buildings is internal air quality and this is best achieved by naturally

ventilated buildings. Using a noise mitigation argument to justify building a school near to the flightpath is, therefore, simply not valid.

17. On 2<sup>nd</sup> August 2017, representations were received on behalf of Elveden Farms Ltd, a 'rival' developer in the village. The letter was received too late for inclusion into the Committee report for the August 2016 meeting (Working Paper 1) but was circulated to Members in advance. The issues raised are summarised as follows:

- Information with respect to traffic and noise is out of date.
- Elveden Farms has held discussions with County and District Council's about providing a primary school on the site known as L26 or L1(b) adjacent to the existing Lakenheath playing field.

#### *Traffic*

- The Committee report (August 2016) is factually incorrect on matters fundamental to whether a decision to grant planning permission is taken.
- Improvements to the B1112/Eriswell Road junction will require the addition of third party land (to accommodate the physical works and to provide sufficient visibility). This should be clarified.
- Furthermore, the report suggests that there is a possibility of a further option that does not require third party land but no such scheme has been identified. It is unlikely that a signalisation only scheme that meets highway standards could be accommodated within the highway boundary.
- It should be noted that in the Cumulative Impact Studies the assessment of B1112/ Eriswell Road junction is based on traffic data counted in 2013. Even including the recent dualling works to the A11, the Cumulative Impact Studies still shows that the degree of saturation, with the Phase One development (663 dwellings) exceeding 100% and operating beyond capacity.
- Traffic assessment undertaken by our consultants in 2015 after the A11 dualling works had been opened, found that based on post A11 dualling traffic data, the degree of saturation is now more likely to be approximately 108% for 663 dwellings, which would be significantly over capacity and the volume of additional housing that could be accommodated is substantially less than 663 and quite likely nearer to zero houses.

#### *Noise*

- We note that the MOD objects to the proposed Station Road development on the grounds that the provided aviation advice was "inadequate to assess noise impacts" and the MOD requested "a detailed noise impact assessment to be done to its standards".

- The available evidence indicates that all parts of Lakenheath experience relatively high noise-levels, in comparison with the criteria in the relevant British standards. Thus wherever an application site is located in or adjoining the village, a comprehensive noise-assessment should be required that is based on the measured noise-levels in that specific location and forecast changes in the flight-patterns at the military bases, and which should demonstrate how the scheme would comply with the objectives of national planning policy insofar as achievable in the specific context of Lakenheath.

#### *Primary Education*

- Discussions between Elveden Farms Ltd. and Suffolk County Council have been ongoing about the potential to provide a 2 hectare site for a primary school adjacent to the existing Lakenheath playing field in the site known as L26 or L1(b). Elveden have proposed that in the event of approval for the 550 dwelling scheme with a primary school at Little Eriswell, reference DC/16/1360/OUT, they would agree to release a 2 hectare area adjacent to the existing playing field at L26 / L1(b) for a second primary school.

#### *Infrastructure Delivery*

- Elveden Farms Ltd. propose in the absence of an adopted Site Allocations Development Plan Document, that FHDC work with the parish councils and the applicants in the Lakenheath area to develop a plan to deliver infrastructure improvements that will enable major housing development to come forward in a co-ordinated and sustainable programme.
- In this regard, Elveden Farms Ltd. are proposing two primary schools, all identified highways improvements, pedestrian and cycle links, a local shop, green and public space and over 550 dwellings across the two applications F/2013/0394/OUT and DC/16/1360/OUT.

18. A further **2 letters of objection** were received to the proposals from local residents. Many of the issues and objections had been raised previously and are reported at paragraphs 72-76 of the attached Working Paper 1. The following additional points were made:

- Putting a new school so far out of the village would by itself create a huge traffic problem; children are unlikely to walk to a school at this site.
- There are already more people than the facilities can comfortably cope with.
- Lakenheath is not an appropriate location for the levels of growth proposed by all the planning applications.



**Policy:**

19. Relevant Development Plan policies were listed at paragraphs 78 to 80 of the report to the August 2014 meeting of Development Committee (attached as Working Paper 1).

**Other Planning Policy:**

20. Other relevant planning policies were discussed at paragraphs 81-89 of the report to the August 2014 meeting of Development Committee (attached as Working Paper 1).
21. In the period since the September 2014 Development Control Committee meeting, the emerging Site Allocation and Single Issue Review Development Plan documents have both been consulted upon and submitted to the Planning Inspectorate. The formal examination of these documents is anticipated to occur later this year.
22. The policies set out in the emerging plans can be attributed weight in reaching decisions on planning applications. The NPPF advises the degree of weight will depend upon the stage the plan has reached in the process, their degree of consistency with the NPPF and the nature of any unresolved objections to individual policies. In this case, the plan has been submitted to the Planning Inspectorate for examination and is thus at an advanced stage. However, the policy which allocates the application site for development in the emerging Site Allocations Development Plan document does have unresolved objections against it Accordingly, and whilst it is a matter for the decision maker to ultimately determine, it is your officers' view that moderate weight can be attributed to the provisions of emerging policy SA8 and the allocation of the application site by the Site Allocations Development Plan Document for a housing development.

**Officer Comment:**

23. The Development Control Committee resolved to grant planning permission for this development at its meeting on 3<sup>rd</sup> August 2016, subject to conditions and completion of an Agreement under S106 of the Town and Country Planning Act. A request for the Secretary of State to 'call in' the planning application for his own consideration including delays caused by the Defence Infrastructure Organisation on behalf of the Ministry of Defence as part of that process have contributed to delaying the implementation of the August 2016 resolution of the Committee.
24. A full and detailed officer assessment of the planning application was included at paragraphs 90-318 of the report to the 3<sup>rd</sup> August 2016 meeting of Development Committee (attached as Working Paper 1).

25. Case law has established that planning officers are obligated to return planning applications to Committee for further consideration in cases where there have been material changes in circumstances since a resolution was reached.
26. In this case a small number of separate material changes in circumstances are relevant requiring further consideration by the Committee. This section of the report considers the implications of these.

5-year supply of deliverable housing sites and the emerging plan.

27. The Council was able to demonstrate a 5 year supply of deliverable housing sites at the time the Committee considered this planning application in August 2016. That continues to be the situation and the Council is presently able to demonstrate a five year housing supply. The application proposals were and continue to be counted in the five year housing supply, alongside a number of other as yet unconsented schemes which are also contrary to the existing Development Plan. Should these applications not be approved, it is inevitable the Council would fall back into a position where it is not able to demonstrate a 5-year housing supply.
28. An important factor to take into account when considering the principle of this development is the fact the site is allocated for development in the emerging Site Allocations Local Plan. The Plan is now at an advanced stage given it was submitted to the Planning Inspectorate for examination at the end of March 2017. In your officers' view moderate weight can now be attributed to the emerging policy in determining planning applications, because of the presence of unresolved objections to emerging policy SA8, which allocates the application site (alongside other sites) for housing development.
29. It is your officers' view that the combination of the desirability of being able to maintain a 5 year supply of deliverable housing sites and (albeit to a lesser extent) the fact the application site is allocated in an emerging Local Plan, considerable weight can be afforded in support of the principle of the development. An 'in-principle' objection to the scheme would be difficult to defend at a subsequent appeal. Indeed, if the application proposals were to be refused planning permission, resulting in a reduction in planned housing supply, it is highly likely that the 'presumption in favour of sustainable development' and the 'tilted balance' in favour of a grant of planning permission which are set out at paragraph 14 of the NPPF would be engaged at any subsequent appeal.

Cumulative highway matters

30. The potential 'cumulative' impact of the multiple proposals for development at Lakenheath has been considered in detail by Suffolk County Council. They have commissioned consultants (AECOM) to carry out a number of traffic studies, culminating in a number of reports and spin off assessments. These are discussed in detail at paragraphs 262 to 273 of the officer report to the August 2016 meeting of this Committee

(attached as Working Paper 1). Members will note, from paragraphs 272 and 273 of that report there was, at the time, an element of uncertainty about whether an appropriate scheme of improvements could be carried out within the boundaries of the existing highway without requiring third party land. Since the August Committee, further work has been undertaken, including a survey of the junction, and this has revealed it is possible to implement a scheme of improvements within the highway boundary without requiring third party land. This would allow at least 890 dwellings to be built and occupied without severe highway impacts arising.

31. Elveden Farms Ltd, which owns the third party land around the 'Eriswell Road' junction provided further evidence to the Council and the Highway Authority at Suffolk County Council to challenge the findings of the AECOM studies that an acceptable scheme of mitigation could be provided within the highway boundary. Specifically, Elveden Farms commissioned a further technical note based on fresh traffic counts carried out in March 2017. The following conclusions were drawn by their traffic consultant:

*"It is quite clear from this Technical Note that when using the March 2017 traffic counts that the reduced traffic signal junction cannot even accommodate the existing traffic flows let alone any additional traffic arising from new development without creating a severe traffic impact.*

*The implication of these conclusions is that any new development in Lakenheath is not deliverable without land beyond the highway boundary needed for the larger traffic signal improvement at the B1112/Eriswell Road junction and this should be understood before any planning consent is granted for new development."*

32. The Highway Authority at Suffolk County Council has carefully considered the fresh evidence submitted by Elveden Farms Ltd and has provided the following comments in response:

*"We have looked at the WSP technical Note dated 21st April 2017 which includes updated traffic flow information obtained in March 2017.*

*While the traffic flow information does highlight some underestimation in the Aecom AM peak assessment we do not consider this to be significant as the PM peak hour is considered to be the worst case at this location, and this assessment is robust. We have re-run the AM modelling with higher figures from the WSP surveys through an updated version of the Aecom junction model and this still has sufficient capacity in reserve.*

*The technical report does make a point about junction blocking impacting on overall performance, this is not considered to*

*fundamentally affect the conclusions, as we have tested the model with blocking and no blocking and while the option without blocking works better, again there is still residual capacity even if the worst case scenario is assessed. Furthermore, alternative junction layouts can be accommodated within the highway boundary which could potentially improve this aspect of the junction layout. This could involve giving more priority to the dominant traffic flows to improve junction performance. The Section 278 detailed design review will allow us to explore several slight changes to the layout and signal operation which have the potential to further improve junction performance.*

*Our overall view remains that a junction traffic signal upgrade at Sparks Farm (B1112/Eriswell Road) can be delivered within the highway boundary, and would give capacity and road safety benefits to cater for current and proposed traffic, up to a level of around 915 new homes.*

*The assessment shows that the junction is operating at around the limit of its theoretical capacity in this scenario, and it is important to appreciate that day to day fluctuation would result in short term localised impacts that would result in occasional significant queuing. While this is not desirable for residents and visitors to the area it is felt that the overall performance of the junction would be acceptable, and therefore the overall impacts would not be deemed severe in highways terms."*

33. Contrary to representations received on behalf of Elveden Farms Ltd, the advice of the Local Highway remains clear that the local highway network, including the 'Eriswell Road' junction (which would be placed under the greatest pressure from new housing developments at Lakenheath) is capable of accommodating the development proposals without 'severe impacts' arising as a consequence. Furthermore, it remains the position of the Local Highway Authority that a scheme of junction improvements to increase the capacity of the Eriswell Road junction could be accommodated within existing highway boundaries. The Local Highway Authority has confirmed these improvements would allow around 915 new dwellings to be constructed and occupied in the village before a 'larger' improvement scheme is required at this junction, which may at that point require the inclusion of land outside of the highway. Having carefully considered all evidence available with respect to cumulative traffic matters, officers consider, on balance, the advice of the highway authority to be correct.
34. The required improvements to the 'Eriswell Road' junction would need to be fully implemented in advance of the occupation of the first dwelling in the application scheme. This could be secured by means of an appropriately worded 'Grampian' planning condition.

Aircraft Noise

35. This matter is discussed in some detail in the officer report to the August 2016 meeting of the Development Control Committee (paragraphs 227 to 242 of Working Paper 1). The discussion includes a summary of relevant national and local planning policies.
36. The core planning principles set out in paragraph 17 of the NPPF direct decision makers to seek to ensure a 'good standard of amenity for all existing and future occupants of land and buildings'. Specifically with respect to noise, and having regard to the National Planning Policy Guidance (NPPG) and DEFRA's Noise Policy Statement for England (NPSE), paragraph 123 of the NPPF requires decisions to 'avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development'. Where a lower level 'adverse' noise impact is established, then impacts on health and quality of life should be mitigated and minimised.
37. Paragraph 2.18 of the NPSE reiterates the need to balance the economic and social benefit of the development/activity with the environmental impacts, including the impact of noise on health and quality of life. It is clear in stating that noise impacts should not be treated in isolation.
38. The current World Health Organisation (WHO) guidance recommends internal noise levels in dwellings are 35dB LAeq,16hr for daytime and 30dB LAeq,8hr at night. British Standard BS 8233 suggests similar design standards for internal noise levels.
39. The WHO guidance suggests that to protect the majority of people from being annoyed during the daytime, the sound pressure level on balconies, terraces and outdoor living areas should not exceed 50dB LAeq for a steady, continuous noise.
40. On 2<sup>nd</sup> August 2016, one day before the date of the Committee meeting, the Council received lengthy and detailed objections to the application proposals from the Defence Infrastructure Organisation on behalf of the Ministry of Defence. These were received after the report to the August 2016 meeting had been published and were thus not included in it, but the letter was circulated to all Members of the Committee on the day they were received, alongside representations also received 'late' from the Parish Council which also raised concerns about the impacts of aircraft noise. The DIO's representations are summarised at paragraph 7 above. The Parish Council's 'late' representations are summarised at paragraph 15 above.
41. The August 2016 Committee received further written advice from the Council's Public Health and Housing officers following receipt of the late representations. These are summarised at paragraph 9 above. Furthermore the Committee received a verbal presentation in response to the late objections from its planning officers and had regard to this in resolving to grant planning permission for the development. The following is a summary of the verbal presentation with respect to aircraft noise:

*1. In response to the allegation that that the application site would be more greatly affected by aircraft noise than the site at Briscoe Way (which noise assessment is relied upon)*

- It is factually incorrect to assert there is no noise information available with which to consider the planning application proposals.
- The Parish Council, in asserting the recovery flight path into RAF Lakenheath which passes over the application site would have greater impacts on the appeal site than recorded at the Briscoe Way site, has seemingly overlooked the presence of an 'exit' flight path which passes west of the village.
- It has been established that the exiting flightpath creates greater noise impacts on the application site and wider village generally than the recovery flightpath which passes over or close to the application site.
- Indeed, the Ministry of Defence has not suggested that the return flightpath would cause greater noise disturbance to the application site than the exiting flightpath to the west of the village. This is a logical conclusion to draw.
- Given that the Briscoe Way site is closer to the existing flightpath west of the village, it must be the case that the application site would not be affected by aircraft noise more greatly than the Briscoe Way development site which is closer to that principal noise source.
- Of course, as we stand there is no precise evidence to absolutely demonstrate this statement. However drawing upon the experience of the former military pilot whom prepared the submitted aviation advice, the absence of a contrary or contradicting view from the Ministry of Defence and the application of common sense, it is reasonable to conclude that the noise output of accelerating jets using engine thrust to gain speed, momentum and altitude cannot be compared to the noise output of a returning jet that is cruising with lower engine use at greater altitude preparing to land. It follows, therefore, that the greatest noise impact to the application site is from the flightpath to the west of the village and not the recovery flightpath which the MoD has stated currently operates over the application site.
- Members are advised there is sufficient information available with which to draw conclusions on aircraft noise impacts and determine the planning application. The Public Health and Housing Team has been able to use the available information and their own experience of the noise climate at and around Lakenheath to conclude that the internal spaces of the proposed buildings are capable of being fully mitigated against aircraft noise impacts. The impact of aircraft noise upon external spaces is more difficult to

mitigate, but given these impacts would amount to annoyance as opposed to health problems, it is a matter of exercising planning judgement, which was the case in the appeal cited by the Parish Council in their recent letter.

*2) In response to the appeal scheme cited by the Parish Council to justify a refusal of planning permission (appeal reference APP/R0660/W/15/3027388).*

- The Parish Council raises the matter of a recent appeal decision in the North-West of England where planning permission was refused on the grounds of adverse impacts arising from aircraft noise. That case related to development proposed at 'Knutsford' around a mile away from the runways of Manchester International Airport. The Parish Council has provided extracts from the decision, but not the full decision. The decision not to provide a copy of the full appeal decision means some important points are missing from the Parish Council's correspondence.
- The following matters from the appeal decision were pointed out to the Committee:
  - Para 15 "Departing aircraft are noisier than aircraft landing". This is the common sense conclusions officers have reached with respect to the appeal proposals.
  - Paragraph 27 "Noise is only one of the factors to be weighed in balance alongside the other dimensions of development". This adds weight to officer views that the impacts of noise to the application scheme, particularly to its external spaces which are less capable of effective mitigation, is a matter of planning judgement. Members are advised to consider the adverse effects of noise to external spaces in the planning balance.
  - Para 34 "The evidence indicates that, with the use of measures such as high performance sealed windows and doors, enhanced roof construction and mechanical ventilation, an acceptable level of indoor noise could be achieved". This adds weight to the conclusions drawn by the Council's Public Health and Housing Team that modern construction techniques are capable of mitigating aircraft noise impacts within new buildings.
  - The Inspector went on to conclude it had not been demonstrated that proposals for external mitigation of garden spaces and other external spaces were capable of effective mitigation He therefore exercised his planning judgement and in his conclusions considered the external noise environment would have a significantly adverse impact upon the quality of life of future residents and whilst noting that an acceptable internal acoustic environment would be achievable, the sealed box solution would further detract from future residents' quality of life and in the

Inspector's view was an additional factor weighing against permission.

- These factors do not apply to the Lakenheath application site in the same way. It was also pointed out that the Inspector considered a grant of planning permission elsewhere in Knutsford that did not have noise mitigation to external spaces and concluded at paragraph 45 "From what I saw and due to the distance from runways, aircraft are higher in the sky when flying by Parkgate compared to the appeal site." The Inspector also noted there were other sources of noise disturbance affecting the appeal site in addition to aircraft noise which he considered would add to the annoyance factor, particularly to external areas. This serves to demonstrate that aircraft flying at greater altitude (as in the return flight path at Lakenheath) have reduced noise impact than equivalent planes flying at lower altitude (as in the take-off flight path from RAF Lakenheath).
- Members were shown a powerpoint slide comparing the frequency of flights from RAF Lakenheath and Manchester International Airport. The information presented to the Committee is set out in the table below:

<p><b>Take offs and landings per annum</b></p> <p>RAF Lakenheath = 19,056 (source: MoD letter dated 2<sup>nd</sup> August)</p> <p>Manchester International Airport (MIA) = 279,137 (passenger and freight) (source: MIA Website)</p> <p><b>Take offs and landings per day</b></p> <p>RAF Lakenheath = 52</p> <p>MIA = 764</p> <p><b>Take offs and landings per hour (averaged over assumed operational hours for MIA)</b></p> <p>Lakenheath (16 hours) = 3.25</p> <p>MIA (assumed 24 hours) = 31</p> <p><b>Average frequency of flights</b></p> <p>Lakenheath = 1 take off or landing event every circa 20 minutes or 1 pair every 40 minutes over a 16 hour period (nb jets tend to fly in pairs from Lakenheath)</p>
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MIA = 1 take off or landing every 2 minutes, but noting daytime frequencies will be higher than night time because of operational restrictions.

- Whilst it is not clear how many of these aircraft flights would have affected the appeal site directly, it does serve to demonstrate that the appeal site at Knutsford would have had a very different noise climate to that created by flights from RAF Lakenheath. The appeal site cited by the Parish Council would have been subject to approaching constant levels of significant aircraft noise whilst the average for Lakenheath is a pair moving every 40 or so minutes.
- Of course, this average does not reflect the fact that the base will not operate flights precisely to the average time gaps and there will be periods where take-offs and landings exceed the average of one every 40 minutes, but this will also give rise to other periods during the day where aircraft movement events would be less frequent than every 40 minutes.
- Whilst the appeal cited by the Parish Council does provide useful information to assist Members and supports conclusions drawn by your planning officers that the application site will be more affected by aircraft taking off from the base than by returning aircraft, the decision in that appeal where the Inspector exercised planning judgement about noise to refuse planning permission cannot immediately be applied to this planning application. The application site must be considered on its own merits, pertaining to the noise conditions of the site.

*Changes in circumstances relating specifically to the consideration of aircraft noise, since August 2016*

42. In February 2017, the Ministry of Defence published fresh noise contours for the village. These are modelled, noise contours and as far as officers are aware, are not based on actual noise recordings captured from locations around the village. The Ministry of Defence has only published the results of its modelling exercise. There is no demonstration of how the alignments of the noise contours were established, including the reliability of any assumptions made or any limitations of the modelling work. Evidence submitted with a number of planning applications around Lakenheath and Eriswell in the form of noise recordings captured as part of Noise Impact Assessments demonstrate that recorded noise levels tend to be lower than is being suggested by the Ministry of Defence noise contours. This evidence is suggesting that the noise contours have been prepared on a precautionary or, perhaps a 'worst case', scenario.
43. In the light of this, the decision maker, in this case the Council's Development Control Committee should have regard to the noise contour information as an indicator of the noise environment of a site. The noise contours will be particularly useful in the lower noise contour areas in

justifying planning conditions that secure precautionary sound insulation measures in new buildings, particularly where the planning application is not accompanied by a noise impact assessment. However, the decision maker should be cautious about relying solely upon the noise contour information as a basis to refuse planning permission on aircraft noise impact grounds and, in that regard, should place greater weight on available primary evidence.

44. In this respect the application proposals rely upon a Noise Impact Assessment (NIA) carried out with respect to a separate planning application for development at Briscoe Way to the west of the application site. The NIA was based on field surveys carried out on a single day in February 2014. Military aircraft were observed during the day and, following liaison with the base (whom confirmed there are typically 40-45 flights departing from the base per day), the noise consultant considered the number of aircraft readings captured was appropriate to reflect a typical noise environment at the application site. The field work recorded noise levels at the Briscoe Way site of 62.1db LAeq(16-hr). Given the closer proximity of the locations of the recordings to the exit flight path to the west of the site the noise levels at the application site are likely to be similar to, but not exceed the noise levels experienced at the Briscoe Way site.
45. In April 2017, following publication of the refreshed noise contours for Lakenheath the Ministry of Defence provided general (and currently informal) guidance with respect to considering planning applications for new development in areas likely to be affected by aircraft noise. With respect to housing development proposals within the 66-72db LAeq (16-hr) noise contour, the MoD advises as follows:

*"...acoustic insulation is required. Suggested measures include, but are not limited to;*

- *Acoustic primary double glazing system of at least 6.4L<sub>1</sub>(12)10 for all windows;*
- *Installation of acoustic louvered passive ventilation systems in all rooms fitted with the glazing system;*
- *Installation of mechanical acoustically louvered ventilation systems in kitchens (where the kitchen forms a substantial part of the living space);*
- *Acoustic insulation of exterior doors which open into an insulated area;*
- *sealing up open chimneys in insulated rooms providing that flues to existing combustion appliances are not blocked;*
- *Insulation of loft space using an acoustic mineral slab material at least 100mm x 600mm x 1200mm where the loft will support this*

*depth of installation. Alternatively, an acoustic glass mineral roll material of at least 250mm x 200mm x 600mm can be used.*

46. Both the Noise Impact Assessment relied upon by the applicants and the Ministry of Defence's own advice about treatment of dwellings within the 66-72db noise contour confirms the internal spaces of the proposed dwellings could be mitigated against noise impacts arising from military aircraft. Whilst the Ministry of Defence initially disagreed and objected to the planning application, their objections related principally to what they perceived to be an inadequate assessment of noise impact. The MoD did not demonstrate as part of their objections that occupants of the development proposals would experience unacceptable impacts from aircraft noise. The publication of fresh noise contours and the related informal advice prepared by the Ministry of Defence now confirms that development of the application site is acceptable in principle (with respect to aircraft noise) and the internal spaces of the dwellings and the school are capable of mitigation. In this regard the receipt of this recent advice serves to validate the earlier conclusions reached by both the applicant's noise consultant and the Council's Public Health and Housing Officers.
47. The planning application includes proposals for a new primary school. In its informal general advice, the Ministry of Defence regard schools as a 'sensitive use' to which special consideration should be given with respect to potential adverse effects of aircraft noise.
48. The general advice received from the Ministry of Defence does not rule out sensitive uses from being provided within the 66-72db noise contour areas, but does advise (as set out at paragraph 45 above) that specific noise mitigation measures will be required.
49. Government guidance with respect to the acoustic requirements of school buildings has been prepared and published by the Department for Education and the Education Funding Agency. The advice can be found in Building Bulletin 93 'Acoustic design of schools: performance standards' (February 2015). This advises that teaching classrooms should have minimum ambient levels equal to 35db LAeq, 30mins. The guidance goes on to advise about addressing 'regular' noise events, including aircraft noise:

"In order to protect students from regular discrete noise events, eg, aircraft or trains, indoor ambient noise levels should not exceed 60 dB LA1, 30mins."
50. The guidance does not advise with respect to playing fields and other external spaces.
51. The school building would need to be constructed with an appropriate scheme of sound attenuation, but there is nothing to suggest this cannot be achieved within the guidelines, except in exceptional circumstances.

52. It is conceded there may be occasions where pupils at the new (proposed) school experience noise disturbance in classrooms above nationally recommended levels as a consequence of particularly intensive operations at the airbase, or if doors/windows are left open. However, whilst this would count as a 'negative' aspect of the proposed development, in your officers' view this does not constitute sufficient reason on its own to justify withholding planning permission.
53. The Defence Infrastructure Organisation, on behalf of the Ministry of Defence, has been invited to make further comment on the application proposals and is aware of the Council's intention to consider the planning application further at this meeting. Despite this, and at the time of writing, no further comments have been received.
54. Whilst the internal spaces for the proposed dwellings and school can be adequately mitigated against aircraft noise, it remains the case that external spaces, including domestic gardens, public paths, school playing fields and public open space can not be mitigated in the same way. Whilst it is your officers' view that the impact of unmitigated aircraft noise upon external areas of the site is not fatal such that it renders the scheme unacceptable on this ground alone, it would represent harm and thus needs to be considered in the overall balance.
55. In this respect officers consider concerns relating to the likely adverse impact of aircraft noise to external areas of the site are reduced by i) the sporadic nature of the aircraft movements meaning that noise disturbance persists for short periods, ii) the non operation of the base at weekends when the external areas of the site are likely to be most used for residential purposes and iii) the absence of objections or adverse comments from the Council's Public Health and Housing team.
56. Furthermore, and with respect to the proposed primary school, it is important to note that the existing village primary school is located in a noisier environment than the application site (within the 70db noise contour), the school buildings were not constructed to defend against aircraft noise and there are no plans, or indeed rational reasons, to close down the existing school as a consequence of the effects of aircraft noise. The school is a high achiever and currently has a 'good' OFSTED rating. There are a seven Inspection reports for the primary school available on the OFSTED website and these report consistent performance at the school over the past seventeen years, but none of the reports attributes any academic or operational 'problems' (where problems are identified) to aircraft noise or activity. Indeed, none of the OFSTED inspectors even mention military aircraft noise as an issue or potential source of distraction in their reports.
57. These factors contribute to your officers' continuing view that harm arising from aircraft noise is not significant in this case and should not lead to planning permission being refused. Conditions could be imposed if planning permission were to be granted in order to ensure ambient noise levels are achieved in relevant living and educational spaces, in accordance with relevant guidance.

58. The announced introduction of two squadrons of Lockheed Martin F-35 Lightning II aircraft into RAF Lakenheath may change the noise climate of the village again in the future, although it is understood the type of F-35's that will operate from the base will have similar noise outputs to the existing F-15's. Given that i) the Environmental Impacts of introducing the new F-35 jets onto RAF Lakenheath will need to be considered and mitigated/avoided in advance, and ii) it is impossible to understand the full implications of the 'announcement', it follows that the announced introduction of the F-35 squadrons into RAF Lakenheath can be attributed very limited weight in the determination of this planning application.

Other matters

59. The position taken by the Ministry of Defence with respect to the impact of aircraft noise upon the proposed development is discussed above. The Ministry of Defence also raised objections with respect to vibration (caused by military aircraft) and public safety.

Vibration

60. In September 2016, the Ministry of Defence requested that, in the event that planning permission is granted, a condition be imposed requiring a vibration assessment to be carried out and submitted to the Local Planning Authority. In April this year, however, the Ministry of Defence altered its position which is now as follows:

*"I have reviewed, and taken advice on, the position we have adopted in the past.*

*Obviously, noise is, in itself, a vibration of the air. Sound waves enter the ear; affect various bones, membranes, and fluids; and, as a result, trigger a nerve response. Disturbance from noise is subjective, and some people can be more affected than others.*

*People may become more aware of the disturbance through the transfer of the noise to a building or structure; this is known as Noise-Induced Structural Vibration (NISV). The most sensitive parts of a structure to airborne noise are the windows. Though less frequent, plastered walls and ceilings can also be sensitive. NISV may annoy occupants because of secondary vibrations (e.g. rattling of objects such as crockery, ornaments, and hanging pictures) and can also be noticed when window panes vibrate when exposed to high levels of airborne noise. Therefore, noise surveys should take into consideration the effect of NISV on those who will occupy, use, and/or visit the proposed development if planning permission is granted.*

*In many cases it is difficult to separate aircraft NISV from that created by other sources, e.g. road traffic and commercial/industrial activity. Even if military aircraft are identified as the source of vibration it is unlikely that a single overpass will result in damage to property; the*

*degree of NISV is often exacerbated due to poor repairs and/or maintenance (e.g. loose roof tiles, poorly installed windows, lack of loft insulation etc.). While we remain concerned that people using and occupying some properties near RAF Lakenheath will experience some vibration, because of the factors I have summarised above, it is my intention that we focus on the effects of noise and do not, unless absolutely necessary, refer to vibration in the future."*

61. No evidence of past or current issues and/or property damage attributable by vibration caused by military aircraft has been provided by the Ministry of Defence to support its stance that a condition requiring the applicant to carry out an assessment should be imposed upon this scheme. Furthermore, officers are not aware of any issues from their own experiences, including discussions with relevant Building Control and Environmental Health Officers.
62. Without any evidence of harm or potential harm of vibration to these development proposals, it is considered unjustifiable to request further assessments from the applicant.
63. The effects of vibration from aircraft noise on future occupiers of the proposed dwellings is likely to be perceived as opposed to tangible. Experience of the effects of vibration has the potential to impact upon ones reasonable enjoyment of their property, but the impacts are unlikely to be significant, particularly at this site which is outside the loudest noise contour and a good distance away from the runways and exit flight paths (where aircraft noise is likely to be at its greatest) of RAF Lakenheath.
64. In this case, given the lack of evidence to substantiate any vibration impact concerns to this site, it is your Officer's view that the weight to be attached to the potential harm is limited.

#### Public Safety

65. The Ministry of Defence is concerned the occupants of the proposed dwellings and school would (if approved) be at greater risk of 'incursion' in the event of an aircraft emergency in comparison to the existing agricultural land use. Whilst the precautionary position adopted by the Ministry of Defence is noted, it is not considered that the residents of this scheme or staff and pupils of the proposed primary school would be at any greater risk of incursion than any other site or existing development in the village.
66. The starting point is that the risk of accidents involving jets in flight is low. For the application site the risks are further reduced by your officer's understanding that more 'incidents' occur during or shortly after a take-off manoeuvre than upon a return flight into an airbase. It is also understood that pilots are trained to divert their planes away from built up areas in the event of an emergency.

67. In the event that the pilot loses control of a plane as a consequence of an incident with the aircraft, the application site would be at no greater risk of 'incursion' than other sites inside and outside of Lakenheath, because an out of control plane will not respect a planned flight path.
68. Whilst any expansion in the size and population of Lakenheath will, to a certain degree, be at risk from a falling plane, the risk is not considered significant in the context of this particular planning application, and in your officer's view is not sufficient to justify a refusal of planning permission.

#### S106 Agreement

69. The heads of terms of the S106 Agreement remains predominantly mostly unchanged from that resolved by the Committee in September 2014.

#### **Conclusions:**

70. S38(6) of the 2004 Planning Act states that applications for planning permission shall be determined in accordance with the Development Plan, unless material planning considerations indicate otherwise. The NPPF is a material consideration which 'may indicate otherwise', although the Courts have re-affirmed the primacy of the Development Plan in Development Control decisions and departures from the plan should only be made in exceptional circumstances. The absence of a 5 year housing supply, which serves to demonstrate housing delivery issues in a Local Authority Area is, in your officers view, one circumstance where a decision to grant planning permission that departs from the plan could be justified.
71. In this case, the Council is able to demonstrate a 5-year supply of housing such there is no general imperative to grant planning permission for housing schemes that are contrary to the Development Plan. However, the five year housing supply most recently published by the Council includes a number of dwellings from this site within it. The site has been included in the five year housing supply on the grounds that the Development Control Committee resolved to grant planning permission for it in August 2016. Accordingly, if planning permission were not to be granted for the development proposals, it is inevitable the Council would fall back into a housing supply deficit against the 5-year supply target. Accordingly, the provisions of paragraph 14 of the NPPF, including the 'presumption in favour of sustainable development and the 'tilted balance' in favour of a grant of planning permission (unless the identified harm would significantly and demonstrably outweigh the benefits) applies.
72. Noting that the emerging Site Allocations Local Plan (which allocates this site for housing development with a primary school) is not yet part of the Development Plan, despite its advanced stage, the application proposals represent a clear departure from the provisions of the Development Plan in its current form. The site is situated entirely within a countryside

location, outside the settlement boundaries of the village, where policies of restraint apply, particularly to development of the scale proposed here. The application was advertised as a departure from the Development Plan following registration. Therefore, in accordance with S38(6) of the 2004 Act, and given the significant breach of the Plan that would occur, the starting point in this case is a presumption against the grant of planning permission. The final decision will turn on whether the Committee considers there are 'material considerations that indicate otherwise'.

73. In this case, your officers consider there are a number of material considerations which indicate that planning permission should be granted for these development proposals despite them being contrary to the Development Plan. These are:

- The fact the Council would not be able to demonstrate a 5-year supply of deliverable housing sites if this site were to be refused planning permission. An approval of this planning application would ensure a five year housing supply could be demonstrated and would serve to 'significantly boost the supply of housing', as is required by the NPPF.
- Your officers consider the benefits of the application proposals, particularly the delivery of housing, and the provision of a much required new primary school, (both considered highly significant benefits) outweigh the harm. The harm would include a significant breach of Development Plan policy (as discussed above), moderate harm to the character of the countryside resulting from the loss of undeveloped agricultural land to housing development and the fact the external areas of the site cannot be mitigated against the adverse effects (annoyance) of aircraft noise.
- In light of the above, officers' consider the proposals represent 'sustainable development' in accordance with the policies of the NPPF, when read as a whole. The proposals accord with National planning policy.
- The Development Plan will soon be expanded to include a Site Allocations Development Plan Document. The version of the plan submitted to the Planning Inspectorate for examination allocates the application site for a housing development and includes the delivery of a new primary school. Whilst the application proposals represent a significant breach of the present Development Plan, they fully comply with the emerging plan. In your officers view, this should be attributed moderate weight in the Committee decision given the advanced stage it has reached but noting the presence of unresolved objections against relevant policies.

74. Members are asked to note the material changes in circumstances and your officers conclusions about the merits of departing from the provisions of the Development Plan as discussed in the report. Officers' consider the previous committee resolution to grant planning permission



remains relevant.

**Recommendation:**

75. Subject to the Secretary of State confirming withdrawal the Article 31 Holding Direction and/or deciding not to call in the planning application for his own determination, that outline planning permission be **GRANTED** subject to:

1) The completion of a S106 agreement to secure:

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

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

(c) Pre-school contribution (up to £400,821).

(d) Libraries Contribution (up to £81,000).

(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 mitigation contribution (including pedestrian crossing of Station Road, 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.), except as may be appropriately secured by means of a 'Grampian' planning condition.

(g) Travel Plan - payment of any appropriate and agreed financial contributions towards travel planning initiatives arising and agreed at the outline stage.

(h) SPA Recreational Impact Contributions, including i) monitoring of potential impacts upon the SPA from development (commuted sum to be calculated), ii) and iv) facilitating the construction of a pedestrian bridge across the drainage channel to the north of the site from within the application site.

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

(j) Any further clauses considered necessary by the Assistant Director

(Planning and Regulatory).

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 and environmental management plan
- As reasonably recommended by the Local Highway Authority, including provision of the strategic highway improvements to the 'Eriswell Road' junction prior to the occupation of the first dwelling.
- 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)
- Noise mitigation measures (separate conditions for the school and dwellings – precise details to be submitted with any reserved matters submissions)
- Provision of 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 (as requested by Suffolk County Council).
- Reserved Matters submissions to generally 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, including linking the school site back into the village.
- Further/updated arboricultural assessments to be provided with Reserved Matters submission/s.
- As recommended by the Ecology, Tree and Landscape Officer (Ecological mitigation and enhancement)
- Travel Plan measures (i.e. matters not addressed by the S106 Agreement)
- Provision of public information/interpretation boards and information

packs for residents with respect to avoiding impacts upon the Special Protection Area.

- Any additional conditions considered necessary by the Assistant Director (Planning and Regulatory).

76. That, in the event of;

i) the Assistant Director (Planning and Regulatory) recommending alternative (reduced) Heads of Terms on viability grounds from those set out at paragraph 75 above,

or,

ii) the applicant declining to enter into a planning obligation to secure the Heads of Terms set out at paragraph 75 above for reasons considered unreasonable by the Assistant Director (Planning and Regulatory);

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;

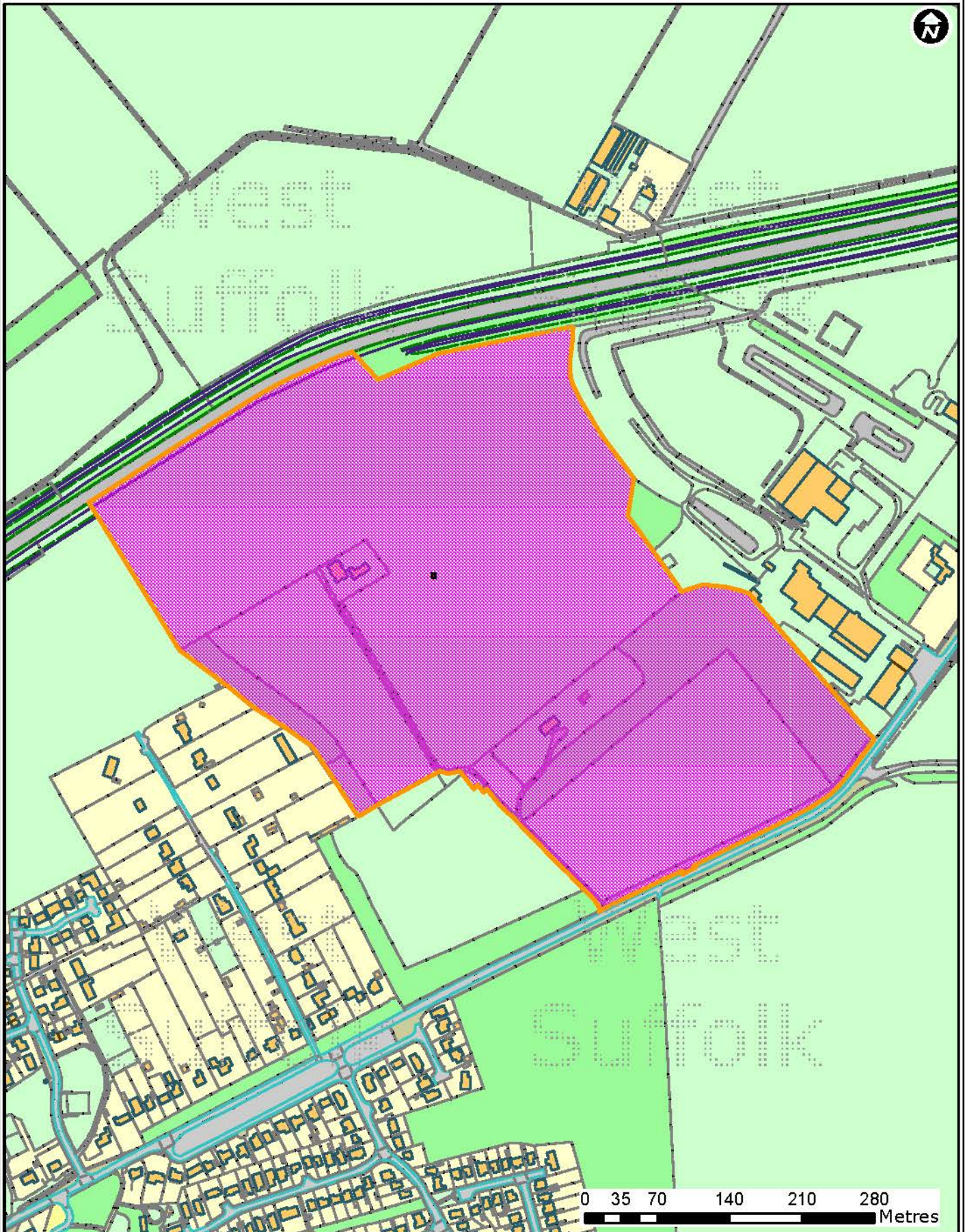
<https://planning.westsuffolk.gov.uk/online-applications/>

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**DC/14/2096/HYB**

Land North Of Station Road, Station Road, Lakenheath



Forest Heath • St Edmundsbury

**West Suffolk**  
working together

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**Scale: 1:5,000**  
**Date: 25/05/2017**

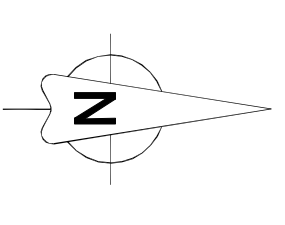
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Approved Community in District  
 The Community in District (CID) is a form of residential development that is designed to be integrated into the surrounding neighborhood. It is characterized by a mix of housing types, including single-family detached homes, townhomes, and multi-unit residential buildings. The CID is designed to provide a high-quality residential experience while maintaining the character of the neighborhood.

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Unit Type	Number	Floor Area (sq ft)
2-Bed Apartment	3	600
3-Bed Apartment	3	600
3-Bed Detached Semi-Attached	19	1033
3-Bed Detached Semi-Attached	19	1033
3-Bed Detached Semi-Attached	3	1102
4-Bed Detached	5	1289
4-Bed Detached	5	1489
4-Bed Detached	8	1281
4-Bed Detached	1	1281
<b>Subtotal</b>	<b>252</b>	
<b>Apartment Housing</b>	<b>Number</b>	<b>Floor Area (sq ft)</b>
A1	20	615
A2	20	615
A3	1	1300
A4	2	948
A5	2	1103
<b>Subtotal</b>	<b>112</b>	
<b>Site Building (Total Units: 275)</b>	<b>Number</b>	<b>Floor Area (sq ft)</b>
SB	7	subtotal
<b>Total</b>	<b>364</b>	

**Notes**  
 1. The drawing is intended for use as a conceptual plan only. It is not intended to be used for construction. The drawing is intended to show the general location and layout of the proposed development. The drawing is not intended to be used for zoning or other regulatory purposes. The drawing is not intended to be used for any other purpose.

**Notes**  
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# **Forest Heath District Council**

**DEVELOPMENT  
CONTROL  
COMMITTEE**

**3 AUGUST 2016**

**DEV/FH/16/020**

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

### **PLANNING APPLICATION DC/14/2096/FUL - LAND NORTH OF STATION ROAD, LAKENHEATH**

#### **Synopsis:**

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

#### **Recommendation:**

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

#### **CONTACT OFFICER**

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



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

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

**Proposal:**

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

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

**Application Supporting Material:**

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

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

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

**September 2015**

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

**November 2015**

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

**January 2016**

- Flood Risk Assessment
- Residential Travel Plan

**March 2016**

- Tree Survey and Arboricultural Assessment (addendum)

**May 2016**

- Bat report.

**June 2016**

- Aviation Advice

**Site Details:**

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

13. The application site is situated outside but partly abuts the settlement boundary of Lakenheath. The settlement boundary terminates at part of the west site boundary. The site is considered to be situated in the countryside for the purposes of applying relevant Development Plan policies.
14. The site frontage has the benefit of a mature landscaped frontage of mixed species, including pines. Some low density housing abuts part of the west boundary. The rear (north) and part west boundaries (the rear most part of the west site boundary) face open countryside. The north boundary is straddled by a banked cut-off channel. Part of the north-west corner of the application site is within the identified floodplain to the channel (predominantly Zone 3 with some Zone 2). The bulk of the village settlement and all key village facilities are located south.
15. There are no landscape or heritage asset designations at the site, although the Lakenheath Conservation Area designation begins to the south-west of the site (on the opposite side of Station Road) and stretches south, away from the application site.

**Planning History:**

16. Other than an approval in the 1990's for the erection of an agricultural building and a refusal in the mid 1970's for an agricultural workers' dwelling, there are no planning applications relevant to this site.
17. There are six other planning applications for large scale residential development around the village all of which presently remain undetermined. These applications are considered relevant to the consideration and determination of this planning application insofar as their combined (or cumulative) impacts require consideration. The planning applications are set out in the table below:

<b>Ref</b>	<b>Application Reference.</b>	<b>Address.</b>	<b>No. of dwellings.</b>	<b>Current Status (n.b. all remain undetermined)</b>
A	DC/14/2096/HYB	Land at Station Road, Lakenheath	Up to 375 + school	Application is the subject of this Committee report.
B	F/2013/0345/OUT	Land at Rabbit Hill Covert, Lakenheath	Up to 81	Committee resolved to grant in Sept 2014. Requires further consideration by Committee before decision.
C	F/2013/0394/OUT	Land west of Eriswell Road, Lakenheath	Up to 140	Committee resolved to grant in Sept 2014. Requires further consideration by Committee before decision.
D	DC/13/0660/FUL	Land at Briscoe Way, Lakenheath	67	Committee resolved to grant in Sept 2014. Requires further consideration by Committee before decision.

E	DC/13/0918/OUT	Land east of Eriswell Road and south of Broom Road, Lakenheath	Up to 750 + school etc.	Application <u>withdrawn</u> in February 2016.
F	DC/14/2042/OUT	Land North Of Broom Road, Covey Way And Maids Cross Hill Lakenheath	Up to 132	Requires major amendment. Applicant is considering a request to withdraw the application.
G	DC/14/2073/FUL	Land adj 34 Broom Road, Lakenheath	120	Applicant attending to ecological issues.
H	DC/16/0670/HYB	Land west of the B1112 (opposite Lords Walk), Little Eriswell	Up to 550 + school + retail unit etc.	Planning application received 1 <sup>st</sup> April 2016 but not registered at time the report was prepared. Some public consultation carried out by developer in January 2016.

**Consultations:**

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

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

22. Further advisory comments are provided for the benefit of the applicant/developer and conditions are recommended to address i) surface water run off rates, ii) precise details of the surface water drainage scheme, iii) remediation of any contamination present, and iv) protection of ground waters during construction (controlling techniques for providing the building foundations).
23. In October 2015, following a second round of consultation (including a revised Flood Risk Assessment), the Agency commented they were pleased to see that a wider selection of SuDS options had been considered and repeated its previous (January 2015) request for conditions.
24. **Anglian Water Services** (January 2015) – **no objections** and comment that the sewerage system and waste water treatment plant (Lakenheath STW) have capacity available to accommodate waste water generated by this development. They also point out that development will lead to an unacceptable risk of flooding downstream and therefore a drainage strategy will need to be prepared to determine mitigation measures. A condition is requested to this effect. Anglian Water also advises it has assets close to or crossing the site and request inclusion of an advisory note on the Council's decision notice.
25. **Natural England** (January 2015) – officers have interpreted their comments as **objections** to the planning application. Natural England are concerned the consultation material does not include a Habitats Regulations Assessment that includes consideration of impacts of the development upon the nearby Breckland Special Protection Area (direct and indirect impacts).
26. Further comments were received in June 2015 after Natural England have given further consideration to potential 'in-combination' impacts of the developments listed in the table at paragraph 17 above. Natural England raised further concerns and **objections** to the planning application given that the Habitats Regulations Assessment prepared in support of the adopted Core Strategy had only scoped potential impacts of 670 dwellings, but the combined total of the planning applications proposes more than 670 dwellings. Natural England advised that further consideration was required with respect to potential 'in-combination' effects along with a strategy for providing additional greenspace around the village, whilst protecting the SPA and Maidscross Hill SSSI from further damage caused by further (increased) recreational pressure arising from the proposed developments.



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

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

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

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

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

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

- *We would like to review the nest records again as our bird specialist has been reviewing all the cases in the east of Lakenheath following further information on the two Broom Road sites. Since there is still so much uncertainty concerning the reduction in stone curlew nesting density near built development we haven't yet reached a conclusion on those proposals. With this in mind the bird specialist team, with Footprint Ecology, have been working on a planning tool to calculate whether a development is likely to have an effect on stone curlews associated with Breckland SPA and if so whether mitigation may be appropriate. We think it would be beneficial to put all three applications, including this application, through the model to make sure that our advice is consistent between the three applications and so we can provide advice on the potential for cumulative and in-combination effects in Lakenheath. With this in mind, I hope you will be able to delay a decision regarding Land North of Station Road until we have input all three proposals into the planning model and reached a conclusion.*

30.24. In May 2016, **Natural England** confirmed "we've looked at all the sites again and have come to the conclusion that none of the applications on the east side of Lakenheath will significantly affect stone curlew associated with Breckland SPA. Accordingly, Natural England reverted back to the position it took in December 2015 (paragraph 28 above).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### **Vehicular Access**

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

birds.

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

## **Outline for wider site**

### Biodiversity

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

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

### Bats

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

### Maidscross Hill SSSI

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

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

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



attached to this report as Working Paper 2]

- Natural England has provided advice and is satisfied that the application will be unlikely to significantly affect the qualifying species of the SPA, either directly or indirectly or result in significant effects to the integrity of Breckland SPA. Natural England has advised that an appropriate assessment is not required.
- The site is located outside of Breckland SAC and outside the 200m constraint zone for RAF Lakenheath SSSI. This site is within the fenced airbase with no access for the public and no risk of impacts from fly tipping, trampling or other anti-social behaviour.
- The development is located outside of the SPA and is outside of the 400m constraint zone for Woodlark and Nightjar and the 1500m Stone Curlew constraint zone. However the eastern edge of the site is located within the frequent nesters constraint zone which has been drawn to protect Stone Curlew breeding on farmland outside of the SPA but considered to be part of the Breckland population. The Forest Heath Core Strategy policy CS2 requires that proposals for development within these areas will require a project level HRA. As part of the HRA process available Stone Curlew nesting records have been assessed in the determination of likely significant effects along with Stone Curlew survey of the development site and surrounding farmland.
- The RSPB have expressed concern about the application because built development is proposed within the frequent nesters constraint zone. In general the element of the site that falls within the frequent nesters constraint zone is shown as the ecology zone and this would not include built development. Only a very small part of the constraint zone would be in the developable area and this is largely screened from the closest nest sites by the existing employment area.
- In his report prior to the adoption of the FHDC Core Strategy, the Inspector who examined the document in public confirmed that the constraint zones are not no development buffers; he stated in paragraph 10.6 relating to development within the constraint zones that if development is to proceed it will be necessary to demonstrate that the scheme would not be likely to adversely affect the integrity of the nearby SPA or, failing that, that adequate mitigation measures are practicable. In Paragraph 10.7 he goes on to say that evidence to the Examination on the experience gained in managing stone curlew populations in the area suggests measures can be taken to help maintain or even increase bird populations. This may not be scientifically robust but it reinforces the point made by some representors that the policy should allow sufficient flexibility to demonstrate on a site-by-site basis whether it is possible to avoid harm to protected species.
- There is some flexibility in detailed design to avoid built development in the constraint zone although this would need to be balanced against

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

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

- The in-combination effects of the project have been considered. Planning applications registered with the local planning authority and being considered in Lakenheath at the current time including projects published for consultation but prior to application:
  - a) Rabbit Hill Covert, (81 dwellings)
  - b) Land West of Eriswell Road, Lakenheath(140 dwellings)
  - c) Land off Briscoe Way(67 dwellings)
  - d) Land North of Broom Road (132 dwellings)
  - e) Land adjacent to 34 Broom Road (120 dwellings)
  - f) Land North of Station Road (375 dwellings and a school)
  - g) Land at Little Eriswell (550 dwellings and a school)
- The total number of dwellings currently being considered significantly exceeds the total which was tested in the FHDC Core Strategy Habitats Regulation Assessment which for Lakenheath was 670 homes. The concern is that whilst alone each of the applications may not have an impact; for this number of dwellings within the settlement, in-combination effects need consideration. The main issues are in-combination recreational effects on the SPA and the potential requirement for road improvements close to the SPA to deal with any increase in traffic movements.
- Natural England’s internal advice on in-combination effects states that it is only the effects of those plans and projects that are not themselves significant alone which are added into an in combination assessment. The assessment should only include those that genuinely result in a combined effect, which impairs the ability of an interest feature to meet its conservation objectives. In this regard the application for 550 dwellings at Little Eriswell which is accompanied by an EIA and HRA can be excluded from in-combination impact assessment.
- The distance of this site from the SPA and SAC is such that it is unlikely that there would be a significant change to current use of paths within the SPA from residents walking out of their houses, however there is potential for use of footpaths outside of the SPA but within farmland potentially used by stone curlew; for the application site this has been assessed and measures identified therefore in-combination effects on this matter need no further consideration. The main concern is that residents from all of the sites drive to Breckland Forest SSSI/Breckland SPA and to Breckland SAC for recreation and in particular to exercise their dogs in the absence of accessible local green space. Natural England has recommended that the provision of additional natural green space in the settlement which is well connected to the existing PRow network would divert residents from using the SPA in this way. The proposals will make a significant contribution to the availability of green space in the northern part of Lakenheath and there is potential, because of the size and location of this green space adjacent to the Cut Off Channel, and because there is potential for it to be well linked (by improvements to the footpath network) that these measures will contribute to an overall strategy to

reduce recreational pressure on the SPA.

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

**Recommendations and conditions:**

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

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

- A buffer on the eastern side of the site as shown on the submitted concept plan as an ecology zone, where no built development would take place.
- Ecology buffer located to the north and east of the development site to be designed to provide suitable alternative natural green space. The buffer must also support pedestrian access and link to other footpaths to provide dog walking routes within the site including a walk around the periphery of this site (approximately 2km).
- A proportion of the natural green space must be available when the first dwellings are occupied.
- In addition to the ecology buffer, the development must also deliver public open space as required by the FHDC open space SPD.
- A walking route to the village centre.
- An alternative walk of a similar length to the Sandy Drove route, but avoiding Maidscross Hill, along Station Road to the Cut-off Channel and then using the existing PRow on Whitefen Track and via Sharpes Corner.
- Monitoring of the ecology buffer as a suitable alternative natural greenspace.

*Application for access*

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

*Outline*

- Open space plan to be submitted prior to/or along side the reserved matters and prior to any phase of the development coming forward in detail. Plan to show pedestrian and cycle linkage including a periphery walk around the site and be supported by details of signage and resident information. The plan should show clearly the ecology buffer where no development shall take place.
- A proportion of the suitable alternative natural greenspace to be delivered prior to first dwellings being occupied and the applicant to submit a delivery program and implement it. Information pack to be provided to new residents promoting alternative greenspace and village walks to the new residents.

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

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

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

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

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

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

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

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

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

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

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

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

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

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



53. **Suffolk County Council (Archaeology) (December 2014) – No objections** and comments that a geophysical survey and limited trial trenching were carried out and identified a number of anomalies of archaeological interest, with trenching demonstrating the presence of a plough damaged Bronze Age ring-ditch with associated burial, and features and deposits yielded Bronze Age, Saxon and later pottery.
54. The Archaeological Service advise the preliminary assessment has demonstrated that there are no grounds to consider refusal of planning permission in order to achieve preservation in situ of any nationally important below ground heritage assets. However, the character and full extent of these assets requires closer definition by a second phase of field evaluation and mitigation as necessary. Two conditions are recommended.
55. In September 2015, following re-consultation, the Archaeological Service repeated its earlier comments.
56. **Suffolk County Council (Planning Obligations)** – in December 2014 provided the following comments (precised):

- Forest Heath is currently undertaking a Single Issue Review looking at housing numbers and distribution across the district. In this connection we will greatly welcome the early conclusion of this review to enable a proper plan-led approach to development with the necessary supporting infrastructure provision.

**Education (Primary).**

- Continued uncertainty about the scale and location of growth in Lakenheath in the absence of a site allocation document and the relatively recent removal from consideration of the possible site on the Elveden Estates land for 750 dwellings which included a primary school site has presented considerable difficulty for the county council in determining how the appropriate education strategy for Lakenheath can now be delivered i.e. where can an alternative school site be located to best serve the local community. This has been compounded by the recent decision by the US authorities to relinquish housing at Lord's Walk in Eriswell and release these houses back into civilian use, thereby potentially adding greater numbers of school children to the existing upward trends. The existing primary school site in the village is almost at capacity and it is clear that the constrained nature of the site does not allow this to be used as a long term solution for additional accommodation requirements.
- There are two areas of uncertainty – the permanent location of any new school site and meeting short term needs pending the construction and opening of a new school. On the permanent location of a new school, which is likely to be 1.5 forms of entry (315 places) but could be up to 2 forms of entry (420 pupils) and requiring a minimum of 2 hectares of land, the county council has

commissioned its consultants, Concertus, to identify options for possible sites. Concertus has so far identified a number of possibilities, but these have yet to be carefully tested. However at present a number of uncertainties remain:

- The size and configuration of the sites in relation to the school requirements;
  - Whether the sites are likely to be available in the next couple of years;
  - Their relationship to access and services;
  - Environmental, flooding, aircraft noise and other constraints on the site;
  - Their location within the village in relation to the spread of development identified in any site allocation document proposed by the district council and, if it is to accommodate children from Lord's Walk, its distance from that site;
  - Whether the sites offered come as part of a wider planning proposal and what the view of the district council is of the likely acceptability of such a scheme.
  - Furthermore, there is the uncertainty about the willingness of the landowners to release their sites and the question of whether compulsory purchase procedures will be needed.
  - An assessment of highway impacts on the village, both in terms of the new school site location but also from cumulative impacts from village-wide development.
- All of this means that it is not possible at this point for the county council to be clear about which site, if any, might be suitable for development and exactly when it would be deliverable. Furthermore, the pace at which this work has had to be done militates against effective engagement with the local community. However, it is noted that this development proposal includes land for a primary school which is welcome news considering the inability to further expand the existing primary school. Whilst the county council welcomes the inclusion of the school site, at present it has not concluded its review on the best location for a new primary school to serve the local community. Further consultation with local stakeholders will be essential and this is due to happen in the early New Year.
  - Notwithstanding this a minimum site size of 2 hectares will need to be identified, reserved and secured via a S106A for a freehold transfer of £1. This site will need to be fully serviced including an access road built to adoptable standard. Further discussion is required about the proposed location of the school site and community facilities within the development as there are concerns that it could be sat in 'isolation' away from housing; it would be far more preferable to have the school site within the heart of a new community.
  - In the short term, the capacity of the existing primary school will be exceeded in the next year or so and temporary arrangements will

need to be put in place to accommodate additional children. This will be driven in part, if not wholly, by any housing schemes granted permission in the village. It is not clear that a plan can be developed that will allow for temporary accommodation on the existing constrained site, pending completion of the new school. If not, then school children will need to be transported to schools in surrounding villages or towns, which in themselves may well require temporary extensions. Clearly, for an uncertain period of time, this could result in an unsustainable pattern of school provision.

- It is recognised that the district council faces an issue about identifying adequate housing land. The county council considers that it is a matter for the district council to balance the needs for the release of new housing sites with the risks associated with the emergence of a possibly unsustainable pattern of school provision. In this context it is left to the district council to draw the planning balance considering these and all other relevant matters.
- If the district council considers that it should approve the planning application, this should be on the basis that sufficient funding is made available for a proportionate share of the costs of the school site (possibly at residential value if an alternative site to this one is chosen as the most appropriate location), the school building costs and the costs of the temporary classrooms at an existing primary school and/or the costs of school transport pending the construction of a permanent school.
- On this basis we would request the following contributions in respect of education mitigation from this particular scheme of 375 dwellings.
- The estimated cost of providing a new 315 place primary school (excluding land costs) is £17,778 for each school place. It is forecast that this development would generate 95 pupils of primary school age. The contribution to be secured from this development is therefore £1,688,910 (95 places x £17,778 per place).
- With regard to site acquisition costs (if this location is not chosen as the best place for a new primary school) we can assume a maximum of, say, £350,000 per acre (£864,850 per hectare) which gives a total cost of £1,729,700 for a 2 hectare site and equates to £5,491 per pupil place. This gives a land contribution of 95 places x £5,491 per place = £521,645.
- Temporary classroom costs if required. The cost to purchase a single temporary classroom with toilet and accessible toilet is currently estimated to be £106,000, the cost of which would need to be secured from this development on a pro-rata basis. The annual transport cost per pupil if required is assumed to be £750 (2014/15 costs).

**Education (Secondary and VIth form)**

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

**Education (pre-school)**

- In Lakenheath census data shows there is an existing shortfall of places in the area. From these development proposals we would anticipate up to 38 pre-school pupils at a cost of £6,091 per place. We would request a capital contribution of £231,458 (2014/15 costs). This contribution will be spent to provide a collocated early years setting with the new primary school.

**Play space provision.**

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

**Transport issues**

- A comprehensive assessment of highways and transport issues will be required as part of the planning application. This will include travel plan, pedestrian & cycle provision, public transport, rights of way, air quality and highway provision (both on-site and off-site). Requirements will be dealt with via planning conditions and Section 106 as appropriate, and infrastructure delivered to adoptable standards via Section 38 and Section 278.
- An important element to address is connectivity with the development to services & facilities in Lakenheath, such as a safe walking/cycling route to the schools.
- For a development of this size we note that the outline site plan does not include either an in/out route or a suitable turning area to allow a bus to enter the site. Buses here already divert off Station Road to Woodlands to the south so popping in and out of the new estate would not be a problem for them. So we would therefore request a revised layout that allows bus access and we can then work to define suitable stops inside the estate.
- A development of this size will require a travel plan.
- The proposed development is opposite a Public Rights of Way network which provides a safe off road route to the Pashford Pools Fen nature reserve and the popular viewing area at RAF Lakenheath. The track from the viewing area then leads to an area of open access land which allows access to Brandon Park and on to the country park.
- As a result of the anticipated use of the Public Rights of Way

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

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

**Libraries.**

- A capital contribution of £81,600 to be used towards libraries is requested. The contribution would be available to spend in Lakenheath to enhance local provision.

**Waste.**

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

**Supported Housing.**

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

**Sustainable Drainage Systems.**

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

**Fire Service.**

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

**High-speed broadband.**

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

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

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

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

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

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

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

### **Representations:**

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

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

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

- The development is in the Countryside and encroaches on the wildlife "buffer" zone and is contrary to FHDC Policy CS2. The NPPF indicates that care should be exercised to prevent development sprawling into the countryside and that the planning system should aim to conserve and enhance the natural and local environment.
- The visual impact of the development will be adversely affected by the sight of houses before you even enter the Village. The proposal contradicts Core Strategy policy CS4.
- It is agreed that 800 houses are expected in Lakenheath between 2010 and 2031. But this needs to be arranged with a Master Plan for collective development and infrastructure which must happen simultaneously – not years later as in the case of the Red Lodge Developments. This must take into account the 321 dwellings for which permission for development has now been granted and the further 674 for which permission is now being sought. This application covering 375 dwellings. The job for planning now is not to dictate who lives where it is to guard the public interest.
- The long outstanding single issue review has not been addressed therefore all developments should be plan led not developer led, especially as the 5 year land supply for FHDC issue is presently resolved with the required 5% buffer. Until the single issue review is completed all planning cases should be considered premature.
- Contrary to policy CS3 the landscape is proposed to be dramatically altered by the removal of countryside and introduction of residential / retail dwellings.
- There are no plans to increase or improve public transport, indeed it was only in September 2014 that a direct link to Bury St Edmunds (bus route 955) was lost, and as no new roads or road improvements are envisaged, residents from the proposed site will enter what is now occasionally a congested road leading to a heavily congested High Street at times exacerbating that problem further. Road calming measures near the site as suggested cannot be applied as this is a major road, a lorry route and a bus route. Similarly the railway (3 miles from the centre of the Village and with no car parking facilities) has had its service severely axed. A solution will have to be found. This is contrary to Policy CS4 not encouraging additional car usage. The proposed site is a great distance from the centre of the village and it is likely that there will be at least 2 cars per family. There have been 43 accidents in the last 5 years in the area.

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



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

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

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

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

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

completed.

- Finally, the key principle of the core Strategy is to ensure the efficient use of land by balancing the competing demands within the context of sustainable development. This is not the case with this proposal.

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

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

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

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

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

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

55, 151, 152 and 172.

65. **Lakenheath Parish Council** (January 2016) – submitted further comments in response to a further consultation carried out following receipt of an amended Habitats Regulations Assessment report. The Parish Council noted the latest comments of Natural England (December 2015). The Parish Council also agrees with the views and requests of the Suffolk Wildlife Trust (December 2015). The Parish Council also provided a copy of noise information relevant to flights connected to the Lakenheath air base which had been published by the Ministry of Defence pointing out the noise contours for the village had been expanded from that published previously. The Parish also note the limitations of that report being a computed modelled study as opposed to a field study. The Parish Council re-affirms its request that the Council commissions an independent noise and vibration survey of the area and uses the information to conclude the application site is inappropriate for housing and a school. The Parish goes on to suggest there is an increased risk of accidents given the development would sit beneath/close to the return flight path (with jets occasionally carrying live munitions).
66. **Lakenheath Parish Council** – (late January 2015) submitted further representations via their Lawyers. The following matters were raised:
- The cumulative traffic impact assessment undertaken is flawed and should not be relied upon insofar as it does not consider all applications submitted and should be updated.
  - Up-to-date EIA screening opinions should be carried out before any of the planning applications are determined. In the opinion of the Parish Council all the planning applications require Environmental Statements, particularly with regard to cumulative impacts (a joint Environmental Statement).
  - The Parish Council refer to objections received from Natural England received in June 2015 (paragraph 23 above) as reasons to refuse planning permission and thus concludes the LPA is compelled in law to carry out an Appropriate Assessment of the scheme prior to consenting to the scheme [members will note Natural England's June 2015 objections were subsequently withdrawn following receipt of further information – paragraph 25 above].
  - The Parish Council raises concerns regarding noise, vibration and risks of accidents from civil aviation activities in the vicinity of the planning application and is particularly concerned in this respect with regard to the location of the primary school.
67. **Lakenheath Parish Council** – on the morning of 2<sup>nd</sup> March 2016, the day the planning application was due to be considered by the Development Control Committee, the Council received a legal letter prepared on behalf of the Parish Council. The letter claimed the officer

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

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

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

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

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

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

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

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

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

72. 3 letters were received from **local residents objecting** to the proposed development following the first public consultation (November 2014). The issues and objections raised are summarised as follows (in no particular order);

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

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



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

information;

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

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

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

**Policy:**

78. The Development Plan comprises the policies set out in the Joint Development Management Policies document (adopted February 2015), the Core Strategy Development Plan document (adopted May

2010) and the saved policies of the Forest Heath Local Plan (adopted 1995) and which have not been replaced by policies from the two later plans. The following policies are applicable to the proposal:

**Joint Development Management Policies Document (2015)**

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

- DM1 – Presumption in Favour of Sustainable Development
- DM2 – Development Principles and Local Distinctiveness
- DM5 – Development in the Countryside
- DM6 – Flooding and Sustainable Drainage
- DM7 – Sustainable Design and Construction
- DM10 – Impact of Development on Sites of Biodiversity and Geodiversity Importance.
- DM11 – Protected Species
- DM12 – Mitigation, Enhancement, Management and Monitoring of Biodiversity.
- DM13 – Landscape Features
- DM14 – Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards.
- DM17 – Conservation Areas
- DM20 – Archaeology
- DM22 – Residential Design.
- DM27 – Housing in the Countryside
- DM41 – Community Facilities and Services
- DM42 – Open Space, Sport and Recreation Facilities
- DM44 – Rights of Way
- DM45 – Transport Assessments and Travel Plans
- DM46 – Parking Standards

**Core Strategy (2010)**

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

***Visions***

- **Vision 1** – Forest Heath
- **Vision 5** – Lakenheath

***Spatial Objectives***

- **Spatial Objective H1** – Housing provision
- **Spatial Objective H2** – Housing mix and design standard
- **Spatial Objective H3** – Suitable housing and facilities (life time homes)

- **Spatial Objective C1** – Retention and enhancement of key community facilities.
- **Spatial Objective C2** – Provision and maintenance of open space, play & sports facilities and access to the countryside.
- **Spatial Objective C4** – Historic built environment.
- **Spatial Objective ENV1** – Habitats and landscapes and improving biodiversity.
- **Spatial Objective ENV2** – Climate change and reduction of carbon emissions.
- **Spatial Objective ENV3** – Promotion of renewable energy and energy efficiency.
- **Spatial Objective ENV4** – Design and architectural quality respecting local distinctiveness.
- **Spatial Objective ENV5** – Designing out crime and anti-social behavior
- **Spatial Objective ENV6** – Reduction of waste to landfill.
- **Spatial Objective ENV7** – Achieve sustainable communities by ensuring services and infrastructure are commensurate with new development.
- **Spatial Objective T1** – Location of new development where there are opportunities for sustainable travel.

***Policies***

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

**Local Plan (1995)**

A list of extant 'saved' policies is provided at Appendix A of the adopted Core Strategy (2010) and of those 'saved' policies subsequently replaced upon the Council's adoption of the Joint Development Management Policies Document (2015) are set out at Appendix B of that document.

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

**Other Planning Policy:**

Supplementary Planning Documents

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

Emerging Development Plan Policy

82. The Council has consulted on issues and options for two Development Plan Documents (Single Issue Review of the Core Strategy and Site Allocations Document). The Council's formal consultation on its 'preferred options' has recently been completed (1<sup>st</sup> July 2016) and representations received in response are in the process of being processed and analysed. Following further amendments to the document, informed in part by the outcome public consultation, draft plans will be submitted to the Planning Inspectorate for examination and, ultimately, adoption. The plans, once adopted, will set out policies for the distribution of housing development in the District throughout the remainder of the plan period and positively allocate sites for development, including for housing.
83. With regard to the weight decision makers should afford to emerging plans, The National Planning Policy Framework (the Framework) advises (at Annex 1) from the day of publication, decision-takers may give weight to relevant policies emerging plans (unless material indications indicate otherwise) according to:
- The stage of preparation of the emerging plan (the more advanced the preparation, the greater weight that may be given)
  - The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater weight that may be given); and
  - The degree of consistency of the relevant policies in the emerging plan to the policies in the Framework, the greater weight that may be given.
84. The emerging Single Issue Review and Site Allocations documents have reached 'Preferred Options' stage but, given the consultation period has only recently yet to be completed these emerging documents can be attributed only very little weight given the significant uncertainties that surround the content of the 'submission' and 'final' versions of these documents. Members should note that, for the purposes of public consultation for the Site Allocations Document, the application site is included as a Preferred Option for development (i.e. it is not excluded at this stage). However, this initial draft

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

National Policy and Guidance

85. The National Planning Policy Framework (the Framework) sets out government's planning policies for England and how these are expected to be applied.
86. Paragraph 14 of the Framework identifies the principle objective:
- "At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. For decision taking this means:
- Approving development proposals that accord with the development plan without delay; and
  - Where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
    - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this framework taken as a whole;
    - or specific policies in this framework indicate development should be restricted."
87. This presumption in favour of sustainable development is further reinforced by advice relating to decision-taking. Paragraph 186 of the Framework requires Local Planning Authorities to "approach decision taking in a positive way to foster the delivery of sustainable development". Paragraph 187 states that Local Planning Authorities "should look for solutions rather than problems, and decision takers at every level should seek to approve applications for sustainable development where possible".
88. The relevant policies of the Framework are discussed below in the officer comment section of this report.
89. The Government released its National Planning Practice Guidance (NPPG) in March 2014 following a comprehensive exercise to review and consolidate all existing planning guidance into one accessible, web-based resource. The guidance (which is constantly updated on-line) assists with interpretation about various planning issues and advises on best practice and planning process. Relevant parts of the NPPG are discussed below in the officer comment section of this report.

**Officer Comment:**

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

**Legal Context**

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

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

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

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

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

Natural Environment and Rural Communities Act 2006

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

Planning and Compulsory Purchase Act 2004 (as amended)

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

Planning (Listed Buildings and Conservation Areas) Act 1990

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

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

99. Section 72(1) of the same Act states;

*...with respect to any buildings or other land in a conservation area...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.*



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

Crime and Disorder Act 1998

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

Community Infrastructure Levy Regulations 2010

102. These generally set out regulations relating to the Community Infrastructure Levy, but Part 11 refers specifically to planning obligations (including those in S106 Agreements) and is relevant to the consideration of this planning application and will influence the final content of a potential S106 Agreement (in the event that planning permission is granted).
103. Regulation 122 imposes limitations on the use of planning obligations and states (where there is no CIL charging regime), a planning application may only constitute a reason for granting planning permission for the development if the obligation is-
- (a) necessary to make the development acceptable in planning terms;
  - (b) directly related to the development, and
  - (c) fairly and reasonably related in scale and kind to the development.
104. Regulation 123 imposes further limitations on use of planning obligations and effectively bars the collection of pooled contributions towards infrastructure projects or types where 5 or more obligations securing contributions towards that infrastructure project or type have already been entered into. These restrictions are commonly referred to as 'pooling restrictions'.

**Principle of Development**

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

105. Paragraph 47 to the Framework states that to boost significantly the

supply of housing, local planning authorities should use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area (as far as is consistent with policy), including identifying key sites which are critical to the delivery of the housing strategy over the plan period.

106. In addition, the Framework requires authorities to identify and update annually a supply of specific deliverable sites sufficient to provide five-years worth of housing against their housing requirements with an additional buffer of 5% (or a 20% buffer if there is evidence of a persistent under-delivery of new housing) to ensure choice and competition in the market for land.
107. Paragraph 49 of the Framework states "*Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up to date if the Local Planning Authority cannot demonstrate a five-year supply of deliverable housing sites*".
108. The surviving extant elements of Core Strategy policy CS7 requires the provision of 6,400 new dwellings in the period 2001 – 2021 and a further 3,700 homes in the period 2021 – 2031. The housing numbers included in the plan is presently the subject of review as part of the emerging Single Issue Review document.
109. The latest 5-year housing supply assessment (considered by Members of the Local Plan Working Group on 1<sup>st</sup> March 2016) confirms the Council is presently able to demonstrate a 5-year supply of deliverable housing sites. Members will note that 180 of the dwellings proposed by this planning application are included in current five-year supply forecasts.

What is sustainable development?

110. The policies in paragraphs 18 to 219 of the Framework, taken as a whole, constitute the Government's view of what sustainable development means in practice for the planning system. It goes on to explain there are three dimensions to sustainable development:
  - i) economic (contributing to building a strong, responsive and competitive economy),
  - ii) social (supporting strong, vibrant and healthy communities) and,
  - iii) environmental (contributing to protecting and enhancing our natural, built and historic environment;)
111. The Framework explains (paragraph 9) that in order to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system. It is Government policy that the planning system should play an active role in guiding development to sustainable solutions.

112. Paragraph 9 of the Framework further explains that pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life, including (but not limited to):
- making it easier for jobs to be created in cities, towns and villages;
  - moving from a net loss of bio-diversity to achieving net gains for nature;
  - improving the conditions in which people live, work, travel and take leisure; and
  - widening the choice of high quality homes.

Prematurity

113. Concerns have been raised locally that approval of this planning application (and others current under consideration in the village) would be premature and its consideration should await the formation (adoption) by the Council of an appropriate Local Policy Framework.
114. The NPPF does not address 'prematurity' directly, but advice about the approach the decision maker should take is set out in the National Planning Practice Guide. It states:
115. Annex 1 of the National Planning Policy Framework explains how weight may be given to policies in emerging plans. However in the context of the Framework and in particular the presumption in favour of sustainable development – arguments that an application is premature are unlikely to justify a refusal of planning permission other than where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, taking the policies in the Framework and any other material considerations into account. Such circumstances are likely, but not exclusively, to be limited to situations where both:
- (a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging Local Plan or Neighbourhood Planning; and
  - (b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.
116. Refusal of planning permission on grounds of prematurity will seldom be justified where a draft Local Plan has yet to be submitted for examination, or in the case of a Neighbourhood Plan, before the end of the local planning authority publicity period. Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how the grant of permission for

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

117. In this case the development proposal for (up to) 375 dwellings is not particularly substantial in comparison to the overall quantum of development that needs to be provided in the District over the Plan period. Furthermore, the Single Issue Review of the Core Strategy and the Site Allocations document are both at early stages and presently carry only limited weight in the decision making process. Notwithstanding the weight that can be attributed to these documents, the Site Allocations Document, in particular, includes the application site as site allocated for housing. The proposals are therefore considered consistent with the emerging Development Plan position.
118. It would be difficult to justify any decision that approval of this scheme would be premature in the context of the facts of the case and current national guidance. This advice is further re-enforced by the fact that the Council is already 15 years into the Plan period (2001 – 2031) and in the continued absence of an adopted Site Allocations Document the proposed development would make a positive contribution towards the overall number of dwellings required to be provided by Core Strategy Policy CS7.
119. On the basis of national guidance on the issue of prematurity and relevant national policies providing for the delivery of sustainable development without delay, officers do not consider it would be reasonable to object to the planning application on the grounds of it being premature to the Development Plan.

Development Plan policy context

120. Vision 1 of the Core Strategy confirms development will be focussed in the towns and key service centres. Vision 5 (and policy CS1) confirms Lakenheath as a key service centre. Spatial Objective H1 seeks to provide sufficient homes in the most sustainable locations to meet the needs of communities. Policy CS10 confirms the Towns and Key Service Centres will be the focus of new development (providing service to surrounding rural areas).
121. The surviving elements of Core Strategy policy CS7 provides for 11,100 dwellings and associated infrastructure in the plan period (2001 – 2031) and confirms development will be phased to ensure appropriate infrastructure is provided. Policy CS13 confirms the release of land for development will be dependent on there being sufficient capacity in the existing local infrastructure to meet the additional requirements from development.
122. Policy CS1 states (in Lakenheath) commercial uses such as shops or offices will be expected to be allocated within any major residential development near the High Street and that sites for 70 new dwellings will be allocated within the existing development boundary. A further part of the policy which confirmed greenfield urban extension sites

would be allocated for at least 600 dwellings was quashed by the High Court decision and carries no weight in determining this planning application.

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

Impact of the announced closure of Mildenhall airbase

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

Officer comment on the principle of development

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

Management Policies Document (2015) and thus do have Development Plan status. The settlement boundaries are illustrated at a large scale on the Policies Map such that it is difficult to establish their detailed alignment. The settlement boundaries included on the Policies Map were not reviewed prior to adoption of the Joint Development Management Policies Document and thus have not been altered from the 1995 Local Plan Inset Maps. Accordingly, it is reasonable to read the Policies Map and Local Plan Inset Maps together to establish the precise locations of the settlement boundaries.

128. Core Strategy policy CS10 confirms the settlement boundaries will be reviewed as part of the emerging Site Allocations Development Plan Document. That said, the 'Preferred Options' Site Allocations Plan extends the settlement boundary at Lakenheath to include the application site but only limited weight can be attributed to this emerging position at the present time. Officers consider the requirement in Core Strategy CS10, combined with the fact that settlement boundaries and policies underpinning them, have not been reviewed since the introduction of the NPPF means the current settlement boundaries are to be afforded reduced weight (but are not to be overlooked altogether) in considering planning applications until the review within the Site Allocations Plan progresses and can be attributed greater weight.
129. A key determining factor will be whether the proposed development can be deemed 'sustainable' in the context of the policies contained in the Framework (as a whole) and even if it is concluded the proposals would not be 'unsustainable' following analysis, further consideration must be given to whether the benefits of development are considered to outweigh its dis-benefits, as required by the Framework. Appropriate weight should be attributed to relevant policies in the Core Strategy, with greater weight attributed to those policies consistent with national policies set out in the Framework.
130. A balancing analysis is carried out towards the end of this section of the report as part of concluding comments. An officer discussion to assist with Members consideration of whether the development proposed by this planning application is 'sustainable' development is set out below on an issue by issue basis.

### **Impact upon the countryside**

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

132. Vision 5 of the Core Strategy recognises the fen and heathland qualities of the countryside surrounding Lakenheath and seeks to protect and enhance these landscapes. Some elements of the countryside surrounding Lakenheath could therefore be viewed as being 'valued landscapes' as cited in the Framework, albeit these are not protected by a local 'Special Landscape Area' designation which weakens that potential significantly.
133. Core Strategy Policies CS2 and CS3 seek to protect, conserve and (where possible) enhance the quality, character and local distinctiveness of the landscape and refers to the Forest Heath Landscape Character Assessment to inform detailed assessment of individual proposals.
134. Policy DM13 of the Joint Development Management Policies Document seeks to protect the landscape character (including sensitive landscapes) from the potentially adverse impacts of development. The policy seeks proportionate consideration of landscape impacts and calls for the submission of new landscaping where appropriate. It also calls for landscape mitigation and compensation measures so there is no net loss of characteristic features.
135. Lakenheath sits on the lower slopes of the chalky and sandy Maids Cross Hill on the edge of the fens. The application site is agricultural land outside the Lakenheath settlement boundary and is situated in the countryside for the purposes of applying planning policies, including those set out in the Framework.
136. The proposals for residential development in the countryside are thus contrary to extant Development Plan policies which seek to direct such development to locations within defined settlement boundaries or allocated sites. As stated above, the settlement boundaries are to be afforded reduced weight in considering this planning application.
137. The application site is categorised as 'Settled Chalkland' by the Suffolk Landscape Character Assessment (SLCA). The Assessment recognises the presence of the two air bases are important drivers for economic activity and settlement expansion and states the Settled Chalkland landscapes are under pressure from expansion of settlements and other developments. The document considers it important to minimise the impact of development upon the countryside of the settled chalklands and landscape of the Settled Fenlands.
138. The SLCA comments, in a general sense, that the characteristic pattern of planting found in chalkland landscapes, means it is possible to design effective and locally appropriate boundary planting that will minimise the impact of settlement expansion on the surrounding landscape.
139. The development would be harmful to the character of the countryside as a matter of principle given that it would ultimately change currently undeveloped agricultural land into a developed housing estate and this

would be a dis-benefit of the proposals.

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

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

142. The Framework confirms that the transport system needs to be balanced in favour of sustainable transport modes giving people a real choice about how they travel. There is, however, recognition that opportunities to maximise sustainable transport solutions will vary from urban to rural areas.
143. It is Government policy that planning decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable modes of transport can be maximised. However, the Framework confirms this policy needs to take account of other policies in the document, particularly in rural areas.
144. The Framework confirms that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. It goes on to state that planning decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised recognising that this needs to take account of policies set out elsewhere in the Framework, particularly in rural areas.
145. Core Strategy Spatial Policy T1 aims to ensure that new development is located where there are the best opportunities for sustainable travel and the least dependency on car travel. This is reflected in Policies CS12 and CS13 which confirms the District Council will work with the partners (including developers) to secure necessary transport



infrastructure and sustainable transport measures and ensure that access and safety concerns are resolved in all developments.

146. Policy DM44 of the Joint Development Management Policies document states improvements to rights of way will be sought in association with new development to enable new or improved links to be created within the settlement, between settlements, and/or providing access to the countryside or green infrastructure sites as appropriate.
147. Policy DM45 requires the submission of a Transport Assessment to accompany planning applications that are likely to have significant transport implications (including preparation and implementation of a Travel Plan). The policy states where it is necessary to negate the transport impacts of development, developers will be required to make a financial contribution, appropriate to the scale of the development, towards the delivery of improvements to transport infrastructure or to facilitate access to more sustainable modes of transport. Policy DM46 sets out parking standards for new development proposals (and links to Suffolk County Council's adopted standards (November 2014)).
148. The Core Strategy categorises Lakenheath as a Key Service Centre and is thus regarded as a 'sustainable' location which could support growth. Local employment opportunities are restricted with the air base being a key provider of local employment. People living in Lakenheath, not employed at the base, are likely to need to travel away from the village to their place of work. There is a range of community facilities in the village, including some shops, services, a school, churches and other meeting rooms which serve to contain a number of trips within the village. The village does not have a large grocery supermarket (there is a small Co-Operative in the High Street), although planning permission is extant for a new grocery shop off the High Street, close to the village centre (albeit with no current indications the beneficiaries of the planning permission intend to complete the scheme).

*Information submitted with the planning application*

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

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

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

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

**Impact upon natural heritage**

157. The Framework confirms the planning system should contribute to and enhance the natural environment by (inter alia) minimising impacts on biodiversity and providing net gains where possible. The Framework states that protection of designated sites should be commensurate with the status of the site, recognising the hierarchy of international, national and local designations. The presumption in favour of sustainable development set out at paragraph 14 of the Framework does not apply where development requires appropriate assessment under the Birds or Habitats Directives.
158. Spatial Objective ENV1 of the Core Strategy aims to conserve and enhance the habitats and landscapes of international, national and local importance and improve the rich biodiversity of the District. This objective forms the basis of Core Strategy policy CS2 which sets out in greater detail how this objective will be implemented.
159. Policy DM10 of the Joint Development Management Policies Document sets out more detailed provisions with respect to the impact of development upon sites of biodiversity and geodiversity importance. Among other things, the policy introduces (in a local policy sense) the need to consider cumulative impacts upon these interests. Policy DM11 addresses proposals that would have an impact upon protected species. Policy DM12 sets out requirements for mitigation, enhancement, management and monitoring of biodiversity. The policy states that all new development (excluding minor householder applications) shown to contribute to recreational disturbance and visitor pressure within the Breckland SPA and SAC will be required to make appropriate contributions through S106 Agreements towards management projects and/or monitoring of visitor pressure and urban effects on key biodiversity sites.
160. Policy DM44 states improvements to rights of way will be sought in association with new development to enable new or improved links to be created within the settlement, between settlements, and/or providing access to the countryside or green infrastructure sites as appropriate.

Impact upon internationally designated sites

161. The designated Special Protection Area (SPA) is situated to the east of Lakenheath. Its qualifying features include the Stone Curlew (breeding), the European Nightjar (breeding) and the Woodlark (breeding). It comprises a number of SSSI's which are designated for similar reasons. The application site is outside the SPA boundaries and outside the 1.5km buffers drawn outside its boundaries. Part of the site (the eastern edge) is situated within the 1.5km buffers to Stone

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

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

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

- Significant recreational disturbance of off-site stone curlew habitat that occurs in the 1,500m SPA buffer zone is also not considered likely to occur as a result of the Lakenheath North application, either alone or in combination. This is because any increase in use is likely to be restricted to public rights of way and open access land without impacting any nearby agricultural land with potential for stone curlew nesting. Dog walkers originating from Lakenheath are considered likely to primarily use on-site recreational space for exercising their dogs in combination with publically accessible locations, such as Maidscross Hill LNR, that do not have good public footpath connectivity to SPA designated land.
  - The majority of other new developments proposed for Lakenheath are to the south of the village and are therefore the majority of increased recreational pressure (particularly dog walking) on public rights of way is likely to impact land to the south and west of Lakenheath, rather than cumulative increases in use of the rights of way to the north and east of the village close to the Lakenheath North development and closer to the SPA.
  - In order to minimise the risk of increased recreational pressure on public rights of way and Maidscross LNR a significant amount of public open space has been designed into the Lakenheath North development. This quantum of open space provision is significantly over and above the amount recommended by Forest Heath District Council for a development of this size.
  - Any increased recreational pressure on the SPA or the public rights of way and access land within the SPA buffer zone would be ameliorated by incorporating green infrastructure and public open space, as planned for the Lakenheath North development, into the design of those proposed developments of sufficient size coming forward in the village.
165. The Habitats Regulations Assessment has been the subject of public consultation. Natural England were (in December 2015) content the proposed development would not have significant effects upon the conservation interests of the SPA and advised the Council, as decision maker, of its view that an Appropriate Assessment (under Regulation 61 of the Habitats Regulations) is not required. The RSPB took a different view and expressed concern that some residential development would be erected within the 1.5km buffer to Stone Curlew nesting attempt locations outside the SPA boundaries.
166. The Lakenheath Cumulative Traffic Study prepared independently to

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

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

Protected species.

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

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

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

171. The implementation of the recommendations set out in both Phase 1 and Phase 2 Ecological Assessments could be secured by a suitable method statement imposed by planning condition.
172. Surveys of the trees proposed to be felled (to provide vehicular access) for bats have been carried out and the results submitted with the planning application. The survey information concluded that the trees proposed to be felled were of no value to bats. Accordingly, the loss of the trees for vehicular access is acceptable with no specific bat mitigation required. Further information with respect to the provision of visibility splays required for the access could be secured by condition, in the event that planning permission is granted.
173. Officers are satisfied that the development proposals would not adversely affect important sites of ecological interest in the area and would not harm populations or habitats of species which are of acknowledged importance (protected or unprotected). It has also been determined that Appropriate Assessment of the implications of the proposals upon the SPA is not required in this case.
174. There is presently no evidence to dispute the applicants view that a carefully a constructed development is likely to result in net ecological gains at the site. The delivery of the mitigation and enhancement measures at the site could be secured via appropriately worded planning conditions and or via a S106 agreement, as appropriate.

**Impact upon trees**

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

**Impact upon built heritage**

179. The Framework recognises that heritage assets are an irreplaceable resource which should be conserved in a manner appropriate to their significance. When considering the impact of proposed development upon the significance of a designated heritage asset, great weight should be given to the asset's conservation. The term 'heritage asset' used in the Framework includes designated assets such as Listed buildings, Scheduled Ancient Monuments, Registered Parks and Gardens and Conservation Areas and also various undesignated assets including archaeological sites and unlisted buildings which are of local historic interest.
180. The Framework advises that LPA's should require an applicant to describe the significance of any heritage assets affected, the level of detail being proportionate to the importance of the asset and sufficient to understand the potential impact upon their significance.
181. Core Strategy Spatial Objective C4 aims to protect and enhance the Historic Environment. This objective is implemented via Policy CS3.



182. Policy DM17 of the Joint Development Management Policies Document sets out detailed criteria against which proposals within, adjacent to or visible from a Conservation Area will be considered. Policy DM20 sets out criteria for development affecting Scheduled Ancient Monuments and/or archaeological sites (including below ground sites).
183. The development proposals would not impact upon any listed buildings, (including their settings) and as discussed above would have only a negligible impact upon the character and appearance of the Lakenheath Conservation Area from increased traffic movement on the main road through the designation.
184. An archaeological evaluation of the site was carried out prior to the submission of the planning application. This consisted of a Geophysical Survey and 1% sample trial trench evaluation. The applicant shared the results of the evaluation with Suffolk County Council whom provided advice.
185. The Archaeological Service at Suffolk County Council has been consulted of the planning application and their comments are reported at paragraphs 53-55 above. Further archaeological investigations and recordings could be secured by means of appropriately worded planning condition should planning permission subsequently be granted.
186. The development proposals would have no significant impacts upon heritage assets.

**Impact upon local infrastructure (utilities)**

187. The 'economic' dimension of the definition of sustainable development set out in the Framework confirms the planning system should (inter alia) identify and co-ordinate development requirements, including infrastructure. Furthermore, one of the core planning principles set out in the document states that planning should "proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs."
188. These requirements are, however, tempered somewhat later in the document in circumstances where viability is threatening delivery of a development scheme. It confirms the costs associated with policy burdens and obligations (including infrastructure contributions) likely to be applied to development proposals should (when taking account of the normal cost of development and mitigation), provide competitive returns to a willing landowner and willing developer to enable the development to be deliverable.
189. Core Strategy Policy CS13 sets out infrastructure requirements and developer contributions. The policy opens with the following statement:

“The release of land for development will be dependent on there being sufficient capacity in the existing local infrastructure to meet the additional requirements arising from new development”.

190. The policy lists the main areas as health and social care facilities, educational requirements, strategic transport improvements, waste water treatment capacity, energy supply (electricity), access and safety, open space, sport and recreation. The policy confirms arrangements for the provision or improvement of infrastructure will be secured by planning obligation or (where appropriate) conditions attached to planning permission to ensure infrastructure is provided at the appropriate time.
191. The policy concludes that all development will be accompanied by appropriate infrastructure to meet site specific requirements and create sustainable communities.
192. Matters pertaining to highways, education, health and open space infrastructure are addressed elsewhere in this report. This particular section assesses the impact of the proposals upon utilities infrastructure (waste water treatment, water supply and energy supply).

#### Infrastructure and Environmental Capacity Appraisal

193. The ‘original’ growth strategy in respect of the District’s settlement hierarchy set out in the adopted Core Strategy was found to be sound. This would suggest that Lakenheath has the environmental capacity to deliver the 375 dwellings proposed by this planning application.
194. In terms of the potential environmental capacity of infrastructure in Lakenheath, it has been held at planning appeal that the 2009 Infrastructure and Environmental Capacity Assessment (‘IECA report’) represents the best available evidence.
195. The IECA report considers the environmental capacity of settlements in the District, and recognises the need for a mechanism to provide social, physical and environmental infrastructure to support growth. The report also considers settlement infrastructure tipping points which are utilised to evaluate potential impacts on infrastructure.
196. The IECA report identifies a range of theoretical capacity in Lakenheath of some 2660-4660 new dwellings in the plan period to 2031 (although these levels of growth would be subject to significant infrastructure improvements).
197. The IECA report suggests there is environmental capacity to facilitate not only the dwellings that are proposed by this planning application, but also other major residential developments in Lakenheath that the planning authority is presently considering in the village. In combination, these represent up to 915 additional residential units

(the proposals for 550 dwellings at Eriswell would be served by different treatment works and are thus not included in this calculation).

Waste water treatment infrastructure

198. Details submitted with the planning application confirm the proposed development would connect to existing foul water systems in the village. The village is served by Lakenheath Wastewater Treatment Works. IECA comments that the Water Cycle Study identifies that the location of the Treatment Works makes north and west sites preferable otherwise upgrades to the network may be required, although the Treatment Works has severely constrained headroom.
199. The IECA report refers to the Strategic Flood Risk Assessment and Water Cycle Study which identifies that up to 169 new dwellings could be provided in the village within the headroom of the Treatment Works. It does, however, identify that there are only minor constraints to upgrading the works which will need to be completed before significant new development.
200. Anglian Water Services has not objected to any of the planning applications listed in the table at paragraph 17 above and confirmed there is adequate capacity within the system to accommodate the increased flows from development. Upon further questioning about the capacity of the Lakenheath treatment works in the light of the findings of the IECA study, Anglian Water Services (in 2014) confirmed the following;
  - MCert Flow Monitor was installed at the Lakenheath Water Recycling Centre on 28 October 2010 which is after the Infrastructure and Environmental Capacity Assessment (IECA) Study and the Water Cycle Study. Please note that both of these studies were high level and were utilising best available data.
  - Based on the MCert flow monitor data over the past four years, it has been established that up to 1000 properties could be accommodated at the Lakenheath Water Recycling Centre. Therefore, the proposed 288 dwellings in total for the three planning applications stated in your email dated 10 July 2014 could be accommodated at the Lakenheath Water Recycling Centre.
201. There has not been significant new housing development realised at Lakenheath since the publication of the evidence base contained in the IECA report. Accordingly, the available evidence concludes that this development (being located to the north of the village and within the headroom of the Treatment Works) is acceptable with regard to waste water infrastructure. Indeed this conclusion is corroborated by Anglian Water the statutory sewerage undertaker which has not objected to the application, subject to conditions.

Water supply

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

Energy supply

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

**Flood risk, drainage and pollution**

204. Policies for flood risk set out in the Framework aim to steer new development to areas with the lowest probability of flooding. The Framework policies also seek to ensure that new development does not increase the risk of flooding elsewhere.
205. The Framework states that to prevent unacceptable risks from pollution and land instability, planning decisions should ensure that new development is appropriate for its location. It also confirms that where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.
206. Core Strategy Policy CS4 states the Council will support development proposals that avoid areas of current and future flood risk and which do not increase the risk of flooding elsewhere. The policy confirms sites for new development will be allocated in locations with the lowest risk of flooding (Environment Agency Zone 1 flood category) and will seek the implementation of Sustainable Urban Drainage Systems (SUDS) into all new development proposals, where technically feasible.
207. Policy DM6 of the Joint Development Management Policies Document requires the submission of flood information, including SUDS drainage where possible, to accompany planning applications for development. Policy DM14 seeks to protect proposed development from existing 'pollution' sources and existing development from proposed 'pollution' sources. This includes noise, light and air pollution. The policy also requests the submission of information and sets out requirements for remediation for development proposals of potentially contaminated land.
208. The bulk of the application site is in Flood Zone 1 (low risk of flooding) although there is a small area towards the rear (north) of the site

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

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

**Impact upon education**

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

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

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

### **Design and Layout**

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

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

222. Policy DM2 of the Joint Development Management Policies Document sets out general design criteria to be applied to all forms of development proposals. DM7 does the same, but is specific to proposals for residential development.
223. The dwellings and school proposed by the planning application are submitted in outline form with all matters reserved to a later date. Accordingly matters of design are not particularly relevant to the outcome of this planning application.
224. A design and access statement was submitted with the planning application to explain the design strategies underpinning the layout proposed by the Hybrid planning application. However, following officer concerns about the quality of the scheme put forward the 368 dwellings, details of which were initially included in detail (full planning permission) were withdrawn and all of the dwellings (375 in total) reverted to outline status.
225. The amount of the site to be set aside for built development has been reduced during the lifetime of the planning application in order to provide additional land for strategic open space and ecological mitigation (discussed elsewhere in this report). This has resulted in a reduced area of the site (17.9) hectares being available for the 375 dwellings proposed by the planning application (including ancillary roads, open spaces, landscaping and other infrastructure serving the residential scheme). The school has a separate land parcel (3.1 hectares). This equates to a density in the region of 25 dwellings per hectare which is considered suitable at this edge of village location. The amended outline elements of the planning application are not accompanied by an illustrative layout drawing, but in this instance its absence is considered acceptable given there is little doubt the 375 dwellings could be accommodated on the site in an acceptable manner.
226. Given the outline status of the planning application for all development with the exception of the vehicular access, 'design' is not a determinative factor at this stage. The layout and landscaping of the site and appearance of the buildings would be considered in detail at the later reserved matters stage in the event planning permission is granted.

### **Impact upon residential amenity**

227. The protection of residential amenity is a key component of 'good design'. The Framework states (as part of its design policies) good

planning should contribute positively to making places better for people. The Framework also states that planning decisions should aim to (inter alia) avoid noise from giving rise to significant adverse effects on health and quality of life as a result of new development.

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



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

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

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

235. In January 2015 the Ministry of Defence announced a package of structural changes to the sites presently in use by the US air force. For RAF Lakenheath it was announced that operations at would be increased via the arrival of two squadrons of F35 fighter jets that would operate from the base alongside the existing F15 planes. No further detail has been released (i.e. how many planes there will be, how often they will take off and land and their flight paths to and from the base).

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

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

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

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

### **Loss of agricultural land**

245. The Framework states where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.
246. The development of agricultural land (green field sites) in the District is inevitable given the level of growth planned for by the Core Strategy to 2031. There is not a sufficient stock of available previously developed land (brownfield land) at appropriate locations to accommodate all new development over this period. Accordingly, future development of greenfield sites is inevitable.
247. The application site is Grade 3 agricultural land (good to moderate) and whilst it is not regarded as 'poor quality' land (ref DEFRA agricultural land classifications) its loss is not considered significant. Nonetheless the development of Grade 3 agricultural land which is currently used for agriculture is a dis-benefit of the scheme. Whilst not an issue that would justify a refusal of planning permission on its own,

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

**Sustainable construction and operation**

248. Section 19 (1A) of the Planning and Compulsory Purchase Act 2004 requires local planning authorities to include in their Local Plans "policies designed to secure that the development and use of land in the local planning authority's area contribute to the mitigation of, and adaptation to, climate change".
249. The Framework confirms planning has a key role in helping shape places to (inter alia) secure radical reductions in greenhouse gas emissions and supporting the delivery of renewable and low carbon energy. The Government places this central to the economic, social and environmental dimensions of sustainable development.
250. The document expands on this role with the following policy:
- In determining planning applications, local planning authorities should expect new development to:*
- *comply with adopted Local Plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and*
  - *take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.*
251. The importance the Government places on addressing climate change is reflected in the Core Strategy Visions (Vision 1) and Spatial Objectives (ENV2 and ENV3). Core Strategy Policies CS4 and CS5 set out requirements for sustainable construction methods.
252. Policy DM7 of the Joint Development Management Policies Document reflects the up-to-date national planning policy on sustainable construction and places lesser requirements upon developers than Core Strategy Policy CS4. Policy DM7 requires adherence to the broad principles of sustainable design and construction (design, layout, orientation, materials, insulation and construction techniques), but in particular (for residential schemes) requires that new residential proposals to demonstrate that appropriate water efficiency measures will be employed (standards for water use or standards for internal water fittings).
253. The documentation submitted in support of this planning application includes an energy statement. This sets out how schemes subsequently proposed at Reserved Matters stage could be designed and constructed to accord with Building Regulations requirements. The document also sets out water efficiency measures that would be

implemented.

254. The Building Regulations allow for more stringent standards to be applied to water use in new development (matching the 110 litres use per person requirement set out in Policy DM7) on the proviso there is a planning condition that also requires those more stringent measures to be achieved. It is no co-incidence that policy DM7 of the Joint Development Management Policies Document requires more stringent water use requirements to match those applied by the Building Regulations. The evidence and justification for the application of tougher water use measures forms part of the evidence base of the Development Plan and, with respect to the requirements of Policy DM7, has recently been the subject of examination. Accordingly, it is appropriate to impose a planning condition requiring the more stringent Building Control (and Policy DM7) water use measures to be incorporated into the construction and fitting out of this development.

### **Cumulative Impacts**

255. Members will note from the table produced beneath paragraph 17 above there are a number of planning applications for major housing development currently under consideration at Lakenheath. Furthermore, as the Development Plan progresses and the Site Allocations Document matures, further sites might be allocated for new residential development irrespective of the outcome of these planning applications. Whilst the evidence base behind the Development Plan documents will assess potential cumulative impacts of any formal site allocations, only limited assessments have been carried out with regard to the potential cumulative impacts of the current planning applications.
256. This sub-section of the officer assessment considers potential cumulative impacts upon village infrastructure of the planning applications listed at paragraph 17 above. Project E from the table is disregarded given its recent withdrawal from the planning register. Furthermore, project H is not included (other than impact upon the SPA) given that it is accompanied by an Environmental Statement which will need to consider and mitigate cumulative impacts.

### Primary education

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

provide the County Council option to purchase/transfer the land. It is understood there is currently no formal agreement in place between the landowner and Suffolk County Council with respect to the school site. The availability of the land for use by the County Council to construct a new primary school is ultimately dependent upon planning permission being granted for the overall scheme.

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

#### Highways

262. It is acknowledged, given i) the extent of new housing development currently proposed in the village in multiple projects and ii) the need to consider the impact of any mitigation arising from cumulative impacts upon nearby European designated sites, a comprehensive cumulative highways assessment and package of measures to mitigate any 'severe' highway impacts arising will be required in advance of this planning application being determined.
263. The Local Highway Authority (Suffolk County Council) has independently commissioned cumulative traffic studies via its consultant, AECOM. The first study was commissioned following the decisions of the Development Control Committee to grant planning permission for three of the planning applications (Applications, B, C and D from the table included above, beneath paragraph 17). A requirement for the cumulative study was part of the resolution of the Development Control Committee for those items (ref September 2014 meeting of the Development Control Committee). At that time the other planning applications listed in the table had not been submitted to the Council, save for Application E which had had already encountered the insurmountable problems which ultimately led to it being withdrawn. Whilst AECOM did complete the first assessment, it quickly became out of date upon submission of further planning applications proposing over 600 additional dwellings between them.
264. An update to the cumulative study was subsequently commissioned independently by the Local Highway Authority via AECOM. This has recently been received and been the subject of public consultation. A

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

265. The cumulative study considers four different levels of development:
- 288 dwellings (specifically applications B, C and D from the table beneath paragraph 17 of this report).
  - 663 dwellings (specifically applications A, B, C and D from the table).
  - 1465 dwellings (applications A, B, C, D, F, G and H from the table).
  - 2215 dwellings (all development in the previous scenario, plus a margin for sensitivity (750 additional dwellings) which would cover any additional growth from other sites included in the local plan and/or other speculative schemes)).
266. The study assessed a number of junctions on the local road network and (with respect to the quantum of development proposed by all applications 'to hand') concluded all of these, with the exception of two, could accommodate the cumulative growth set out in all four scenarios without 'severe impacts' arising. The two junctions where issues would arise cumulatively are i) the B1112/Eriswell Road priority 'T' junction (the "Eriswell Road junction"), and ii) the B1112/Lords Walk/Earls Field Four Arm roundabout (the "Lords Walk roundabout").
267. The Lords Walk roundabout would be approaching capacity and mitigation is advised following the occupation of the first 288 dwellings. The situation would be exacerbated following occupation of the first 663 dwellings (an increase of 375 dwellings). Accordingly mitigation would be required to improve the capacity of the Lords Walk roundabout and a scheme could be designed, costed and funded via S106 Agreements attached to any planning permissions granted. The junction would (without mitigation in place) experience 'severe impacts' by the time 1465 dwellings had been completed and occupied.
268. The Eriswell Road junction is more complicated given the limited land which is available for improvements within existing highway boundaries and would require third party land to facilitate carriageway widening (to provide additional lanes into the junction). The cumulative study has assessed two potential schemes of mitigation works at the Eriswell Road junction; the first being signalisation of the junction in order to prioritise and improve traffic flows; the second being signalisation of the junction and introduction of two entry lanes.
269. The first option (signalisation only) may be delivered via funding secured from S106 Agreements attached to developments which are granted planning permission and implemented within existing highway boundaries. This option may necessitate inclusion of third party land to ensure delivery, although there is a possibility (subject to re-design)

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

270. The second option for mitigation works at the Eriswell Road junction would deliver greater increased capacity than the first option. The cumulative traffic study suggests, with the first mitigation option installed (signalisation only) the junction would be able to accommodate traffic forecast to be generated from the first 663 dwellings. However, if 1465 dwellings are to be provided, the second option for mitigation (signalisation and two lane entry) would be required. The study does not clarify precisely (or roughly) where the tipping point is and it is not clear how many dwellings could be built at Lakenheath with signalisation only of the Eriswell Road junction before additional lanes need to be provided. However, the study is suggesting that if new signalisation can be provided within the highway, it is likely to be capable of accommodating the traffic emerging from the development proposals.
271. Further work is required to confirm the extent of highway mitigation works required at the Eriswell Road junction before a planning permission can be granted for these scheme. This will include formation of a suitable scheme of mitigation measures (the present scheme is in sketch form only and includes third party land), the resultant increased capacity of the junction will need to be established and the improvements will need to be the subject of relevant safety testing.
272. The recommendation at the end of this report is based on an assumption that a safe and deliverable scheme of mitigation measures is achievable at the Eriswell Road junction and that its capacity will be sufficiently increased to accommodate traffic growth from this development. A planning permission cannot be released until it has been established that an appropriate (and deliverable) scheme of junction mitigation measures is achievable and is secured (in kind or via payment) as part of a S106 Agreement.
273. Should it subsequently be established this assumption is not achievable (for example because an acceptable scheme requires third party land, but that land is not available) the matter will need to be reconsidered by the Development Control Committee in the light of any revised comments from the Local Highway Authority. Officers are content the Committee does not require such information in advance of reaching its 'of mind' resolution at the forthcoming meeting. This is because the officer recommendation includes provision for returning the matter to the Committee for further consideration in the event it becomes apparent the minimum package of mitigation measures cannot be achieved at the Eriswell Road junction.

Special Protection Area and SSSI



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

Landscape

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

Utilities

276. The potential cumulative impact of development upon the sewerage network was a concern of officers, particularly as the IECA study identified a tipping point of 169 dwellings before the Treatment Works reaches capacity. The seven proposals for development within the catchment of the Works would, in combination, significantly exceed this identified tipping point.
277. Anglian Water Services has not objected to any of the three planning applications and confirmed for each one there is adequate capacity within the system to accommodate the increased flows from development. As explained above (paragraph 189) there is sufficiently greater headroom now available in the Treatment Works than envisaged by the IECA study, such that the treatment works could accommodate all of the development proposed in the village (particularly given that project E from the table included at paragraph 17 above has now been withdrawn).
278. In light of the updated position with respect to the Lakenheath Waste Water Treatment Works, which supersedes evidence presented in the IECA study, officers are satisfied the development proposals would not have adverse cumulative impacts upon the sewerage infrastructure serving Lakenheath.
279. There is no evidence to suggest there would be significant cumulative impacts upon water and energy (electricity) supplies to the village given the respective capacities identified in the IECA study.

Air Quality

280. The Council's Environmental Health Officers initially expressed concerns about the potential impact of the developments proposed at Lakenheath (projects A to G from the table included at paragraph 17 above) and requested further information from the proposals.

281. The Council subsequently commissioned an independent assessment of the potential for the developments, in-combination, to exceed air quality targets. The assessment concluded that, although the developments would lead to an increase in nitrogen dioxide concentrations alongside roads in the village, it is extremely unlikely that these increases would lead to exceedances of the air quality objectives.
282. Given the findings of the assessment, the Council's Environmental Health Officers are now satisfied that no further assessment is required by the developers for any of the applications and previous requests for conditions in relation to air quality can be disregarded.
283. The Parish Council has raised concerns about potential impact of aircraft activity upon air quality at the application site. This point will be considered subsequently and will be included in the officer report when the planning application is returned to Development Control Committee in due course.

#### Health

284. Until relatively recently, the NHS Trust Property Services had not raised any concerns with respect to the planning applications submitted for major residential development at Lakenheath and had previously confirmed there was capacity in the existing local health infrastructure to absorb additional demand arising from the developments.
285. Upon review, the Trust is now concerned that demands for local NHS services arising from the developments proposed in the village cannot be absorbed by existing local health infrastructure. The Trust requested contributions towards mitigation of that impact. The Trust is content the contributions (from this and other developments) can be used to increase capacity at the existing village surgery. There is, therefore, presently nothing to suggest that the impacts upon NHS services could not be adequately mitigated by investment funded from developer contributions. The NHS is presently considering a project that would be funded by developer contributions (in full/part).

#### Summary

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

#### **Planning Obligations**

287. The Framework repeats the tests of lawfulness for planning obligations

which are derived from Regulation 122 of The Community Infrastructure Levy Regulations 2010. The tests are that planning obligations should:

- be necessary to make the development acceptable in planning terms.
- be directly related to the development, and
- be fairly and reasonably related in scale and kind to the development.

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

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

290. Core Strategy Spatial Objective ENV7 seeks to achieve more sustainable communities by ensuring facilities, services and infrastructure are commensurate with development. Core Strategy Policy CS13 sets out requirements for securing infrastructure and developer contributions from new developments.

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

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

#### Affordable Housing

293. The Framework states that local planning authorities should use their evidence base to ensure that their Local Plan meets the full objectively assessed needs for market and affordable housing. It also states that policies should be set for meeting the identified need for affordable housing, although such policies should be sufficiently flexible to take account of changing market conditions.

294. Core Strategy Spatial Objective H2 seeks to provide a sufficient and appropriate mix of housing that is affordable, accessible and designed to a high standard. Core Strategy policy CS9 requires 30% of the

proposed dwellings (112.5 dwellings in this case) to be 'affordable'. The policy is supported by Supplementary Planning Guidance which sets out the procedures for considering and securing affordable housing provision (including mix, tenure, viability and S106).

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

#### Education

296. The Framework states the Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. It advises that Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education.
297. Core Strategy Policy CS13 (b) considers educational requirements as a key infrastructure requirement. This is built upon, in a general sense, in Policy DM41 of the Joint Development Management Policies Document which states (inter alia) the provision of community facilities and services will be permitted where they contribute to the quality of community life and sustainable communities. The policy confirms, where necessary to the acceptability of the development, the local planning authority will require developers of residential schemes to enhance existing community buildings, provide new facilities or provide land and financial contributions towards the costs of these developments, proportional to the impact of the proposed development in that area (through conditions and/or S106 Agreements).
298. The Local Education Authority (Suffolk County Council) has confirmed there is no capacity at the existing primary school to accommodate the additional pupils forecast to be resident at the proposed development and has requested the provision of land and financial contributions (construction costs) from this development. It has also confirmed a need for the development to provide a contribution to be used towards pre-school provision in the area to cater for the educational needs of pre-school children (aged 2-5) that are forecast to emerge from the development. The Authority has confirmed there is no requirement for a contribution to be secured for secondary school provision. The justification for these requests for financial

contributions and the amounts are set out at paragraphs 47 and 48 above.

Public Open Space

299. The Framework confirms that access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities.
300. Core Strategy Spatial Objective CS2 seeks to promote an improvement in the health of people in the District by maintaining and providing quality open spaces, play and sports facilities and better access to the countryside. Policy CS13 (g) considers provision of open space, sport and recreation as a key infrastructure requirement.
301. Policy DM42 of the Joint Development Management Policies Document states proposals for the provision, enhancement and/or expansion of amenity, sport or recreation open space or facilities will be permitted subject to compliance with other policies in the Development Plan. It goes on to state where necessary to the acceptability of development, developers will be required to provide open space and other facilities or to provide land and financial contributions towards the cost and maintenance of existing or new facilities, as appropriate (via conditions and/or S106 Agreements).
302. These Development Plan policies are expanded upon via the adopted Supplementary Planning Document for public open space, sport and recreation. This document sets out the requirements for on-site and off-site provision and maintenance. The document imposes a formula based approach to calculating developer contributions from development proposals. Accordingly, planning application for outline consent, where numbers of dwellings and the mix (no's of bedrooms) is uncertain and unsecured, it is only possible to secure the formula for calculating public open space via S106 contributions. Given the restrictions on pooling of contributions imposed by CIL Regulation 123 it is important that policy compliant levels of public open space are secured from the development. The precise quantities of land of the various relevant open space categories set out in the SPA could be secured at Reserved Matters stage/s by incorporating the SPD formulaic approach into the S106 Agreement.
303. The 'strategic public open space' provision proposed as part of the planning application would also need to be secured. The S106 Agreement would set out requirements for timing of delivery of the strategic open spaces, works required and strategy for future management and maintenance. Furthermore, the S106 Agreement would secure financial contributions to be used to deliver/enhance publically accessible off-site footpaths in order to provide additional local recreational capacity to reduce pressures upon the nearby Breckland SPA and Maidscross Hill SSSI designations.

Transportation

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

#### Libraries

306. The Suffolk County Council has identified a need to provide library facilities for the occupiers of this development and has requested a capital contribution of £81,600.

#### Health

307. The NHS Property Services has confirmed there is insufficient capacity in the existing health infrastructure (i.e. GP surgeries) to cater for the additional demand for local services this development would generate. Accordingly, a health contribution of £123,420 has been requested to provide additional capacity at the local GP surgery.

#### Summary

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

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

309. Saved 1995 Local Plan policies for new housing developments, including the settlement boundaries contained in the document are to be attributed reduced weight in the decision making process (for reasons set out at paragraphs 127 and 128 above). Relevant housing policies set out in the Core Strategy are consistent with the NPPF and, in your officers view, carry full weight in the decision making process. Latest evidence confirms the Council is able to demonstrate an up-to-date 5 year supply of deliverable housing sites which means policies in the Core Strategy relating to the supply of housing are not automatically deemed out of date.

310. The proposed development is not considered contrary to the provisions of the adopted Core Strategy insofar as it proposes new residential development in a Key Service Centre as defined by Core Strategy Policy CS1. Furthermore, the proposals must be considered in the light of the surviving requirements of Core Strategy policy CS7 which sets a target of delivering just over 11,000 new homes in the District between 2001 and 2031. Further weight is added to the acceptability in principle of the proposed development in the light of national planning policies set out in the Framework. Of particular reference is the desire to *boost significantly the supply of housing and approve development proposals that accord with the development plan without delay*. The proposals are also consistent with the emerging Site Allocations Development Plan Document which, at its current 'preferred options' stage allocates the site for development, including for housing and a new primary school.
311. With this background in mind, and in particular in the absence of a fully adopted Development Plan document identifying sites to deliver the housing targets of Core Strategy Policy CS7, national planning policy is clear that permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole. There are no specific policies in the Framework that direct that this development should be restricted. Officers consider that national planning policies set out in the Framework should be accorded significant weight as a material consideration in the consideration of this planning application, especially the presumption in favour of sustainable development, which, subject to satisfactory resolution of the outstanding matters discussed in the report (and summarised below), officers consider these proposals would represent.
312. In relation to the economic role of sustainable development, the proposal would generate direct and indirect economic benefits, as housing has an effect on economic output both in terms of construction employment and the longer term availability of housing for workers and increased population which leads to higher local spend and general economic growth. The development would provide additional infrastructure of significant wider benefit – including, a site for a new primary school and significant provision of new green infrastructure over and above 'normal' planning policy requirements.
313. In terms of the social role of sustainability the development would enhance the local community and provide a level of much needed market and affordable housing to meet the needs of present and future generations. The development could, subject to the later submission of reserved matters, result in a built environment of high quality. The proposal would rely on, and to an extent support and enhance (particularly primary education provision), the viability and accessibility of existing local services, both within Lakenheath and further afield.

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



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

**Recommendation:**

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

1) The completion of a S106 agreement to secure:

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

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

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

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

(e) Public Open Space contributions:

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

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

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

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

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

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

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

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

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

And

2) subject to conditions, including:

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

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

320. That, in the event of;

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

or,

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

or,

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

the planning application be returned to Committee for further consideration.

Documents:

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

Working Papers (attached):

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

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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 Busuttil 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 Busuttil.

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.

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**DEV/FH/17/017**

**Forest Heath**  
District Council

# Development Control Committee

## 7 June 2017

### Planning Application F/2013/0345/OUT

#### Rabbit Hill Covert, Station Road, Lakenheath

<b>Date</b>	22 November	<b>Expiry Date:</b>	21 <sup>st</sup> February 2014
<b>Registered:</b>	2013		
<b>Case Officer:</b>	Gareth Durrant	<b>Recommendation:</b>	Grant Outline Planning Permission
<b>Parish:</b>	Lakenheath	<b>Ward:</b>	Lakenheath

**Proposal:** Residential development (up to 81 dwellings, as amended).

**Site:** Rabbit Hill Covert, Station Road, Lakenheath

**Applicant:** Mr James Waters

**Synopsis:**

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

**Recommendation:**

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

CONTACT CASE OFFICER:

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

## **Background:**

**This application has been considered previously by this Committee culminating in a resolution to grant planning permission at its meeting on 3 September 2014.**

**The planning application is returned to Committee to enable it to consider material changes in circumstances which have occurred since it reached its decision in 2014. These are (in no particular order):**

**i) The ability of the Council to demonstrate a 5-year supply of deliverable housing sites.**

**ii) The adoption by the Council of the Joint Development Management Policies document in February 2015.**

**iii) The preparation and submission to the Planning Inspectorate of the 'Single Issue Review' and 'Site Allocations' Development Plan Documents.**

**iv) The submission of a number of additional planning applications proposing large scale housing development at and around the village. These applications and an assessment of potential cumulative impacts are included below.**

**v) The publication of a cumulative traffic assessment for the village, having regard to the cumulative impact of a number of development proposals upon the local road network and key junctions.**

**vi) Enactment of CIL Regulation 123 which has led to a requirement for the off-site public open space contributions tariff based contributions being omitted from the S106 Agreement, and**

**vii) The recent publication of fresh noise contour information by the Defence Infrastructure Organisation on behalf of the Ministry of Defence and its linked advice about addressing development proposals at sites within the defined contours. The fresh noise contours do have implications for the village, including the application site.**

**The full officer report to the Development Control Committee (3<sup>rd</sup> September 2014) is included with this update report as Working Paper 1. An extract from the minutes of the 3<sup>rd</sup> September 2014 meeting, relevant to this site is also provided as Working Paper 2.**

## **Proposal:**

- 1. The development proposed by this application is described at paragraphs 1-3 of the report to the 3<sup>rd</sup> September 2014 meeting of Development**

Committee (attached as Working Paper 1).

### **Application Supporting Material:**

2. The material supporting the planning application is listed at paragraph 4 of the report to the 3<sup>rd</sup> September 2014 meeting of Development Committee (attached as Working Paper 1).

### **Site Details:**

3. The application site is described at paragraphs 5-8 of the report to the September 2014 meeting of Development Committee (attached as Working Paper 1). The site area has not changed.

### **Planning History:**

4. The planning history relevant to this site is set out at paragraphs 9 and 10 of the report to the September 2014 meeting of the Development Control Committee (Working Paper 1).
5. There are six other proposals for large scale residential development around the village. The proposals are considered relevant to the further consideration this planning application particularly insofar as the combined (or cumulative) impacts require consideration. In September 2014, the Development Control Committee considered the cumulative impacts of the application proposals alongside applications C and D (which at the time were the only 'live' applications or the only applications with a prospect of being approved). The proposals are set out in the table below:

<b>Project Ref.</b>	<b>Application Reference.</b>	<b>Address.</b>	<b>No. of dwellings.</b>	<b>Current Status (n.b. all remain undetermined)</b>
A	DC/14/2096/HYB	Land at Station Road, Lakenheath	Up to 375 + school	Application approved by the Committee in August 2016. Is to be referred back to Committee for further consideration owing to changed circumstances.
B	F/2013/0345 /OUT	Land at Rabbit Hill Covert, Lakenheath	Up to 81	The subject of this report.
C	F/2013/0394 /OUT	Land west of Eriswell Road, Lakenheath	Up to 140	Committee resolved to grant in Sept 2014. Requires further consideration by Committee before decision.
D	DC/13/0660/FUL	Land at Briscoe Way, Lakenheath	67	Committee resolved to grant in Sept 2014. Is to be referred back to Committee for further consideration owing to changed

				circumstances.
E	DC/13/0918/ OUT	Land east of Eriswell Road and south of Broom Road, Lakenheath	Up to 750 + school etc.	The planning application was <u>withdrawn</u> in February 2016.
F	DC/14/2042/ OUT	Land North Of Broom Road, Covey Way And Maids Cross Hill Lakenheath	Up to 110	Was refused planning permission following consideration by the Development Control Committee at its meeting in February 2017. An appeal has been submitted and will be determined following a public inquiry.
G	DC/14/2073/ FUL	Land adjacent 34 Broom Road, Lakenheath	120	An appeal was submitted against non-determination of the planning application within prescribed periods. The Development Control Committee resolved (July 2017) that it would have refused planning permission had it been able to make a formal determination. A public inquiry closed in March 2017. The Inspectors decision letter is awaited (anticipated in early July 2017).
H	DC/16/0670/ HYB	Land west of the B1112 (opposite Lords Walk), Little Eriswell	Up to 550 + school + retail unit etc.	Amendments have been received and due to be consulted upon. Anticipated report to Development Committee in July or August 2017.

### Consultations:

6. Consultation responses received in advance of the report to the September 2014 Development Control Committee meeting are summarised at paragraphs 11-32 of the committee report attached as Working Paper 1.
7. The following additional consultation responses have been received post September 2014.
8. **Natural England** – in September 2014 offered **no objections** to the planning application and confirmed there are no concerns with respect to the Breckland SPA / Breckland SAC. They also confirmed (at the time) there were no concerns for an 'in combination' effect of recreational

disturbance from the three Lakenheath applications taken together given the relative small scale of the proposals [*at the time, applications B, C and D from the above table were before the Council*].

9. Further comments were received in June 2015 after **Natural England** had given further consideration to potential 'in-combination' impacts of the developments listed in the table at paragraph 5 above. Natural England raised concerns and objections to the planning application given that the Habitats Regulations Assessment prepared in support of the adopted Core Strategy had only scoped potential impacts of 670 dwellings, but the combined total of the planning applications proposes more than 670 dwellings. Natural England advised that further consideration was required with respect to potential 'in-combination' effects along with a strategy for providing additional greenspace around the village, whilst protecting the SPA and Maidscross Hill SSSI from further damage caused by further (increased) recreational pressure arising from the proposed developments.
10. Following submission of a Habitats Regulations Assessment with planning application DC/14/2096/HYB, which considered the potential cumulative impacts to the SPA of a number of planning applications in the village, including that being considered by this Committee report, **Natural England** confirmed (in December 2015) the document had adequately addressed their concerns and confirmed it **no longer objects** to the proposals and reached the following conclusions:
  - Natural England is now satisfied that the application will be unlikely to significantly affect the qualifying species of the SPA, either directly or indirectly or result in significant effects to the integrity of Breckland SPA. We therefore have no further issues to raise regarding this application and do not consider that an appropriate assessment is now required.
11. In May 2016, **Natural England** confirmed "we've looked at all the sites again and have come to the conclusion that none of the applications on the east side of Lakenheath will significantly affect stone curlew associated with Breckland SPA".
12. **Defence Infrastructure Organisation** on behalf of the **Ministry of Defence** – submitted further representations in September 2016 and **objected** to the application. Their comments are summarised as follows:
  - It is important to acknowledge that the MoD supports the basic principle of new residential development in the local area. However, in these circumstances, the MoD wishes to outline its concerns regarding this planning application.
  - In view of the nature of operational activity undertaken at RAF Lakenheath, and its proximity to the application site, the MoD has significant concerns regarding the proposed development and its appropriateness for the application site. These concerns include: the potential noise levels that the future occupants of the proposed

dwellings will be exposed to and the potential impact of the proposed development on RAF Lakenheath; vibration, public safety, and highway concerns.

- The application site is directly underneath the approach path to RAF Lakenheath from a recovery point, known to RAF Lakenheath as Point Charlie. It is expected that the application site will be subjected to noise associated with instrument recovery profiles, potentially in addition to instrument departure profiles.
  - A number of criticisms are raised against the noise assessment relied upon by the planning application. The DIO asserts the submitted Noise Assessment report to be insufficient and fails to fully address the issue of noise in connection with the operational aircraft flying activity associated with RAF Lakenheath. It is suggested that planning permission should be refused as a consequence, but are prepared to leave this consideration to the Local Planning Authority.
  - With respect to potential effects of vibration to the development proposals from aircraft activities associated with RAF Lakenheath, the DIO suggests that, if planning permission is granted, a condition should be imposed requiring vibration survey and assessment in accordance with the relevant British Standard.
  - The DIO also asserts the occupants of the proposed dwellings (if approved) would be at greater risk of 'incursion' in the event of an aircraft emergency in comparison to the existing agricultural land use.
  - It is the contention of the Ministry of Defence that any proposals that would adversely impact upon the vehicular access to RAF Lakenheath should be refused planning permission, unless appropriate mitigation is provided by the developers.
13. In May 2016, the **NHS Trust** confirmed they held no objections to this planning application and, on grounds of the combination of the relatively small size of the application proposals and the effect of the 'pooling restrictions' set out in the CIL Regulations, did not wish to request developer contributions from these proposals for health infrastructure provision.
14. In August 2016, the Council's **Ecology and Landscape Officer** updated her previous comments with respect to the planning application (paragraph 28 of Working Paper 1). The main amendments are summarised as follows:
- The landscape strategy (to be developed at Reserved Matters stage) may also need to consider the relationship with the adjacent development site.
  - A tree protection plan should be conditioned.



- Ecological surveys (and any mitigation requirements arising) should be updated at Reserved Matters stage.
  - If tree removed is found to be required, the specimens should be surveyed for bats in advance.
  - Natural England has provided advice and is satisfied that the application will be unlikely to significantly affect the qualifying species of the SPA, either directly or indirectly or result in significant effects to the integrity of Breckland SPA. Natural England has advised that an appropriate assessment is not required.
  - The Ecology and Landscape Officer also took the opportunity to re-consider the proposals against the requirements of the Habitats Regulations and concluded (again) that an Appropriate Assessment is not required in advance of a (potential) grant of planning permission for this development.
15. In April 2017, the Forest Heath District Council's **Ecology and Landscape Officer** updated her comments about the planning application and 'screened' the proposals under the provisions of the Habitats Regulations. The previous conclusions set out at paragraphs 55 and 56 of the September 2014 Committee report (Working Paper 1) that Appropriate Assessment of the project is not required remains unchanged. The following comments were received (summarised):
- The development of the site will result in the loss of agricultural land, and the introduction of additional built form which is considered to be an impact on landscape character particularly given the lack of space to provide visual screening on the boundary with the countryside. The Design & Access Statement includes notes on a landscape strategy for the site. The strategy will need to be developed further (via planning conditions) if the application is approved.
  - The provision of sustainable urban drainage is shown to be within the public open space. This would significantly limit the ability of this space to function as an area for any type of formal or informal play. However there is a formal play space located to the south off Briscoe Way.
  - An ecological assessment accompanies the application which has assessed the risk to habitats and species. Precautionary mitigation and environmental enhancements are recommended and their provision/ implementation should be secured by condition. The ecological enhancements should be shown on the subsequent landscaping plan for the site.
  - Comments included a very detailed 'screening' of the proposals against the requirements of the Habitats Regulations. The screening concluded that the proposals alone would not result in likely

significant effects on Breckland SPA. In-combination likely significant effects on Breckland SPA can be avoided if the applicant makes a proportionate contribution to influence recreation in the area and to avoid a damaging increase in visitors to Breckland SPA through either a condition or a section 106 contribution.

16. In December 2014, the Council's **Public Health and Housing** officers noted the noise impact assessment confirmed revised noise calculations would need to be undertaken once the scheme layout, floor plans and elevations have been finalised. The following conditions were recommended:

- Construction method statement (to address construction noise management, hours of working, use of generators (hours) necessity to agree out of hours working, burning of waste and dust management.

17. In April 2017, the Council's **Public Health and Housing** officers confirmed they continued to retain **no objections** to the application proposals and provided the following comments:

- Public Health and Housing have carefully considered the Noise Impact Assessments (NIA) that have accompanied the applications and feel they are fit for purpose. Whilst the MOD have highlighted some concerns in some of the reports, in that there is no night time noise assessment's (there are no routine night flights) and that the distances to the air bases are slightly out, these have not fundamentally changed our responses to each of the applications.
- In light of the concerns shown and in consideration of the protection of the future residents we will be taking the same approach to all applications recommending acoustic insulation levels be included as a condition (to applications that are under the noise contours), along with the applicant presenting a post completion acoustic test to demonstrate that the building has been constructed to a level required in the condition.
- The flights are mainly during daylight hours with some starting at 06:00hrs, however there are reduced number of sorties in the winter and in inclement weather, with none during night time hours or at weekends (except in exceptional circumstances). The MOD have recommended that each application carries out a vibration test, however we have to my knowledge, not received a single complaint of vibration from any resident and would feel that this could be deemed as onerous.

18. **Suffolk County Council (Local Highway Authority)** – In September 2014 provided comment and recommended conditions as follows:

- Due to Station Road being a 60mph up to the entrance of the site I would require a 30mph extension to the speed limit for the frontage

of the site. I would also require gateway improvements at the terminal signs. Features such as picket gates, road markings etc.

- I would require the 30mph limit to be place prior to planning approval.
- There appears to be insufficient parking to meet our maximum parking standards. As this site is on the edge of the town, maximum standards should be applied.
- Several dwellings appear to have no parking or in the case of plots 39 and 51, it is not clear as to where there garages are. I require a parking schedule showing the parking for all the plots. Parking should also be reasonably local to the dwelling to encourage usage and deter parking on the roads.
- I also require the achievable visibility splays to be shown on a drawing.
- The entry access road is very straight. This layout may encourage inappropriate speeds into the residential area.
- Once these issues are addressed my conditions would be; details of the access and visibility splays, estate roads and footpaths, bin storage to be provided; no dwelling occupations until carriageways and footways for the dwelling has been provided and; withdrawal of permitted development rights to protect access visibility splays.

19. **Suffolk County Council (Strategic Development)** in January 2017 took opportunity to review and update their requests for developer contributions given the passage of time since they last reviewed and commented upon the proposals. The following contributions (to be secured via S106 Agreement) were requested:

- Primary Education - £328,580 towards build costs and £25,880 towards land costs.
- Secondary Education – capacity available, no contribution.
- Pre-school provision - £86,664.
- Libraries - £17,496.

### **Representations:**

20. Representations included in the officer report to the September 2014 Development Control Committee meeting are summarised at paragraphs 33-37 of the committee report attached as Working Paper 1.

21. The following additional representations have been received post September 2014.

22. **Lakenheath Parish Council** – in August 2014, the Parish Council submitted “**strong objections**” to the proposals and prepared a single letter of objection with respect to four planning applications. The letter included a summary of the objections, which was as follows;
- The EIA screenings are inadequate and do not take account of cumulative impact.
  - Paragraph 14 of the NPPF does not automatically engage; in accordance with the William Davis case the Council must first determine whether these proposals are sustainable before turning their attention to the provisions of paragraph 14 of the NPPF.
  - Development Plan policies should be attributed significant weight in accordance with Section 38(6); settlement boundary policies should not be regarded as being concerned with the supply of housing and should not therefore diminish in their weighting.
  - In the planning balance, the weight to be attributed to the delivery of housing should be reduced given that little or no housing will come forward from any of these proposals in the next five years; set against this, there is significant and wide ranging harm to arise from all of the proposals, not least in relation to infrastructure and schooling impacts.
  - Objections are set out in relation to layout issues for the Briscoe Way site and, to some extent, on the other applications.
  - Land east of Eriswell Road is premature; in any event this proposal will impact upon the SSSI and has significant deliverability issues.
  - As with all of the proposals, the Rabbit Hill Covert site is the subject of significant noise exposure and it will not be possible to create satisfactory residential amenity for future occupiers of the site.
23. In September 2014 the **Lakenheath Parish Council** wrote to confirm it had no further comments to make.
24. **Lakenheath Parish Council** – (late January 2015) submitted further representations via their lawyers. The following matters were raised:
- The cumulative traffic impact assessment undertaken is flawed and should not be relied upon insofar as it does not consider all applications submitted and should be updated.
  - Up-to-date EIA screening opinions should be carried out before any of the planning applications are determined. In the opinion of the Parish Council all the planning applications require Environmental Statements, particularly with regard to cumulative impacts (a joint Environmental Statement).

- The Parish Council refer to objections received from Natural England received in June 2015 (paragraph 23 above) as reasons to refuse planning permission and thus concludes the LPA is compelled in law to carry out an Appropriate Assessment of the scheme prior to consenting to the scheme [members will note Natural England's June 2015 objections were subsequently withdrawn following receipt of further information – paragraph 25 above].
  - The Parish Council raises concerns regarding noise, vibration and risks of accidents from civil aviation activities in the vicinity of the planning application and is particularly concerned in this respect with regard to the location of the primary school.
25. **Lakenheath Parish Council** (July 2016) with respect to the Lakenheath cumulative traffic study commented they have **grave concerns** regarding the impact on the B1112/A1065 priority cross-roads which is reported in table 1.2 of the Aecom- Lakenheath Cumulative Traffic Study, as still "Not considered to be a severe impact" and "Approaching capacity, mitigation advised".
26. A further **8 letters of objection** were received to the proposals. Many of the issues and objections had been raised previously and are reported at paragraph 37 of the attached Working Paper 1. The following additional points were made:
- The development is in the wrong place; it should be within the village envelope.
  - The infrastructure is not there to support it:- i.e. school, doctor, retail outlets, public transport, etc.
  - It is too far from the village centre to walk. Residents will therefore drive, increasing congestion.
  - There is very little local employment.
  - The housing is not needed.
  - Are the services, such as sewerage adequate?
  - Lakenheath does not need to expand on prime agricultural land.
  - The development would destroy the character of this part of the village.
  - Adverse impact upon wildlife in the area.
  - Loss of trees and shrubs.
  - Station Road will not cope with the extra traffic.
  - Lack of footpaths and street lighting in the area.

- Noise pollution from the airbase.
- There are a number of unfinished developments/sites in the village. These should be finished first.
- Increased risk of flooding.
- The proposed growth is disproportionate and unsustainable.

**Policy:**

27. Relevant Development Plan policies were listed at paragraphs 38 and 39 of the report to the 3<sup>rd</sup> September 2014 meeting of Development Committee (attached as Working Paper 1).
28. The Joint Development Management Policies Document was adopted by the Council (February 2015) following the Committee resolution to grant conditional planning permission for the proposed development in September 2014. Relevant policies are listed below:
- DM1 – Presumption in Favour of Sustainable Development
  - DM2 – Development Principles and Local Distinctiveness
  - DM5 - Development in the Countryside
  - DM6 – Flooding and Sustainable Drainage
  - DM7 – Sustainable Design and Construction
  - DM10 – Impact of Development on Sites of Biodiversity and Geodiversity Importance.
  - DM11 – Protected Species
  - DM12 – Mitigation, Enhancement, Management and Monitoring of Biodiversity.
  - DM13 – Landscape Features
  - DM14 – Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards.
  - DM17 – Conservation Areas
  - DM20 – Archaeology
  - DM22 – Residential Design.
  - DM27 – Housing in the Countryside.
  - DM42 – Open Space, Sport and Recreation Facilities
  - DM44 – Rights of Way
  - DM45 – Transport Assessments and Travel Plans
  - DM46 – Parking Standards
29. The adoption of the Joint Development Management Policies Document led to a number of policies from the 1995 Local Plan being replaced. Of those policies listed at paragraph 39 of Working Paper 1, only policy 14.1 (Securing Infrastructure and Community Facilities from Major New Developments) remains part of the Development Plan.

**Other Planning Policy:**

30. Other relevant planning policies were discussed at paragraphs 41-54 of the report to the 3<sup>rd</sup> September 2014 meeting of Development Committee (attached as Working Paper 1).
31. In the period since the September 2014 Development Control Committee meeting, the emerging Site Allocation and Single Issue Review Development Plan documents have both been consulted upon and submitted to the Planning Inspectorate. The formal examination of these documents is anticipated to occur later this year.
32. The policies set out in the emerging plans can be attributed weight in reaching decisions on planning applications. The NPPF advises the degree of weight will depend upon the stage the plan has reached in the process, their degree of consistency with the NPPF and the nature of any unresolved objections to individual policies. In this case, the plan has been submitted to the Planning Inspectorate for examination and is thus at an advanced stage. However, the policy which allocates the application site for development in the emerging Site Allocations Development Plan document does have unresolved objections against it. Accordingly, and whilst it is a matter for the decision maker to ultimately determine, it is your officers' view that moderate weight can be attributed to the provisions of emerging policy SA8 and the allocation of the application site by the Site Allocations Development Plan Document for a housing development.

**Officer Comment:**

33. Members resolved to grant planning permission for this development at their meeting on 3<sup>rd</sup> September 2014, subject to conditions and completion of an Agreement under S106 of the Town and Country Planning Act. The Committee also required an independent assessment of the potential cumulative impacts of development upon the local highway network. The cumulative traffic assessment has taken longer than envisaged to complete partly owing to the submission of further planning applications for development in the village. Other issues, including the need for the Secretary of State to carry out a fresh EIA screening of the proposals, a request for the Secretary of State to 'call in' the planning application for his own consideration and, latterly, late objections to the planning application from the Defence Infrastructure Organisation on behalf of the Ministry of Defence have all contributed to significant delays in implementing the September 2014 resolution of the Committee.
34. A full and detailed officer assessment of the planning application was included at paragraphs 53-228 of the report to the 3<sup>rd</sup> September 2014 meeting of Development Committee (attached as Working Paper 1).
35. Case law has established that planning officers are obligated to return planning applications to Committee for further consideration in cases where there have been material changes in circumstances since a resolution was reached. Furthermore, a change in planning law in April

2015 means a S106 Agreement cannot be lawfully completed fully in accordance with the Committee resolution.

36. In this case a number of separate material changes in circumstances are relevant requiring further consideration by the Committee. This section of the report considers the implications.

5-year supply of deliverable housing sites and the emerging plan.

37. The Council was not able to demonstrate a 5 year supply of deliverable housing sites at the time the Committee considered this planning application in September 2014. Accordingly, the 'tilted balance' set out at paragraph 14 of the NPPF (presumption in favour of sustainable development) applied in the consideration of the proposals with considerable weight applied to the housing shortfall identified at the time.
38. The application proposals have been counted in the current five year housing supply, alongside a number of other as yet unconsented schemes which are also contrary to the existing Development Plan. Should these applications not be approved, it is inevitable the Council would fall back into a position where it is not able to demonstrate a 5-year housing supply.
39. An important factor to take into account when considering the principle of this development is the fact the site is allocated for development in the emerging Site Allocations Local Plan. The Plan is now at an advanced stage given it was submitted to the Planning Inspectorate for examination in March 2017. Given that unresolved objections persist over relevant policies in the plan, moderate weight can be attributed to the emerging policy in determining planning applications.
40. It is your officers' view that the combination of the desirability of being able to maintain a 5 year supply of deliverable housing sites and the fact the application site is allocated in an emerging Local Plan, significant weight can be afforded in support of the principle of the development. An 'in-principle' objection to the scheme would be difficult to defend at a subsequent appeal.

The adoption by the Council of the Joint Development Management Policies document in February 2015

41. The adoption of this document introduced a suite of new planning policies to be taken into account in reaching decisions on all planning applications. When Members last considered the planning application (and resolved to grant planning permission) in September 2014, the Joint Development Management Policies Document (JDMPD) carried little weight. Committee Members did not rely upon the emerging policies in reaching their decision at that time given there were widespread and fundamental objections to the policies (and numerous modifications were proposed) ahead of formal examination.



42. Officers have assessed the application proposals against all relevant policies contained in the now adopted JDMPD and conclude that none of these significantly affect the officer assessment or recommendation. A summary of that assessment is included in the table below

Policy	Officer Comment
DM1	This largely repeats the provisions of paragraph 14 of the NPPF.
DM2	A general design policy covering numerous criteria. The proposals do not offend this policy and all matters are addressed in the September 2014 committee report (Working Paper 1 - officer comment section)
DM5	This policy confirms that areas designated as 'countryside' will be protected from unsustainable development. Policy DM27 is a related policy and addresses proposals specifically for residential development in 'countryside' locations. These policies imply a general presumption against development in the countryside but make specific exceptions to certain development types and scales. The application proposals do not meet the specific criteria of these policies and are therefore contrary to them.
DM6	The planning application proposes 'SUDS' drainage, the detail of which has been agreed in principle. The proposals are consistent with policy DM6.
DM7	This policy is reflective of contemporary national planning policies and in that context is considered to be more up to date than Core Strategy Policy CS2. National planning policy states that sustainable construction measures should accord with the Building Regulations unless local evidence suggests further measures are required. Local evidence confirms that additional measures (over Building Regulations requirements) for water efficiency is justified and as a consequence has been made a specific requirement of the Development Plan through this policy. A condition requiring compliance with the stricter 'optional' water efficiency requirements of the Building Regulations can be imposed.
DM10	The requirements of this policy are addressed in the September 2014 committee report (paragraphs 115 -123 of Working Paper 1). The requirements of Policy DM10 have been met. The situation remains unchanged insofar as the development proposals would not have significant impacts upon the nearby SPA and SSSI designated sites, both individually and in combination with other plans and project. Accordingly, an appropriate assessment under the provisions of the Habitats Regulations is not required in this case.
DM11	The requirements of this policy are addressed by the September 2014 committee report (paragraphs 115-123 of Working Paper 1). The requirements of Policy DM11 have been met.
DM12	The requirements of this policy are addressed by the September 2014 committee report (paragraphs 115-123 of Working Paper 1), with further discussion included in the 'officer comment' section of this report, below. Appropriate biodiversity mitigation, enhancement and further survey work would be secured via the S106 Agreement and planning conditions. The requirements of Policy DM12 have been met.

DM13	The requirements of this policy are addressed by the September 2014 committee report (paragraphs 93-103 and 192 of Working Paper 1). Further discussion is included below within the 'officer comment' section of this report. The requirements of policy DM14 have been met.
DM14	The requirements of this policy are addressed by the September 2014 committee report (paragraphs 147-155 of Working Paper 1). The requirements of policy DM14 have been met.
DM17	The requirements of this policy are addressed by the September 2014 committee report (paragraphs 61-63 and 127-133 of Working Paper 1). The requirements of this policy have been met.
DM20	The requirements of this policy are addressed by the August 2014 committee report (paragraphs 127-133 of Working Paper 1). The requirements of this policy have been met.
DM22	The August 2014 committee report included a discussion about the design merits of the scheme (paragraphs 148-171 of Working Paper 1). The application is in outline form and with details reserved, the design of the scheme is not a determinative issue with this planning application. Officers are content that up to 81 dwellings (with public open space) could satisfactorily be accommodated at the site and consider the proposals accord with the requirements of policy DM22.
DM27	See comments against Policy DM5 above.
DM42	As the application is in outline form, it is not appropriate to secure specific quantum of land for public open space at this time. The amount of public open space required from the proposals will ultimately depend upon the number and mix of dwellings proposed at outline stage. The formula for calculating public open space contributions would be included into the S106 Agreement to ensure policy compliant levels of public open space provision would be secured.
DM44	The development would not affect any existing public footpaths. The scheme would enhance footpath provision in the village by contributing to the provision of new strategic footpath infrastructure as part of a wider green infrastructure strategy intended to avoid indirect impacts arising to the Breckland Special Protection Area and the Maids Cross Hill SSSI from new development proposals. The requirements of policy DM44 have been met.
DM45	The planning application was accompanied by a Transport Assessment. Transportation matters were discussed at paragraphs 104-114 and 189-190 of the September 2014 committee report (attached as Working Paper 1). Further discussion with respect to cumulative traffic impact is set out later in this report.
DM46	The latest adopted advisory parking standards would be considered at Reserved Matters stage when the layout of the proposed development (including housing mix and parking distribution) is considered and agreed.

Cumulative impacts, including updated EIA screening

43. The potential cumulative impacts of the application proposals, in combination with other proposed developments were considered by the

Development Control Committee in September 2014 (paragraphs 181 to 198 of the officer report). Since the meeting, further applications proposing large scale housing development have been received by the Council and remain undetermined. The officer assessment of potential cumulative impacts set out in the 2014 Committee report has become out of date and requires further consideration.

44. For the same reasons, the EIA Screening of the proposals undertaken by the Council became out of date following the subsequent submission of further planning applications. There are no provisions in the EIA Regulations that enable the Local Planning Authority to re-screen development proposals. The Council therefore requested the Secretary of State adopt an over-arching Screening Direction. The Secretary of State carried out a Screening Direction and considered the implications of all projects in combination. He confirmed the application proposals were not 'EIA Development' meaning an Environmental Statement was not required to accompany the planning application.
45. Members will note from the table produced beneath paragraph 5 above there are a number of planning applications for major housing development currently under consideration at Lakenheath. Furthermore, as the Development Plan progresses and the Site Allocations Document matures, further sites will be allocated for new residential development irrespective of the outcome of these planning applications.
46. The remainder of this sub-section of the officer assessment considers potential cumulative impacts upon village infrastructure of the planning applications listed at paragraph 5 above. Project E from the table is disregarded given its recent withdrawal from the planning register. Furthermore, project H is not included (other than impact upon the SPA) given that it is accompanied by an Environmental Statement which will itself need to consider and mitigate cumulative impacts.

#### Primary education

47. Any additional children of primary school age emerging from these proposals would need to be accommodated within a new village school given the existing school has reached capacity and cannot be extended. The County Council has confirmed the site allocated within the emerging Site Allocations plan and which is subject to a current application for outline planning permission (reference DC/14/2096/HYB) is their 'preferred site' for the erection of a new primary school.
48. If planning permission is granted for that particular scheme, the school site would be secured and would provide the County Council with an option to purchase/transfer the land. It is understood there is currently no formal agreement in place between the landowner and Suffolk County Council with respect to the school site. The availability of the land for use by the County Council to construct a new primary school is ultimately dependent upon planning permission being granted for the overall scheme which also includes a large residential component. At its meeting in August 2016, the Development Control Committee resolved to grant

planning permission for those proposals (including the school site). The planning application is yet to be finally determined, however, as it is the subject of an Article 31 holding direction issued by the Secretary of State. The Committee will also need to reconsider that particular planning application in the light of the recent publication by the Ministry of Defence of new noise contours.

49. The cumulative impact of development was considered as part of the officer Committee report to the September 2014 Committee meeting. The following conclusions were drawn about the cumulative impact of the three developments (as it stood at the time) upon primary education provision;

*"The (potential) need for some pupils to travel to a school outside of Lakenheath would impact upon the sustainability credentials of the proposals and are regarded as a dis-benefit of development in advance of a new school site being found. It is important to note, however, that the County Council has confirmed school places would be available for all pupils emerging from these development proposals, even if they are all built early on and concerns have not been expressed by the Authority that educational attainment would be affected. It is your officers view (particularly in the absence of confirmed objections from the Local Education Authority) that the absence of places for children at the nearest school to the development proposals is not in itself sufficient to warrant a refusal of planning permission but the issue (both individually for this proposal and cumulatively with the other extant development proposals) needs to be considered as part of the planning balance in reaching a decision on the planning applications."*

50. Despite the submission of further planning applications for development following the Committee's consideration of the proposals in September 2014, the prospect of a school being delivered in the short term has improved given the submission of a planning application for development including the safeguarding of land for a primary school and, to date, the favourable consideration of that planning application by the Council. However, it is acknowledged the delivery of a school site (and an opening date for a new school) remains uncertain. Accordingly, the harm identified in the preceding paragraphs arising from the short term absence of school places in the village continues to apply and the impacts of the development proposals upon primary education (both individually and cumulatively) remains to be considered in the planning balance.

#### Highways

51. The Local Highway Authority (Suffolk County Council) has progressively commissioned cumulative traffic studies to assess the potential impact of new development at Lakenheath upon the local road network, via its consultants, AECOM. The first independent study was commissioned following the decisions of the Development Control Committee to grant planning permission for three of the planning applications at its September 2014 meeting (Applications, B, C and D from the table

included above, beneath paragraph 5). A requirement for the cumulative study formed part of the resolution of the Development Control Committee for those planning applications. At that time the other planning applications listed in the table had not been submitted to the Council, save for Application E which had already encountered the insurmountable problems which ultimately led to it being withdrawn. Whilst AECOM did complete the first assessment, it quickly became out of date upon submission of further planning applications proposing over 600 additional dwellings between them.

52. An update to the cumulative study was subsequently commissioned independently by the Local Highway Authority via AECOM. This has been the subject of public consultation. The updated cumulative study considers four different levels of development:
  - 288 dwellings (specifically applications B, C and D from the table beneath paragraph 7 of this report)
  - 663 dwellings (specifically applications A, B, C and D from the table)
  - 1465 dwellings (applications A, B, C, D, F, G and H from the table)
  - 2215 dwellings (all development in the previous scenario, plus a margin for sensitivity (750 additional dwellings) which would cover any additional growth from other sites included in the local plan and/or other speculative schemes)).
53. The study assessed a number of junctions on the local road network and (with respect to the quantum of development proposed by all applications 'to hand') concluded all of these, with the exception of three, could accommodate the cumulative growth set out in all four scenarios without 'severe impacts' arising. The three junctions where issues would arise cumulatively were i) the B1112/Eriswell Road priority 'T' junction (the "Eriswell Road junction"), ii) the B1112/Lords Walk/Earls Field Four Arm roundabout (the "Lords Walk roundabout") and, iii) the A1065/B1112 Staggered Crossroads.
54. The Highway Authority has advised the threshold for works being required to the Lords Walk and the A1065/B1112 junctions are above the levels of housing growth presently being considered. Accordingly, no mitigation measures (or developer contributions) are required for these particular junctions from these development proposals.
55. The Eriswell Road junction is more complicated given i) the need to carry out improvements to increase the efficiency of the junction before any of the large scale housing developments can be occupied and ii) the limited available land for improvements to be carried out to this junction within existing highway boundaries.
56. The cumulative study assessed two potential schemes of mitigation works at the Eriswell Road junction; the first being signalisation of the junction in order to prioritise and improve traffic flows; the second being

signalisation of the junction and introduction of two entry lanes. A further update to the study examined the first option in more detail and found that a detailed scheme could be delivered within the boundaries of the highway without requiring the incorporation of land outside of existing highway boundaries.

57. The second option for mitigation works at the Eriswell Road junction would deliver greater increased capacity than the first option. The cumulative traffic study suggests, with the first mitigation option installed (signalisation only) the junction would be able to accommodate traffic forecast to be generated from the first circa 850 dwellings without severe impacts arising. However, if up to 1465 dwellings are to be provided, the second option for mitigation (signalisation and two lane entry) would be required at some point beyond occupation of the circa 850<sup>th</sup> dwelling.
58. The study does not clarify precisely (or roughly) where the tipping point is and it is not clear how many dwellings could be built at Lakenheath with signalisation only of the Eriswell Road junction before additional measures to implement the larger mitigation scheme need to be carried out. The traffic study does confirm that, with new signalisation being provided within the highway, the improved junction would be capable of accommodating the traffic flows emerging from all the development proposals presently proposed at Lakenheath (excluding the proposals which have been refused planning permission) without severe impacts arising.
59. In May 2017, Elveden Farms Ltd which owns the third party land around the 'Eriswell Road' junction provided further evidence to the Council and the Highway Authority at Suffolk County Council to challenge the findings of the AECOM studies that an acceptable scheme of mitigation could be provided within the highway boundary. Specifically, Elveden Farms commissioned a further technical note based on fresh traffic counts carried out in March 2017. The following conclusions were drawn by their traffic consultant:

*"It is quite clear from this Technical Note that when using the March 2017 traffic counts that the reduced traffic signal junction cannot even accommodate the existing traffic flows let alone any additional traffic arising from new development without creating a severe traffic impact.*

*The implication of these conclusions is that any new development in Lakenheath is not deliverable without land beyond the highway boundary needed for the larger traffic signal improvement at the B1112/Eriswell Road junction and this should be understood before any planning consent is granted for new development."*

60. The Highway Authority at Suffolk County Council has carefully considered the fresh evidence submitted by Elveden Farms Ltd and has provided the following comments in response:

*"We have looked at the WSP technical Note dated 21st April 2017 which includes updated traffic flow information obtained in March 2017.*

*While the traffic flow information does highlight some underestimation in the Aecom AM peak assessment we do not consider this to be significant as the PM peak hour is considered to be the worst case at this location, and this assessment is robust. We have re-run the AM modelling with higher figures from the WSP surveys through an updated version of the Aecom junction model and this still has sufficient capacity in reserve.*

*The technical report does make a point about junction blocking impacting on overall performance, this is not considered to fundamentally affect the conclusions, as we have tested the model with blocking and no blocking and while the option without blocking works better, again there is still residual capacity even if the worst case scenario is assessed. Furthermore, alternative junction layouts can be accommodated within the highway boundary which could potentially improve this aspect of the junction layout. This could involve giving more priority to the dominant traffic flows to improve junction performance. The Section 278 detailed design review will allow us to explore several slight changes to the layout and signal operation which have the potential to further improve junction performance.*

*Our overall view remains that a junction traffic signal upgrade at Sparks Farm (B1112/Eriswell Road) can be delivered within the highway boundary, and would give capacity and road safety benefits to cater for current and proposed traffic, up to a level of around 915 new homes.*

*The assessment shows that the junction is operating at around the limit of its theoretical capacity in this scenario, and it is important to appreciate that day to day fluctuation would result in short term localised impacts that would result in occasional significant queuing. While this is not desirable for residents and visitors to the area it is felt that the overall performance of the junction would be acceptable, and therefore the overall impacts would not be deemed severe in highways terms."*

61. Contrary to representations received on behalf of Elveden Farms Ltd, the advice of the Local Highway remains clear that the local highway network, including the 'Eriswell Road' junction (which would be placed under the greatest pressure from new housing developments at Lakenheath) is capable of accommodating the development proposals without 'severe impacts' arising as a consequence. Furthermore, it remains the position of the Local Highway Authority that a scheme of junction improvements to increase the capacity of the Eriswell Road

junction could be accommodated within existing highway boundaries. The Local Highway Authority has confirmed these improvements would allow around 915 new dwellings to be constructed and occupied in the village before a 'larger' improvement scheme is required at this junction, which may at that point require the inclusion of land outside of the highway. Having carefully considered all evidence available with respect to cumulative traffic matters, officers consider, on balance, the advice of the highway authority to be correct.

62. The required improvements to the 'Eriswell Road' junction would need to be fully implemented in advance of the occupation of the first dwelling in the application scheme. This could be secured by means of an appropriately worded 'Grampian' planning condition.

#### Special Protection Area and SSSI

63. The application site is outside the 1.5km buffers to the SPA but sits partly within the nesting buffer (as recently amended). The potential for the application proposals to impact directly upon the Breckland Special Protection Area, including Stone Curlew nesting attempts at locations within 1.5km of the application site, outside the Special Protection Area, has been considered in depth. Further discussion from Natural England is set out at paragraphs 8-11 above. Natural England has advised there are no likely significant effects upon the Special Protection Area, both in isolation or in combination with other plans or projects. This remains unchanged from the agreed position in September 2014 when Members reached their initial decision on this planning application, despite further planning applications having been submitted subsequently.
64. The SPA is also vulnerable to increased recreation visitor pressure (indirect impact) arising as a consequence of new housing developments, including those located at distances greater than 1.5km from the SPA boundaries. Indirect impacts upon the conservation interests of the SPA from the application proposals cannot automatically be ruled out and further consideration of potential indirect recreational impacts is required.
65. The ecological information submitted with the planning application does not consider the potential for recreational impacts upon the SPA arising from the occupation of the proposed development. The scheme could potentially contain only very limited measures within the site to mitigate, off-set or avoid potential recreational impacts upon the SPA. The site is too small to provide its own measures in this respect (i.e. large areas of public open space and attractive dog walking routes for example). The application proposals, left unmitigated, are likely to increase recreational pressure upon the Breckland Special Protection area and add to any detrimental effects arising to the species of interest (the woodland component in particular).
66. Furthermore, the development (if left unmitigated) is likely to increase recreational pressure upon the Maids Cross Hill SSSI to the east of the village. The SSSI is the only large area of recreational open space



available locally to Lakenheath residents and is well used for recreation (dog walking in particular) but is showing signs of damage as a consequence.

67. Emerging Policy SA8 of the Site Allocations Development Plan Document allocates a number of sites to the north of Lakenheath for residential development, including the application site. The policy requires that any development proposals must provide measures for influencing recreation in the surrounding area to avoid a damaging increase in visitors to Madsdross Hill SSSI and Breckland SPA. Measures should include the provision of well connected and linked suitable alternative natural greenspace and enhancement and promotion of a dog friendly access route in the immediate vicinity of the development and/or other agreed measures.
68. The Council has prepared a greenspace strategy as part of the evidence underpinning the emerging Development Plan Documents. This includes a 'masterplan' for providing new green infrastructure and dog walking routes in and around Lakenheath to off-set (or avoid) potential increased recreational pressure being placed upon the Breckland SPA and Madsdross Hill SSSI.
69. The application proposals can contribute towards implementing the measures included in the greenspace strategy and, to this end, officers consider it would be appropriate for this particular development to provide capital funding towards enhancing existing and/or providing new public footpath provision in the village.
70. With these measures in place (which would also be part funded/part provided by other developments around the village), your officers have concluded the potential impact of the development upon the Breckland Special Protection Area and the Madsdross Hill SSSI, from increased recreational use would be satisfactorily addressed.

#### Landscape

71. Given the locations of the proposed housing developments around Lakenheath and the ability of the local landscape to absorb new development (particularly on the edges of settlements), no cumulative landscape impacts are anticipated despite all the projects being proposed at the edges of the village. Lakenheath is a sizeable village and whilst the development proposals in their entirety would represent a relatively significant expansion to it, no significant cumulative landscape impacts would arise as a consequence.

#### Utilities

72. The potential cumulative impact of development upon the sewerage network was a concern of officers, particularly as the IECA study, which supports the Core Strategy document, identified a tipping point of 169 dwellings before the Treatment Works reaches capacity. The proposals

for development within the catchment of the Works would, in combination, significantly exceed this identified tipping point.

73. Anglian Water Services has not objected to any of the planning applications and confirmed for each one there is adequate capacity within the system to accommodate the increased flows from development. As explained at paragraph 196 of the attached Working Paper 1, there is sufficiently greater headroom now available in the Treatment Works than envisaged by the IECA study, such that the treatment works could accommodate all of the development proposed in the village (particularly given that project E from the table included at paragraph 5 above has been withdrawn).
74. In light of the updated position with respect to the Lakenheath Waste Water Treatment Works, which supersedes evidence presented in the IECA study, officers are satisfied the development proposals would not lead to adverse cumulative impacts upon the sewerage infrastructure serving Lakenheath.
75. There is no evidence to suggest there would be significant cumulative impacts upon water and energy (electricity) supplies to the village given the respective capacities identified in the IECA study.

#### Air Quality

76. The Council's Environmental Health Officers initially expressed concerns about the potential impact of the developments proposed at Lakenheath (projects A to G from the table included at paragraph 5 above) and requested further information from the proposals.
77. The Council subsequently commissioned an independent assessment of the potential for the developments, in-combination, to exceed air quality targets. The assessment concluded that, although the developments would lead to an increase in nitrogen dioxide concentrations alongside roads in the village, it is extremely unlikely that these increases would lead to exceedances of the air quality objectives.
78. Given the findings of the assessment, the Council's Environmental Health Officers are now satisfied that no further assessment is required by the developers for any of the applications and previous requests for conditions in relation to air quality can be disregarded.

#### Summary

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

### CIL Regulation 123

80. Regulation 123 of the Community Infrastructure Regulations 2010 was enacted in 2015 after the Development Control Committee considered the planning application in September 2014. The enactment has had the effect of making it unlawful for Local Planning Authorities to have regard to planning obligations in reaching a decision on a planning application where five or more contributions have already been collected for the specific infrastructure type or project. Accordingly and as the Council has already previously collected 5 or more separate contributions to be used generically towards public open space provision, it would now be unlawful to collect a further non specific tariff type contribution from this planning application. This is irrespective of whether or not the applicant remains willing to continue offering it.
81. The resolution of the September 2014 meeting of the Development Control Committee included off-site provision of open space via a 'tariff' type developer (cash) contribution. The off-site 'tariff' based contribution can no longer be lawfully secured. All other contributions Members resolved to secure from the development could still lawfully form part of a S106 Agreement and would not currently fall foul of the pooling restrictions, albeit some of the contributions to be secured in the Agreement have been updated to reflect current circumstances (education and libraries contributions in particular).
82. At the Committee meeting in September 2014, the resolution included provisions that should the S106 heads of terms be reduced from those included in the resolution, the planning application would be returned to Development Control Committee for further consideration. The forced removal of the off-site public open space contribution from the S106 Agreement triggers this requirement.
83. The loss of the off-site tariff based public open space contribution will be replaced by a greater provision of public open space on site to meet current policy requirements, such there would be no nett loss to overall provision. It is likely the public open space will be provided towards the southern and western site boundaries to provide circular pedestrian and dog walking routes, in combination with the adjacent development (which continues beyond the north and east boundaries of the application site). At reserved matters stage, the S106 Agreement will provide for an acceptable package of public open space provision in the form of public open space on the site and (as previously discussed) contributions towards provision of new and specific publically accessible green infrastructure away from the site.

### Aircraft Noise

84. The core planning principles set out in paragraph 17 of the NPPF direct decision makers to seek to ensure a 'good standard of amenity for all existing and future occupants of land and buildings'. Specifically with respect to noise, and having regard to the National Planning Policy Guidance (NPPG) and DEFRA's Noise Policy Statement for England

(NPSE), paragraph 123 of the NPPF requires decisions to 'avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development'. Where a lower level 'adverse' noise impact is established, then impacts on health and quality of life should be mitigated and minimised.

85. Paragraph 2.18 of the NPSE reiterates the need to balance the economic and social benefit of the development/activity with the environmental impacts, including the impact of noise on health and quality of life. It is clear in stating that noise impacts should not be treated in isolation.
86. The current World Health Organisation (WHO) guidance recommends internal noise levels in dwellings are 35dB LAeq,16hr for daytime and 30dB LAeq,8hr at night. British Standard BS 8233 suggests similar design standards for internal noise levels.
87. The WHO guidance suggests that to protect the majority of people from being annoyed during the daytime, the sound pressure level on balconies, terraces and outdoor living areas should not exceed 50dB LAeq for a steady, continuous noise.
88. Vision 1 of the Core Strategy seeks to provide 'a higher quality of life' for residents. Policy DM2 of the Joint Development Management Policies Document seeks to safeguard (inter alia) residential amenity from potentially adverse effects of new development.
89. In September 2014, at the time the Development Control Committee first resolved to grant planning permission for this development, the application site was shown to be situated outside the noise contours relevant to the operation of RAF Lakenheath. Noise contour information is prepared and published by the Ministry of Defence.
90. Despite that, the applicants submitted a noise impact assessment (NIA). The NIA was based on field surveys carried out on a single day in February 2014 from an alternative adjacent housing development site at Briscoe Way (the subject of planning application DC/13/0660/FUL). Military aircraft were observed during the day and, following liaison with the base (whom confirmed there are typically 40-45 flights departing from the base per day), the noise consultant considered the number of aircraft readings captured was appropriate to reflect a typical noise environment at the application site. The field work recorded noise levels of 62.1db LAeq(16-hr) and concluded mitigation measures could be installed into the dwellings to insulate the internal against aircraft noise. The noise mitigation strategy can be designed to achieve average internal noise levels within World Health Organisation guidelines. The external areas of the site would remain unmitigated and would exceed the WHO guidelines for external areas for short periods when aircraft are passing.
91. It was apparent from the recommendations of the NIA that the internal spaces of the dwellings could be adequately mitigated through appropriate construction and insulation techniques. Indeed, the Council's

Public Health and Housing Officers (and, initially, the Defence Infrastructure Organisation) did not object to the proposals, subject to conditions. The planning application was recommended to the Committee for approval and, at the time, the effect of aircraft noise upon the proposals was not particularly controversial. The matter was discussed at paragraphs 166-171 of the September 2014 Committee report (Working Paper 1).

92. In September 2016, some two years after the Committee resolution and approaching three years following submission of the planning application, the Defence Infrastructure Organisation for the first time submitted objections against the planning application (paragraph 12 above). In February 2017, the Ministry of Defence published refreshed noise contours relevant to the Lakenheath airbase. The information confirmed the application site is situated within a 66-72 db LAeq(16-hr) noise contour which suggests the application site could be exposed to greater noise levels than set out by the 2014 NIA accompanying the planning application. However the Public Health and Housing Team, whom having considered the information set out in the NIA, the MoD noise contours and the objections received from the Defence Infrastructure Organisation on noise grounds, continue to advise the internal spaces of the dwellings are capable of mitigation through construction and appropriate window and wall/roof insulation.
93. In April 2017, following publication of the refreshed noise contours the Ministry of Defence provided general (and currently informal) guidance with respect to considering planning applications for new development in areas likely to be affected by aircraft noise. With respect to development proposals within the 66-72db LAeq(16-hr) noise contour, the MoD advises as follows:

*"...acoustic insulation is required. Suggested measures include, but are not limited to;*

- *Acoustic primary double glazing system of at least 6.4L[1](12)10 for all windows;*
- *Installation of acoustic louvered passive ventilation systems in all rooms fitted with the glazing system;*
- *Installation of mechanical acoustically louvered ventilation systems in kitchens (where the kitchen forms a substantial part of the living space);*
- *Acoustic insulation of exterior doors which open into an insulated area;*
- *sealing up open chimneys in insulated rooms providing that flues to existing combustion appliances are not blocked;*
- *Insulation of loft space using an acoustic mineral slab material at least 100mm x 600mm x 1200mm where the loft will support this*

*depth of installation. Alternatively, an acoustic glass mineral roll material of at least 250mm x 200mm x 600mm can be used.*

94. The receipt of the MoD's objections and the publication of the new noise contours necessitate further consideration of the potential impact of noise from military aircraft to the proposed development.
95. The applicant's Noise Impact Assessment confirms the internal spaces of the proposed dwellings could be mitigated against noise impacts arising from military aircraft. Whilst the Ministry of Defence initially disagreed and objected to the planning application, their objections related principally to what they perceived to be an inadequate assessment of noise impact. The MoD did not demonstrate as part of their objections that occupants of the development proposals would experience unacceptable impacts from aircraft noise. The publication of fresh noise contours and the related informal advice prepared by the Ministry of Defence now confirms that development of the application site is acceptable in principle (with respect to aircraft noise) and the internal spaces of the dwellings are capable of mitigation. In this regard the receipt of this recent advice serves to validate the earlier conclusions reached by both the applicant's noise consultant and the Council's Public Health and Housing Officers. Your officers are content to conclude the internal spaces of the dwellings could be adequately mitigated against aircraft noise.
96. Whilst the internal spaces for the proposed dwellings can be adequately mitigated, it remains the case that external spaces, including domestic gardens, public paths and public open space can not be mitigated in the same way. Whilst the impact of unmitigated aircraft noise upon external areas of the site is not fatal such that it renders the scheme unacceptable on this ground alone, it would represent harm and thus needs to be considered in the overall balance.
97. In this respect, officers' consider concerns relating to the likely adverse impact of aircraft noise to external areas of the site are reduced by i) the sporadic nature of the aircraft movements meaning that noise disturbance persists for short periods, ii) the non operation of the base at weekends when the external areas of the site are likely to be most used and iii) the absence of objections or adverse comments from the Council's Public Health and Housing team. Accordingly, these factors contribute to your officers' view that harm arising from aircraft noise is not significant in this case and should not lead to planning permission being refused. A condition could be imposed if planning permission were to be granted in order to ensure maximum noise levels are achieved in relevant internal living spaces.
98. The announced introduction of two squadrons of Lockheed Martin F-35 Lightning II aircraft into RAF Lakenheath may change the noise climate of the village again in the future, although it is understood the type of F-35's that will operate from the base will have similar noise outputs to the existing F-15's. Given that i) the Environmental Impacts of introducing the new F-35 jets onto RAF Lakenheath will need to be considered and

mitigated/avoided in advance, and ii) it is impossible to understand the full implications of the 'announcement', it follows that the announced introduction of the F-35 squadrons into RAF Lakenheath can be attributed very limited weight in the determination of this planning application.

#### Other matters

99. The position taken by the Ministry of Defence with respect to the impact of aircraft noise upon the proposed development is discussed above. The Ministry of Defence also raised objections with respect to vibration (caused by military aircraft) and public safety.

#### Vibration

100. In September 2016, the Ministry of Defence requested that, in the event that planning permission is granted, a condition be imposed requiring a vibration assessment to be carried out and submitted to the Local Planning Authority. In April this year, however, the Ministry of Defence altered its position which is now as follows:

*"I have reviewed, and taken advice on, the position we have adopted in the past.*

*Obviously, noise is, in itself, a vibration of the air. Sound waves enter the ear; affect various bones, membranes, and fluids; and, as a result, trigger a nerve response. Disturbance from noise is subjective, and some people can be more affected than others.*

*People may become more aware of the disturbance through the transfer of the noise to a building or structure; this is known as Noise-Induced Structural Vibration (NISV). The most sensitive parts of a structure to airborne noise are the windows. Though less frequent, plastered walls and ceilings can also be sensitive. NISV may annoy occupants because of secondary vibrations (e.g. rattling of objects such as crockery, ornaments, and hanging pictures) and can also be noticed when window panes vibrate when exposed to high levels of airborne noise. Therefore, noise surveys should take into consideration the effect of NISV on those who will occupy, use, and/or visit the proposed development if planning permission is granted.*

*In many cases it is difficult to separate aircraft NISV from that created by other sources, e.g. road traffic and commercial/industrial activity. Even if military aircraft are identified as the source of vibration it is unlikely that a single overpass will result in damage to property; the degree of NISV is often exacerbated due to poor repairs and/or maintenance (e.g. loose roof tiles, poorly installed windows, lack of loft insulation etc.). While we remain concerned that people using and occupying some properties near RAF Lakenheath will experience some vibration, because of the factors I have summarised above, it is my intention that we focus on the effects of noise and do not, unless absolutely necessary, refer to vibration in the future."*

101. No evidence of past or current issues and/or property damage attributable by vibration caused by military aircraft has been provided by the Ministry of Defence to support its stance that a condition requiring the applicant to carry out an assessment should be imposed upon this scheme. Furthermore, officers are not aware of any issue from their own experiences, including discussions with relevant Building Control and Environmental Health Officers.
102. Without any evidence of harm or potential harm of vibration to these development proposals, it is considered unjustifiable to request further assessments from the applicant.
103. The effects of vibration from aircraft noise on future occupiers of the proposed dwellings is likely to be perceived as opposed to tangible. Experience of the effects of vibration has the potential to impact upon ones reasonable enjoyment of their property, but the impacts are unlikely to be significant, particularly at this site which is outside the loudest noise contour and a good distance away from the runways and exit flight paths of RAF Lakenheath where aircraft noise is likely to be at its greatest
104. In this case, given the lack of evidence to substantiate any vibration impact concerns to this site, it is your Officer's view that the weight to be attached to the potential harm is very limited.

#### Public Safety

105. The Ministry of Defence is concerned the occupants of the proposed dwellings (if approved) would be at greater risk of 'incursion' in the event of an aircraft emergency in comparison to the existing agricultural land use. Whilst the precautionary position adopted by the Ministry of Defence is noted, it is not considered that the residents of this scheme would be at any greater risk of incursion than any other site or existing development in the village.
106. The starting point is that the risk of accident from jets in flight is low. For the application site the risks are further reduced by your officer's understanding that more 'incidents' will occur during or shortly after a take-off manoeuvre than upon a return flight into an airbase. It is also understood that pilots are trained to divert their aircraft away from built up areas in the event of an emergency.
107. In the event that the pilot loses control of a plane as a consequence of an incident with the aircraft, the application site would be at no greater risk of 'incursion' than other sites inside and outside of Lakenheath, because an out of control plane will not respect a planned flight path.
108. Whilst any expansion in the size and population of Lakenheath will, to a certain degree, be at risk from a falling plane, the risk is not considered significant in the context of this particular planning application, and in



your officer's view is not sufficient to justify a refusal of planning permission.

#### S106 Agreement

109. The heads of terms of the S106 Agreement remain largely unchanged from that resolved by the Committee in September 2014. There are some changes to the amounts required for primary education provision (land and capital costs) and libraries contributions which reflect changes in circumstances. The principal change relates to the strategy for public open space provision and this is discussed above, under the 'CIL Regulation 123' sub-heading.

#### **Conclusions:**

110. S38(6) of the 2004 Planning Act states that applications for planning permission shall be determined in accordance with the Development Plan, unless material planning considerations indicate otherwise. The NPPF is a material consideration which 'may indicate otherwise', although the Courts have re-affirmed the primacy of the Development Plan in Development Control decisions. The absence of a 5 year housing supply, which serves to demonstrate housing delivery issues in a Local Authority Area is, in your officers view, one circumstance where a decision to grant planning permission that departs from the plan could be justified.
111. In this case, the Council is able to demonstrate a 5-year supply of housing such there is no general imperative to grant planning permission for housing schemes that are contrary to the Development Plan. However, the five year housing supply most recently published by the Council includes all of dwellings from this site within it. The site has been included in the five year housing supply on the grounds that the Development Control Committee resolved to grant planning permission for it in September 2014. Accordingly, if planning permission were not to be granted for the development proposals, it is inevitable the Council would fall back into a housing supply deficit against the 5-year supply target. In those circumstances, the provisions of paragraph 14 of the NPPF, including the 'presumption in favour of sustainable development and the 'tilted balance' in favour of a grant of planning permission (unless the identified harm would significantly and demonstrably outweigh the benefits) applies.
112. Noting that the emerging Site Allocations Local Plan (which allocates this site for housing development) is not yet part of the Development Plan, despite its advanced stage, the application proposals represent a clear departure from the provisions of the Development Plan in its current form. The site is situated entirely within a countryside location, outside the settlement boundaries of the village, where policies of restraint apply, particularly to development of the scale proposed here. The application was advertised as a departure from the Development Plan following registration. Therefore, in accordance with S38(6) of the 2004 Act, and given the significant breach of the Plan that would occur, the starting point in this case is a presumption against the grant of planning

permission. The final decision will turn on whether the Committee considers there are material considerations that 'indicate otherwise'.

113. In this case, your officers consider there are a number of material considerations which indicate that planning permission should be granted for these development proposals despite them being contrary to the Development Plan. These are:

- The fact the Council would not be able to demonstrate a 5-year supply of deliverable housing sites if this site were to be refused planning permission. An approval of this planning application would ensure a five year housing supply could be demonstrated and would serve to 'significantly boost the supply of housing', as is required by the NPPF.
- Your officers consider the benefits of the application proposals, particularly the delivery of housing, (considered highly significant benefit if a five year supply is not demonstrated) outweigh the harm. The harm would include a significant breach of Development Plan policy (as discussed above), moderate harm to the character of the countryside resulting from the loss of undeveloped agricultural land to housing development and the fact the external areas of the site cannot be mitigated against the adverse effects (annoyance) of aircraft noise.
- In light of the above, officers' consider the proposals represent 'sustainable development' in accordance with the policies of the NPPF, when read as a whole. The proposals accord with National planning policy.
- The Development Plan will soon be expanded to include a Site Allocations Development Plan Document. The version of the plan submitted to the Planning Inspectorate for examination allocates the application site for a housing development. Whilst the application proposals represent a significant breach of the present Development Plan, they fully comply with the emerging plan. Officers consider the emerging plans should be attributed some weight in the Committee decision given i) the advanced stage it has reached, but ii) the fact there are currently unresolved objections to relevant policies, including SA8 which allocates the application site for housing development.

114. The Committee is asked to note the material changes in circumstances and your officers conclusions about the merits of departing from the provisions of the Development Plan as discussed in the report. Officers' consider the previous committee resolution to grant planning permission remains appropriate.

**Recommendation:**

115. It is recommended that outline planning permission is **GRANTED** subject to:

A. The completion of a S106 agreement to secure:

- Affordable housing: 30% provision.
- Education contribution (towards land and build costs for a new primary school).
- Pre-school contribution (towards a new pre-school facility to be co-located with the new primary school).
- Open space maintenance commuted sum (in the event the Public Open Space on site is subsequently transferred to the Council for maintenance).
- Contribution towards strategic village green infrastructure provision (off site).
- Libraries contribution.

**And**

B. subject to conditions, including:

- Time limit (3 years for commencement)
- Materials (use of those proposed)
- Water efficiency measures (triggering the 'optional' requirements of the Building Regulations)
- Bin and cycle storage strategy for the affordable units (details to be approved and thereafter implemented)
- Public open space (strategy for future management and maintenance, unless specifically required by clauses in the S106 Agreement)
- Landscaping (precise details and implementation of new hard and soft landscaping)
- Retention and protection of existing trees and hedgerows during construction
- Ecology (securing ecological enhancements at the site)
- Construction management plan, including waste minimisation and recycling.
- As reasonably recommended by the Local Highway Authority, including provision of the strategic highway improvements to the 'Eriswell Road' junction prior to the occupation of the first dwelling.
- Contamination & remediation (further investigations and any remediation necessary)

- Means of enclosure (to be submitted for the dwellings and outer boundaries of the site).
- Noise mitigation (to internal rooms)
- Fire Hydrants (details to be submitted and agreed)
- Surface water drainage scheme.
- Provision of public information/interpretation boards and information packs for residents with respect to avoiding impacts upon the Special Protection Area.
- Water efficiency measures

112. That, in the event of the Assistant Director (Planning and Regulatory) recommending alternative (reduced) S106 Heads of Terms from those set out at paragraph 111 above on the grounds of adverse financial viability or other factors pertaining to the deliverability of the development, the planning application be returned to Committee for further consideration.

113. That in the event the applicant declines to enter into a planning obligation in full or in part to secure the Heads of Terms set out above for reasons considered unreasonable by the Assistant Director (Planning and Regulatory), the planning application be returned to Committee for further consideration'

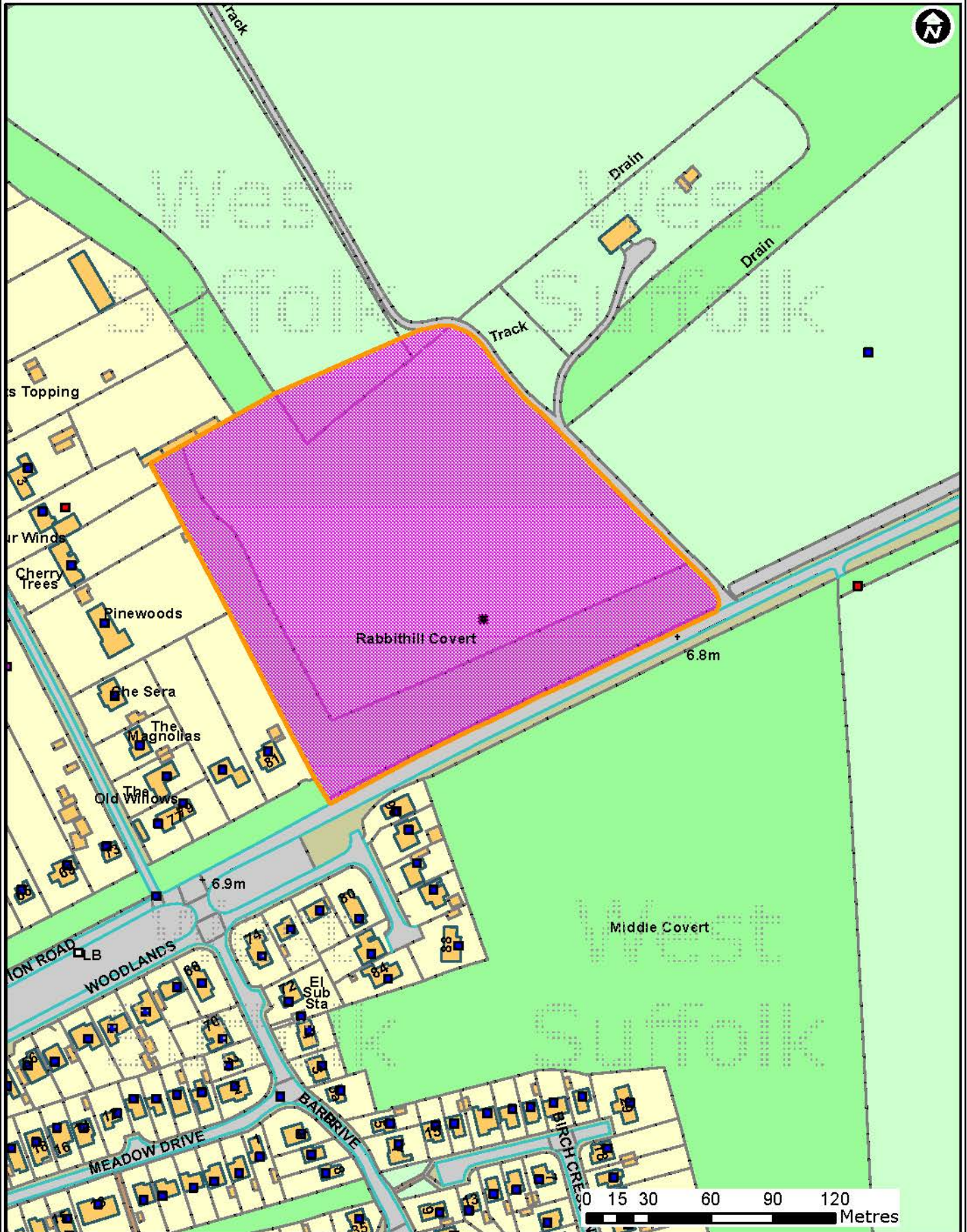
**Documents:**

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/>

**F/2013/0345/OUT**

Rabbithill Covert, Station Road, Lakenheath



Forest Heath • St Edmundsbury

**West Suffolk**  
working together

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**Scale: 1:2,500**  
**Date: 25/05/2017**

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200m	100m	50m	0	1:2500
100m	50m	25m	0	1:1250
50m	25m	12.5m	0	1:625
25m	12.5m	6.25m	0	1:312.5
12.5m	6.25m	3.125m	0	1:156.25
6.25m	3.125m	1.5625m	0	1:78.125
3.125m	1.5625m	0.78125m	0	1:39.0625
1.5625m	0.78125m	0.390625m	0	1:19.53125



SCHEDULE OF ACCOMMODATION			
<b>Open Market Housing</b>			
Ref	Type	Floor Area (sq.ft)	Number
1A	1 bed. First Floor Apartment	563	1
3A / 3AI	3 bed. semi-detached / terraced	850	36
4A	4 bed. detached	1192	9
4B	4 bed. detached	1390	6
4C	4 bed. detached	1507	3
5A	5 bed. detached	1660	2
			sub-total
			57
<b>Affordable Housing</b>			
Ref	Type	Floor Area (sq.ft)	Number
AF1	1 bed. Ground Floor Apartment	474	6
	1 bed. First Floor Apartment	563	6
AF2	1 bed. First Floor Apartment	606	1
AH2 / AH2I	2 bed. semi-detached / terraced	836	7
AH3 / AH3I	3 bed. semi-detached	940	3
AH4	4 bed. semi-detached	1103	1
			sub-total
			24
			<b>Total</b>
			<b>81</b>

**note**  
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Sketch proposals are for illustrative purposes only and as such are subject to detailed site investigation. Sketch proposals may be based on enlargements of OS Sheets and estimations of existing site features and will therefore need to be verified by survey.

Do not scale. Only figured dimensions to be worked to. Any discrepancies are to be reported to Parc Design Solutions Ltd.

**notes**

rev.	date	by	detail

**site**  
 Proposed Residential Development  
 STATION ROAD  
 LAKENHEATH  
 SUFFOLK

**client**  
 Pigeon Investment Management

**drawing title**  
 Site Layout

<b>drawn</b> SC	<b>checked</b> SC
<b>scale</b> 1:500 @ A1	<b>date</b> March 2014
<b>drawing number</b> 014 - 010 - 001	<b>revision</b> -

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# Forest Heath District Council

**DEVELOPMENT  
CONTROL  
COMMITTEE**

**3 SEPTEMBER 2014**

**DEV14/129**

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

**PLANNING APPLICATION F/13/0345/OUT – RABBIT HILL COVERT, STATION  
ROAD, LAKENHEATH**

## **Synopsis:**

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

## **Recommendation:**

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

## **CONTACT OFFICER**

Gareth Durrant (Case Officer)  
Tel: (01284) 757345

# Committee Report F/13/0345/OUT

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**Date:** 22 November      **Expiry Date:** 21 February 2014  
**Registered:** 2013

**Case Officer:** Gareth Durrant      **Recommendation:** Grant planning permission

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

**Proposal:** Erection of up to 81 dwellings.

**Site:** Rabbit Hill Covert, Station Road, Lakenheath.

**Applicant:** Mr James Waters.

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## **Background:**

**This application is referred to Development Control Committee as it is a proposal for 'major' development. Furthermore the recommendation to grant planning permission is contrary to the provisions of the extant Development Plan. The proposal also raises complex planning issues of District wide importance.**

**The applicant is an Elected Member of the Council.**

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

**The application is recommended for conditional approval following completion of a S106 Agreement.**

## **Proposal:**

1. The application seeks outline planning permission for the erection of up to 81 dwellings. All matters are reserved such that the planning application seeks to establish the principle of developing the site for housing.
2. On 7<sup>th</sup> and 25<sup>th</sup> May 2014 the number of new dwellings proposed by the planning application was amended from 100 (as submitted) to 81. At this time further information was submitted to amend and

supplement the planning application. The following documents were received:

- Amended illustrative site layout
  - Amended Design & Access Statement
  - Flood Risk Assessment
  - Archaeological Evaluation Report
  - Stone Curlew Information
3. In August 2014 the applicant submitted a noise assessment to assess the impact of aircraft noise.

**Application Supporting Material:**

4. The following documents were submitted to support this application when it was registered in November 2013:
- Forms and drawings including site location, site survey and illustrative layout.
  - Design & Access Statement
  - Noise Assessment
  - Protected Species Walkover Survey and Desk Study
  - Transport Assessment
  - Phase 1 and 2 Desk Study and Site Investigation Report (contamination)
  - Archaeological Desk Based Assessment
  - Tree Survey Information
  - Sustainability Appraisal
  - Flood Risk Assessment

**Site Details:**

5. The site is situated to the north of Lakenheath. It is approximately 3.5 hectares in size, is presently in agricultural use (Grade 3) and has a tree lined frontage onto the highway of Station Road. Trees situated at the site frontage (south) and the side boundary (west) are protected by Tree Preservation Order.
6. The application site is situated outside but abuts the settlement boundary of Lakenheath. The settlement boundary terminates at the west site boundary but includes existing development on the opposite side (south) of Station Road. The site is thus situated in the countryside for the purposes of applying relevant Development Plan policies.
7. The site frontage has the benefit of a mature landscaped frontage of mixed species, including some pines. Some low density housing abuts the west boundary and there is a small housing estate of bungalows on the opposite side of the highway. The rear (north) and side (east)

boundaries and set to the countryside. The bulk of the settlement and key village amenities are located further south in the village.

8. There are no landscape or heritage asset designations at the site, although the Lakenheath Conservation Area is situated close to the south-west corner of the site (on the opposite side of Station Road). 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:**

9. 1985 - Planning permission refused for one dwelling and garage (on a plot situated at the southwest corner of the current application site). Register reference F/85/076.
10. 1986 - Planning permission refused for Bungalow and Garage (on a plot situated at with the southwest corner of the current application site). Register reference F/86/0125.

### **Consultations:**

#### A – Application submission November 2013:

11. **Environment Agency –object** – and comment that the submitted Flood Risk Assessment does not provide a suitable basis for assessment to be made of the flood risks arising from the proposed development. The Agency goes on to advise how its objection can be resolved.
12. **Anglian Water – no objections** – The sewerage system and waste water treatment plant (Lakenheath STW) have capacity available to accommodate waste water generated by this development.
13. **Natural England – no objection** but requests further information – comments the site is 2.2km from RAF Lakenheath Site of Special Scientific Interest (SSSI). This SSSI is part of the Breckland Special Area of Conservation. It is also about 2km from Breckland Farmland SSSI which is part of Breckland Special Protection Area. The application site is outside the 1500m stone curlew 'buffer' to the SPA. However, we advise that the applicant is asked to determine whether there are any known stone curlew nest sites within 1500m of the development, i.e. outside the SPA. If there are nest sites, then further consideration of the impact on stone curlews will be required.
14. Natural England advises that the proposal, if undertaken in strict accordance with the details submitted, is not likely to have a significant effect on the interest features for which Breckland SAC/SPA has been classified. Natural England therefore advises the Council is not required to undertake an Appropriate Assessment to assess the implications of this proposal on the sites conservation objectives. Natural England is also content the development would not affect the

Pashford Poors Fen, Lakenheath (SSSI), Lakenheath Fen SSSI and Maidscross Hill, Lakenheath SSSI/Local Nature Reserve.

15. **Defence Infrastructure Organisation – no objections**, and request further consultation at Reserved Matters stage.
16. **NHS Property Services – ‘no objections’** to the planning application and no request for a contribution to be used towards health infrastructure.
17. **FHDC (Environmental Health) – no objections** – subject to the imposition of conditions to ensure i) the site is adequately investigated for contamination and any contaminants remediated, ii) to mitigate the impact of noise disturbance to existing local residents (construction management and hours of working).
18. **FHDC (Leisure, Culture and Communities) – no objections** - comments on the planning application as follows;
  - The two central areas of open space, should be combined to make one meaningful space, this would provide an area large enough to use and reduce the impact of use on neighbouring properties.
  - The space should contain natural playable features.
  - The central area should be surrounded by a knee rail.
  - Detail of soft landscaping and tree planting required.
  - Red line plan confirming all adoptable areas.
  - The green spaces adjacent to parking spaces and turning heads should be protected by a knee rail.
  - Any formal play provision should be off site and provided at one of the existing play areas in Lakenheath
  - All other provision should be in accordance with the SPD for open space, sport and recreation facilities and also provided off site at suitable locations within Lakenheath.
19. **FHDC (Strategic Housing) –objects** on the grounds that apparently less than the policy requirement of 30% affordable housing provision is offered from the development. The following comments are provided:
  - The Strategic Housing team does not support this development in Lakenheath. Forest Heath’s Core Strategy Policy CS9 states a requirement of 30% affordable housing. This development does not meet Policy CS9 and although the viability issue has been mentioned in the Affordable Housing Statement, no viability assessment has been completed at this stage.
  - There is strong evidence from the Housing Register and the SHMA to conclude that we need a variety of tenure and mix in Lakenheath. There are currently 199 applicants in housing need on the Housing Register with a preference to live in Lakenheath.
  - Based on the housing register figures, below is an indicative mix of

what would be required (based on 30 affordable homes);

- 13 x 1 bed (2 person)
- 12 x 2 bed (4 person)
- 4 x 3 bed (5 person)
- 1 x 4 bed (6 person)

- There would be a need for circa 5% of the overall affordable housing mix to be bespoke for households with specific needs i.e. wheelchair accessible, and Strategic Housing would be happy with a mix of flats and houses.
- Our Affordable Housing SPD requires a tenure split of 70/30 (affordable rent/intermediate housing) however the latest SHMA data is indicating a closer tenure split to 80/20.
- We would also encourage working with a Registered Provider of Affordable Housing at an early stage and require the affordable homes meet the Homes and Communities Agency (HCA) design and quality standards.

20. **Suffolk County Council (Highways – Development Management)** – raises **no objections**, subject to conditions (details of the access & internal estate roads, bin storage areas, junction visibility splays and phasing of construction of the new road infrastructure. The Authority has also requested developer contributions towards off site highway improvements (Footway widening for a safer cycle way (£50k); Street lighting and street furniture re-location (£15k) and an uncontrolled crossing (£10k).
21. **Suffolk County Council (Archaeology)** (December 2013) – **Objects** – The Authority comments that the site lies in an area of archaeological potential as recorded in the County Historic Environment Record (HER). A desk based assessment with this application presents a summary of known archaeological remains within the vicinity of the site, which includes a crop-marked ring ditch to the north and extensive finds from the Roman, Saxon and medieval periods to the north, south and east.
22. For these reasons, and in order to establish the full archaeological implications of this area, the applicant should be required to provide an archaeological evaluation of the site before the determination of the planning application to allow for preservation *in situ* of any sites of national importance that might be defined.
23. **Suffolk County Council (Planning Obligations)** – provide the following comments:
  - Forest Heath is currently undertaking a Single Issue Review looking at housing numbers and distribution across the district. In this connection we will greatly welcome the early conclusion of this review to enable a proper plan-led approach to development with

the necessary supporting infrastructure provision.

- **Education (Primary).** We need to clearly understand the outcome of the Single Issue Review in terms of housing numbers allocated to Lakenheath for future growth. This is critical in terms of shaping our future primary school strategy for Lakenheath. With further planned housing growth in Lakenheath over the plan period to 2031 the only sensible outcome will be to provide a second new 315 place primary school (free site of 2 hectares and build costs funded by developers).
- The existing primary school at Lakenheath has recently been expanded to 315 places to take account of the move from 3 to 2 tiers as well as dealing with latent population growth. Whilst the preference would be to expand the existing primary school to provide additional classrooms with facilities the site constraints mean that this is not a realistic or feasible option. With latent population growth and further housing growth planned at Lakenheath the emerging education strategy is to deliver a new 315 place primary school.
- The cost of providing a new primary school is £17,778 for each school place. It is forecast that this development would generate 25 primary school places. The contribution to be secured from this development is therefore £444,450 (25 places x £17,778 per place).
- With regard to site acquisition costs we can assume £10,000 per acre (£24,710 per hectare) which gives a total cost of £49,420 for a 2 hectare site and equates to £157 per pupil place. This gives a land contribution of 14 places x £157 per place = £3,925.
- In view of the above issues we consider that it is critical to fully consult with the Head teacher, School Governors and the local community before any decision is made on this application. The existing village primary is a full capacity.
- **Education (Pre-school provision).** It is the responsibility of SCC to ensure that there is sufficient local provision under the Childcare Act 2006. Section 7 of the Childcare Act sets out a duty to secure free early years provision for pre-school children of a prescribed age. From these development proposals up to 14 pre-school pupils are anticipated at a cost of £6,091 per place. In Lakenheath census data shows there is an existing shortfall of places in the area. A capital contribution of £60,910 is requested.
- In Lakenheath, census data shows there is an existing shortfall of places in the area.
- **Play space provision.** Consideration will need to be given to adequate play space provision.

- **Libraries.** A capital contribution of £21,600 to be used towards libraries is requested. The contribution would be available to spend in Lakenheath.
- **Waste.** A waste minimisation and recycling strategy needs to be agreed and implemented by planning conditions
- **Supported Housing.** Supported Housing provision, including Extra Care/Very Sheltered Housing providing accommodation for those in need of care, including the elderly and people with learning disabilities, may need to be considered as part of the overall affordable housing requirement. We would also encourage all homes to be built to 'Lifetime Homes' standards.
- **Sustainable Drainage Systems.** In the interim, developers are urged to utilise sustainable drainage systems (SuDS) wherever possible, with the aim of reducing flood risk to surrounding areas, improving water quality entering rivers and also providing biodiversity and amenity benefits. Under certain circumstances the County Council may consider adopting SuDS ahead of October 2013 and if this is the case would expect the cost of ongoing maintenance to be part of the Section 106 negotiation.
- **Fire Service.** Any fire hydrant issues will need to be covered by appropriate planning conditions. We would strongly recommend the installation of automatic fire sprinklers.
- **High-speed broadband.** SCC would recommend that all development is equipped with high speed broadband (fibre optic).

24. **Suffolk County Council (Strategic Planning)** submitted a '**holding objection**' and further interim comments in May 2014. The following comments were received at that time;

- I previously provided a comprehensive response by way of letter dated 23 January 2014 which the Development Control Committee will need to consider in due course. However this letter provides further clarification of the county council's position.
- This letter raises further issues for Forest Heath to consider in terms of important matters relating to primary school provision for Lakenheath and should be reported to the Development Control Committee. The position at Lakenheath in terms of education is different from other settlements across the district in that, at this point in time, whilst there is a clear strategy, i.e. there is an agreed need for a new primary school, no site has been secured yet and temporary classroom provision is difficult due to the site constraints of the existing primary school. Furthermore, the county council is aware of previous draft development plan documents indicating the level of further growth for Lakenheath.
- The Forest Heath Core Strategy Development Plan Document was



adopted in May 2010 and includes Policy CS13 Infrastructure and Developer Contributions. However we are very concerned that, ahead of the conclusion of the Single Issue Review and Site Allocations, which will address housing numbers and distribution across the district, there may well be no plan-led approach which could result in development not having the necessary supporting infrastructure provision. In particular it is widely accepted that Lakenheath needs a new primary school to support growth but at this point in time a suitable site for a new primary school has not been identified or secured. A minimum site size of 2 hectares will need to be identified, reserved and secured within Lakenheath to serve the community's needs. However, it would only be reasonable to develop such a school if there were greater certainty of additional houses anticipated in Lakenheath in the plan period. The ideal process would be for the county council to work closely with the district council through the Site Allocations process to identify a suitable site for a new primary school provided that the overall housing growth justified that.

- Whilst we are encouraged that this development has agreed to make proportionate contributions towards land and build costs for the new primary school, the real problem that the county council faces is that without a school site being identified and secured, some of the children arising from this development or in Lakenheath generally may not be able to secure a place at their existing local primary school. In this scenario the county council may be forced into a position of sending local primary age children by bus or taxi to other schools in the area. The assumed current annual cost for taking one child to and from school is about £850. As you are aware the existing primary school at Lakenheath has recently been expanded to 315 places to take account of the move from 3 to 2 tiers as well as dealing with latent population growth. Whilst the preference would be to expand the existing primary school to provide additional classrooms with facilities the site constraints mean that this is not a realistic or feasible option.
- In the circumstances, we consider that the Development Control Committee needs to be taking into account the very real sustainability issues that may arise of some local children not being able to secure a place in the short term at the existing primary school if further housing growth at Lakenheath is approved before a new primary school site is secured. The county council would not object to this proposal if it were to be part of a planned series of developments at Lakenheath (including the allocation of a new school site), provided that adequate funding was secured to provide an appropriate contribution to school buildings and site and the necessary additional travel costs pending construction of a school. However there is no certainty about the scale or location of growth at the moment. Furthermore there is new information that there are a number of other planning applications which have been submitted in Lakenheath in the recent past and there is a need to be able to consider these matters as a whole. Accordingly the county council

submits a holding objection in respect of this proposal pending further consideration of how the education matters can be resolved in the absence of a Site Allocations document. The county council is keen to continue discussions with the district council to examine this matter in order to agree a project plan for delivery of the new school.

25. **Suffolk County Council (Suffolk Fire and Rescue Service) – no objections** – Requests adequate provision of fire hydrants (to be secured by condition) and provides advisory comments for the benefit of the applicant/developer (access for fire engines, water supply and use of sprinkler systems in new development).

B – Re-consultation in May 2014 following reduction of number of dwellings from 100 to 81 and submission of additional information.

26. **Anglian Water Services** – do not wish to comment further at this stage.
27. **Environment Agency – no objections** – following receipt of an amended Flood Risk Assessment remove their previous objections to the planning application and recommend imposition of conditions regarding surface water drainage and potential land contamination. The Agency also provides advice for the benefit of the applicant/developer.
28. **FHDC (Ecology, Tree and Landscape Officer) – no objections** – and comments as follows:

Landscape

- The proposal does not include a landscape and visual assessment. In general the site is screened from the B1112 Station Road by a tree screen which is protected by a tree preservation order. The site is open to the north and the east
- The proposal is to access the site through this protected tree screen however the practicality of how this could be achieved without the loss of a significant number of trees has not been clarified although one option is shown. It is likely that trees would be lost to accommodate the actual access road, to provide the necessary visibility spays and adjacent trees in the vicinity where the root protection area (RPA) of the trees are disturbed potentially affecting tree stability. The submitted details do not allow for an accurate assessment of tree loss. There is potential to take the access through a section of the tree belt where there are few trees thus limiting the loss. This would need to be explored as part of the reserved matters.
- The proposals, in general, include for the retention of many of the

existing TPO trees. These trees will need to be protected through sensitive design of the site and during the construction period. A tree protection plan should be provided with the reserved matters.

- The development of the site will result in the loss of agricultural land, and the introduction of additional built form which is considered to be an impact on landscape character.
- The DAS includes a landscape strategy which states that additional landscape planting will be developed on the northern and eastern boundaries of the site. The strategy will need to be developed further if the application is approved
- Recommend that a landscape strategy is conditioned to be submitted alongside the reserved matters master plan showing how these principals have been addressed.
- Detailed soft and hard landscaping to be submitted and implemented

#### SUDs

- The provision of sustainable urban drainage is not shown on the indicative layout. The applicant must show that there is no double counting of open space and SUDs and that whilst it is desirable for the SUDs provision to adjoin the open space it does not form part of the open space provision.

#### Ecology

- Natural England has confirmed that they do not object to the proposals and that there would be no impact on statutory sites including Breckland SAC and SPA and SSSI's (Pashford Pools Fen, Lakenheath (SSSI), Lakenheath Fen SSSI and Madsdross Hill SSSI/Local Nature Reserve)
- An ecological assessment accompanies the application which has assessed the risk to habitats and species. The report identified that there is the potential for impact on bats resulting from the removal of trees to form the site access. Further information relating to the bat roost potential of the existing trees and potentially survey of any trees to be removed is required at reserved matters stage. Environmental enhancements (DAS 4.16) are also required and their provision should be included in the landscape plan for the site. Other recommendations of the ecology report should be implemented in full and if a period of time elapses prior to development of the site additional survey will be required.

29. **Suffolk County Council (Archaeology) – no objections** and comment that a programme of archaeological field evaluation comprising geophysical survey and trial trenching was conducted on the application site in April 2014, in accordance with a brief issued by

the Suffolk County Council Archaeology Service Conservation Team. The field evaluation demonstrated that there were no below ground heritage assets on the application site. Consequently, we have no objections to the proposals and do not believe that any archaeological mitigation is necessary.

30. **Suffolk County Council (Transport Strategy – Travel Planning)** – comments that There is a reference in the Transport Assessment that a travel plan is to be submitted for this development. I would require this travel plan to be submitted and approved prior to the first dwelling being occupied. If possible, I would recommend that there is a legal obligation or planning condition to ensure the travel plan is properly implemented by the developer.
31. **Suffolk County Council (Highways – Development Management)** – provides commentary about the amended illustrative layout of the site and repeats previous requests for conditions and S106 contributions.
32. **Suffolk County Council (Strategic Planning)** - further representations received 8th August 2014) removing their holding objection to the planning application. The following comments were received;
  - The county council’s substantive responses regarding education matters for these 3 applications was set out by way of letters dated 23 January 2014, which for sake of completeness also referred to mitigation measures sought for early years and libraries.
  - However as this application has recently been amended to 81 dwellings the adjusted early years and libraries contributions previously requested are now respectively reduced to £48,728 and £17,496.
  - Continued uncertainty about the scale and location of growth in Lakenheath in the absence of a site allocation document and the relatively recent removal from consideration of the possible site on the Elveden Estates land for 750 dwellings which included a primary school site has presented considerable difficulty for the county council in determining how the appropriate education strategy for Lakenheath can now be delivered i.e. where can an alternative school site be located to best serve the local community. This has been compounded by the recent decision by the US authorities to relinquish housing at Lord’s Walk in Eriswell and release these houses back into civilian use, thereby potentially adding greater numbers of school children to the existing upward trends. The existing primary school site in the village is almost at capacity and it is clear that the constrained nature of the site does not allow this to

be used as a long term solution for additional accommodation requirements.

- There are two areas of uncertainty – the permanent location of any new school site and meeting short term needs pending the construction and opening of a new school. On the permanent location of a new school, which is likely to be 1.5 forms of entry (315 places) but could be up to 2 forms of entry (420 pupils) and requiring a minimum of 2 hectares of land, the county council has commissioned its consultants, Concertus, to identify options for possible sites. Concertus has so far identified a number of possibilities, but these have yet to be carefully tested. A number of uncertainties remain:
  - The size and configuration of the sites in relation to the school requirements;
  - Whether the sites are likely to be available in the next couple of years;
  - Their relationship to access and services;
  - Environmental, flooding, aircraft noise and other constraints on the site;
  - Their location within the village in relation to the spread of development identified in any site allocation document proposed by the district council and, if it is to accommodate children from Lord's Walk, its distance from that site.
  - Whether the sites offered come as part of a wider planning proposal and what the view of the district council is of the likely acceptability of such a scheme.
  - Furthermore, there is the uncertainty about the willingness of the landowners to release their sites and the question of whether compulsory purchase procedures will be needed.
  - An assessment of highway impacts on the village, both in terms of the new school site location but also from cumulative impacts from village-wide development.
- All of this means that it is not possible at this point for the county council to be clear about which site, if any, might be suitable for development and exactly when it would be deliverable. Furthermore, the pace at which this work has had to be done militates against effective engagement with the local community.
- In the short term, the capacity of the existing primary school will be exceeded in the next year or so and temporary arrangements will

need to be put in place to accommodate additional children. This will be driven in part, if not wholly, by any housing schemes granted permission in the village. It is not clear that a plan can be developed that will allow for temporary accommodation on the existing constrained site, pending completion of the new school. If not, then school children will need to be transported to schools in surrounding villages or towns, which in themselves may well require temporary extensions. Clearly, for an uncertain period of time, this could result in an unsustainable pattern of school provision.

- It is recognised that the district council faces an issue about identifying adequate housing land. The county council considers that it is a matter for the district council to balance the needs for the release of new housing sites with the risks associated with the emergence of a possibly unsustainable pattern of school provision. In this context, it removes the holding objection previously registered and leaves it to the district council to draw the planning balance considering these and all other relevant matters. If the district council considers that it should approve the planning application, this should be on the basis that sufficient funding is made available for a proportionate share of the costs of the school site (possibly at residential value), the school building costs and the costs of the temporary classrooms at an existing primary school and/or the costs of school transport pending the construction of a permanent school. This would be in addition to the costs of other infrastructure as identified in our earlier correspondence and updated above to reflect the revised scheme of 81 dwellings.
- On this basis we would request the following updated contributions in respect of education mitigation from this particular scheme of 81 dwellings, namely:
  1. Based on the methodology set out in the adopted Developers Guide we estimate that a minimum of 20 primary age children will arise from a scheme of 81 dwellings.
  2. The pro-rata contribution towards the full build cost of a new school is £355,560 (2014/15 costs).
  3. The pro-rata contribution towards the acquisition costs of a new 2 hectare site assuming a maximum residential value of £864,850 per hectare (£350,000 per acre) is £109,820. If the site is purchased on the basis of a lower value then the county council will credit the difference back to the developer.
  4. Temporary classroom costs if required. The cost to purchase a single temporary classroom with toilet and accessible toilet is currently estimated to be £106,000, the cost of which would need to be secured from this development on a pro-rata basis.

5. The annual transport cost per pupil if required is assumed to be £750 (2014/15 costs).

**Representations:**

A – Application submission November 2013:

33. **Lakenheath Parish Council – objects** (January 2014) and provides the following comments –
- The Parish Council is very disappointed that the developer has not sought to engage with them prior to the application being submitted given the proposed scale of development.
  - The grounds for objection are as follows :-
  - the proposed site lies outside the current development area and as such pre-empts the Single Issue Review
  - the proposed site encroaches on the wildlife "buffer" zone and the natural boundary of the village - thus contrary to FHDC Policy CS2. NPPF indicates that care should be exercised to prevent development sprawling into the countryside.
  - the density and layout of the proposed dwellings is out of character (dwellings in Drift Road sit in spacious grounds, a setting more amenable and pleasing when location, on the outskirts of the village, is viewed); the design unimaginative and parking totally inadequate given the poor level of public transport within the village, thus contrary to FHDC Policy 4.14, Policy CS3, more importantly, Policy CS5 and Policy CS6.
  - the site is too close to the flight path for the nearby base at RAF Lakenheath which sees the arrival of many NATO aircraft
  - the village school, despite recent alterations and improvements, has no extra capacity
  - the site forms part of a detailed FHDC water cycle study which has shown that "upgrades to approx. 700mt of existing sewerage network through the town". If such work is undertaken, it would only be cost effective in upgrades in two other sites (L14 & L28) were to be carried out at the same time. Such work would require a 1- 3 year time frame
  - Finally, the site is within an area of high archaeological finds and it is felt that a field survey, rather than a desk top assumption should be carried out (NPPF s128 & 129 refer).
34. **Lakenheath Parish Council** (February 2014) - **additional comments** following their collective consideration of current planning

applications for major housing development in the village;

- "...the PC would like independent professional advice/guidance on the way forward paid for by the proposed developers."

35. **20 letters/e-mails** have been received from **Local residents** (including Drift Road Residents association) **objecting** to the planning application. This issues and objections raised are summarised as follows;

- Unacceptable development in the countryside and contrary to policy.
- These homes are not needed.
- Roads and other infrastructure (sewerage, water supply, doctors, primary school, village hall, shops, social facilities, etc.) have not been improved to cater for growth.
- This is not a sustainable location because a car is an essential for work (with inadequate bus services). CO2 emissions will be increased.
- Concerned about the cumulative impact of all development currently being proposed in the village.
- The site is well detached from the village centre and the facilities and amenities.
- Traffic movement through the village is already high and should not be added to.
- Concerned about mess and disturbance caused during construction.
- Village parking is already inadequate for modern needs.
- School children would need to be bussed causing more traffic movement.
- Existing uncompleted and blighted sites in the village should be developed first before green field is considered.
- Circa 500 homes are about to be released at Lords Walk. This should be subtracted from the level of growth Lakenheath is expected to accommodate.
- If development is approved, the Council should secure appropriate infrastructure improvements via S106 or CIL.
- Loss of prime agricultural land.
- Adverse impacts from traffic noise.
- Concerned about recent removal of established vegetation from within the site.
- Destruction of wildlife and habitat (including bats, barn owls, flora and fauna).
- Highway safety will be compromised.
- This is not sustainable development.
- Lack of footpaths and street lighting.
- Impact of noise pollution from the airbase.
- Development (as illustrated on the layout drawings) would harm the character of this part of Lakenheath and spoil the clearly defined and identifiable village boundary.
- Considerable visual landscape impact.
- This development (and the other developments proposed at Lakenheath) should await the Local Plan to ensure full public



participation.

- The NPPF is only guidance (paragraph 13).
- Concerned about cumulative impact upon Lakenheath.
- An independent review of the infrastructure needs of the village should be undertaken (funded by the collective applicants).
- Delivery of a new primary school is far from certain.
- The site lies under the flight path of F15 aircraft returning to the base – this is contrary to the submitted noise assessment which advises aircraft do not fly over the site.
- The application site *is* affected by aircraft noise.
- The noise constraint plan of the village used by the District Council is not accurate.
- An independent survey of the infrastructure capacity and requirements of the village, including the noise environment should be commissioned.
- The site has not been adequately assessed for remains of archaeological interest.
- Increased risk of flooding (surface water)

B – Re-consultation in May 2014 following reduction of number of dwellings from 100 to 81 and submission of additional information.

36. **Lakenheath Parish Council – objects** to the amended planning application and comments as follows–

- The Parish Council is very disappointed that the developer has again not sought to engage with them prior to the amended application being submitted given the proposed scale of development.
- The Design and access statement point 6.2 states: to ensure that the local community had the opportunity to have an input in the scheme a number of meetings have been held in regard to development proposals at Lakenheath. There has been no prior Parish Council or Village community Consultation in relation to this site at any time.
- Referring to the Design and access statement point 9.3 this is a totally incorrect assumption as there is not easy access within the Village. It is over a mile to Shops and the School. Public Transport has recently been reduced. There is no direct route to Bury St Edmunds now. Trains only stop at Lakenheath Station, some 2 miles from the proposed development at weekends as a request stop only which has to be arranged in advance. Additionally there is no longer any parking at the station and as it is so far outside the village access can only be by car. This cannot be deemed reasonable mode of transport.
- The proposed site lies outside the current development area and as such pre-empt the Single Issue Review.
- The proposed site encroaches on the wildlife "buffer" zone and the natural boundary of the village. This is contrary to FHDC Policy

CS2. NPPF indicates that care should be exercised to prevent development sprawling into the countryside.

- The density and layout of the proposed dwellings although now reduced is out of character (dwellings in Drift Road sit in spacious grounds, a setting more amenable and pleasing when location, on the outskirts of the village, is viewed). The Planning inspector has previously held up a planning application 3 times within the area as a unique and distinctive area and should be retained as such primarily citing (retained policy) 4.14 – “out of character and detrimental to the environment / locality”.
- The affordable housing is all concentrated in one place. We surely want to see mixed communities not ghettoization! Just look at Jubilee Road. Any future development anywhere in Lakenheath should be enhanced by designing mixed housing and communities. On entering the Village from the North this will be the first area of the Village viewed therefore should be aesthetically pleasing.
- Parking on the site is totally inadequate, especially to plots 10 to 29, given the poor level of public transport within the village, thus contrary to FHDC Policy 4.14, Policy CS3, more importantly, Policy CS5 and Policy CS6. Why is the garage for plot 38 next to house on plot 37? Why are there shared road surfaces for the bulk of the proposed estate?
- The site is too close to the flight path for the nearby base at RAF Lakenheath which sees the arrival of many NATO aircraft. The site lies under the flight path of returning F15 aircraft as well as being the main route for outgoing helicopters. An independent noise survey should be obtained from the Civil Aviation Authority as spoken of at the informal partial stakeholder meeting held at Lakenheath Primary school on Thursday 29th May 2014. More importantly FHDC are to publish a full Environmental Impact Assessment screening as required by UK planning law, including an independent area wide study for Lakenheath on the impact of noise and vibration from ground and flight path impacts.
- The village school, despite recent alterations and improvements, has no extra capacity. There is already a holding order from Suffolk CC in relation to the Bennett’s proposals at Briscoe Way till a new site can be located to provide additional school. This should apply to this site too.
- Health care provision will not be adequate to cope with the extra occupants from the Estate as it is now 2 weeks to get an appointment to see a doctor and this will not improve. Is this acceptable NHS standard?
- The site forms part of a detailed FHDC water cycle study which has shown that "upgrades to approx. 700mt of existing sewerage network through the town". If such work is undertaken, it would

only be cost effective if upgrades in two other sites (L14 & L28) were to be carried out at the same time. Such work would require a 1- 3 year time frame. No major building works should be contemplated till this is sorted per core strategy which would not be till the earliest 2015 as advised by Anglian Water.

- A second access way into the proposed development as only one access to 81 dwellings seems totally inadequate.
  - Finally, Highways, there is insufficient infrastructure now. The High Street is already congested at various times of the day. Most jobs are to the South of the Village and this takes most traffic through the High Street and onto Eriswell therefore a new relief access way should be arranged to the B1065 probably at the edge of RAF Lakenheath by the tree line from Eriswell Road.
  - We need to restate that our solicitors letter of 14th May attached to Briscoe Way (DC/13/0660/FUL) still stands and the approval of any application at this stage will result in the Parish seeking Judicial review.
37. Seven further letters/e-mails were received from Local residents (including Drift Road Residents association) objecting to the amended planning application. Many of the issues and objections raised are the same as previously reported above. New material issues raised are summarised as follows;
- The application is premature to the Local Plan and is not needed.
  - The site is too far away from the school.
  - Not enough affordable housing.
  - What if the base were to close?
  - The revised site design is very poor with 50% of houses facing northwest with no solar gain. Many of these will have a dense planting belt on the south-eastern side and will therefore be denied any passive solar gain at all.
  - There has been no consultation with the local community.
  - We support SCC's holding objection on education grounds.
  - The noise statement in the applicant's design and access statement is completely inadequate.

**Policy:**

38. The Development Plan comprises the policies set out in 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 Core Strategy policies. The following policies are applicable to the proposal:

**Core Strategy**

39. The Core Strategy was the subject of a successful legal challenge following adoption. Various parts of the plan were affected by the High

Court decision, with Policies CS1 CS7 and CS13 being partially quashed (sections deleted) and section 3.6 deleted in its entirety. Reference is made to the following Core Strategy policies, in their rationalised form.

### **Visions**

- **Vision 1** – Forest Heath
- **Vision 5** – Lakenheath

### **Spatial Objectives**

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

### **Policies**

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

## Local Plan

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

- **Policy 4.15** – Windfall Sites – Villages
  - **Policy 9.1** – The rural area and new development
  - **Policy 9.2** – Criteria to be applied when considering new development in the rural area.
  - **Policy 10.2** - Outdoor Playing Space (new provision)
  - **Policy 10.3** – Outdoor Playing Space (as part of new development proposals)
  - **Policy 14.1** – Securing Infrastructure and Community Facilities from Major New Developments.
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- **Inset Map 12** (Lakenheath Development Boundary)

## Other Planning Policy:

### Supplementary Planning Documents

40. 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)
  - Suffolk Advisory Parking Standards (2002)

### Emerging Development Plan Policy

41. The Council is currently finalising the details of two Development Plan Documents (Single Issue Review of the Core Strategy and Site Allocations Document) and both will soon be placed on public consultation before submission for examination and, ultimately, adoption.
42. Forest Heath District and St Edmundsbury Borough Council's have prepared a 'Joint Development Management Policies Document' (currently with 'submission' status, October 2012). The Document was submitted to the Planning Inspectorate in December 2013 following public consultation and has been the subject of examination (July 22-25 2014). The outcome of the examination is presently awaited.
43. With regard 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:

44. The stage of preparation of the emerging plan (the more advanced the preparation, the greater weight that may be given)
45. 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
46. 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.
47. The emerging Single Issue Review and Site Allocations documents have not been published for public consultation so can be attributed on very little weight in this decision given the significant uncertainties that surround the final content of these documents. Members should note that, for the purposes of public consultation for the Site Allocations Document, the application site is actually a 'preferred site' (i.e. not excluded at this stage). However, this initial draft 'allocation' should not be attributed significant weight given current uncertainties as to whether the site will actually be included in any later draft of the Plan that is submitted to the Planning Inspectorate for examination.. The Development Management Policies document has been published, has been the subject of public consultation and formally submitted for examination. Accordingly some weight can be attributed to this plan in the decision making process.
48. Objections have been received to the vast majority of the policies set out in the policies document which, according to the guidance, reduces the weight which can be attributed to them. The policies have been reviewed but none are considered determinative to the outcome of this planning application so reference is not included in the officer assessment below.
49. The following emerging policies from the document are relevant to the planning application;
  - DM1 – Presumption in Favour of Sustainable Development
  - DM2 - Creating Places – Development Principles and Local Distinctiveness
  - DM3 – Masterplans
  - DM4 – Development Briefs
  - DM5 – Development in the Countryside
  - DM6 – Flooding and Sustainable Drainage
  - DM7 – Sustainable Design and Construction
  - DM8 – Improving Energy Efficiency and Reducing Carbon Dioxide Emissions
  - DM11 – Impact of Development on Sites of Biodiversity and Geodiversity Interest
  - DM12 – Protected Species
  - DM13 – Mitigation, Enhancement, Management and Monitoring of Biodiversity
  - DM14 – Landscape Features

- DM15 – Safeguarding from Hazards
- DM18 – Conservation Areas
- DM21 – Archaeology
- DM23 – Residential Design
- DM28 – Housing in the Countryside
- DM41 – Community Facilities and Services
- DM42 – Open Space, Sport and Recreation Facilities
- DM45 – Transport Assessment and Travel Plans
- DM46 – Parking Standards

#### National Policy and Guidance

50. The National Planning Policy Framework (the Framework) sets out government's planning policies for England and how these are expected to be applied.
51. 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.”
52. 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".
53. The relevant policies of the Framework are discussed below in the officer comment section of this report.
54. The Government has recently (March 2014) released its National Planning Practice Guidance (NPPG) following a comprehensive exercise to review and consolidate all existing planning guidance into one accessible, web-based resource. The guidance assists with

interpretation about various planning issues and advises on best practice and planning process. Relevant parts of the NPPG are discussed below in the officer comment section of this report.

**Officer Comment:**

55. 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

56. Given the scale of development proposed, the planning application has been screened under the provisions of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. The Council's formal Screening Opinion concluded that the proposal is not 'EIA development' and an Environmental Statement was not required to accompany the planning application.

The Conservation of Habitats and Species Regulations 2010

57. 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 the plan or project.
58. The application site is in the vicinity of designated (European) sites of nature conservation but is not within a designation or land forming a formal buffer to a designation. The Council's Environmental Impact Assessment Screening Opinion concluded that the proposals are unlikely to give rise to significant effects on the conservation objectives of the designated sites. Furthermore, the nature groups, including Natural England (the statutory advisor under the Habitations and Species Regulations) have not raised concerns or objections in response to the planning application. Officers have concluded that the requirements of Regulation 61 are not relevant to this proposal and appropriate assessment of the project will not be required in the event that the Committee resolves to grant planning permission.



Natural Environment and Rural Communities Act 2006

59. 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)

60. 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 and the adopted Core Strategy (as amended by the judgement handed down by the High Court). National planning policies set out in the Framework are a key material consideration.

Planning (Listed Buildings and Conservation Areas) Act 1990

61. 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.*

62. 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.*

63. In this case there are no listed buildings at the site or close to the site (such that their settings would be affected). Similarly the development is not situated in a Conservation Area and the built form, being behind a frontage tree belt and the site being off-set from the corner of the heritage asset, the development would not affect views into or out of the nearby Lakenheath Conservation Area. There is likely to be an increase in traffic using the main road through the Conservation Area following occupation of the proposed dwellings, but this is not considered to lead to significant impacts arising on the character or appearance of the Lakenheath Conservation Area.

Crime and Disorder Act 1998

64. 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.

## **Principle of Development**

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

65. 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.
66. 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.
67. Crucially for this planning application the following policy is set out at paragraph 49 of the Framework;

"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".
68. 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. As at March 2012 a total of 3,089 dwellings have been completed since 2001. In order to meet the 6,400 requirement 3,311 dwellings would need to be built to March 2021. This equates to around 367 dwellings annually or 1839 over the five-year period 2012-2017.
69. It is acknowledged that the Council is currently not able to demonstrate a 5-year supply of deliverable housing sites (the supply was recorded at 3.6 years at March 2012 (or 3.4 years with the 5% buffer required by the Framework) and there is little evidence of a significant recovery over the period since. Indeed the National Planning Practice Guidance confirms that any shortfall in the supply of housing should be made up as soon as possible (i.e. within the 5 year period). This means the adjusted (true) 5-year housing supply in Forest Heath (as at March 2012) drops to approximately 3.15 years.
70. Some commentators have referred to the release of circa 550 former USAFE personnel dwellings at Lords Walk (in the Parish of Eriswell) onto the housing market as either contributing to the five year housing supply or evidence that further new housing is not required at Lakenheath. Officers are in the process of verifying whether this stock of dwellings is already counted as 'existing' housing stock or whether

it could be counted as a contribution towards the five year supply of housing in the District as it is released to the open market. Members will be updated of the outcome at the meeting.

71. In the light of the Council not being able to demonstrate a 5-year supply of housing any extant Development Plan policies which affect the supply of housing must be regarded by the decision maker as out of date. This includes the 'settlement boundaries' illustrated on the Inset maps attached to the Local Plan (Inset Map 5 for Lakenheath) and Development Plan policies which seek to restrict (prevent) housing developments in principle. Such policies are rendered out of date and therefore carry reduced weight in the decision making process.
72. In circumstances where a Council is not able to demonstrate a 5-year supply of deliverable housing sites, planning applications for new housing development essentially fall to be considered against the provisions of the Framework and any Development Plan policies which do not relate to the supply of housing. The Framework places a strong presumption in favour of sustainable development and where Development Plans are silent or out of date confirms that planning permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole or specific policies in the Framework indicate development should be restricted.
73. Since the Framework was introduced there have been numerous examples nationally (including some in the Forest Heath District) where planning permission has been granted at appeal for new housing developments contrary to the Development Plan because the need for housing to be delivered was considered to outweigh identified negative effects.
74. The absence of a five year supply of land lends significant weight in support of granting planning permission for these development proposals, not least given the Government's aim to boost the supply of housing and to stimulate the economy. However, whilst the various appeal decisions provide useful guidance, the fundamental planning principle that each case is to be considered on its own merits prevails.
75. The Framework (advice set out at paragraph 14 of the document in particular) does not equate to a blanket approval for residential development in locations that would otherwise conflict with Local Plan policies. If the adverse impacts of the proposal (such as harm to the intrinsic character and beauty of the countryside) significantly and demonstrably outweigh the benefits, then planning permission should still be refused, even in areas without a 5-year supply of housing (as occurred at the recent Kentford appeal case where a proposal for 102 dwellings was dismissed by the Inspector (reference F/2012/0766/OUT and APP/H3510/A/13/2197077)).

### What is sustainable development?

76. 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;)
77. 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.
78. 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;
  - replacing poor design with better design;
  - improving the conditions in which people live, work, travel and take leisure; and
  - widening the choice of high quality homes.

### Prematurity

79. The Council is shortly to consult on a 'Single Issue Review' of the Core Strategy (housing distribution) prior to submission for Examination. At the same time it will begin the formal process of preparing a Site Allocations Development Plan document both of which will subsequently form part of the Development Plan. Concerns have been raised locally that approval of this planning application would be premature and its consideration should await the formation (adoption) by the Council of an appropriate Local Policy Framework.
80. 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:
81. 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.

82. 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.
83. In this case the development proposal for (up to) 140 dwellings is not particularly substantial in comparison to the overall quantum of development to be provided over the Plan period. Furthermore, the emerging Single Issue Review of the Core Strategy is in its infancy and carries limited, if any, weight in the decision making process (given that it has not yet been published for consultation).
84. It would be difficult to justify any decision that approval of this scheme would be premature in the context of current guidance. This advice is further re-enforced by the fact that the Council has a significant shortage in its five year land supply, is already 13 years into the Plan period (2001 – 2031) and the proposed development would contribute towards the overall number of dwellings required by Core Strategy Policy CS7.
85. On the basis of national guidance on the issue of prematurity and relevant national policies providing for the delivery of sustainable development without delay, officers do not consider it would be reasonable to object to the planning application on the grounds of it being premature to the Development Plan.

### Development Plan policy context

86. Vision 1 of the Core Strategy confirms development will be focussed in the towns and key service centres. Vision 5 (and policy CS1) confirms Lakenheath as a key service centre. Spatial Objective H1 seeks to provide sufficient homes in the most sustainable locations to meet the needs of communities. Policy CS10 confirms the Towns and Key Service Centres will be the focus of new development (providing service to surrounding rural areas). Saved Local Plan Policy 4.15 states new housing development will be in the defined development boundaries and, at (inter alia) Lakenheath, new estate development may be appropriate on allocated sites.
87. The surviving elements of Core Strategy policy CS7 provides for 11,100 dwellings and associated infrastructure in the plan period (2001 – 2031) and confirms development will be phased to ensure appropriate infrastructure is provided. Policy CS13 confirms the release of land for development will be dependent on there being sufficient capacity in the existing local infrastructure to meet the additional requirements from development.
88. Policy CS1 states (in Lakenheath) commercial uses such as shops or offices will be expected to be allocated within any major residential development near the High Street and that sites for 70 new dwellings will be allocated within the existing development boundary. A further part of the policy which confirmed greenfield urban extension sites would be allocated for at least 600 dwellings was quashed by the High Court decision and carries no weight in determining this planning application.
89. Core Strategy policy CS6 states that economic and tourism growth at Lakenheath will be in broad alignment with the scale of housing development to discourage commuting and achieve a homes / jobs balance.

### Officer comment on the principle of development

90. The absence of a 5-year housing supply in the District means that Development Plan policies which seek to restrict the supply of housing (i.e. those discussed at paragraphs 86-89 above) are deemed out-of-date by the Framework and thus currently carry reduced weight in the decision making process. This means the planning application proposals must, as a starting point, be considered acceptable 'in principle'.
91. A key determining factor will be whether the proposed development can be deemed 'sustainable' in the context of the policies contained in the Framework (as a whole) and even if it is concluded the proposals would not be 'unsustainable' following analysis, further consideration must be given to whether the benefits of development are considered to outweigh its dis-benefits, as required by the Framework.

92. A balancing analysis is carried out towards the end of this section of the report as part of concluding comments. An officer discussion to assist with Members consideration of whether the development proposed by this planning application is 'sustainable' development is set out below on an issue by issue basis.

### **Impact upon the countryside**

93. 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.
94. Vision 5 of the Core Strategy recognises the fen and heathland qualities of the countryside surrounding Lakenheath and seeks to protect and enhance these landscapes. Some elements of the countryside surrounding Lakenheath could therefore be viewed as being 'valued landscapes' as cited in the Framework, albeit these are not protected by a local 'Special Landscape Area' designation which weakens that potential significantly.
95. 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.
96. Lakenheath sits on the lower slopes of the chalky and sandy Maids Cross Hill on the edge of the fens.
97. The application site is agricultural land outside the Lakenheath settlement boundary and is situated in the countryside for the purposes of applying planning policies, including those set out in the Framework.
98. The proposed development for residential development in the countryside is this contrary to extant Development Plan policies which seek to direct such development to locations within defined settlement boundaries or allocated sites. As stated above, those policies which restrict the supply of housing are deemed to be out-of-date by the NPPF given the absence of a five year supply of housing sites in the District.
99. The application site is categorised as 'Settled Chalkland' by the Suffolk Landscape Character Assessment (SLCA). The Assessment recognises the presence of the two air bases are important drivers for economic activity and settlement expansion and states the Settled Chalkland landscapes are under pressure from expansion of settlements and other developments. The document considers it important to minimise

the impact of development upon the countryside of the settled chalklands and landscape of the Settled Fenlands.

100. The SLCA comments, in a general sense, that the characteristic pattern of planting found in chalkland landscapes, means it is possible to design effective and locally appropriate boundary planting that will minimise the impact of settlement expansion on the surrounding landscape.
101. The development would be harmful to the character of the countryside as a matter of principle given that it would ultimately change currently undeveloped agricultural land into a developed housing estate and this would be a dis-benefit of the proposals.
102. The impact of the development proposals upon the landscape qualities and character of the wider countryside could be significant given the village edge location of the site. However, this is tempered somewhat by existing mature planting on site boundaries, including the frontage roadside boundary. Whilst the development would penetrate the existing strong 'green' village boundary, opportunities exist to provide new planting in order to soften the impact of development upon the countryside.
103. The impact of the proposed development upon the landscape is 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).**

104. 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.
105. 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.
106. 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.



107. 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.
108. The Core Strategy categorises Lakenheath as a Key Service Centre and is thus regarded as a 'sustainable' location which could support growth. Local employment opportunities are restricted with the air base being a key provider of local employment. People living in Lakenheath, not employed at the base, are likely to need to travel to their place of work. There is a range of community facilities in the village, including a number of shops, services, a school, churches and other meeting rooms which serve to contain a number of trips within the village. The village does not have a large grocery supermarket (there is a small Co-Operative in the High Street), although planning permission is extant for a new grocery shop off the High Street, close to the village centre.

Information submitted with the planning application

109. The planning application is accompanied by a Transport Assessment. The document was prepared for the original scheme of 100 dwellings and is therefore very much a 'worst-case' scenario for the reduced number of 81 dwellings now proposed. The document predicts that an average of 56.6 vehicles would use the vehicular access during the am peak and 61.5 vehicles during the pm peak, which is approximately 1 vehicle per minute during the peak periods. The document recognises that pedestrian access into the village is poor and suggests this would benefit from the provision of additional lighting and new footpath provision (for cycle ways). The applicant confirms a Travel Plan will be prepared for the development addressing the following matters:
- Walking and cycling maps showing local facilities;
  - Information on locally based on-road cycle training;
  - Public transport information including location of bus stops and rail station and up-to-date timetables and frequencies;
  - Information on local delivery services (i.e. supermarkets and other);
  - Information on car sharing scheme.
110. The Transport Assessment reaches the following conclusions:
- The proposed development is unlikely to create any significant congestion or safety issues on Station Road.

- An extension of the footway and street lighting to the site access will improve pedestrian facilities in this area.
111. It is likely that potential occupiers of the dwellings proposed in this planning application would need to travel to meet their employment, retail and entertainment needs. Some of these journeys could be lengthy (non-airbase employees in particular). However, there are a range of services and facilities in the village that will prevent the need for travel to some facilities. Given the village scale of Lakenheath and its isolated situation in a rural area, the development proposals are considered to accord with relevant accessibility policies in the Framework and are sustainable in transport terms.
112. Means of access into the site is a reserved matter. The illustrative layout plan suggests vehicular access could be provided onto Station Road towards the south-west corner of the site. This would involve the felling of a small number of trees. The optimum position for the vehicular access (in highway safety and tree loss grounds) will be determined at Reserved Matters stage. The applicant has demonstrated it is possible to achieve safe vehicular access into the site albeit there may be more favourable solutions involving less tree felling.
113. The County Highway Authority has not objected to the proposals (subject to the imposition of conditions and completion of a S106 agreement).
114. Access to the proposed development is considered safe and suitable and the development would not lead to significant highway safety issues or hazards. Furthermore, the applicant has offered to enhance pedestrian links to the village centre. Having considered the evidence and comments received from the Highway Authority, your officers are content the proposed development would not lead to traffic danger or congestion of the highway network, including during am and pm peak hours.

### **Impact upon natural heritage**

115. 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.
116. Spatial Objective ENV1 of the Core Strategy aims to conserve and enhance the habitats and landscapes of international, national and local importance and improve the rich biodiversity of the District. This objective forms the basis of Core Strategy policy CS2 which sets out in

greater detail how this objective will be implemented. Saved Local Plan policy 4.15 sets out criteria against which proposals for new housing development are considered. One of the criteria requires that such proposals are not detrimental to significant nature conservation interests.

117. An ecological report has been submitted with the planning application. This assesses whether the development proposals might affect the internationally designated sites and other important sites/species outside which are protect by the Habitats and Species Regulations and/or the Wildlife & Countryside Act and Local Biodiversity Action Plan (BAP).
118. As discussed above, it is concluded that the development proposals would not impact upon any European designated nature conservation sites. The applicants report supports this conclusion. The presumption in favour of sustainable development set out at paragraph 14 of the Framework is therefore material to this planning application.
119. The applicant's survey information report confirms the application site (and some adjacent sites) has been surveyed for a range of rare species. It comments the site is predominantly of low ecological value being mainly cultivated arable land (although, inter alia, trees on the outer boundaries may be suitable for bat activity). The report recommends that no further survey is necessary (unless hedgerow/shrub clearance is to occur in the bird nesting season, or trees potentially suitable for bats are to be felled). The report also recommends that any removal of potential reptile habitat is carried out under ecological supervision. These matters could be secured by a suitable method statement imposed by planning condition.
120. The ecological report does not discuss the potential for the proposed development to secure ecological enhancements. It is important that opportunities to secure ecological gains from new development proposals are exploited, in accordance with the provisions of Core Strategy Policy CS2. A condition could be imposed upon any planning permission granted for this development requiring the submission of an ecological enhancement strategy commensurate the Reserved Matters submission to ensure enhancements are fully considered and incorporated at the detailed design stage.
121. In their initial response to the planning application, Natural England requested the applicant provides records of Stone Curlews nesting outside the SPA boundaries. The applicant has sourced this information from the RSPB (confidential). The evidence demonstrates no recently recorded Stone Curlew nesting attempt sites would be affected by the construction/occupation of the development. This matter is not, therefore, a constraint on development.
122. Natural England (statutory advisor under the Habitats and Species Regulations) has not raised concerns or objections in response to the proposals, including the potential for impacts to occur upon the

hierarchy of designated nature conservation sites. Natural England recognises the potential to secure biodiversity enhancements in the event that planning permission is granted. Natural England has been asked to clarify their views about any potential impacts upon the designated Special Protection Area from recreational pressure from this development in isolation and in-combination with other planned development. The RSPB and Suffolk Wildlife Trust have also been consulted for their views and their advice is also awaited. The Committee will be verbally updated at the meeting of any further comment received from these bodies. Officers do not anticipate any significant issue in this respect given the matter was not raised by Natural England in initial comments. However, the recommendation has been drafted on a precautionary basis such that if matters are raised requiring further assessment, the planning application would be returned to the Committee for further consideration.

123. Subject to the satisfactory resolution of the above matters, Officers are satisfied that the development proposals would not adversely affect important sites of ecological interest in the area and would not harm populations or habitats of species which are of acknowledged importance (protected or unprotected). There is no evidence to dispute the officer view that a carefully a constructed development is likely to result in net ecological gains. The delivery of the enhancement measures could be secured via an appropriately worded planning condition.

#### **Impact upon trees**

124. The application site is fronted by a belt of mature tree and hedgerow planting which provides a distinctly rural character to the northern gateway into the village. The planting is an attractive feature, an important asset for the site and serves to soften the visual impact of the existing village on the countryside beyond. The planting marks a transition between the countryside and the urban form of the village. The trees are protected by a formal Tree Preservation Order. Officers consider it is vital that as much of the vegetative cover as possible is retained along the frontage (and western side boundary) as part of these development proposals.
125. Further information about the health and importance of the trees situated at the southern and western boundaries will be required at reserved matters stage to assist with the positioning of the vehicular access and its visibility splays. The submission of the arboricultural information could be secured by condition.
126. The impact of the development upon existing trees is considered acceptable and opportunities available to enhance the stock by removing declining specimens and providing new tree planting to compensate for any specimens that need to be felled to make way for access or because of their poor condition. New / replacement / compensatory planting would be secured at Reserved Matters stage when the landscaping of the site is considered.

### **Impact upon built heritage**

127. The Framework recognises that heritage assets are an irreplaceable resource which should be conserved in a manner appropriate to their significance. When considering the impact of proposed development upon the significance of a designated heritage asset, great weight should be given to the asset's conservation. The term 'heritage asset' used in the Framework includes designated assets such as Listed buildings, Scheduled Ancient Monuments, Registered Parks and Gardens and Conservation Areas and also various undesignated assets including archaeological sites and unlisted buildings which are of local historic interest.
128. 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.
129. Core Strategy Spatial Objective C4 aims to protect and enhance the Historic Environment. This objective is implemented via Policy CS3.
130. The development proposals would not impact upon any listed buildings, (including their settings) and as discussed above would have only a negligible impact upon the character and appearance of the Lakenheath Conservation Area from increased traffic movement on the main road through the designation.
131. An Archaeological Evaluation Report has been prepared on behalf of the applicants to establish whether the site might support any important archaeological remains (undesignated heritage assets). This has been submitted to supplement the planning application. The report explains the work that carried out to investigate the archaeological potential of the site and confirms that no significant archaeological features or deposits were encountered during intrusive works within the application site (trial trenching).
132. The Archaeological Service at Suffolk County Council has been consulted of the planning application and accepts the findings of the applicant's report. Accordingly, no further archaeological work will be needed prior to development commencing and no archaeological mitigation is required.
133. The development proposals would have no significant impacts upon heritage assets.

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

134. 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.”

135. 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.
136. 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”.
137. 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.
138. The policy concludes that all development will be accompanied by appropriate infrastructure to meet site specific requirements and create sustainable communities.
139. Matters pertaining to highway, education, health and open space (including sport and recreation) infrastructure are addressed later 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

140. The provision of services and facilities within the District’s settlements has been the subject of investigation and assessment through the 2009 Infrastructure and Environmental Capacity Appraisal (IECA), which has informed preparation of the Development. The IECA report (commissioned jointly with St Edmundsbury Borough Council) 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.

141. The IECA report is the most up to date evidence base of the infrastructure capacity in the District and was a key document of the recent appeal for new housing development at Kentford (referenced at paragraph 75 above).

#### Waste water treatment infrastructure

142. Details submitted with the planning application confirm the proposed development would connect to existing foul water systems in the village. The village is served by Lakenheath Wastewater Treatment Works. IECA comments that the Water Cycle Study identifies that the location of the Treatment Works makes north and west sites preferable otherwise upgrades to the network may be required, although the Treatment Works has severely constrained headroom.
143. The IECA report refers to the Strategic Flood Risk Assessment and Water Cycle Study which identifies that up to 169 new dwellings could be provided in the village within the headroom of the Treatment Works. It does, however, identify that there are only minor constraints to upgrading the works which will need to be completed before significant new development.
144. There has not been significant new housing development realised at Lakenheath since the publication of the evidence base contained in the IECA report. Accordingly, the available evidence concludes that this development (being located to the north of the village and within the headroom of the Treatment Works) is acceptable with regard to waste water infrastructure. Indeed this conclusion has been corroborated by Anglian Water the statutory sewerage undertaker which has not objected to the application and has not requested the imposition of any conditions relating to the treatment of waste water arising from the development.

#### Water supply

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

#### Energy supply

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

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

147. 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.
148. 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.
149. 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.
150. The application site is not in an area at a risk of flooding (i.e. Environment Agency flood risk Zones 2 or 3) and it is therefore unlikely that the proposed dwellings would be at risk of flooding from the nearby channel (to the north of the site), being outside its modelled floodplains.
151. The amended flood risk assessment submitted with the planning application confirms that soakaways would not be appropriate for surface water drainage of the development given soil conditions. The proposal is to manage surface water via a piped connection from the development site to the drainage Cut-Off Channel on the northern boundary to provide surface water drainage of the site. Discharge rates would be attenuated to limit the effect on the downstream watercourses.
152. The planning application is accompanied by a Phase I & 2 desk study and examination report (contamination, soil conditions etc.). This study has found evidence of some contaminants present within soils at the site which will require further investigation and remediation prior to being developed for housing. There is also an above ground fuel tank which will require remediation. The report confirms that ground gases are considered to pose a low risk.
153. The Council's Environmental Health team has requested the imposition of a condition requiring the submission of a detailed scheme of investigation into potential contamination, including measures to secure any remediation necessary.
154. The Environment Agency (risk of flooding, contamination and pollution



control and drainage), Anglian Water Services (drainage and pollution control) and the Council's Environmental Health Team (contamination and pollution control) have not objected to or raised concerns about the application proposals. All have recommended the imposition of reasonable conditions upon any potential planning permission to secure appropriate mitigation.

155. The proposals are considered acceptable with regard to flood risk, surface water drainage and pollution (contaminated land and potential contamination of water supply) considerations.

### **Impact upon education**

156. The County Council as Local Education Authority has confirmed the village school will reach its 315 place capacity in the near future and before any new pupils are likely to emerge from the development. This means that the 14 primary school aged pupils emerging from these development proposals would need to be accommodated on a temporary basis whilst a new primary school facility is built in the village.
157. In isolation it is likely that the Local Education Authority would be able to cater for the educational needs of the 20 pupils emerging from this development at the existing primary school, however, the cumulative impact of pupil yields emerging from other planning applications proposing significant new housing development in the village needs to be considered, This is assessed later in this section of the report beginning at paragraph 183 below. Developer contributions to be used towards the early years (pre-school) education and for land and build costs of providing a new primary school in the village are discussed at paragraphs 208 and 209 below.
158. 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**

159. 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.
160. 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.

161. Saved Local Plan policy 4.14 requires the layout and design of new housing developments to respect the established pattern and character of development in the locality and saved Policy 9.2 requires development proposals in rural areas to be of a high standard of layout and design.
162. The application is submitted in outline form with all matters reserved to a later date. Accordingly matters of design are not particularly relevant to the outcome of this planning application.
163. 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 in order to demonstrate that it is physically possible to provide (up to) 81 dwellings on the site.
164. The illustrative drawing does contain a few design weaknesses some of which have drawn comment from the Highway Authority, and may need to be altered to address these and (for example) provide appropriate levels of public open space and boundary landscaping. However, given that the development proposals are 'up to' 81 dwellings the Council, in granting planning permission for development, would not be held to that figure per se and a lower number of dwellings may actually be appropriate when greater thought is given to the layout of the site, including, provision of open space and surface water drainage and fully acknowledging the physical constraints of the site (including tree root protection zones).
165. Whilst not a reason for refusal at this stage given the planning application is seeking to establish the principle of development only at this stage, a summary of these design concerns could be included as an informative on the decision notice to inform the preparation of later submission/s of reserved matters.

### **Impact upon residential amenity**

166. 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.
167. Vision 1 of the Core Strategy seeks to provide 'a higher quality of life' for residents. Saved Local Plan policy 4.15 seeks to ensure new housing developments do not result in the loss of residential amenity.

168. The application is accompanied by a noise assessment (August 2014) which reaches the following conclusions:
- We have assessed air traffic noise at the site of proposed residential development off Rabbithill Covert, Lakenheath.
  - The measured and calculated daytime noise levels at the site are set out in the report. If assessed against the now withdrawn PPG24, the site would fall into NEC "B".
  - We have identified typical construction and ventilators requirements for the external façades of proposed dwellings to meet the WHO and BS8233 internal noise criteria.
169. The noise information summarised above was received only recently. The Council's Environmental Health Officers have been asked to comment on the methodology, findings and recommendations for mitigation set out in the report. Furthermore, an additional round of consultation has been carried out (and is on-going) with the Parish Council and local residents given that concerns have been raised from these sources on noise grounds.
170. In the absence of advice from the Environmental Health Officer, the 'planning balance' assessment and recommendation at the end of this report assumes that the development would not be adversely affected by aircraft noise such that a refusal of planning permission is warranted (as with the other schemes at Lakenheath including the nearby proposals for development north of Briscoe Way), and regards the noise influence as a dis-benefit of the proposals (particularly to the undefended garden areas of the proposed dwellings. Appropriate safeguards have been included into the officer recommendation to ensure the application is returned to Committee for further consideration should the Environmental Health Officer (or equivalent) raise any concerns that are not or cannot be addressed by the applicant and/or new issues are raised in correspondence which have not previously been considered by the Committee.
171. The amenities of occupiers of dwellings abutting the application site to the west would not be adversely affected by development given the separation distances created by the need to retain mature tree landscaping along this boundary. Accordingly, there should be no issues with overlooking, dominance or overshadowing of existing dwellings and their garden areas when the proposed housing scheme is designed at reserved matters stage.

#### **Loss of agricultural land**

172. 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.

173. 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 new development in this period. Accordingly, the future development of greenfield sites is inevitable.
174. The application site is Grade 3 agricultural land (good to moderate) and whilst it is not regarded as 'poor quality' land (ref DEFRA agricultural land classifications) its loss is not considered significant. Nonetheless the development of Grade 3 agricultural land which is currently of use for agriculture is a dis-benefit of the scheme. Whilst not an issue that would justify a refusal of planning permission on its own, it is an issue to be taken into account in the overall balance of weighing the development's benefits against its dis-benefits.

### **Sustainable construction and operation**

175. 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".
176. The Framework confirms planning has a key role in helping shape placed 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.
177. The document expands on this role with the following policy:
178. 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.
179. The importance the Government placed on addressing climate change is reflected in the Core Strategy Visions (Vision 1) and Spatial Objectives (ENV2 and ENV3). Core Strategy Policies CS4 and CS5 set out requirements for sustainable construction methods. There are also emerging policies relating to sustainable construction set out in the Joint Development Management Policies document (DM2, DM7 and DM8), but these are the subject of currently unresolved objections which means the policies can be attributed only limited weight at the present time.

180. The documentation submitted in support of this planning application (the amended design and access statement in particular) confirms that the proposed development will be sustainable, by ensuring that sound design principles will be incorporated into the development - including measures to assist with adapting to and mitigating effects of climate change. Planning conditions could be imposed to secure these measures and any other measures which may be appropriate or required by planning policies prevailing at the time Reserved Matters are submitted. On this basis, the development proposals are considered acceptable with regard to sustainable construction and operation.

### **Cumulative Impacts**

181. Members will note there are a number of planning applications for major housing development currently under consideration, three of which are before the Committee for decision at this meeting. Furthermore, as the Development Plan progresses and the Site Allocations Document progresses, further sites are likely to be allocated for new residential development irrespective of the outcome of these planning applications. Whilst the evidence base behind the Development Plan documents will assess potential cumulative impacts of any formal site allocations, no such assessments have been carried out with regard to the potential cumulative impacts of the current planning applications.
182. This sub-section of the officer assessment considers potential cumulative impacts upon village infrastructure of the three planning applications on this Committee agenda (references DC/13/0660/FUL, F/2013/0345/OUT and F/2013/0394/OUT).

### Education

183. The three planning applications together (288 dwellings) would generate approximately 72 children of primary school age once all have been built and occupied. The existing village primary school has reached capacity and by the time the construction of these developments is underway (if all are granted and commence early) with occupations and new primary pupils emerging, the school will have filled its 315 pupil place capacity.
184. The County Council has instructed a land agent to scope the village for potentially suitable sites that may be available for a new primary school. This work is underway and the County Council is in discussion with representatives of various landowners/developers.
185. A site for a new primary school facility is yet to be secured such that the County Council cannot guarantee its provision at this point in time. Your officers consider it is likely a site will emerge either as part of work on the Site Allocations Development Plan document or in advance given that work is already underway. It is unfortunately that some children may have to leave Lakenheath in order to access a

primary school place on a temporary basis as a consequence of new housing development being permitted (should a temporary solution not be found at the existing village school site) but this is not an uncommon phenomenon in Suffolk or the country as a whole.

186. The (potential) need for some pupils to travel to a school outside of Lakenheath would impact upon the sustainability credentials of the proposals and are regarded as a dis-benefit of development in advance of a new school site being found. It is important to note, however, that the County Council has confirmed school places would be available for all pupils emerging from these development proposals, even if they are all built early on and concerns have not been expressed by the Authority that educational attainment would be affected. It is your officers view (particularly in the absence of confirmed objections from the Local Education Authority) that the absence of places for children at the nearest school to the development proposals is not in itself sufficient to warrant a refusal of planning permission but the issue (both individually for this proposal and cumulatively with the other extant development proposals) needs to be considered as part of the planning balance in reaching a decision on the planning applications.
187. In weighing up the benefits and dis-benefits of development in the balancing exercise, it is important to note that the development proposals would provide proportionate funding for the erection of a new primary school. Accordingly, the applicants have done all they can possibly do (and all they have been asked to do) to mitigate the impact of their developments upon primary school provision.
188. Highways
189. In its most recent representations about this planning application (received 8th August – paragraph 26 above), the Strategic Planning department at Suffolk County Council has for the first time raised concerns that the highway impacts of development upon the village (both from the new school and cumulative impacts from village wide development) are uncertain. This is in the context of the Local Highway Authority raising no objections to any of the individual planning applications, subject to the imposition of conditions (please refer to paragraphs 19 and 20 above).
190. These concerns are not backed up with evidence or a considered analysis of the nature of the possible impacts (i.e. it is not clear which parts of the local highway network would be particularly vulnerable to new housing growth at Lakenheath). This matter needs to be considered further by the County Council in liaison with the applicants, but given the issue has been raised so late in the planning process (more than a year after the first of the three planning applications was registered), officers are recommending this work continues after Members have considered the three planning applications and, if a reasonable package of highway works can be demonstrated as being necessary to mitigate the likely highway impacts of these development

proposals (and anticipated growth via the emerging Local Plan) the developers could be asked to make a proportionate contribution towards the package. These contributions could be secured via a S106 Agreement. The officer recommendation at the end of this report is worded to secure a strategic highway contribution should it be deemed necessary and is adequately demonstrated.

#### Special Protection Area

191. The potential cumulative recreational pressure impacts of the Lakenheath housing developments upon the Special Protection Area are discussed above in the Natural Heritage sub-section of this report.

#### Landscape

192. Given the locations of the three proposed housing developments around Lakenheath, no cumulative landscape impacts are anticipated despite all three sites being located on the edge of the village. Lakenheath is a sizeable village and the development proposals would not represent a significant expansion to it.

#### Utilities

193. The potential cumulative impact of development upon the sewerage network was a concern of officers, particularly as the IECA study identified a tipping point of 169 dwellings before the Treatment Works reaches capacity. Whilst each planning application in isolation could be accommodated within this identified headroom, the three proposals in combination would clearly exceed it.
194. Anglian Water Services has not objected to any of the three planning applications and confirmed for each one there is adequate capacity within the system to accommodate the increased flows from development. Upon further questioning about potential cumulative impacts and the findings of the IECA study, Anglian Water Services has confirmed the following;
195. MCert Flow Monitor was installed at the Lakenheath Water Recycling Centre on 28 October 2010 which is after the Infrastructure and Environmental Capacity Assessment (IECA) Study and the Water Cycle Study. Please note that both of these studies were high level and were utilising best available data.
196. Based on the MCert flow monitor data over the past four years, it has been established that up to 1000 properties could be accommodated at the Lakenheath Water Recycling Centre. Therefore, the proposed 288 dwellings in total for the three planning applications stated in your email dated 10 July 2014 could be accommodated at the Lakenheath Water Recycling Centre.
197. In light of this explanation, which updates and supersedes evidence presented in the IECA study, officers are satisfied the development

proposals would not have adverse cumulative impacts upon the sewerage infrastructure serving Lakenheath.

198. There is no evidence to suggest there would be significant cumulative impacts upon water and energy (electricity) supplies to the village given the respective capacities identified in the IECA study.

### **Planning Obligations**

199. 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.

200. 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.

201. 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.

202. 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.

203. The developer has confirmed a willingness to meet the required obligations 'subject to viability'. 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 can provide a fully policy compliant package of measures.

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



### Affordable Housing

205. 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.
206. 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 (20.1 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).
207. 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' 81 dwellings = 'up to' 24.3 affordable dwellings. It is also appropriate to secure the housing mix requested by the Strategic Housing Team as this best fits the evidence of housing need at the current time. However, it is important that an element of flexibility is added into the agreement to allow the mix to be reviewed should circumstances change (i.e. numbers of dwellings or evidence of housing need which is sensitive to national housing policy) between the granting of the outline permission and reserved matters approvals (which could be as much as 3 years apart).

### Education

208. 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.
209. Core Strategy Policy CS13 (b) considers educational requirements as a key infrastructure requirement. 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 a financial contribution from this development that is to be used towards the construction of a new primary school in the village. It has also confirmed a need for the development to provide a contribution to be used towards pre-school provision in the area to cater for the educational needs of pre-school children (aged 2-5) that are forecast to reside at the development. The Authority has confirmed there is no requirement for a contribution to be secured for secondary school provision. The justification for these requests for financial contributions and the amounts are set out at paragraphs 23 and 32

above.

#### Public Open Space

210. 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.
211. 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.
212. Saved Local Plan policies 10.2 and 10.3 address play space requirements and state such areas will be provided as an integral part of new residential development. It is also stated that provision will be made for a wider area than just the development site.
213. 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 (both for on site 'in-kind' provision and off site 'cash' contributions). 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. The precise areas of land at the site and any off site financial contributions would be secured by the formulaic approach in the S106 Agreement at reserved matters stage.

#### Libraries

214. 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 £17,496.

#### Health

215. The NHS Property Services has confirmed there is sufficient capacity in the existing health infrastructure (i.e. GP surgeries) to cater for the additional demand for local services this development would generate. Accordingly, no health contribution is to be secured from the proposed development.

#### Summary

216. With these provisions in place, the effects of the proposal on local infrastructure, including affordable housing, open space, recreational facilities, education, and libraries would be acceptable. The proposal

would comply with Core Strategy Policy CS13 by which the provision or payment is sought for services, facilities and other improvements directly related to development. The proposed planning obligations are considered to meet the CIL Regulation 22 tests set out at paragraph 176 above.

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

217. Development Plan policies relating to the supply of housing are out of date, by virtue of the fact that a five year supply of deliverable housing sites cannot be demonstrated.
218. With this background it is clear that permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole. There are no specific policies in the Framework which indicate that this development should be restricted. National policy should therefore be accorded great weight in the consideration of this planning application, especially the presumption in favour of sustainable development, which officers consider this proposal represents.
219. In relation to the economic role of sustainable development, the proposal would generate direct and indirect economic benefits, as housing has an effect on economic output both in terms of construction employment and the longer term availability of housing for workers. The development would provide additional infrastructure of wider benefit – including, education provision and public open space.
220. In terms of the social role of sustainability the development would enhance the local community and provide a level of much needed market and affordable housing to meet the needs of present and future generations. The development would, on balance, result in a built environment of good quality. The proposal would rely on, and to a limited extent enhance, the accessibility of existing local services – both within Lakenheath and further afield.
221. The absence of capacity at the local primary school to cater for the pupils emerging from this development on a permanent basis is a dis-benefit of the development proposals. The in-combination effects of this development with other planned developments in the village could have significant impacts upon primary education provision in the village and could force some pupils to leave the village to secure their primary school place. This is tempered somewhat, however, by temporary nature of the arrangement whilst a new school is built and in the absence of objections from the Local Education Authority. Furthermore, the Local Education Authority has not suggested that pupil attainment would be adversely affected during these temporary arrangements.
222. In relation to the environmental role it is self-evident that the

landscape would be changed as a result of the proposal albeit this would only be perceptible at the immediate location of the application site. This would be the case for any development on a greenfield site - which will inevitably have to happen in order to meet the pressing housing needs of the District. Good design and the retention of existing vegetation and provision of new planting would mitigate this effect to a great degree. Of significance is the fact that the site does not benefit from any specific ecological, landscape or heritage designation, unlike large areas of the District, and the effect on the character of the settlement would be acceptable. Longer landscape views would be very limited, if at all.

223. The development proposals would be impacted adversely by noise from aircraft operating from the nearby runways at the Lakenheath airbase. This is not capable of being fully mitigated and the external areas (e.g. garden spaces) would be particularly exposed to the effects of aircraft noise. Subject to the confirmation of the Environmental Health Team, it is considered that internal spaces are capable of mitigation through appropriate design and construction measures.
224. The progress of the LDF has been slow to date owing largely to the successful challenge of the Core Strategy (CS7) in the High Court, and its future progress is uncertain, given that the Single Issue Review and Site Allocation documents have reached only the early preparatory stages in the process with public consultation yet to be carried out. In any event, there is no evidence that the proposal would be premature to or prejudice the development plan process.
225. The lack of a five year supply of deliverable housing land, combined with the historic (but not persistent) under supply of housing, is an important material consideration. To the limited extent that the evidence demonstrates material considerations against the proposal – essentially relating to the limited local landscape effects, loss of agricultural land of good to moderate quality and some design weaknesses in parts of the layout – this consideration (benefit) significantly outweighs those concerns (dis-benefits) and points clearly towards the grant of planning permission in this case.
226. The lack of a five year supply of deliverable housing land, combined with the historic (but not persistent) under supply of housing, is an important material consideration. To the limited extent that the evidence demonstrates material considerations against the proposal – essentially relating to the limited local landscape effects, loss of agricultural land of good to moderate quality and adverse impacts to the new residents from aircraft noise – in your officers view the benefits of this development being realised significantly outweigh the dis-benefits and points clearly to the grant of planning permission in this case.

## **Recommendation:**

227. That, subject to no new concerns, objections or material planning issues being raised by Natural England, the Suffolk Wildlife Trust, the Council's Environmental Health Team or arising out of public consultation for the recently received noise assessment, outline planning permission be granted subject to:

The completion of a S106 agreement to secure:

- Affordable housing (30%)
- Education contribution (Primary School – up to £355,560 towards build costs and up to £109,820 towards land costs)
- Pre-school contribution (up to £48,728)
- Libraries Contribution (up to £17,496)
- Public Open Space contribution (Formula to be included in the Agreement to secure policy complaint provision on site at reserved matters stage and appropriate off-site contribution)
- Local Highways contribution (Footpaths and lighting works) up to £75,000.
- Strategic Highway Contribution (should this be deemed compliant with CIL Regulation 122 – a proportionate contribution would be appropriate, sum to be determined)
- SPA Recreational Impact Contribution – which may include monitoring of potential impacts from development (should this be deemed compliant with CIL Regulation 122 – sum to be determined)
- Any further clauses considered necessary by the Head of Planning and Regulatory Services.

228. And subject to conditions, including:

- Time limit (3 years for commencement)
- Materials (to be submitted with the Reserved Matters)
- Sustainable construction and operation methods (further details to be approved 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)
- Landscaping details and tree information (including precise details of new hard and soft landscaping and surveys/arboricultural information about the existing tree stock)
- Retention and protection of existing trees and hedgerows
- Ecology (enhancements at the site and any further survey work required)
- Construction management plan
- As recommended by LHA
- Contamination & remediation (further investigations and any remediation necessary)
- Means of enclosure (to be submitted with Reserved Matters)
- Implementation of noise mitigation measures

- Fire Hydrants
- Waste minimisation and re-cycling strategy
- Details of the surface water drainage scheme (SUDS – full details to be submitted with the Reserved Matters).
- Any additional conditions considered necessary by the Head of Planning and Regulatory Services.

229. That, in the event of the Head of Planning and Regulatory Planning Services recommending alternative (reduced) Heads of Terms from those set out at paragraph 227 above, or Natural England the RSPB, the Suffolk Wildlife Trust, Environmental Health Officers, the Parish Council or other members of the public raise objections concerns or substantive and material issues about the proposals which have not already been considered by the Committee and cannot be resolved or satisfied by the applicant, the planning application be returned to Committee for further consideration.

230. That in the event the applicant declines to enter into a planning obligation to secure the Heads of Terms set out at paragraph 227 above for reasons considered unreasonable by the Head of Planning and Regulatory Services, planning permission be refused for the following reasons:

i) Unsustainable form of development not mitigating its impact upon, education provision (primary and pre-school), open space, sport and recreation, transport, health and libraries (contrary to the Framework and Core Strategy policy CS13 and saved Local Plan policy 10.3).

ii) If appropriate following further investigation; adverse cumulative impacts upon i) the highway network ii) the Special Protection Area (from increased recreational pressure) or iii) the amenity of future residents of the development from air craft noise.

ii) Non-compliance with affordable housing policy (contrary to Core Strategy policy CS9 and supporting SPD document).

**Documents:**

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

<http://planning.stedmundsbury.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=ZZZZVRHHXB478>

Alternatively, hard copies are also available to view at Planning, Planning and Regulatory Services, Forest Heath District Council, District Offices, College Heath Road, Mildenhall, Suffolk, IP28 7EY (or West Suffolk House details as applicable)

Case Officer: Gareth Durrant  
Tel. No. 01284 757345

**110. PLANNING APPLICATION F/13/3145/OUT – RABBIT HILL COVERT, STATION ROAD, LAKENHEATH (REPORT NO DEV14/129)**

Having sought advice from the Council's Lawyer, Councillor D W Gathercole declared a local non-pecuniary interest in respect of this item as he was a distant relative of the applicant and a Lakenheath Parish Councillor.

Outline application for the erection of up to 81 dwellings.

This application was referred to the Development Control Committee as it was a proposal for 'major' development and the recommendation to grant planning permission was contrary to the provisions of the extant Development Plan. The proposal also raised complex planning issues of District-wide importance. Furthermore, the applicant was an elected Member of the District Council.

The Committee was advised that the proposals were considered to comply with the relevant policies of the National Planning Policy Framework but the 'countryside' location of the site meant the proposed housing development conflicted with adopted Development Plan policies.

A Member site visit had been held prior to the meeting, Officers were recommending that outline planning permission be granted, as set out in Paragraphs 227 – 230 of Report No DEV14/129, subject no new concerns, objections or material planning issues being raised by Natural England, the Suffolk Wildlife Trust, the Council's Environmental Health Team or arising out of public consultation for the recently received noise assessment.

The Principal Planning Officer – Major Projects further advised the Committee that since publication of the agenda further representations had been received as summarised: ☐ A letter of objection from Lakenheath Community Primary School's Governing Body (circulated to Members under separate cover); ☐ A letter of objection from Cerda Planning Ltd, acting on behalf of Lakenheath Parish Council (circulated to Members under separate cover) which the Officer verbally responded to, in respect of the 'summary' points, in detail for the benefit of those present; ☐ A letter of objection from a local resident of Drift Road (circulated to Members under separate cover); ☐ A statement from the applicant's agents in support of the planning application which was read out in full to the meeting; and ☐ Additional comments from Suffolk County Council Highways stating the need to extend the 30mph limit already in place along Station Road in order to encompass the entrance to the proposed development. Highways had asked that this be included as part of the S106 agreement and that it be conditioned so that the relevant Road Traffic Order was in place prior to any formal Decision Notice being issued for the application. The Officer explained that the recommendation set out in Paragraph 227 would be amended to reflect this.

Lastly, the Officer drew attention to Paragraph 70 of the report and the reference therein to the former USAFE personnel dwellings at Lords Walk which had recently come onto the housing market. He explained that Officers had verified that this stock of dwellings was already counted as 'existing' housing stock and could not, therefore, be counted as a contribution towards the five year supply of housing in the District.

Councillor D W Gathercole commenced the discussion on the application and stated that whilst Lakenheath Parish Council was not opposed to development per se they wanted this to be carried out as part of a planned expansion to the village in order to enable sustainable growth; and the application before Members was not, in their opinion, sustainable.

Councillor Gathercole made particular reference to the capacity of the primary school and the grave concerns raised by the Head Teacher, in response to which Suffolk County Council's Assistant Education Officer addressed the meeting. He explained that the County Council had commissioned a contractor to source suitable sites within Lakenheath for a second primary school. Whilst the process was still in the very early stages, five potential sites had been identified.

The Head of Planning and Regulatory Services also spoke on this matter and informed Members of the ongoing work the District Council had been undertaking in partnership with the County Council (as the Local Education Authority) in order to address the strategic issue of education provision with Forest Heath, being mindful of the fact that many other schools within the District were currently at capacity irrespective of any further development.

Councillor W E Sadler made reference to the other Lakenheath applications later on the agenda and asked if it would be appropriate to consider all pending applications for the village en masse in order to establish which was most preferable. The Place Shaping Manager explained that the Council was duty bound to determine all applications formally submitted to the Council irrespective of any others that may be due. Furthermore, each application was to be determined on its own merits.

Councillor Mrs R E Burt posted a number of questions which Officers duly responded to. Following which she welcomed the 30% affordable housing the development would provide and proposed that the application be approved, as recommended by Officers and including the amendment with regard to the Road Traffic Order (30mph). This was duly seconded by Councillor W Hirst.

After further discussion, Councillor S Cole proposed an amendment that the application be approved but that the delivery of the scheme be phased in order to allow time in which for the infrastructure to be put in place. This was duly seconded by Councillor T J Huggan.

Following the Lawyer having advised on appropriate wording, the Chairman put the amendment to the vote and with 10 voting for the motion, 4 against and with 2 abstentions, it was resolved:

That subject no new concerns, objections or material planning issues being raised by Natural England, the Suffolk Wildlife Trust, the Council's Environmental Health Team or arising out of public consultation for the recently received noise assessment, outline planning permission be GRANTED subject to:

1. The completion of a S106 agreement to secure:
  - Affordable housing (30%)
  - Education contribution (Primary School – up to £355,560 towards build costs and up to £109,820 towards land costs)
  - Pre-school contribution (up to £48,728)
  - Libraries Contribution (up to £17,496)
  - Public Open Space contribution (Formula to be included in the Agreement to secure policy complaint provision on site at reserved matters stage and appropriate off-site contribution)
  - Local Highways contribution (Footpaths and lighting works) up to £75,000.
  - Local Highways contribution (signage and extension of Station Road 30mph zone), with no formal Decision Notice being issued prior to completion of the relevant Road Traffic Order
  - Strategic Highway Contribution (should this be deemed compliant with CIL Regulation



122 – a proportionate contribution would be appropriate, sum to be determined) • SPA Recreational Impact Contribution – which may include monitoring of potential impacts from development (should this be deemed compliant with CIL Regulation 122 – sum to be determined) ☐ The phasing and timing of the delivery of the scheme be negotiated for the development to ensure appropriate infrastructure is in place • Any further clauses considered necessary by the Head of Planning and Regulatory Services.

2. And subject to conditions, including: • Time limit (3 years for commencement) • Materials (to be submitted with the Reserved Matters) • Sustainable construction and operation methods (further details to be approved 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) • Landscaping details and tree information (including precise details of new hard and soft landscaping and surveys/arboricultural information about the existing tree stock) • Retention and protection of existing trees and hedgerows • Ecology (enhancements at the site and any further survey work required) • Construction management plan • As recommended by LHA • Contamination & remediation (further investigations and any remediation necessary) • Means of enclosure (to be submitted with Reserved Matters) • Implementation of noise mitigation measures • Fire Hydrants • Waste minimisation and re-cycling strategy • Details of the surface water drainage scheme (SUDS – full details to be submitted with the Reserved Matters). • Any additional conditions considered necessary by the Head of Planning and Regulatory Services.

3. In the event of the Head of Planning and Regulatory Planning Services recommending alternative (reduced) Heads of Terms from those set out at Recommendation 1 above, or Natural England the RSPB, the Suffolk Wildlife Trust, Environmental Health Officers, the Parish Council or other members of the public raise objections concerns or substantive and material issues about the proposals which have not already been considered by the Committee and cannot be resolved or satisfied by the applicant, the planning application be returned to Committee for further consideration.

4. In the event the applicant declines to enter into a planning obligation to secure the Heads of Terms set out at Recommendation 1 above for reasons considered unreasonable by the Head of Planning and Regulatory Services, planning permission be refused for the following reasons: i) Unsustainable form of development not mitigating its impact upon, education provision (primary and pre-school), open space, sport and recreation, transport, health and libraries (contrary to the Framework and Core Strategy policy CS13 and saved Local Plan policy 10.3). ii) If appropriate following further investigation; adverse cumulative impacts upon i) the highway network ii) the Special Protection Area (from increased recreational pressure) or iii) the amenity of future residents of the development from air craft noise. iii) Non-compliance with affordable housing policy (contrary to Core Strategy policy CS9 and supporting SPD document).

Speakers:

Mrs Emma Vincent (Head Teacher of Lakenheath Community Primary School) spoke against the application

Mr Michael Robson (Cerda Planning Ltd, acting on behalf of Lakenheath Parish Council) spoke against the application.

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**DEV/FH/17/018**

**Forest Heath**  
District Council

# **Development Control Committee**

## **7 June 2017**

### **Planning Application DC/13/0660/FUL**

#### **Land off Briscoe Way, Lakenheath**

**Date:** 14 November      **Expiry Date:** 13<sup>th</sup> February 2016  
**Registered:** 2013

**Case Officer:** Gareth Durrant      **Recommendation:** Grant Planning Permission  
**Parish:** Lakenheath      **Ward:** Lakenheath

**Proposal:** Erection of 67 dwellings (including 20 affordable dwellings) together with public open space, as amended

**Site:** Land off Briscoe Way, Lakenheath

**Applicant:** Bennett plc

**Synopsis:**

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

**Recommendation:**

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

CONTACT CASE OFFICER:

Gareth Durrant

Email: gareth.durrant@westsuffolk.gov.uk

Telephone: 01284 757345

## **Background:**

**This application has been considered previously by this Committee culminating in a resolution to grant planning permission at the meeting on 3 September 2014.**

**The planning application is returned to Committee to enable it to consider material changes in circumstances that have occurred since it reached its decision in 2014. These are (in no particular order):**

**i) The ability of the Council to demonstrate a 5-year supply of deliverable housing sites.**

**ii) The adoption by the Council of the Joint Development Management Policies document in February 2015.**

**iii) The preparation and submission to the Planning Inspectorate of the 'Single Issue Review' and 'Site Allocations' Development Plan Documents.**

**iv) Amendments the applicants have made to the proposals since 3<sup>rd</sup> September 2014 to address changes in circumstances relevant to public open space, car parking provision and surface water drainage requirements.**

**v) The submission of a number of additional planning applications proposing large scale housing development at and around the village. These applications and an assessment of potential cumulative impacts are included below.**

**vi) The publication of a cumulative traffic assessment for the village, having regard to the cumulative impact of a number of development proposals upon the local road network and key junctions.**

**vii) Enactment of CIL Regulation 123 which has led to a requirement for the off-site public open space contributions tariff based contributions being omitted from the S106 Agreement, and**

**viii) Adoption of new parking guidance by Suffolk County Council in November 2014, replacing the 2002 Suffolk Advisory Parking Standards.**

**ix) The recent publication of fresh noise contour information by the Defence Infrastructure Organisation on behalf of the Ministry of Defence and its linked advice about addressing development proposals at sites within the defined contours. The fresh noise contours do have implications for the village, including the application site.**

**The full officer report to the Development Control Committee (3<sup>rd</sup> September 2014) is included with this update report as Working Paper 1. An extract from the minutes of the 3<sup>rd</sup> September 2014 meeting, relevant to this site is also provided as Working Paper 2.**

**Proposal:**

1. The development proposed by this application is described at paragraphs 1-6 of the report to the 3<sup>rd</sup> September 2014 meeting of Development Committee (attached as Working Paper 1).
2. The application has been amended following its consideration by the Development Control Committee in September 2014. The amendments sought to re-position the public open space, provide re-configured car parking spaces and resolve issues raised post-committee with respect to the surface water drainage scheme. These factors combined have necessitated minor changes to the layout of the proposals, but the scheme essentially remains similar in substance to that considered previously by the Committee.
3. Further public consultations were carried out the outcome of which are set out later in this report.

**Application Supporting Material:**

4. The material supporting the planning application (and amendments received up to the date of the Committee) are listed at paragraph 7 of the report to the 3<sup>rd</sup> September 2014 meeting of Development Committee (attached as Working Paper 1). The following additional supporting material (including amendments) were received after the Committee resolved to grant planning permission at that meeting:
  - Amended drawings (including site layout, roof plan and some house types) (July 2016 and February 2017).
  - Flood Risk Assessment Addendum (February 2017).
  - Applicants comments in response to the publication of refreshed aircraft noise contours (April 2017).

**Site Details:**

5. The application site is described at paragraphs 9-12 of the report to the September 2014 meeting of Development Committee (attached as Working Paper 1). The site area has not changed.

**Planning History:**

6. There is no relevant planning history for this site.
7. There are six other proposals for large scale residential development around the village. The proposals are considered relevant to the further consideration this planning application particularly insofar as the combined (or cumulative) impacts require consideration. In September 2014, the Development Control Committee considered the cumulative impacts of the application proposals alongside applications B and C (which at the time were the only 'live' applications or the only applications with a prospect of being approved). The proposals are set out in the table below:

<b>Project Ref.</b>	<b>Application Reference.</b>	<b>Address.</b>	<b>No. of dwellings.</b>	<b>Current Status (n.b. all remain undetermined)</b>
A	DC/14/2096/HYB	Land at Station Road, Lakenheath	Up to 375 + school	Application approved by the Committee in August 2016. Is to be referred back to Committee for further consideration owing to changed circumstances.
B	F/2013/0345/OUT	Land at Rabbit Hill Covert, Lakenheath	Up to 81	Committee resolved to grant in Sept 2014. Is to be referred back to Committee for further consideration owing to changed circumstances.
C	F/2013/0394/OUT	Land west of Eriswell Road, Lakenheath	Up to 140	Committee resolved to grant in Sept 2014. Requires further consideration by Committee before decision.
D	DC/13/0660/FUL	Land at Briscoe Way, Lakenheath	67	The subject of this report.
E	DC/13/0918/OUT	Land east of Eriswell Road and south of Broom Road, Lakenheath	Up to 750 + school etc.	The planning application was <u>withdrawn</u> in February 2016.
F	DC/14/2042/OUT	Land North Of Broom Road, Covey Way And Maids Cross Hill Lakenheath	Up to 110	Was refused planning permission following consideration by the Development Control Committee at its meeting in February 2017. An appeal has been submitted and will be determined following a public inquiry.
G	DC/14/2073/FUL	Land adjacent 34 Broom Road, Lakenheath	120	An appeal was submitted against non-determination of the planning application within prescribed periods. The Development Control

				Committee resolved (July 2017) that it would have refused planning permission had it been able to make a formal determination. A public inquiry closed in March 2017. The Inspectors decision letter is awaited (anticipated in early July 2017).
H	DC/16/0670/ HYB	Land west of the B1112 (opposite Lords Walk), Little Eriswell	Up to 550 + school + retail unit etc.	Amendments have been received and due to be consulted upon. Anticipated report to Development Committee in July or August 2017.

### Consultations:

8. Consultation responses received in advance of the report to the September 2014 Development Control Committee meeting are summarised at paragraphs 14-32 of the committee report attached as Working Paper 1.
9. The following additional consultation responses have been received post September 2014 including following subsequent re-consultation.
10. **Natural England** – in September 2014 offered **no objections** to the planning application and confirmed there are no concerns with respect to the Breckland SPA / Breckland SAC. They also confirmed (at the time) there were no concerns for an ‘in combination’ effect of recreational disturbance from the three Lakenheath applications taken together given the relative small scale of the proposals [*at the time, applications B, C and D from the above table were before the Council*].
11. **Defence Infrastructure Organisation** on behalf of the **Ministry of Defence** – submitted further representations in September 2016 and **objected** to the application. Their comments are summarised as follows:
  - In view of the nature of operational activity undertaken at RAF Lakenheath, and its proximity to the application site, the MoD has significant concerns regarding the proposed development and its appropriateness for the application site. These concerns include: the potential noise levels that the future occupants of the proposed dwellings will be exposed to, and the potential impact of the proposed development on RAF Lakenheath; vibration, public safety, and highway concerns.
  - The application site is located 0.24 kilometres to the west of the approach path to RAF Lakenheath from a recovery point, known to RAF Lakenheath as Point Charlie. It is expected that the application

site will be subjected to noise associated with instrument recovery profiles, potentially in addition to instrument departure profiles.

- A number of criticisms are raised against the noise assessment submitted with the planning application. The DIO asserts the submitted Noise Assessment report to be insufficient and fails to fully address the issue of noise in connection with the operational aircraft flying activity associated with RAF Lakenheath. It is suggested that planning permission should be refused as a consequence, but are prepared to leave this consideration to the Local Planning Authority.
  - With respect to potential effects of vibration to the development proposals from aircraft activities associated with RAF Lakenheath, the DIO suggests that, if planning permission is granted, a condition should be imposed requiring vibration survey and assessment in accordance with the relevant British Standard.
  - The DIO also asserts the occupants of the proposed dwellings (if approved) would be at greater risk of 'incursion' in the event of an aircraft emergency in comparison to the existing agricultural land use.
  - It is the contention of the Ministry of Defence that any proposals that would adversely impact upon the access to RAF Lakenheath should be refused planning permission, unless appropriate mitigation is provided by the developers.
12. In May 2016, the **NHS Trust** confirmed they held no objections to this planning application and, on grounds of the combination of the relatively small size of the application proposals and the effect of the 'pooling restrictions' set out in the CIL Regulations, did not wish to request developer contributions from these proposals for health infrastructure provision.
13. In April 2017, the Forest Heath District Council's **Ecology and Landscape** Officer updated her comments about the planning application and 'screened' the proposals under the provisions of the Habitats Regulations. The previous conclusions set out at paragraphs 55 and 56 of the September 2014 Committee report (Working Paper 1) that Appropriate Assessment of the project is not required remains unchanged. The following comments were received (summarised):
- The development of the site will result in the loss of agricultural land, and the introduction of additional built form which is considered to be an impact on landscape character particularly given the lack of space to provide visual screening on the boundary with the countryside. The Design & Access Statement includes notes on a landscape strategy for the site. The strategy will need to be developed further (via planning conditions) if the application is approved.



- The provision of sustainable urban drainage is shown to be within the public open space. This would significantly limit the ability of this space to function as an area for any type of formal or informal play. However there is a formal play space located to the south off Briscoe Way.
- An ecological assessment accompanies the application which has assessed the risk to habitats and species. Precautionary mitigation and environmental enhancements are recommended and their provision/ implementation should be secured by condition. The ecological enhancements should be shown on the subsequent landscaping plan for the site.
- Comments included a very detailed 'screening' of the proposals against the requirements of the Habitats Regulations. The screening concluded that the proposals alone would not result in likely significant effects on Breckland SPA. In-combination likely significant effects on Breckland SPA can be avoided if the applicant makes a proportionate contribution to influence recreation in the area and to avoid a damaging increase in visitors to Breckland SPA through either a condition or a section 106 contribution.

14. In April 2017, the Council's **Public Health and Housing** officers confirmed they continued to retain **no objections** to the application proposals and provided the following comments:

- Public Health and Housing have carefully considered the Noise Impact Assessments (NIA) that have accompanied the applications and feel they are fit for purpose. Whilst the MOD have highlighted some concerns in some of the reports, in that there is no night time noise assessment's (there are no routine night flights) and that the distances to the air bases are slightly out, these have not fundamentally changed our responses to each of the applications.
- In light of the concerns shown and in consideration of the protection of the future residents we will be taking the same approach to all applications recommending acoustic insulation levels be included as a condition (to applications that are under the noise contours), along with the applicant presenting a post completion acoustic test to demonstrate that the building has been constructed to a level required in the condition.
- The flights are mainly during daylight hours with some starting at 06:00hrs, however there are reduced number of sorties in the winter and in inclement weather, with none during night time hours or at weekends (except in exceptional circumstances). The MOD have recommended that each application carries out a vibration test, however we have to my knowledge, not received a single complaint of vibration from any resident and would feel that this could be deemed as onerous.

15. **Suffolk County Council (Local Highway Authority)** – In July 2016, after applying the newly adopted Parking Standards, wrote to confirm garaged car parking spaces were too small and confirmed this meant that there was no longer sufficient (appropriate) car parking space available. The Highway Authority requested amendments to overcome their concerns and pointed out their 'approval' was also reliant upon the findings of the on-going independent cumulative traffic assessment work.
16. **Suffolk County Council (Flood and Water Management)** in July 2016 submitted **holding objections** on the grounds that the submitted drainage strategy did not provide sufficient detail at this full application stage and made specific comments for the applicant to address in any amended/updated strategy.
17. In April 2017, following submission of amended surface water drainage details, **Suffolk County Council (Flood and Water Management)** wrote to remove their previous holding objections and recommended 3 conditions relating to surface water drainage matters be imposed upon any planning permission subsequently granted.
18. **Suffolk County Council (Strategic Development)** in January 2017 took opportunity to review and update their requests for developer contributions given the passage of time since they last reviewed and commented upon the proposals. The following contributions (to be secured via S106 Agreement) were requested:
  - Primary Education - £230,006 towards build costs and £18,116 towards land costs.
  - Secondary Education – capacity available, no contribution.
  - Pre-school provision - £75,831.
  - Libraries - £14,472.

### **Representations:**

19. Representations included in the officer report to the September 2014 Development Control Committee meeting are summarised at paragraphs 33-37 of the committee report attached as Working Paper 1.
20. The following additional representations have been received post September 2014 including following re-consultation about the amended plans and Flood Risk Assessment.
21. **Lakenheath Parish Council** – in August 2014, the Parish Council submitted "**strong objections**" to the proposals and prepared a single letter of objection with respect to four planning applications. The letter included a summary of the objections, which was as follows;

- The EIA screenings are inadequate and do not take account of cumulative impact.
- Paragraph 14 of the NPPF does not automatically engage; in accordance with the William Davis case the Council must first determine whether these proposals are sustainable before turning their attention to the provisions of paragraph 14 of the NPPF.
- Development Plan policies should be attributed significant weight in accordance with Section 38(6); settlement boundary policies should not be regarded as being concerned with the supply of housing and should not therefore diminish in their weighting.
- In the planning balance, the weight to be attributed to the delivery of housing should be reduced given that little or no housing will come forward from any of these proposals in the next five years; set against this, there is significant and wide ranging harm to arise from all of the proposals, not least in relation to infrastructure and schooling impacts.
- Objections are set out in relation to layout issues for the Briscoe Way site and, to some extent, on the other applications.
- Land east of Eriswell Road is premature; in any event this proposal will impact upon the SSSI and has significant deliverability issues.
- As with all of the proposals, the Rabbit Hill Covert site is the subject of significant noise exposure and it will not be possible to create satisfactory residential amenity for future occupiers of the site.

22. **Lakenheath Parish Council** – (late January 2015) submitted further representations via their lawyers. The following matters were raised:

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

- The Parish Council raises concerns regarding noise, vibration and risks of accidents from civil aviation activities in the vicinity of the planning application and is particularly concerned in this respect with regard to the location of the primary school.
23. **Lakenheath Parish Council** (July 2016) with respect to the Lakenheath cumulative traffic study commented they have **grave concerns** regarding the impact on the B1112/A1065 priority cross-roads which is reported in table 1.2 of the Aecom- Lakenheath Cumulative Traffic Study, as still “Not considered to be a severe impact” and “Approaching capacity, mitigation advised”.
24. In late July 2016 the **Lakenheath Parish Council** wrote to confirm they had changed their position with respect to these application proposals and wished to **support** a development on this site although it is outside the current village boundary. The Parish Council remained concerned however about the level of parking space provided, a cramped and over-developed layout, cumulative impact upon highways, health provision and public transport (with other developments proposed in the village). The Parish Council also requested consideration be given to the provision of a second vehicular access from Burrow Drive. A number of conditions were requested in the event that planning permission is subsequently granted, including permeable driveways, provision of solar panels, grey water storage units and the affordable homes being allocated to Lakenheath/local residents.
25. In April 2017, the **Lakenheath Parish Council** confirmed their continuing support for a development on this site, but remain concerned about parking, the ‘cramped’ layout and cumulative impacts. The Parish Council also repeats its earlier request for a second access from Burrow Drive. The Parish Council repeats its request for conditions to be imposed and add a further condition regarding internal noise levels.
26. A further **8 letters of objection** were received to the proposals. Many of the issues and objections had been raised previously and are reported at paragraph 36 of the attached Working Paper 1. The following additional points were made:
- There is very little local employment (which will be reduced further when RAF Mildenhall closes).
  - There should be two points of access into the development.
  - Contractors’ vehicles should park on the site, not on the existing estate roads.
  - Maintenance of the existing hedgerow [along the south boundary] could be an issue.
  - There could be safety issues with contractor vehicles passing the existing childrens’ play area in Briscoe Way.

**Policy:**

27. Relevant Development Plan policies were listed at paragraphs 39 and 40 of the report to the 3<sup>rd</sup> September 2014 meeting of Development Committee (attached as Working Paper 1).
28. The Joint Development Management Policies Document was adopted by the Council (February 2015) following the Committee resolution to grant conditional planning permission for the proposed development in September 2014. Relevant policies are listed below:
- DM1 – Presumption in Favour of Sustainable Development
  - DM2 – Development Principles and Local Distinctiveness
  - DM5 - Development in the Countryside
  - DM6 – Flooding and Sustainable Drainage
  - DM7 – Sustainable Design and Construction
  - DM10 – Impact of Development on Sites of Biodiversity and Geodiversity Importance.
  - DM11 – Protected Species
  - DM12 – Mitigation, Enhancement, Management and Monitoring of Biodiversity.
  - DM13 – Landscape Features
  - DM14 – Protecting and Enhancing Natural Resources, Minimising Pollution and Safeguarding from Hazards.
  - DM17 – Conservation Areas
  - DM20 – Archaeology
  - DM22 – Residential Design.
  - DM27 – Housing in the Countryside.
  - DM42 – Open Space, Sport and Recreation Facilities
  - DM44 – Rights of Way
  - DM45 – Transport Assessments and Travel Plans
  - DM46 – Parking Standards
29. The adoption of the Joint Development Management Policies Document led to a number of policies from the 1995 Local Plan being replaced. Of those policies listed at paragraph 40 of Working Paper 1, only policy 14.1 (Securing Infrastructure and Community Facilities from Major New Developments) remains part of the Development Plan.

**Other Planning Policy:**

30. Other relevant planning policies were discussed at paragraphs 41-52 of the report to the 3<sup>rd</sup> September 2014 meeting of Development Committee (attached as Working Paper 1).
31. In the period since the September 2014 Development Control Committee meeting, the emerging Site Allocation and Single Issue Review Development Plan documents have both been consulted upon and submitted to the Planning Inspectorate. The formal examination of these documents is anticipated to occur later this year.

32. The policies set out in the emerging plans can be attributed weight in reaching decisions on planning applications. The NPPF advises the degree of weight will depend upon the stage the plan has reached in the process, their degree of consistency with the NPPF and the nature of any unresolved objections to individual policies. In this case, the plan has been submitted to the Planning Inspectorate for examination and is thus at an advanced stage. However, the policy which allocates the application site for development in the emerging Site Allocations Development Plan document does have unresolved objections against it. Accordingly, and whilst it is a matter for the decision maker to ultimately determine, it is your officers' view that moderate weight can be attributed to the provisions of emerging policy SA8 and the allocation of the application site by the Site Allocations Development Plan Document for a housing development.
33. The County Council has adopted fresh Parking Standards to be applied in cases where new development proposals require new or additional vehicle parking provision (although these standards have not been formally adopted by FHDC as a Supplementary Planning Document).

**Officer Comment:**

34. Members resolved to grant planning permission for this development at their meeting on 3<sup>rd</sup> September 2014, subject to conditions and completion of an Agreement under S106 of the Town and Country Planning Act. The Committee also required an independent assessment of the potential cumulative impacts of development upon the local highway network. The cumulative traffic assessment has taken longer than envisaged to complete partly owing to the submission of further planning applications for development in the village. Other issues, including the need for the Secretary of State to carry out a fresh EIA screening of the proposals, a request for the Secretary of State to 'call in' the planning application for his own consideration and, latterly, late objections to the planning application from the Defence Infrastructure Organisation on behalf of the Ministry of Defence have all contributed to significant delays in implementing the September 2014 resolution of the Committee.
35. A full and detailed officer assessment of the planning application was included at paragraphs 53-228 of the report to the 3<sup>rd</sup> September 2014 meeting of Development Committee (attached as Working Paper 1).
36. Case law has established that planning officers are obligated to return planning applications to Committee for further consideration in cases where there have been material changes in circumstances since a resolution was reached. Furthermore, a change in planning law in April 2015 means a S106 Agreement cannot be lawfully completed fully in accordance with the Committee resolution.

37. In this case a number of separate material changes in circumstances are relevant requiring further consideration by the Committee. This section of the report considers the implications.

*5-year supply of deliverable housing sites and the emerging plan.*

38. The Council was not able to demonstrate a 5 year supply of deliverable housing sites at the time the Committee considered this planning application in September 2014. Accordingly, the 'tilted balance' set out at paragraph 14 of the NPPF (presumption in favour of sustainable development) applied in the consideration of the proposals with considerable weight applied to the housing shortfall identified at the time.
39. The application proposals have been counted in the current five year housing supply, alongside a number of other as yet unconsented schemes which are also contrary to the existing Development Plan. Should these applications not be approved, it is inevitable the Council would fall back into a position where it is not able to demonstrate a 5-year housing supply.
40. An important factor to take into account when considering the principle of this development is the fact the site is allocated for development in the emerging Site Allocations Local Plan. The Plan is now at an advanced stage given it was submitted to the Planning Inspectorate for examination in March 2017. Given that unresolved objections persist over relevant policies in the plan, moderate weight can be attributed to the emerging policy in determining planning applications.
41. It is your officers' view that the combination of the desirability of being able to maintain a 5 year supply of deliverable housing sites and the fact the application site is allocated in an emerging Local Plan, significant weight can be afforded in support of the principle of the development. An 'in-principle' objection to the scheme would be difficult to defend at a subsequent appeal.

*The adoption by the Council of the Joint Development Management Policies document in February 2015*

42. The adoption of this document introduced a suite of new planning policies to be taken into account in reaching decisions on all planning applications. When Members last considered the planning application (and resolved to grant planning permission) in September 2014, the Joint Development Management Policies Document (JDMPD) carried little weight. Committee Members did not rely upon the emerging policies in reaching their decision at that time given there were widespread and fundamental objections to the policies (and numerous modifications were proposed) ahead of formal examination.
43. Officers have assessed the application proposals against all relevant policies contained in the now adopted JDMPD and conclude that none of

these significantly affect the officer assessment or recommendation. A summary of that assessment is included in the table below

Policy	Officer Comment
DM1	This largely repeats the provisions of paragraph 14 of the NPPF.
DM2	A general design policy covering numerous criteria. The proposals do not offend this policy and all matters are addressed in the September 2014 committee report (Working Paper 1 - officer comment section)
DM5	This policy confirms that areas designated as 'countryside' will be protected from unsustainable development. Policy DM27 is a related policy and addresses proposals specifically for residential development in 'countryside' locations. These policies imply a general presumption against development in the countryside but makes specific exceptions to certain development types and scales. The application proposals do not meet the specific criteria of these policies and are therefore contrary to them.
DM6	The planning application proposes 'SUDS' drainage, the detail of which has been agreed. The proposals are consistent with policy DM6.
DM7	This policy is reflective of contemporary national planning policies and in that context is considered to be more up to date than Core Strategy Policy CS2. National planning policy states that sustainable construction measures should accord with the Building Regulations unless local evidence suggests further measures are required. Local evidence confirms that additional measures (over Building Regulations requirements) for water efficiency is justified and as a consequence has been made a specific requirement of the Development Plan through this policy. A condition requiring compliance with the stricter 'optional' water efficiency requirements of the Building Regulations can be imposed.
DM10	The requirements of this policy are addressed in the officer comments section below and as part of the September 2014 committee report (paragraphs 109-116 of Working Paper 1). The requirements of Policy DM10 have been met.
DM11	The requirements of this policy are addressed by the September 2014 committee report (paragraphs 109-116 of Working Paper 1). The requirements of Policy DM11 have been met.
DM12	The requirements of this policy are addressed by the September 2014 committee report (paragraphs 140-173 of Working Paper 1), with further discussion included in the 'officer comment' section of this report, below. Appropriate biodiversity mitigation and enhancement would be secured via the S106 Agreement and planning conditions. The requirements of Policy DM12 have been met.
DM13	The requirements of this policy are addressed by the September 2014 committee report (paragraphs 89-99 and 197 of Working Paper 1). Further discussion is included below within the 'officer comment' section of this report. The requirements of policy DM14 have been met.
DM14	The requirements of this policy are addressed by the September 2014 committee report (paragraphs 137-144 of Working Paper 1). The requirements of policy DM14 have been met.



DM17	The requirements of this policy are addressed by the September 2014 committee report (paragraphs 59-61 and 117-123 of Working Paper 1). The requirements of this policy have been met.
DM20	The requirements of this policy are addressed by the September 2014 committee report (paragraphs 117-123 of Working Paper 1). The requirements of this policy have been met.
DM22	The September 2014 committee report included an in-depth discussion about the design merits of the scheme (paragraphs 148-171 of Working Paper 1). The provisions of this policy do not change the analysis or conclusions drawn. Whilst amendments to the planning application have been received which alter the layout of the proposals, officers consider these do not affect the assessment or conclusions about design included in the September 2014 committee report. This is with the exceptions that i) the proposals will now integrate better with the land included in the emerging Local Plan as a housing allocation, abutting the application site to the north and ii) the parking (subject to confirmation of the Highway Authority) meets with minimum sizes set out in contemporary adopted parking standards (which have changed since the September 2014 meeting of the Committee). Officers consider the proposals accord with the requirements of policy DM22.
DM27	See comments against Policy DM5 above.
DM42	The proposals provide less public open space than is required by the calculator included in the related 'Open Space, Sport and Recreation' Supplementary Planning Document. Whilst the development over-provides informal greenspace compared to the Council's standards, it provides no informal green space. There is no children's play space provided as part of the application proposals, but an off-site contribution could be secured to secure enhancements to the existing nearby play area in Briscoe Way. This is a preferable outcome. The proposals are contrary to the provisions of policy DM42 insofar as the proposals would under-provide natural greenspace. Further discussion is set out later in this report.
DM44	The development would not affect the existing public footpath which abuts the south boundary of the site. The scheme would enhance footpath provision in the village by providing a new bridge connection over the drainage channel to the north of the site. The requirements of policy DM44 have been met.
DM45	The planning application was accompanied by a Transport Assessment. Transportation matters were discussed at paragraphs 100-108 and 194-195 of the September 2014 committee report (attached as Working Paper 1).
DM46	Clarification is awaited from the Local Highway Authority as to whether the proposed development accords with the most recently adopted advisory parking standards and adequate car parking levels are to be provided. The officer recommendation prevents a planning permission being issued until the Highway Authority has confirmed they have no reasonable objections to the proposals. The Committee will be verbally updated at the meeting of any progress with respect to this issue.

Cumulative impacts, including updated EIA screening

44. The potential cumulative impacts of the application proposals, in combination with other proposed developments was considered by the Development Control Committee in September 2014 (paragraphs 186 to 201 of the officer report). Since the meeting, further applications proposing large scale housing development have been received by the Council and remain underdetermined. The officer assessment of potential cumulative impacts set out in the 2014 Committee report is therefore out of date and requires further consideration.
45. For the same reasons, the EIA Screening of the proposals undertaken by the Council became out of date following the subsequent submission of further planning applications. There are no provisions in the EIA Regulations which enable the Local Planning Authority to re-screen development proposals. The Council therefore requested the Secretary of State adopt an over-arching Screening Direction. The Secretary of State carried out a Screening Direction and considered the implications of all projects in combination. He confirmed the application proposals were not 'EIA Development' meaning an Environmental Statement was not required to accompany the planning application.
46. Members will note from the table produced beneath paragraph 7 above there are a number of planning applications for major housing development currently under consideration at Lakenheath. Furthermore, as the Development Plan progresses and the Site Allocations Document matures, further sites will be allocated for new residential development irrespective of the outcome of these planning applications.
47. The remainder of this sub-section of the officer assessment considers potential cumulative impacts upon village infrastructure of the planning applications listed at paragraph 7 above. Project E from the table is disregarded given its recent withdrawal from the planning register. Furthermore, project H is not included (other than impact upon the SPA) given that it is accompanied by an Environmental Statement which will itself need to consider and mitigate cumulative impacts.

Primary education

48. Any additional children of primary school age emerging from these proposals would need to be accommodated within a new village school given the existing school has reached capacity and cannot be extended. The County Council has confirmed the site allocated within the emerging Site Allocations plan and which is subject to a current application for outline planning permission (reference DC/14/2096/HYB) is their 'preferred site' for the erection of a new primary school.
49. If planning permission is granted for that particular scheme, the school site would be secured and would provide the County Council with an option to purchase/transfer the land. It is understood there is currently no formal agreement in place between the landowner and Suffolk County Council with respect to the school site. The availability of the land for use

by the County Council to construct a new primary school is ultimately dependent upon planning permission being granted for the overall scheme which includes a large residential component. At its meeting in August 2016, the Development Control Committee resolved to grant planning permission for those proposals (include the school site). The planning application is yet to be finally determined, however, as it is the subject of an Article 31 holding direction issued by the Secretary of State. The Committee will also need to reconsider that particular planning application in the light of the recent publication by the Ministry of Defence of new noise contours.

50. The cumulative impact of development was considered as part of the officer Committee report to the September 2014 Committee meeting. The following conclusions were drawn about the cumulative impact of the three developments (as it stood at the time) upon primary education provision;

*"The (potential) need for some pupils to travel to a school outside of Lakenheath would impact upon the sustainability credentials of the proposals and are regarded as a dis-benefit of development in advance of a new school site being found. It is important to note, however, that the County Council has confirmed school places would be available for all pupils emerging from these development proposals, even if they are all built early on and concerns have not been expressed by the Authority that educational attainment would be affected or threatened should these developments go ahead. It is your officers view (particularly in the absence of confirmed objections from the Local Education Authority) that the absence of places for children at the nearest school to the development proposals is not in itself sufficient to warrant a refusal of planning permission but the issue (both individually for this proposal and cumulatively with the other extant proposals for major housing development at Lakenheath) needs to be considered as part of the planning balance in reaching a decision on the planning applications".*

51. Despite the submission of further planning applications for development following the Committee's consideration of the proposals in September 2014, the prospect of a school being delivered in the short term has improved given the submission of a planning application for development including the safeguarding of land for a primary school and, to date, the favourable consideration of that planning application by the Council. However, it is acknowledged the delivery of a school site (and an opening date for a new school) remains uncertain. Accordingly, the harm identified in the preceding paragraphs arising from the short term absence of school places in the village continues to apply and the impacts of the development proposals upon primary education (both individually and cumulatively) remains to be considered in the planning balance.

#### Highways

52. The Local Highway Authority (Suffolk County Council) has progressively commissioned cumulative traffic studies to assess the potential impact of

new development at Lakenheath upon the local road network, via its consultants, AECOM. The first independent study was commissioned following the decisions of the Development Control Committee to grant planning permission for three of the planning applications at its September 2014 meeting (Applications, B, C and D from the table included above, beneath paragraph 7). A requirement for the cumulative study formed part of the resolution of the Development Control Committee for those planning applications. At that time the other planning applications listed in the table had not been submitted to the Council, save for Application E which had already encountered the insurmountable problems which ultimately led to it being withdrawn. Whilst AECOM did complete the first assessment, it quickly became out of date upon submission of further planning applications proposing over 600 additional dwellings between them.

53. An update to the cumulative study was subsequently commissioned independently by the Local Highway Authority via AECOM. This has been the subject of public consultation. The updated cumulative study considers four different levels of development:
- 288 dwellings (specifically applications B, C and D from the table beneath paragraph 7 of this report)
  - 663 dwellings (specifically applications A, B, C and D from the table)
  - 1465 dwellings (applications A, B, C, D, F, G and H from the table)
  - 2215 dwellings (all development in the previous scenario, plus a margin for sensitivity (750 additional dwellings) which would cover any additional growth from other sites included in the local plan and/or other speculative schemes)).
54. The study assessed a number of junctions on the local road network and (with respect to the quantum of development proposed by all applications 'to hand') concluded all of these, with the exception of three, could accommodate the cumulative growth set out in all four scenarios without 'severe impacts' arising. The three junctions where issues would arise cumulatively are i) the B1112/Eriswell Road priority 'T' junction (the "Eriswell Road junction"), ii) the B1112/Lords Walk/Earls Field Four Arm roundabout (the "Lords Walk roundabout") and, iii) the A1065/B1112 Staggered Crossroads.
55. The Highway Authority has advised the threshold for works being required to the Lords Walk and the A1065/B1112 junctions are above the levels of housing growth presently being considered. Accordingly, no mitigation measures (or developer contributions) are required for these particular junctions from these development proposals.
56. The Eriswell Road junction is more complicated given i) the need to carry out improvements to increase the efficiency of the junction before any of the large scale housing developments can be occupied and ii) the limited

available land for improvements to be carried out to this junction within existing highway boundaries.

57. The cumulative study assessed two potential schemes of mitigation works at the Eriswell Road junction; the first being signalisation of the junction in order to prioritise and improve traffic flows; the second being signalisation of the junction and introduction of two entry lanes. A further update to the study examined the first option in more detail and found that a detailed scheme could be delivered within the boundaries of the highway without requiring the incorporation of land outside of existing highway boundaries.
58. The second option for mitigation works at the Eriswell Road junction would deliver greater increased capacity than the first option. The cumulative traffic study suggests, with the first mitigation option installed (signalisation only) the junction would be able to accommodate traffic forecast to be generated from the first circa 850 dwellings without severe impacts arising. However, if up to 1465 dwellings are to be provided, the second option for mitigation (signalisation and two lane entry) would be required at some point beyond occupation of the circa 850<sup>th</sup> dwelling.
59. The study does not clarify precisely (or roughly) where the tipping point is and it is not clear how many dwellings could be built at Lakenheath with signalisation only of the Eriswell Road junction before additional measures to implement the larger mitigation scheme need to be carried out. The traffic study does confirm that, with new signalisation being provided within the highway, the improved junction would be capable of accommodating the traffic flows emerging from all the development proposals presently proposed at Lakenheath (excluding the proposals which have been refused planning permission) without severe impacts arising.
60. In May 2017, Elveden Farms Ltd which owns the third party land around the 'Eriswell Road' junction provided further evidence to the Council and the Highway Authority at Suffolk County Council to challenge the findings of the AECOM studies that an acceptable scheme of mitigation could be provided within the highway boundary. Specifically, Elveden Farms commissioned a further technical note based on fresh traffic counts carried out in March 2017. The following conclusions were drawn by their traffic consultant:

*"It is quite clear from this Technical Note that when using the March 2017 traffic counts that the reduced traffic signal junction cannot even accommodate the existing traffic flows let alone any additional traffic arising from new development without creating a severe traffic impact.*

*The implication of these conclusions is that any new development in Lakenheath is not deliverable without land beyond the highway boundary needed for the larger traffic signal improvement at the B1112/Eriswell Road junction and*

*this should be understood before any planning consent is granted for new development."*

61. The Highway Authority at Suffolk County Council has carefully considered the fresh evidence submitted by Elveden Farms Ltd and has provided the following comments in response:

*"We have looked at the WSP technical Note dated 21st April 2017 which includes updated traffic flow information obtained in March 2017.*

*While the traffic flow information does highlight some underestimation in the Aecom AM peak assessment we do not consider this to be significant as the PM peak hour is considered to be the worst case at this location, and this assessment is robust. We have re-run the AM modelling with higher figures from the WSP surveys through an updated version of the Aecom junction model and this still has sufficient capacity in reserve.*

*The technical report does make a point about junction blocking impacting on overall performance, this is not considered to fundamentally affect the conclusions, as we have tested the model with blocking and no blocking and while the option without blocking works better, again there is still residual capacity even if the worst case scenario is assessed. Furthermore, alternative junction layouts can be accommodated within the highway boundary which could potentially improve this aspect of the junction layout. This could involve giving more priority to the dominant traffic flows to improve junction performance. The Section 278 detailed design review will allow us to explore several slight changes to the layout and signal operation which have the potential to further improve junction performance.*

*Our overall view remains that a junction traffic signal upgrade at Sparks Farm (B1112/Eriswell Road) can be delivered within the highway boundary, and would give capacity and road safety benefits to cater for current and proposed traffic, up to a level of around 915 new homes.*

*The assessment shows that the junction is operating at around the limit of its theoretical capacity in this scenario, and it is important to appreciate that day to day fluctuation would result in short term localised impacts that would result in occasional significant queuing. While this is not desirable for residents and visitors to the area it is felt that the overall performance of the junction would be acceptable, and therefore the overall impacts would not be deemed severe in highways terms."*

62. Contrary to representations received on behalf of Elveden Farms Ltd, the advice of the Local Highway remains clear that the local highway

network, including the 'Eriswell Road' junction (which would be placed under the greatest pressure from new housing developments at Lakenheath) is capable of accommodating the development proposals without 'severe impacts' arising as a consequence. Furthermore, it remains the position of the Local Highway Authority that a scheme of junction improvements to increase the capacity of the Eriswell Road junction could be accommodated within existing highway boundaries. The Local Highway Authority has confirmed these improvements would allow around 915 new dwellings to be constructed and occupied in the village before a 'larger' improvement scheme is required at this junction, which may at that point require the inclusion of land outside of the highway. Having carefully considered all evidence available with respect to cumulative traffic matters, officers consider, on balance, the advice of the highway authority to be correct.

63. The required improvements to the 'Eriswell Road' junction would need to be fully implemented in advance of the occupation of the first dwelling in the application scheme. This could be secured by means of an appropriately worded 'Grampian' planning condition.

#### Special Protection Area and SSSI

64. The application site is outside the 1.5km buffers to the SPA and the nesting buffer (as recently amended). Accordingly, there are no concerns regarding potential direct impacts upon the Breckland SPA, both individually and in-combination with other projects.
65. The SPA is also vulnerable to increased recreation visitor pressure (indirect impact) arising as a consequence of new housing developments, including those located at distances greater than 1.5km from the SPA boundaries. Indirect impacts upon the conservation interests of the SPA from the application proposals cannot automatically be ruled out and further consideration of potential indirect recreational impacts is required.
66. The ecological information submitted with the planning application does not consider the potential for recreational impacts upon the SPA arising from the occupation of the proposed development. The scheme contains only very limited measures to mitigate, off-set or avoid potential recreational impacts upon the SPA. The site is too small to provide its own measures in this respect (i.e. large areas of public open space and attractive dog walking routes for example). The application proposals, left unmitigated, are likely to increase recreational pressure upon the Breckland Special Protection area and add to any detrimental effects arising to the species of interest (the woodland component in particular).
67. Furthermore, the development (if left unmitigated) is likely to increase recreational pressure upon the Maidscross Hill SSSI to the east of the village. The SSSI is the only large area of recreational open space available locally to Lakenheath residents and is well used for recreation (dog walking in particular) but is showing signs of damage as a consequence.

68. Emerging Policy SA8 of the Site Allocations Development Plan Document allocates a number of sites to the north of Lakenheath for residential development, including the application site. The policy requires that any development proposals must provide measures for influencing recreation in the surrounding area to avoid a damaging increase in visitors to Maidscross Hill SSSI and Breckland SPA. Measures should include the provision of well connected and linked suitable alternative natural greenspace and enhancement and promotion of a dog friendly access route in the immediate vicinity of the development and/or other agreed measures.
69. The Council has prepared a greenspace strategy as part of the evidence underpinning the emerging Development Plan Documents. This includes a 'masterplan' for providing new green infrastructure and dog walking routes in and around Lakenheath to off-set (or avoid) potential increased recreational pressure being placed upon the Breckland SPA and Maidscross Hill SSSI.
70. The application proposals can contribute towards implementing the measures included in the greenspace strategy and, to this end, officers consider it would be appropriate for this particular development to provide sufficient capital funding to enable a pedestrian footbridge to be provided over the drainage channel to the north of the village (and north of the site). The bridge would connect new areas of public open space allocated by emerging policy SA8 to the north of the village with the exiting public footpath that runs parallel to the north bank of the channel. This 'project' has been costed and could be secured in lieu of the off-site public open space contributions the Committee previously resolved should be secured from this development back in September 2014. It is no longer lawful to secure those particular contributions. The overall cost of providing the pedestrian footbridge is significantly lower than the off-site public open space contribution previously required, so the contribution should not adversely affect the viability and ultimate delivery of the application proposals.
71. With these measures in place, your officers have concluded the potential impact of the development upon the Breckland Special Protection Area and the Maidscross Hill SSSI, from increased recreational use would be satisfactorily addressed.

#### Landscape

72. Given the locations of the proposed housing developments around Lakenheath and the ability of the local landscape to absorb new development (particularly on the edges of settlements), no cumulative landscape impacts are anticipated despite all the projects being proposed at the edges of the village. Lakenheath is a sizeable village and whilst the development proposals in their entirety would represent a relatively significant expansion to it, no significant cumulative landscape impacts would arise as a consequence.



## Utilities

73. The potential cumulative impact of development upon the sewerage network was a concern of officers, particularly as the IECA study, which supports the Core Strategy document, identified a tipping point of 169 dwellings before the Treatment Works reaches capacity. The proposals for development within the catchment of the Works would, in combination, significantly exceed this identified tipping point.
74. Anglian Water Services has not objected to any of the planning applications and confirmed for each one there is adequate capacity within the system to accommodate the increased flows from development. As explained at paragraph 199 of the attached Working Paper 1, there is sufficiently greater headroom now available in the Treatment Works than envisaged by the IECA study, such that the treatment works could accommodate all of the development proposed in the village (particularly given that project E from the table included at paragraph 7 above has been withdrawn).
75. In light of the updated position with respect to the Lakenheath Waste Water Treatment Works, which supersedes evidence presented in the IECA study, officers are satisfied the development proposals would not lead to adverse cumulative impacts upon the sewerage infrastructure serving Lakenheath.
76. There is no evidence to suggest there would be significant cumulative impacts upon water and energy (electricity) supplies to the village given the respective capacities identified in the IECA study.

## Air Quality

77. The Council's Environmental Health Officers initially expressed concerns about the potential impact of the developments proposed at Lakenheath (projects A to G from the table included at paragraph 7 above) and requested further information from the proposals.
78. The Council subsequently commissioned an independent assessment of the potential for the developments, in-combination, to exceed air quality targets. The assessment concluded that, although the developments would lead to an increase in nitrogen dioxide concentrations alongside roads in the village, it is extremely unlikely that these increases would lead to exceedances of the air quality objectives.
79. Given the findings of the assessment, the Council's Environmental Health Officers are now satisfied that no further assessment is required by the developers for any of the applications and previous requests for conditions in relation to air quality can be disregarded.

## Summary

80. On the basis of the above evaluation officers remain satisfied that the cumulative infrastructure impacts of the proposed residential

development (in terms of ecology, utilities, landscape, healthcare, air quality, transport and schooling) would be acceptable. There is no evidence to demonstrate that the development proposal should be refused planning permission on grounds of confirmed or potential cumulative impacts.

CIL Regulation 123

81. Regulation 123 of the Community Infrastructure Regulations 2010 was enacted in 2015 after the Development Control Committee considered the planning application in September 2014. The enactment has had the effect of making it unlawful for Local Planning Authorities to have regard to planning obligations in reaching a decision on a planning application where five or more contributions have already been collected for the specific infrastructure type or project. Accordingly and as the Council has already previously collected 5 or more separate contributions to be used generically towards public open space provision, it would now be unlawful to collect a further non specific tariff type contribution from this planning application. This is irrespective of whether or not the applicant remains willing to continue offering it.
82. The resolution of the September 2014 meeting of the Development Control Committee included a quantity of public open space being secured on-site and the balance (given there was a shortage when measured against standards) provided off-site by means of a developer (cash) contribution. The off-site 'tariff' based contribution can no longer be lawfully secured. All other contributions Members resolved to secure from the development can still lawfully form part of a S106 Agreement and would not currently fall foul of the pooling restrictions, albeit some of the contributions to be secured in the Agreement have been updated to reflect current circumstances (education and libraries contributions in particular).
83. At the Committee meeting in August 2014, the resolution included provisions that should the S106 heads of terms be reduced from those included in the resolution, the planning application would be returned to Development Control Committee for further consideration. The forced removal of the off-site public open space contribution from the S106 Agreement triggers this requirement.
84. The loss of the off-site tariff based public open space contribution, although regrettable does not, in your officers' view, alter the acceptability of the proposals. The application scheme provides an acceptable package of public open space provision in the form of an area of public open space on the site and contributions towards provision of new publically accessible green infrastructure away from the site. Accordingly, the loss of the tariff based contribution (which can no longer be lawfully secured from the development) does not, in your officer's view, affect the overall sustainability credentials or the suitability of the proposals. Furthermore, given the unique circumstances of this case and, importantly, the recommendation that a developer contribution is secured to provide a pedestrian footbridge to connect public footpaths

over the drainage channel to the north of the application site, officers consider there is no need for the development to increase its on-site provision of public open space in order to accord with the standards set out by relevant planning policies.

*Applicant's amendments to the proposals; public open space provision, parking standards and surface water drainage.*

85. The applicant submitted amendments to the layout of the proposed development in July 2016 following a request from officers. At this time, the Site Allocations Development Plan document had gained some traction and consultation on 'Issues and Options', had been carried out. The Council's 'Preferred Options' version of the plan included the application site as an allocated housing site, but also included further land wrapping around the north and western site boundaries (currently countryside boundaries). Officers were eager to ensure the proposed layout of the application site would integrated with abutting sites. Vehicular access to the adjacent site had already been provided through the application site, but the public open space was proposed to be provided centrally. Officers advised the applicants to move the public open space to abut the north site boundary. This was to ensure it could be extended and continued into the north site in future in order to provide opportunity for a green link to be forged from the application site to the public open spaces to be provided as part of the housing allocation on the abutting site. The applicant amended the proposals to accord with the request but, following re-consultation, fresh holding objections were received from the Highway Authority and Lead Flood Authority (Suffolk County Council).
86. The Highway Authority expressed concern about the sizes of the garaged parking spaces (which fell below the minimum sizes set out in the new parking standards) and thus concern about the overall level (and adequacy) of car parking provision. The applicant submitted further amendments in an attempt to overcome these concerns and these were the subject of further consultation in March 2017. At the time of writing, further comments from the Highway Authority were awaited, but it is anticipated their previous concerns have now been fully addressed. A verbal update will be provided at the meeting.
87. The applicant has addressed the holding objections submitted by the Lead Flood Authority via an amended Flood Risk Assessment. The objections have since been removed and replaced with a recommendation that conditions are imposed in the event that planning permission is granted. The proposals are acceptable with respect to flood risk and surface water drainage.

*Aircraft Noise*

88. The core planning principles set out in paragraph 17 of the NPPF direct decision makers to seek to ensure a 'good standard of amenity for all existing and future occupants of land and buildings'. Specifically with respect to noise, and having regard to the National Planning Policy

Guidance (NPPG) and DEFRA's Noise Policy Statement for England (NPSE), paragraph 123 of the NPPF requires decisions to 'avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development'. Where a lower level 'adverse' noise impact is established, then impacts on health and quality of life should be mitigated and minimised.

89. Paragraph 2.18 of the NPSE reiterates the need to balance the economic and social benefit of the development/activity with the environmental impacts, including the impact of noise on health and quality of life. It is clear in stating that noise impacts should not be treated in isolation.
90. The current World Health Organisation (WHO) guidance recommends internal noise levels in dwellings are 35dB LAeq,16hr for daytime and 30dB LAeq,8hr at night. British Standard BS 8233 suggests similar design standards for internal noise levels.
91. The WHO guidance suggests that to protect the majority of people from being annoyed during the daytime, the sound pressure level on balconies, terraces and outdoor living areas should not exceed 50dB LAeq for a steady, continuous noise.
92. Vision 1 of the Core Strategy seeks to provide 'a higher quality of life' for residents. Policy DM2 of the Joint Development Management Policies Document seeks to safeguard (inter alia) residential amenity from potentially adverse effects of new development.
93. In September 2014, at the time the Development Control Committee first resolved to grant planning permission for this development, the application site was shown to be situated outside the noise contours relevant to the operation of RAF Lakenheath. Noise contour information is prepared and published by the Ministry of Defence.
94. Despite that, the applicants undertook a noise impact assessment (NIA) and submitted the results with the planning application. The NIA was based on field surveys carried out on a single day in February 2014. Military aircraft were observed during the day and, following liaison with the base (whom confirmed there are typically 40-45 flights departing from the base per day), the noise consultant considered the number of aircraft readings captured was appropriate to reflect a typical noise environment at the application site. The field work recorded noise levels of 62.1db LAeq(16-hr) and proposed mitigation measures to insulate the dwellings against aircraft noise. The noise mitigation strategy was designed to achieve average internal noise levels within World Health Organisation guidelines. The external areas of the site would remain unmitigated and would exceed the WHO guidelines for external areas for short periods when aircraft are passing.
95. It was apparent from the recommendations of the NIA that the internal spaces of the dwellings could be adequately mitigated through appropriate construction and insulation techniques. Indeed, the Council's Public Health and Housing Officers (and, initially, the Defence

Infrastructure Organisation) did not object to the proposals, subject to conditions. The planning application was recommended to the Committee for approval and, at the time, the effect of aircraft noise upon the proposals was not particularly controversial. The matter was discussed at paragraphs 172-176 of the September 2014 Committee report (Working Paper 1).

96. In September 2016, some two years after the Committee resolution and approaching three years following submission of the planning application, the Defence Infrastructure Organisation for the first time submitted objections against the planning application. In February 2017, the Ministry of Defence published refreshed noise contours relevant to the Lakenheath airbase. The information confirmed the application site is situated within a 66-72 db LAeq(16-hr) noise contour which suggests the application site could be exposed to greater noise levels than set out by the 2014 NIA accompanying the planning application. The applicant's noise consultant has submitted comments in response to the publication of the new noise contours and has demonstrated the internal spaces of the dwellings remain capable of mitigation. Furthermore, the Public Health and Housing Team, having considered the information set out in the NIA, the MoD noise contours and the objections received from the Defence Infrastructure Organisation on noise grounds, and continue to advise the internal spaces of the dwellings are capable of mitigation through construction and appropriate window and wall/roof insulation.
97. In April 2017, following publication of the refreshed noise contours the Ministry of Defence provided general (and currently informal) guidance with respect to considering planning applications for new development in areas likely to be affected by aircraft noise. With respect to development proposals within the 66-72db LAeq(16-hr) noise contour, the MoD advises as follows:

*"...acoustic insulation is required. Suggested measures include, but are not limited to;*

- *Acoustic primary double glazing system of at least 6.4L[1](12)10 for all windows;*
- *Installation of acoustic louvered passive ventilation systems in all rooms fitted with the glazing system;*
- *Installation of mechanical acoustically louvered ventilation systems in kitchens (where the kitchen forms a substantial part of the living space);*
- *Acoustic insulation of exterior doors which open into an insulated area;*
- *sealing up open chimneys in insulated rooms providing that flues to existing combustion appliances are not blocked;*

- *Insulation of loft space using an acoustic mineral slab material at least 100mm x 600mm x 1200mm where the loft will support this depth of installation. Alternatively, an acoustic glass mineral roll material of at least 250mm x 200mm x 600mm can be used.*
98. The receipt of the MoD's objections and the publication of the new noise contours necessitate further consideration of the potential impact of noise from military aircraft to the proposed development.
99. The applicant's Noise Impact Assessment confirms the internal spaces of the proposed dwellings could be mitigated against noise impacts arising from military aircraft. Whilst the Ministry of Defence initially disagreed and objected to the planning application, their objections related principally to what they perceived to be an inadequate assessment of noise impact. The MoD did not demonstrate as part of their objections that occupants of the development proposals would experience unacceptable impacts from aircraft noise. The publication of fresh noise contours and the related informal advice prepared by the Ministry of Defence now confirms that development of the application site is acceptable in principle (with respect to aircraft noise) and the internal spaces of the dwellings are capable of mitigation. In this regard the receipt of this recent advice serves to validate the earlier conclusions reached by both the applicant's noise consultant and the Council's Public Health and Housing Officers.
100. Whilst the internal spaces for the proposed dwellings can be adequately mitigated against aircraft noise, it remains the case that external spaces, including domestic gardens, public paths and public open space, can not be mitigated in the same way. Whilst the impact of unmitigated aircraft noise upon external areas of the site is not fatal such that it renders the scheme unacceptable on this ground alone, it would represent harm and thus needs to be considered in the overall balance.
101. In this respect, officers' consider concerns relating to the likely adverse impact of aircraft noise to external areas of the site are reduced by i) the sporadic nature of the aircraft movements meaning that noise disturbance persists for short periods, ii) the non operation of the base at weekends when the external areas of the site are likely to be most used and iii) the absence of objections or adverse comments from the Council's Public Health and Housing team. Accordingly, these factors contribute to your officers' view that harm arising from aircraft noise is not significant in this case and should not lead to planning permission being refused. A condition could be imposed if planning permission were to be granted in order to ensure maximum noise levels are achieved in relevant internal living spaces.
102. The announced introduction of two squadrons of Lockheed Martin F-35 Lightning II aircraft into RAF Lakenheath may change the noise climate of the village again in the future, although it is understood the type of F-35's that will operate from the base will have similar noise outputs to the existing F-15's. Given that i) the Environmental Impacts of introducing the new F-35 jets onto RAF Lakenheath will need to be considered and

mitigated/avoided in advance, and ii) it is impossible to understand the full implications of the 'announcement', it follows that the announced introduction of the F-35 squadrons into RAF Lakenheath can be attributed very limited weight in the determination of this planning application.

#### Other matters

103. The position taken by the Ministry of Defence with respect to the impact of aircraft noise upon the proposed development is discussed above. The Ministry of Defence also raised objections with respect to vibration (caused by military aircraft) and public safety.

#### Vibration

104. In September 2016, the Ministry of Defence requested that, in the event that planning permission is granted, a condition be imposed requiring a vibration assessment to be carried out and submitted to the Local Planning Authority. In April this year, however, the Ministry of Defence altered its position which is now as follows:

*"I have reviewed, and taken advice on, the position we have adopted in the past.*

*Obviously, noise is, in itself, a vibration of the air. Sound waves enter the ear; affect various bones, membranes, and fluids; and, as a result, trigger a nerve response. Disturbance from noise is subjective, and some people can be more affected than others.*

*People may become more aware of the disturbance through the transfer of the noise to a building or structure; this is known as Noise-Induced Structural Vibration (NISV). The most sensitive parts of a structure to airborne noise are the windows. Though less frequent, plastered walls and ceilings can also be sensitive. NISV may annoy occupants because of secondary vibrations (e.g. rattling of objects such as crockery, ornaments, and hanging pictures) and can also be noticed when window panes vibrate when exposed to high levels of airborne noise. Therefore, noise surveys should take into consideration the effect of NISV on those who will occupy, use, and/or visit the proposed development if planning permission is granted.*

*In many cases it is difficult to separate aircraft NISV from that created by other sources, e.g. road traffic and commercial/industrial activity. Even if military aircraft are identified as the source of vibration it is unlikely that a single overpass will result in damage to property; the degree of NISV is often exacerbated due to poor repairs and/or maintenance (e.g. loose roof tiles, poorly installed windows, lack of loft insulation etc.). While we remain concerned that people using and occupying some properties near RAF Lakenheath will experience some vibration, because of the factors I have summarised above, it is my intention that we focus on the effects of noise and do not, unless absolutely necessary, refer to vibration in the future."*

105. No evidence of past or current issues and/or property damage attributable by vibration caused by military aircraft has been provided by the Ministry of Defence to support its stance that a condition requiring the applicant to carry out an assessment should be imposed upon this scheme. Furthermore, officers are not aware of any issue from their own experiences, including discussions with relevant Building Control and Environmental Health Officers.
106. Without any evidence of harm or potential harm of vibration to these development proposals, it is considered unjustifiable to request further assessments from the applicant.
107. The effects of vibration from aircraft noise on future occupiers of the proposed dwellings is likely to be perceived as opposed to tangible. Experience of the effects of vibration has the potential to impact upon ones reasonable enjoyment of their property, but the impacts are unlikely to be significant, particularly at this site which is outside the loudest noise contour and a good distance away from the runways and exit flight paths of RAF Lakenheath where aircraft noise is likely to be at its greatest
108. In this case, given the lack of evidence to substantiate any vibration impact concerns to this site, it is your Officer's view that the weight to be attached to the potential harm is very limited.

#### Public Safety

109. The Ministry of Defence is concerned the occupants of the proposed dwellings (if approved) would be at greater risk of 'incursion' in the event of an aircraft emergency in comparison to the existing agricultural land use. Whilst the precautionary position adopted by the Ministry of Defence is noted, it is not considered that the residents of this scheme would be at any greater risk of incursion than any other site or existing development in the village.
110. The starting point is that the risk of accident from jets in flight is low. For the application site the risks are further reduced by your officer's understanding that more 'incidents' will occur during or shortly after a take-off manoeuvre than upon a return flight into an airbase. It is also understood that pilots are trained to divert their aircraft away from built up areas in the event of an emergency.
111. In the event that the pilot loses control of a plane as a consequence of an incident with the aircraft, the application site would be at no greater risk of 'incursion' than other sites inside and outside of Lakenheath, because an out of control plane will not respect a planned flight path.
112. Whilst any expansion in the size and population of Lakenheath will, to a certain degree, be at risk from a falling plane, the risk is not considered significant in the context of this particular planning application, and in



your officer's view is not sufficient to justify a refusal of planning permission.

#### S106 Agreement

113. The heads of terms of the S106 Agreement remain largely unchanged from that resolved by the Committee in September 2014. There are some changes to the amounts required for primary education provision (land and capital costs) and libraries contributions which reflect changes in circumstances. The principal change relates to the strategy for public open space provision and this is discussed above, under the 'CIL Regulation 123' sub-heading.

#### **Conclusions:**

114. S38(6) of the 2004 Planning Act states that applications for planning permission shall be determined in accordance with the Development Plan, unless material planning considerations indicate otherwise. The NPPF is a material consideration which 'may indicate otherwise', although the Courts have re-affirmed the primacy of the Development Plan in Development Control decisions. The absence of a 5 year housing supply, which serves to demonstrate housing delivery issues in a Local Authority Area is, in your officers view, one circumstance where a decision to grant planning permission that departs from the plan could be justified.
115. In this case, the Council is able to demonstrate a 5-year supply of housing such there is no general imperative to grant planning permission for housing schemes that are contrary to the Development Plan. However, the five year housing supply most recently published by the Council includes all of dwellings from this site within it. The site has been included in the five year housing supply on the grounds that the Development Control Committee resolved to grant planning permission for it in September 2014. Accordingly, if planning permission were not to be granted for the development proposals, it is inevitable the Council would fall back into a housing supply deficit against the 5-year supply target. In those circumstances, the provisions of paragraph 14 of the NPPF, including the 'presumption in favour of sustainable development and the 'tilted balance' in favour of a grant of planning permission (unless the identified harm would significantly and demonstrably outweigh the benefits) applies.
116. Noting that the emerging Site Allocations Local Plan (which allocates this site for housing development) is not yet part of the Development Plan, despite its advanced stage, the application proposals represent a clear departure from the provisions of the Development Plan in its current form. Whilst Lakenheath is identified as a key location for growth by Policy CS1 of the Core Strategy, this particular site is situated entirely within a countryside location, outside the settlement boundaries of the village where policies of restraint apply, particularly to development of the scale proposed here. The application was advertised as a departure from the Development Plan following registration. Therefore, in accordance with S38(6) of the 2004 Act, and given the significant breach of the Plan

that would occur, the starting point in this case is a presumption against the grant of planning permission. The final decision will turn on whether the Committee considers there are material considerations that 'indicate otherwise'.

117. In this case, your officers consider there are a number of material considerations which indicate that planning permission should be granted for these development proposals despite them being contrary to the Development Plan. These are:

- The fact the Council would not be able to demonstrate a 5-year supply of deliverable housing sites if this site were to be refused planning permission. An approval of this planning application would ensure a five year housing supply could be demonstrated and would serve to 'significantly boost the supply of housing', as is required by the NPPF.
- Your officers consider the benefits of the application proposals, particularly the delivery of housing, (considered highly significant benefit if a five year supply is not demonstrated) outweigh the harm. The harm would include a significant breach of Development Plan policy (as discussed above), moderate harm to the character of the countryside resulting from the loss of undeveloped agricultural land to housing development and the fact the external areas of the site cannot be mitigated against the adverse effects (annoyance) of aircraft noise.
- In light of the above, officers' consider the proposals represent 'sustainable development' in accordance with the policies of the NPPF, when read as a whole. The proposals accord with National planning policy.
- The Development Plan will soon be expanded to include a Site Allocations Development Plan Document. The version of the plan submitted to the Planning Inspectorate for examination allocates the application site for a housing development. Whilst the application proposals represent a significant breach of the present Development Plan, they fully comply with the emerging plan, which should be attributed moderate weight in the Committee decision given the advanced stage it has reached and the fact there are unresolved objections against relevant policies.

118. Members are asked to note the material changes in circumstances and your officers conclusions about the merits of departing from the provisions of the Development Plan as discussed in the report. Officers' consider the previous committee resolution to grant planning permission remains relevant.

**Recommendation:**

119. Following receipt of confirmation from the Local Highway Authority of no reasonable objections to the planning application, it is recommended that full planning permission is **GRANTED** subject to:

A. The completion of a S106 agreement to secure:

- Affordable housing: 30% provision.
- Education contribution (towards land and build costs for a new primary school).
- Pre-school contribution (towards a new pre-school facility to be co-located with the new primary school).
- Open space maintenance commuted sum (in the event the Public Open Space on site is subsequently transferred to the Council for maintenance).
- Contribution towards strategic village green infrastructure provision (off site).
- Libraries contribution.

**And**

B. subject to conditions:

- Time limit (3 years for commencement)
- Materials (use of those proposed)
- Water efficiency measures (triggering the 'optional' requirements of the Building Regulations)
- Bin and cycle storage strategy for the affordable units (details to be approved and thereafter implemented)
- Public open space (strategy for future management and maintenance, unless specifically required by clauses in the S106 Agreement)
- Landscaping (precise details and implementation of new hard and soft landscaping)
- Retention and protection of existing trees and hedgerows during construction
- Ecology (securing ecological enhancements at the site)
- Construction management plan, including waste minimisation and recycling.
- As reasonably recommended by the Local Highway Authority, including provision of the strategic highway improvements to the 'Eriswell Road' junction prior to the occupation of the first dwelling.
- Contamination & remediation (further investigations and any

- remediation necessary)
- Means of enclosure (to be submitted for the dwellings and outer boundaries of the site.
- Noise mitigation (to internal rooms)
- Fire Hydrants (details to be submitted and agreed)
- Water efficiency measures
- As recommended by the Flood and Water Management team at Suffolk County Council.
- Provision of public information/interpretation boards and information packs for residents with respect to avoiding impacts upon the Special Protection Area.
- Any additional conditions considered necessary by the Assistant Director (Planning and Regulatory).

112. That, in the event of the Assistant Director (Planning and Regulatory) recommending alternative (reduced) S106 Heads of Terms from those set out at paragraph 119 above on the grounds of adverse financial viability or other factors pertaining to the deliverability of the development, the planning application be returned to Committee for further consideration.

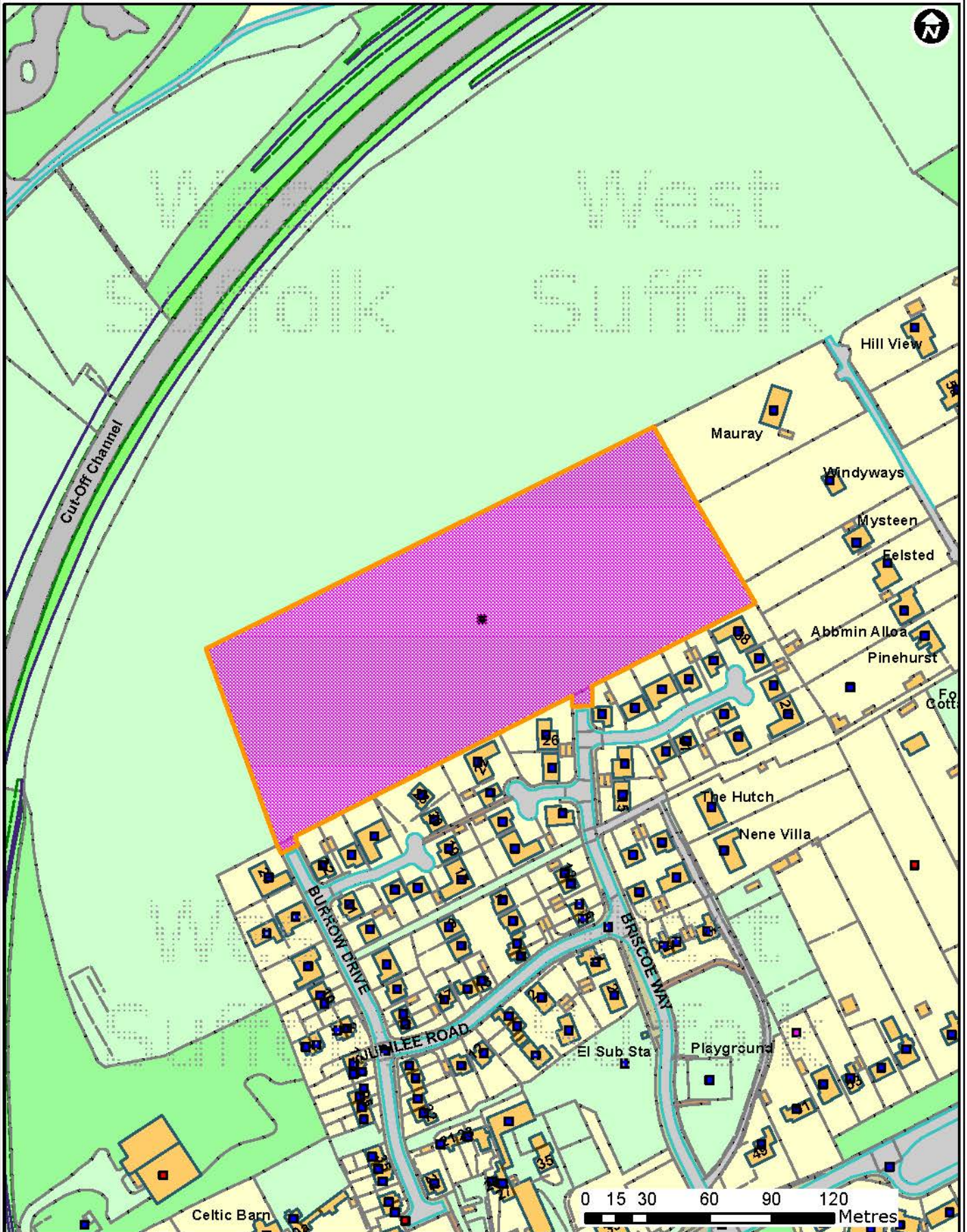
113. That in the event the applicant declines to enter into a planning obligation in full or in part to secure the Heads of Terms set out above for reasons considered unreasonable by the Assistant Director (Planning and Regulatory), the application be returned to Committee for further consideration.

**Documents:**

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

<http://www.westsuffolk.gov.uk/planning/vieworcommentonplanningapplications.cfm?aud=resident>





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**ACCOMMODATION SCHEDULE**

Plot no.	Type	Bed Nos.	Plot no.	Type	Bed Nos.
P1	Henley	4B	P34	Oulton	4B
P2	Henley	4B	P35	Ellingham	3B
P3	Walsingham	3B	P36	Ellingham	3B
P4	Boston	3B	P37	Fincham	3B
P5	Harpley	3B	P38	Walsingham	3B
P6	Boston	3B	P39	Lincoln	4B
P7	Walsingham	3B	P40	Oulton	4B
P8	Fincham	2B	P41	Haughley (Axe)	4B
P9	Fincham	2B	P42	Ellingham	3B
P10	Fincham	2B	P43	Ellingham	3B
P11	Harpley	3B	P44	Ixworth	4B
P12	Walsingham	3B	P45	Ellingham	3B
P13	Ixworth	4B	P46	Ellingham	3B
A14	47m <sup>2</sup> Flat (rented)	1B/2P	P47	Henley	4B
A15	47m <sup>2</sup> Flat (rented)	1B/2P	P48	Henley	4B
A16	65m <sup>2</sup> Flat (rented)	2B/4P	P49	Ellingham	3B
A17	65m <sup>2</sup> Flat (rented)	2B/4P	P50	Ellingham	3B
A18	65m <sup>2</sup> Flat (rented)	2B/4P	P51	Ellingham	3B
A19	65m <sup>2</sup> Flat (rented)	2B/4P	P52	Henley	4B
A20	47m <sup>2</sup> Flat (rented)	1B/2P	P53	Henley	4B
A21	47m <sup>2</sup> Flat (rented)	1B/2P	P54	Sandringham	3B
A22	47m <sup>2</sup> Flat (rented)	1B/2P	P55	Harpley	3B
A23	47m <sup>2</sup> Flat (rented)	1B/2P	P56	Fincham	2B
A24	65m <sup>2</sup> Flat (rented)	2B/4P	P57	Boston	3B
A25	65m <sup>2</sup> Flat (rented)	2B/4P	P58	Glemsford	3B
A26	47m <sup>2</sup> Flat (rented)	1B/2P	P59	Glemsford	3B
A27	47m <sup>2</sup> Flat (rented)	1B/2P	P60	Glemsford	3B
A28	47m <sup>2</sup> Flat (rented)	1B/2P	P61	Glemsford	3B
A29	47m <sup>2</sup> Flat (rented)	1B/2P	P62	Sandringham	3B
A30	47m <sup>2</sup> Flat (rented)	1B/2P	P63	Harpley	3B
A31	47m <sup>2</sup> Flat (rented)	1B/2P	P64	Henley	4B
A32	72m <sup>2</sup> House (shared ownership)	2B/4P	P65	Henley	4B
A33	72m <sup>2</sup> House (shared ownership)	2B/4P	P66	Sandringham	3B
			P67	Sandringham	3B

Page 2/99



**NOTES**

Public Open Space	1925m <sup>2</sup> (7.9%)
<b>Total Site Area</b>	<b>24338m<sup>2</sup></b>
Private Housing	47 units
Affordable Housing	20 units (30%)
<b>Total Dwellings</b>	<b>67 units</b>

**CAR PARKING STANDARDS**  
 Private Housing  
 - 2 & 3 bed dwellings: 2 spaces per dwelling  
 - 4 bed dwellings: 3 parking spaces per dwelling  
 Affordable Housing  
 - 1 & 2 bed dwellings: 1.5 parking spaces per dwelling

**CYCLE PARKING STANDARDS**  
 2 x 1.5m shed provided in rear gardens to plots P3, A14 - A31, P34, P42, P45, P46, P49, P50, P51, P54, P59, P60, P61, P62, P66, P67 to provide cycle parking. All other plots to use garage as cycle parking, which are either no reliant upon the garage for a parking space or have a 3.0x7.0m garage.

- DRAWING LEGEND**
- indicative soft landscaping scheme (subject to detail design)
  - existing trees and hedges retained, refer to AIA for full details (RPA shown in purple)
  - conservatories to selected plots
  - Streetscape Elevations: refer to drg 4342 / 070

- KEY TO FENCING**
- F1** 1.8m close boarded timber fence  
1.8m high close boarded fence with concrete posts, gravel boards & timber aris rails
  - F2** 1.8m close boarded timber fence with new native hedge  
1.8m high close boarded fence with concrete posts, gravel boards & timber aris rails
  - F3** New native hedge
  - F4** 600mm high knee rail fence  
0.6m high 200x200mm timber posts with 60mm mild steel rail at mid height
  - F5** 1.8m high brickwork wall  
1.8m high, 215mm brickwork wall with rowlock course to top of wall (brickwork to match adjacent dwelling)
  - F6** 1.5m close boarded timber fence 0.3m trellis above  
1.8m high close boarded fence with concrete posts, gravel boards & timber aris rails

REV	DATE	DESCRIPTION	DRAWN	CHECKED BY
Q	01.02.17	Infiltration feature amended	WMC	NM
P	03.10.16	Infiltration feature added	WMC	NM
M	23.08.16	Henley unit amended Note re. sheds added	WMC	NM
L	06.07.16	Minor amendments following planning officer comments	DJG	NM
K	18.04.16	Minor amendments to suit client comments	WMC	NM
J	04.04.16	Plots P5-P7 & P35-P44 amended General amendments to roading etc. to suit	WMC	NM
G	11.04.14	Plan amended to suit conversion of plots A16,17,18,19,24,25 from 2B/3P to 2B/4P. Tenures added.	EN	NM
F	06.12.13	Amendments to access road Hatch & landscaping added	WMC	NM
E	04.12.13	Amendments to layout following Highways comments	WMC	NM
D	07.11.13	Minor amendments	WMC	NM
C	31.10.13	Landscaping and fencing added Minor amendments to roads & footpaths General amendments	WMC	NM
B	22.10.13	Conservatories added Plots P3 & P67 repositioned Tree survey added	WMC	NM
A	21.10.13	Amendments to plan further to client comment	WMC	NM

**Revisions**

**CF** **Planning**

Architects Engineers Quantity Surveyors

**Chaplin Farrant Limited** **Bennett Plc**  
 CLIENT

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**Land off Briscoe Way Lakenheath**  
 PROJECT

Also at:  
 London  
 Winchester  
 Southampton  
 Great Yarmouth

**Proposed Site Plan**  
 DRAWING

**4342**  
 PROJECT REF

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Check all dimensions and report any errors or omissions.  
 Do not scale from this drawing.

**052** **Q**  
 DRAWING NO. REVISION

**Oct 13** **1:500 @ A1**  
 DATE SCALE

**WMC** **NM**  
 DRAWN BY CHECKED BY

**PROPOSED SITE PLAN : LAND OFF BRISCOE WAY, LAKENHEATH**



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# Forest Heath District Council

**DEVELOPMENT  
CONTROL  
COMMITTEE**

**3 SEPTEMBER 2014**

**DEV14/131**

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

**PLANNING APPLICATION DC/13/0660/FUL – LAND OFF BRISCOE WAY,  
LAKENHEATH**

## **Synopsis:**

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

## **Recommendation:**

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

## CONTACT OFFICER

Gareth Durrant (Case Officer)  
Tel: (01284) 757345

# Committee Report - DC/13/0660/FUL

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**Date:** 14 November      **Expiry Date:** 13 February 2014  
**Registered:** 2013

**Case Officer:** Gareth Durrant      **Recommendation:** Grant planning permission

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

**Proposal:** Erection of 67 dwellings (including 20 affordable dwellings) together with 1500sqm of public open space.

**Site:** Land off Briscoe Way, Lakenheath

**Applicant:** Bennett plc

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## **Background:**

**This application is referred to the Development Control Committee as it is a proposal for 'major' development. Furthermore the recommendation to grant planning permission is contrary to the provisions of the extant Development Plan. The proposal also raises complex planning issues of District wide importance.**

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

**The application was first reported to Development Committee on 14 May 2014, but following receipt of late representations on behalf of the Parish Council and Suffolk County Council, the item was withdrawn from the agenda prior to being considered by Members.**

**The application is recommended for conditional approval following completion of a S106 Agreement.**

## **Proposal:**

1. Detailed (full) planning permission is sought for the erection of 67 dwellings. The development would be served by a single vehicular access to Briscoe Way via the southern boundary of the site. There is a further access from Burrow Drive, also through the south boundary, although this would be restricted to pedestrian/cycle/emergency vehicle use.
2. Details of the numbers, mix and heights of the dwellings, bungalows and flats are provided in the table below.

<b>Name</b>	<b>Type</b>	<b>No. on site</b>	<b>No. of beds</b>	<b>Approx. height</b>
Fincham	Bungalow	4	2	5 metres
Henley	2- storeys	8	4	8.3m
Walsingham	Bungalow	3	3	5.3m
Oulton	2 - storeys	1	4	8.6m
Sandringham	Bungalow	5	3	5.7m
Ellingham	2 - storeys	9	3	8.3m
Boston	Bungalow	2	3	5.75m
Lincoln	2 - storeys	3	4	9.0m
Haughley	2 - storeys	1	4	9.0m
Ixworth	2 - storeys	2	4	8.6m
Harpley	Bungalow	4	3	5.5m
Glemsford	Chalet bung	5	3	6.85m
Affordable	Flat	12	1	8.6m
Affordable	Flat	6	2	9.4m
Affordable	2-storeys	2	2	9.0m

3. A small palette of external building materials has been selected. These are as follows;
  - Bricks – i) TBS Olde English Red Multi's, ii) Camtech Barley Red handmade, iii) Camtech Anglian Cream Stock
  - Roof tiles – (all interlocking concrete double pantiles) i) Redland Grovebury Breckland Brown, ii) Redland Grovebury Breckland Black, iii) Redland Grovebury Farmhouse Red
4. Minor amendments were made to the application (received December 2013) involving some changes to the internal roads and design of some of the house types in response to comments received from the Local Highway Authority. These were not the subject of full re-consultation given their minor nature but further comments from the Highway Authority have been sought and received. These are reported below.
5. A noise assessment was completed and submitted in February 2014 after the planning application was registered. The report was prepared in the light of some local concerns that aircraft using the Lakenheath airbase could have a negative impact upon the proposed development. The report has been the subject of re-consultation with the Council's Environmental Health Team and their comments in response are reported below.
6. In April 2014 plans illustrating some amendments to some of the affordable housing units were received following negotiations with the Council's Strategic Housing Team.

**Application Supporting Material:**

7. The planning application is accompanied by the following drawings and reports:

- Drawings (Location Plan, Block Plan, Roof Plan, Tree Survey, Dwelling & Garage Elevations & Floorplans and Streetscene Drawings)
- Planning Statement
- Design and Access Statement
- Transport Statement
- Archaeological Evaluation Report
- Flood Risk Assessment
- Phase I Contamination Report
- Phase I Habitat Survey
- Statement of Community Involvement
- Tree Survey, Arboricultural Impact Assessment, Preliminary Arboricultural Method Statement and Tree Protection Plan
- Noise report

8. These documents are available to view on the Council's website.

### **Site Details:**

9. The site is situated at the north end of the village and is accessed from the B1112 via Briscoe Way which itself serves a relatively modern housing estate of bungalows, chalet bungalows and two-storey houses. The site has no road frontage other than at its existing access points to Briscoe Way and Burrow Drive.
10. It extends to 2.43 hectares and is presently in agricultural use (Grade 3). The north and west site boundaries are unmarked given that the site is part of an existing field. The larger field is shielded by existing semi mature planting which visually encloses it from open countryside beyond. The east and south boundaries abut the gardens of properties in Drift Road, Briscoe Way and Burrow Drive and are marked by domestic scale planting and fencing. The land is relatively flat with no significant deviations in ground levels.
11. The site is situated outside the settlement boundary for Lakenheath, which terminates along the south boundary. The site is thus deemed to be in the countryside for the purposes of extant planning policies.
12. There are no landscape or heritage asset designations at the site, although the Lakenheath Conservation Area is situated approximately 275 metres to the south (terminating at the frontage of Lakenheath Hall to the south of the Briscoe Way junction onto the B1112). The Environment Agency flood risk maps indicate that the site is situated within Flood Zone 1 (with little or no risk of flooding).

### **Relevant Planning History:**

13. There is no relevant planning history for this site.

### **Consultations:**

14. **Natural England – no objections** and comment as follows;

- This application is in close proximity to the Lakenheath Poors Fen and Pashford Poors Fen, Lakenheath Sites of Special Scientific Interest (SSSIs). Natural England is satisfied that the proposed development

being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which these sites have been notified. We therefore advise your authority that these SSSIs do not represent a constraint in determining this application.

- This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the National Planning Policy Framework.
  - This application may provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment; use natural resources more sustainably; and bring benefits for the local community, for example through green space provision and access to and contact with nature.
15. **Environment Agency – no objections** and provide the following comments (summarised):
- The site is located within Flood Zone 1 (low risk) on our flood maps, and within a Principal Aquifer.
  - We have reviewed the information submitted and have no objection to the proposed development, subject to the imposition of a condition to require precise details of a surface water drainage scheme (for approval and implementation).
16. **Anglian Water Services Ltd – no objections** and comment as follows;
- There are assets (drainage infrastructure) owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that may affect the layout of the site or may need to be re-located at the developers' expense.
  - The foul drainage from this development is in the catchment of Lakenheath STW that will have available capacity for these flows.
  - The sewerage system at present has available capacity for flows generated by this development.
  - The preferred method of surface water disposal would be to a sustainable drainage system (SUDS) with connection to sewer seen as the last option. The surface water strategy/flood risk assessment submitted with the planning application relevant to Anglian Water is acceptable. We will request that the agreed strategy is reflected in the planning approval.
  - A planning condition is recommended to ensure the surface water system is installed at the site.
17. **NHS Property Services – no objection** *[and do not request a S106 contribution towards health provision].*

18. **Lakenheath Internal Drainage Board – no objections** and comment that the site is outside the Lakenheath Internal Drainage Board District and not in an area that drains into it.
19. **Suffolk County Council (Highways Development Management) – comments** (initial comments) that following informal discussions with the developer the submission of some drawings illustrating amendments to the layout are expected. These are awaited before formal comment is made.
20. **Suffolk County Council (Highways Development Management)** (following submission of amended drawings) **no objections**, subject to the imposition of conditions to secure precise details of estate roads, turning spaces and cycle storage are submitted and thereafter provided.
21. **Suffolk County Council (Archaeological Service) – no objections** and comments; the site was subject to a full archaeological trial trenched field evaluation in October 2013, in accordance with a brief issued by the Suffolk County Council Archaeology Service Conservation Team. The evaluation identified no deposits of archaeological interest. We therefore have no objections to the proposed development and do not believe any archaeological mitigation is required.
22. **Suffolk County Council (Strategic Planning) – initial comments** (Jan 2014) - **do not object**, and comments as follows;
  - Forest Heath is currently undertaking a Single Issue Review looking at housing numbers and distribution across the district. In this connection we will greatly welcome the early conclusion of this review to enable a proper plan-led approach to development with the necessary supporting infrastructure provision.
  - As a general point we consider that it would be very helpful and timely to set up a meeting between various stakeholders including the District Council, County Council, Parish Council and local community representatives to consider the implications of housing growth in Lakenheath of which this application is a departure from the Development Plan.
  - In particular careful consideration will need to be given to infrastructure capacity/constraints in terms of ensuring the delivery of sustainable development as articulated in the NPPF.
  - **Education (Primary)**. We need to clearly understand the outcome of the Single Issue Review in terms of housing numbers allocated to Lakenheath for future growth. This is critical in terms of shaping our future primary school strategy for Lakenheath. With further planned housing growth in Lakenheath over the plan period to 2031 the only sensible outcome will be to provide a second new 315 place primary school (free site of 2 hectares and build costs funded by developers).
  - The existing primary school at Lakenheath has recently been expanded to 315 places to take account of the move from 3 to 2 tiers as well as dealing with latent population growth. Whilst the preference would be to expand the existing primary school to provide additional classrooms with facilities the site constraints mean that this is not a realistic or feasible option. With latent population growth and further housing growth

planned at Lakenheath the emerging education strategy is to deliver a new 315 place primary school.

- The cost of providing a new primary school is £17,778 for each school place. It is forecast that this development would generate 14 primary school places. The contribution to be secured from this development is therefore £248,892 (14 places x £17,778 per place).
- With regard to site acquisition costs we can assume £10,000 per acre (£24,710 per hectare) which gives a total cost of £49,420 for a 2 hectare site and equates to £157 per pupil place. This gives a land contribution of 14 places x £157 per place = £2,198.
- In view of the above issues we consider that it is critical to fully consult with the Head teacher, School Governors and the local community before any decisions are made on this application.
- **Education (Secondary).** 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 provision).** It is the responsibility of SCC to ensure that there is sufficient local provision under the Childcare Act 2006. Section 7 of the Childcare Act sets out a duty to secure free early years provision for pre-school children of a prescribed age. From these development proposals up to 7 pre-school pupils are anticipated at a cost of £6,091 per place. In Lakenheath census data shows there is an existing shortfall of places in the area. A capital contribution of £42,637 is requested.
- **Play space provision.** Consideration will need to be given to adequate play space provision.
- **Libraries.** A capital contribution of £14,472 to be used towards libraries is requested. The contribution would be available to spend in at the local catchment library in Mildenhall.
- **Waste.** A waste minimisation and recycling strategy needs to be agreed and implemented by planning conditions
- **Supported Housing.** Supported Housing provision, including Extra Care/Very Sheltered Housing providing accommodation for those in need of care, including the elderly and people with learning disabilities, may need to be considered as part of the overall affordable housing requirement. We would also encourage all homes to be built to 'Lifetime Homes' standards.
- **Sustainable Drainage Systems.** Developers are urged to utilise sustainable drainage systems (SuDS) wherever possible, with the aim of reducing flood risk to surrounding areas, improving water quality entering rivers and also providing biodiversity and amenity benefits. Under certain circumstances the County Council may consider adopting SuDS ahead of October 2013 and if this is the case would expect the cost of ongoing maintenance to be part of the Section 106 negotiation.

- **Fire Service.** Any fire hydrant issues will need to be covered by appropriate planning conditions. We would strongly recommend the installation of automatic fire sprinklers.
- **High-speed broadband.** SCC would recommend that all development is equipped with high speed broadband (fibre optic).

23. **Suffolk County Council (Strategic Planning)** (received 14<sup>th</sup> May 2014) submit a **holding objection** and comment as follows:

- I provided a comprehensive response by way of letter dated 23 January 2014 which I am grateful is included in the Development Control Committee report being considered on 14 May 2014. However this letter provides further clarification of the County Council's position
- This letter raises further issues for Forest Heath to consider in terms of important matters relating to primary school provision for Lakenheath and should be reported to the Development Control Committee. The position at Lakenheath in terms of education is different from other settlements across the district in that, at this point in time, whilst there is a clear strategy, i.e. there is an agreed need for a new primary school, no site has been secured yet and temporary classroom provision is difficult due to the site constraints of the existing primary school. Furthermore, the County Council is aware of previous draft development plan documents indicating the level of further growth for Lakenheath.
- The Forest Heath Core Strategy Development Plan Document was adopted in May 2010 and includes Policy CS13 Infrastructure and Developer Contributions. However we are very concerned that, ahead of the conclusion of the Single Issue Review and Site Allocations, which will address housing numbers and distribution across the district, there may well be no plan-led approach which could result in development not having the necessary supporting infrastructure provision.
- In particular it is widely accepted that Lakenheath needs a new primary school to support growth but at this point in time a suitable site for a new primary school has not been identified or secured. A minimum site size of 2 hectares will need to be identified, reserved and secured within Lakenheath to serve the community's needs. However, it would only be reasonable to develop such a school if there were greater certainty of additional houses anticipated in Lakenheath in the plan period. The ideal process would be for the County Council to work closely with the District Council through the Site Allocations process to identify a suitable site for a new primary school provided that the overall housing growth justified that.
- Whilst we are encouraged that this development has agreed to make proportionate contributions towards land and build costs for the new primary school, the real problem that the County Council faces is that without a school site being identified and secured, some of the children arising from this development or in Lakenheath generally may not be able to secure a place at their existing local primary school. In this scenario the County Council may be forced into a position of sending local primary age children by bus or taxi to other schools in the area. The assumed current annual cost for taking one child to and from school is



about £850. As you are aware the existing primary school at Lakenheath has recently been expanded to 315 places to take account of the move from 3 to 2 tiers as well as dealing with latent population growth. Whilst the preference would be to expand the existing primary school to provide additional classrooms with facilities the site constraints mean that this is not a realistic or feasible option.

- In the circumstances, we consider that the Development Control Committee needs to be taking into account the very real sustainability issues that may arise of some local children not being able to secure a place in the short term at the existing primary school if further housing growth at Lakenheath is approved before a new primary school site is secured. The County Council would not object to this proposal if it were to be part of a planned series of developments at Lakenheath (including the allocation of a new school site), provided that adequate funding was secured to provide an appropriate contribution to school buildings and site and the necessary additional travel costs pending construction of a school. However there is no certainty about the scale or location of growth at the moment. Furthermore there is new information that there are a number of other planning applications which have been submitted in Lakenheath in the recent past and there is a need to be able to consider these matters as a whole.
- Accordingly the County Council submits a **holding objection** in respect of this proposal pending further consideration of how the education matters could be resolved in the absence of a site allocations document. The Council is keen to have early discussions with the District Council to examine this matter.

24. **Suffolk County Council (Strategic Planning)** – further representations received 8<sup>th</sup> August 2014) **removing their holding objection** to the planning application. The following comments were received;

- Continued uncertainty about the scale and location of growth in Lakenheath in the absence of a site allocation document and the relatively recent removal from consideration of the possible site on the Elveden Estates land for 750 dwellings which included a primary school site has presented considerable difficulty for the county council in determining how the appropriate education strategy for Lakenheath can now be delivered i.e. where can an alternative school site be located to best serve the local community. This has been compounded by the recent decision by the US authorities to relinquish housing at Lord's Walk in Eriswell and release these houses back into civilian use, thereby potentially adding greater numbers of school children to the existing upward trends. The existing primary school site in the village is almost at capacity and it is clear that the constrained nature of the site does not allow this to be used as a long term solution for additional accommodation requirements.
- There are two areas of uncertainty – the permanent location of any new school site and meeting short term needs pending the construction and opening of a new school. On the permanent location of a new school, which is likely to be 1.5 forms of entry (315 places) but could be up to 2 forms of entry (420 pupils) and requiring a minimum of 2 hectares of land, the county council has commissioned its consultants, Concertus, to identify options for possible sites. Concertus has so far identified a

number of possibilities, but these have yet to be carefully tested. A number of uncertainties remain:

- The size and configuration of the sites in relation to the school requirements;
  - Whether the sites are likely to be available in the next couple of years;
  - Their relationship to access and services;
  - Environmental, flooding, aircraft noise and other constraints on the site;
  - Their location within the village in relation to the spread of development identified in any site allocation document proposed by the district council and, if it is to accommodate children from Lord's Walk, its distance from that site.
  - Whether the sites offered come as part of a wider planning proposal and what the view of the district council is of the likely acceptability of such a scheme.
  - Furthermore, there is the uncertainty about the willingness of the landowners to release their sites and the question of whether compulsory purchase procedures will be needed.
  - An assessment of highway impacts on the village, both in terms of the new school site location but also from cumulative impacts from village-wide development.
- All of this means that it is not possible at this point for the county council to be clear about which site, if any, might be suitable for development and exactly when it would be deliverable. Furthermore, the pace at which this work has had to be done militates against effective engagement with the local community.
  - In the short term, the capacity of the existing primary school will be exceeded in the next year or so and temporary arrangements will need to be put in place to accommodate additional children. This will be driven in part, if not wholly, by any housing schemes granted permission in the village. It is not clear that a plan can be developed that will allow for temporary accommodation on the existing constrained site, pending completion of the new school. If not, then school children will need to be transported to schools in surrounding villages or towns, which in themselves may well require temporary extensions. Clearly, for an uncertain period of time, this could result in an unsustainable pattern of school provision.
  - It is recognised that the district council faces an issue about identifying adequate housing land. The county council considers that it is a matter for the district council to balance the needs for the release of new housing sites with the risks associated with the emergence of a possibly unsustainable pattern of school provision. In this context, it removes the holding objection previously registered and leaves it to the district council to draw the planning balance considering these and all other relevant matters.

- If the district council considers that it should approve the planning application, this should be on the basis that sufficient funding is made available for a proportionate share of the costs of the school site (possibly at residential value), the school building costs and the costs of the temporary classrooms at an existing primary school and/or the costs of school transport pending the construction of a permanent school. This would be in addition to the costs of other infrastructure as identified in our earlier correspondence.
  - On this basis we would request the following updated contributions in respect of education mitigation from this particular scheme of 67 dwellings, namely:
    1. Based on the methodology set out in the adopted Developers Guide we estimate that a minimum of 14 primary age children will arise from a scheme of 67 dwellings.
    2. The pro-rata contribution towards the full build cost of a new school is £248,892 (2014/15 costs).
    3. The pro-rata contribution towards the acquisition costs of a new 2 hectare site assuming a maximum residential value of £864,850 per hectare (£350,000 per acre) is £76,874. If the site is purchased on the basis of a lower value then the County Council will credit the difference back to the developer.
    4. Temporary classroom costs if required. The cost to purchase a single temporary classroom with toilet and accessible toilet is currently estimated to be £106,000, the cost of which would need to be secured from this development on a pro-rata basis.
    5. The annual transport cost per pupil if required is assumed to be £750 (2014/15 costs).
25. **Suffolk County Council – (Suffolk Fire and Rescue Service) – no objections** to the proposals and advise that access for fire appliances needs to meet with Building Regulations requirements, advocates the use of sprinkler systems within new buildings and recommends imposition of a condition requiring details of provision of fire hydrants for the development to be submitted for approval and thereafter provided.
26. **FHDC – (Strategic Housing) supports** and comments as follows;
- The Strategic Housing team supports this development in Lakenheath subject to an agreed affordable housing mix. There is strong evidence from the Housing Register to conclude there is housing need in Lakenheath. There are currently 200 applicants indicating a preference to live in Lakenheath, of which 169 have a 1 and 2 bed need.
  - We request the following mix (corrected March 2014);
    - 12 x 1 bed (2 person) flats rented
    - 4 x 2 bed (4 person) flats rented
    - 4 x 2 bed (4 person) houses 2 rented and 2 shared ownership.

- We would also encourage working with a Registered Provider of Affordable Housing at an early stage and ensure the affordable homes, meet the Homes and Communities Agency (HCA) design and quality standards.
27. The developer has sought to negotiate the affordable housing mix with the Strategic Housing Team following receipt of these comments and has submitted revised drawings to demonstrate an affordable housing mix closer to that which has been requested by the team. The Strategic Housing Team has been re-consulted and their comments are set out in the next paragraph.
28. **FHDC – (Strategic Housing) supports** the proposals and comments as follows;
- The Strategic Housing team support this development in Lakenheath and the commitment to provide 30% affordable housing in accordance with Policy CS9. This equates to 20 affordable dwellings being provided on site with a 0.1 financial contribution. There is evidence from the Housing Register and the SHMA to conclude that there is a need for a variety of tenure and mix in Lakenheath. The Strategic Housing Team accept the indicative mix of 12 x 1 bed (2 persons) flats, 6 x 2 bed (4 person flats, preference ground floor as agreed) for rented and 2 x 2 bed (4 person) houses for shared ownership only.
  - The affordable housing must meet as a minimum, the Homes & Communities Agency (HCA) design standards and the Strategic Housing Team encourages working with a Registered Provider of affordable housing at an early stage.
29. **FHDC – (Environmental Health)** (initial comments prior to receipt of noise report) **no objections** to the proposals subject to the imposition of conditions to secure a detailed scheme of contamination investigation (including submission of a report and subsequent remediation if necessary) and construction method statement (hours of work (including operation of generators), handling of waste materials arising and dust management).
30. **FHDC – (Environmental Health)** (following receipt of the noise report) **no objections** and comment that the proposed properties on the development will be protected internally from environmental noise and the times of construction are reasonable.
31. **FHDC – (Leisure, Culture and Communities) – no objections** to the proposals and comments as follows;
- Central position of the open space is acceptable.
  - The space should contain natural playable features.
  - Should be surrounded by a knee rail.
  - Detail of soft landscaping and tree planting required.
  - Red line plan confirming all adoptable areas.
  - Confirmation that green spaces adjacent to parking spaces to be conveyed to residential units.
  - Who will have responsibility for the communal amenity space?
  - Any formal play provision should be off site and provided at the existing play area on Briscoe Way.

32. **FHDC – (Ecology, Tree and Landscape Officer) - no objections** and comments as follows;

### **Landscape**

- The proposal does not include a landscape and visual assessment. The site is located on agricultural land with few existing features except the trees located on the eastern boundary. Land to north and west is open, enclosed by the alignment of the Cut Off Channel which is separated from the site by agricultural land. To the south and east is residential development.
- The proposals, in general, include for the retention of the existing trees except a stand of regenerated poplar trees. Some small sections of hedge will need to be removed to allow for access. A tree protection plan has been submitted and this will need to be implemented.
- The development of the site will result in the loss of agricultural land, and the introduction of additional built form which is considered to be an impact on landscape character.
- The DAS includes notes on a landscape strategy for the site. The strategy will need to be developed further if the application is approved
- *[Suggested condition] Detailed soft and hard landscaping to be submitted and implemented*

### **SUDs**

- The provision of sustainable urban drainage is not shown on the layout. The applicant must show that there is no double counting of open space and SUDs and that whilst it is desirable for the SUDs provision to adjoin the open space it does not form part of the open space provision.

### **Ecology**

- Natural England has not objected to the proposals and that there would be no impact on statutory sites including SSSI's (Pashford Pools Fen, Lakenheath (SSSI), Lakenheath Pools Fen SSSI)
- An ecological assessment accompanies the application which has assessed the risk to habitats and species. Precautionary mitigation and environmental enhancements are recommended and their provision/implementation should be secured by condition. The ecological enhancements should be shown on the landscape plan for the site.

### **Representations:**

33. **Lakenheath Parish Council (initial comments) – no objections** but would like it noted the site is outside the settlement boundary. Should

planning permission be granted the Parish Council request conditions covering the following matters should be applied;

- water permeable paving on driveways and hardstanding areas;
- solar panels on all initial construction;
- grey water storage units;
- affordable homes allocated to Lakenheath/local residents;
- It is known and noted that waste water treatment for this area must be updated before the commencement of any construction;
- There is some concern that the "Access & Design Statement" suggests aircraft noise is not an issue. It is known that much of the village suffers from aircraft noise to a greater, or lesser, extent.

34. **Lakenheath Parish Council - additional comments** following their collective consideration of current planning applications for major housing development in the village;

- "...the PC would like independent professional advice/guidance on the way forward paid for by the proposed developers."

35. **Lakenheath Parish Council** – further comments received 14<sup>th</sup> May 2014 – **object** to the planning application and comment as follows (nb the letter was prepared on behalf of the Parish Council by a law firm):

- The Parish Council resolved at its meeting on 12 May 2014 to commence legal proceedings if the application is approved. They would prefer to meet with you to discuss their concerns but so far, despite Suffolk County Council strongly recommending a meeting of stakeholders prior to approval of the application, this has not happened with the consequence that instructions have been issued to prepare a case for judicial review.
- The Parish Council are concerned with the way the Council has handled the application, which if granted, would form grounds for judicial review (other possible grounds for review are reserved).
- The part of the Core Strategy CS7 not quashed by the High Court proposes substantial housing growth for Lakenheath, some 850 houses in total with the Council now mooted an upwards total of 1200.
- The options for allocation of this housing is yet to be assessed for environmental impacts and social needs as this is planned as part of the Single Issue Review. The reference in the officers report to the Single Issue Review being in its infancy is not credible and misleading on a material issue concerning the legal duty imposed on the Council by Section 38(6) of the Planning and Compulsory Purchase Act to have regard to the development plan.
- We also consider the officer report misrepresents the view of Suffolk County Council in relation to the importance of the Council completing the Single Issue Review before determining this application. What SCC

said is plainly an objection and the fact that the officer then goes on to quote substantial parts of the letter gives a misleading impression to the Committee about the strength of concern the SCC has with this development, before the Single Issue Review has been concluded and stakeholders engaged to address infrastructure needs.

- Plainly the language “we would greatly welcome the early conclusion of this review to enable a proper plan-led approach to development with the necessary supporting infrastructure provision” is intended to mean that this application should not be decided until the review has been completed.
- The further comments from SCC “As a general point we consider that it would be very helpful and timely to set up a meeting between the various stakeholders including the District Council, County Council, Parish Council and local community representatives to consider the implication for housing growth in Lakenheath of which this application is a departure from the development plan” have plainly not been addressed, because no such meeting has taken place.
- In relation to infrastructure of primary education, the officer’s report admits that the Primary School is at capacity. SCC’s letter says it is critical for the Council to fully consult the Head Teacher, School Governors and local community, before any decisions are made on the application. The fact that the officer records these remarks in the Committee Report, but fails to then explain why the Council has not acted on this critical recommendation, is a manifest failure to deal with the statutory consultee comments which would constitute material considerations under S70(2) of the Town and Country Planning Act.
- The pragmatic effect of permitting a developer-led piecemeal development prior to conclusion of the Single Issue Review will undermine the holistic approach to the longer planning needs of the village. In particular we understand that Elveden Estates are proposing a circa 900 development on the estate land plus the necessary primary school infrastructure. The Parish Council consider this application along with the other piece-meal applications pending before the Council (one of which we understand is on land owned by the Council leader) will jeopardise that development proposal’s viability and could put at risk delivery of the necessary infrastructure including a new primary school.
- The Parish Council consider the comments lodged by Bennetts planning advisors, Gerald Eve, are highly indicative of a developer manipulation of the District Council’s strategic planning powers at the expense of the community, in the context where the Single Issue Review which is underway and not in its infancy.
- You will no doubt appreciate that the Local Plan process is precisely the strategic mechanism for competing land allocations to be assessed against agreed strategic criteria. They consider that determination of this application before the Single Issue Review is complete is an attempt to circumvent the domestic and EU-law protections of assessing competing land options through the Sustainability Appraisal and Strategic Environmental Assessments that a plan-led approach provide.

- Five-hundred dwellings are now coming on to the open market in the neighbouring area of Eriswell adjacent to RAF Lakenheath. This is referred to in the officer report as an objectors comment but the report does not include this large development in the assessment of the housing supply issue. Plainly this distorts the present housing supply assessment given the statutory duty to cooperate imposed on Councils by the Localism Act, as an amendment to the Planning and Compulsory Purchase Act 2004.
- We are surprised that the apparent EIA screening of the application done by the Council reached the view that the application is not EIA development. In our experience a development of the scale which is five times the 0.5 hectare threshold and causes substantial loss of greenfield land is likely to give rise to significant environmental effects and should have been treated as EIA development. This is of particular concern given the socio-economic impacts on the infrastructure referred to by SCC. Plainly the extant applications at Elveden plus the proposed development at Rabbit Hill Covert give rise to significant effects which should have been considered in any EIA screening.
- To conclude, the main concern is the lack of overall strategic planning for this sensitive rural area with identified serious infrastructure deficiencies needed to accommodate housing growth proposed by Core Strategy Policy CS7. The key element is the need for co-ordinated village infrastructure i.e. schools, health, elderly persons provision, and transport infrastructure as well as all the vital infrastructure that would be absolutely necessary to permit a viable sustainable development for the community of Lakenheath.

36. **Ten letters/e-mails** have been received from local residents **objecting** to the planning application. This issues and objections raised against the proposals are summarised as follows;

- Lakenheath is not suitable for large housing developments given there are no jobs, public transport is poor, sewerage infrastructure cannot cope and there are very few amenities (school, doctors' and dentists' already over capacity); this development offers nothing to the village.
- The Council should reject or defer decisions until a more holistic policy is formulated following public consultation (prematurity).
- The local community plan for Lakenheath should be allowed to be completed and fed into the district council's consultation process, before any major decisions are made.
- The proposal is a departure from the Development Plan as it is outside the settlement boundary.
- The amount of development currently proposed in the village is disproportionate for the village and places an unsustainable impact on the wider infrastructure (water, energy, health and education).
- The true availability of existing housing needs to be assessed (including number of rentals to USAF personnel and families).
- Traffic congestion will be made worse.



- Some of the dwellings are too close to existing dwellings.
  - Site may not be suitable owing to flood risk.
  - Access is not suitable for construction vehicles.
  - Noise, pollution, mess and street parking problems will be caused during construction.
  - Inadequate parking in the High Street which is impassable at times. This will get worse when Tesco is built. Development to the north of the village would increase traffic through the High Street. Emergency response vehicles would be affected.
  - Impact of development upon infrastructure should be independently assessed.
  - The site office should be located away from dwellings.
  - Local residents will be disrupted by roadwork (pipe & cable connections)
  - Developer needs to give assurances they will be a 'good neighbour', including that construction vehicles will be parked on-site and not on the existing estate roads.
  - Five-hundred dwellings at Lords Walk are about to be released for general occupation, these should be counted against the target for Lakenheath.
  - Development would be preferable at the opposite end of the village.
  - Brownfield sites in the village should be developed before greenfield sites are released for development.
  - Dwellings should be more energy efficient (solar panels etc.).
37. **One letter** has been received from a local resident confirming they **do not object** to the proposals but wish the following issues to be considered;
- Loss of [*private*] views.
  - Overlooking of existing dwelling (garden).

**Policies:  
Development Plan**

38. The Development Plan is comprised of the adopted policies of the Core Strategy Development Plan Document (adopted May 2010) and the saved policies of the Forest Heath Local Plan (adopted 1995) which have not been replaced by Core Strategy policies. The following Development Plan policies are applicable to the proposal:

## Core Strategy

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

### **Visions**

- Vision 1 – Forest Heath
- Vision 5 – Lakenheath

### **Spatial Objectives**

- Spatial Objective H1 – Housing provision.
- Spatial Objective H2 – Housing mix and design standard.
- Spatial Objective H3 – Suitable housing and facilities (life time homes).
- Spatial Objective C1 – Retention and enhancement of key community facilities.
- Spatial Objective C2 – Provision and maintenance of open space, play & sports facilities and access to the countryside.
- Spatial Objective C4 – Historic built environment.
- Spatial Objective ENV1 – Habitats and landscapes and improving biodiversity.
- Spatial Objective ENV2 – Climate change and reduction of carbon emissions.
- Spatial Objective ENV3 – Promotion of renewable energy and energy efficiency.
- Spatial Objective ENV4 – Design and architectural quality respecting local distinctiveness.
- Spatial Objective ENV5 – Designing out crime and anti-social behaviour.
- 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 Court Order).
- Policy CS9 – Affordable Housing Provision.
- Policy CS10 – Sustainable Rural Communities.
- Policy CS13 – Infrastructure and Developer Contributions.

## Local Plan

40. A list of extant saved policies from the Forest Heath Local Plan (1995) is set out at Appendix A of the adopted Core Strategy (2010). The following saved policies are relevant to these proposals:

- Policy 4.15 – Windfall Sites – Villages.
- Policy 9.2 – The Rural Area and New Development.
- Policy 10.2 – Outdoor Playing Space (new provision).
- Policy 10.3 – Outdoor Playing Space (as part of new development proposals).
- Policy 14.1 – Securing Infrastructure and Community Facilities from Major New Developments.

- Inset Map 12 (Lakenheath Development Boundary)

## **Other Planning Policy**

### Supplementary Planning Documents

41. 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)
- Suffolk Advisory Parking Standards (2002)

### Emerging Development Plan Policy

42. The Council is currently finalising the details of two Development Plan Documents (Single Issue Review of the Core Strategy and Site Allocations Document) and both will soon be placed on public consultation before submission for examination and, ultimately, adoption.
43. Forest Heath District and St Edmundsbury Borough Council's have prepared a 'Joint Development Management Policies Document' (currently with 'submission' status, October 2012). The Document was submitted to the Planning Inspectorate in December 2013 following public consultation and has been the subject of examination (July 22-25 2014). The outcome of the examination is presently awaited.
44. With regard 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.
45. The emerging Single Issue Review and Site Allocations documents have not been published for public consultation so can be attributed on very little weight in this decision given the significant uncertainties that surround the final content of these documents. Members should note that, for the purposes of public consultation for the Site Allocations Document, the application site is actually a 'preferred site' (i.e. not excluded at this stage). However, this initial draft 'allocation' should not be attributed significant weight given current uncertainties as to whether the site will actually be included in any later draft of the Plan that is submitted to the Planning Inspectorate for examination. The Development Management Policies document has been published, has been the subject of public consultation and formally submitted for examination. Accordingly some weight can be attributed to this plan in the decision making process.
46. Objections have been received to the vast majority of the policies set out in the policies document which, according to the guidance, reduces the weight which can be attributed to them. The policies have been reviewed but none are considered determinative to the outcome of this planning application so reference is not included in the officer assessment below.
47. The following emerging policies from the document are relevant to the planning application;
- DM1 – Presumption in Favour of Sustainable Development
  - DM2 - Creating Places – Development Principles and Local Distinctiveness
  - DM3 – Masterplans
  - DM4 – Development Briefs
  - DM5 – Development in the Countryside
  - DM6 – Flooding and Sustainable Drainage
  - DM7 – Sustainable Design and Construction
  - DM8 – Improving Energy Efficiency and Reducing Carbon Dioxide Emissions
  - DM11 – Impact of Development on Sites of Biodiversity and Geodiversity Interest
  - DM12 – Protected Species
  - DM13 – Mitigation, Enhancement, Management and Monitoring of Biodiversity
  - DM14 – Landscape Features
  - DM15 – Safeguarding from Hazards
  - DM18 – Conservation Areas
  - DM21 – Archaeology
  - DM23 – Residential Design
  - DM28 – Housing in the Countryside
  - DM41 – Community Facilities and Services
  - DM42 – Open Space, Sport and Recreation Facilities
  - DM45 – Transport Assessment and Travel Plans
  - DM46 – Parking Standards

## National Policy and Guidance

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

49. 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."

50. 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".

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

52. The Government has recently (March 2014) released its National Planning Practice Guidance (NPPG) following a comprehensive exercise to review and consolidate all existing planning guidance into one accessible, web-based resource. The guidance assists with interpretation about various planning issues and advises on best practice and planning process. Relevant parts of the NPPG are discussed below in the officer comment section of this report.

### **Officer Comment:**

53. 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 and cumulative impacts) before concluding by balancing the proposals benefits against its dis-benefits.

## **Legal Context**

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

54. Given the scale of development proposed, the planning application has been screened under the provisions of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. The Council's formal Screening Opinion concluded that the proposal is not 'EIA development' and an Environmental Statement was not required to accompany the planning application.

### *The Conservation of Habitats and Species Regulations 2010*

55. 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 the plan or project.
56. The application site is in the vicinity of designated (European) sites of nature conservation but is not within a designation or land forming a formal buffer to a designation. The Council's Environmental Impact Assessment Screening Opinion concluded that the proposals are unlikely to give rise to significant effects on the conservation objectives of the designated sites. Furthermore, the nature groups, including Natural England (the statutory advisor under the Habitats and Species Regulations) have not raised concerns or objections in response to the planning application. Officers have concluded that the requirements of Regulation 61 are not relevant to this proposal and appropriate assessment of the project will not be required in the event that the Committee resolves to grant planning permission.

### *Natural Environment and Rural Communities Act 2006*

57. 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)*

58. 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 and the adopted Core Strategy (as amended by the judgement handed down by the High Court). National planning policies set out in the Framework are a key material consideration.

### *Planning (Listed Buildings and Conservation Areas) Act 1990*

59. 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.*

60. 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.*

61. In this case there are no listed buildings at the site or close to the site (such that their settings would be affected). Similarly the development is not situated in a Conservation Area and the built form would not affect views into or out of the nearby Lakenheath Conservation Area. There is likely to be an increase in traffic using the main road through the Conservation Area following occupation of the proposed dwellings, but this is not considered to lead to significant impacts arising on the character or appearance of the Lakenheath Conservation Area.

#### Crime and Disorder Act 1998

62. 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.

#### **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. Crucially for this planning application the following policy is set out at paragraph 49 of the Framework;

*"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. As at March 2012 a total of 3,089 dwellings have been completed since 2001. In order to meet the 6,400 requirement 3,311 dwellings would need to be built to March 2021. This equates to around 367 dwellings annually or 1839 over the five-year period 2012-2017.
67. Some commentators have referred to the release of circa 550 former USAFE personnel dwellings at Lords Walk (in the Parish of Eriswell) onto the housing market as either contributing to the five year housing supply or evidence that further new housing is not required at Lakenheath. Officers are in the process of verifying whether this stock of dwellings is already counted as 'existing' housing stock or whether it could be counted as a contribution towards the five year supply of housing in the District as it is released to the open market. Members will be updated of the outcome at the meeting.
68. It is acknowledged that the Council is currently not able to demonstrate a 5-year supply of deliverable housing sites (the supply was recorded at 3.6 years at March 2012 (or 3.4 years with the 5% buffer required by the Framework) and there is little evidence of a significant recovery over the period since. Indeed the National Planning Practice Guidance confirms that any shortfall in the supply of housing should be made up as soon as possible (i.e. within the 5 year period). This means the adjusted (true) 5-year housing supply in Forest Heath (as at March 2012) drops to approximately 3.15 years.
69. In the light of the Council not being able to demonstrate a 5-year supply of housing any extant Development Plan policies which affect the supply of housing must be regarded by the decision maker as out of date. This includes the 'settlement boundaries' illustrated on the Inset maps attached to the Local Plan (Inset Map 5 for Lakenheath) and Development Plan policies which seek to restrict (prevent) housing developments in principle. Such policies are rendered out of date and therefore carry reduced weight in the decision making process.
70. In circumstances where a Council is not able to demonstrate a 5-year supply of deliverable housing sites, planning applications for new housing development essentially fall to be considered against the provisions of the Framework and any Development Plan policies which do not relate to the supply of housing. The Framework places a strong presumption in favour of sustainable development and where Development Plans are silent or out of date confirms that planning permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole or specific policies in the Framework indicate development should be restricted.
71. Since the Framework was introduced there have been numerous examples nationally (including some in the Forest Heath District) where planning permission has been granted at appeal for new housing developments contrary to the Development Plan because the need for housing to be delivered was considered to outweigh identified negative effects.



72. The absence of a five year supply of land lends significant weight in support of granting planning permission for these development proposals, not least given the Government's aim to boost the supply of housing and to stimulate the economy. However, whilst the various appeal decisions provide useful guidance, the fundamental planning principle that each case is to be considered on its own merits prevails.
73. The Framework (advice set out at paragraph 14 of the document in particular) does not equate to a blanket approval for residential development in locations that would otherwise conflict with Local Plan policies. If the adverse impacts of the proposal (such as harm to the intrinsic character and beauty of the countryside) significantly and demonstrably outweigh the benefits, then planning permission should still be refused, even in areas without a 5-year supply of housing (as occurred at the recent Kentford appeal case where a proposal for 102 dwellings was dismissed by the Inspector (reference F/2012/0766/OUT and APP/H3510/A/13/2197077)).

*What is sustainable development?*

74. 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;)
75. 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.
76. 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;
  - replacing poor design with better design;
  - improving the conditions in which people live, work, travel and take leisure; and
  - widening the choice of high quality homes.

*Prematurity*

77. The Council is shortly to consult on a 'Single Issue Review' of the Core Strategy (housing distribution) prior to submission for Examination. At the same time it will begin the formal process of preparing a Site Allocations Development Plan document both of which will subsequently form part of the Development Plan. Concerns have been raised locally that approval of

this planning application would be premature and its consideration should await the formation (adoption) by the Council of an appropriate Local Policy Framework.

78. 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.*

79. In this case the development proposal for 67 dwellings is not particularly substantial in comparison to the overall quantum of development to be provided over the Plan period. Furthermore, the emerging Single Issue Review of the Core Strategy is in its infancy and carries limited, if any, weight in the decision making process (given that it has not yet been published for consultation).
80. It would be difficult to justify any decision that approval of this scheme would be premature in the context of current guidance. This advice is further re-enforced by the fact that the Council has a significant shortage in its five year land supply, is already 13 years into the Plan period (2001 – 2031) and the proposed development would contribute towards the overall number of dwellings required by Core Strategy Policy CS7.
81. On the basis of national guidance on the issue of prematurity and relevant national policies providing for the delivery of sustainable development without delay, officers do not consider it would be reasonable to object to the planning application on the grounds of it being premature to the Development Plan.

### Development Plan policy context

82. Vision 1 of the Core Strategy confirms development will be focussed in the towns and key service centres. Vision 5 (and policy CS1) confirms Lakenheath as a key service centre. Spatial Objective H1 seeks to provide sufficient homes in the most sustainable locations to meet the needs of communities. Policy CS10 confirms the Towns and Key Service Centres will be the focus of new development (providing service to surrounding rural areas). Saved Local Plan Policy 4.15 states new housing development will be in the defined development boundaries and, at (inter alia) Lakenheath, new estate development may be appropriate on allocated sites.
83. The surviving elements of Core Strategy policy CS7 provides for 11,100 dwellings and associated infrastructure in the plan period (2001 – 2031) and confirms development will be phased to ensure appropriate infrastructure is provided. Policy CS13 confirms the release of land for development will be dependent on there being sufficient capacity in the existing local infrastructure to meet the additional requirements from development.
84. Policy CS1 states (in Lakenheath) commercial uses such as shops or offices will be expected to be allocated within any major residential development near the High Street and that sites for 70 new dwellings will be allocated within the existing development boundary. A further part of the policy which confirmed greenfield urban extension sites would be allocated for at least 600 dwellings was quashed by the High Court decision and carries no weight in determining this planning application.
85. Core Strategy policy CS6 states that economic and tourism growth at Lakenheath will be in broad alignment with the scale of housing development to discourage commuting and achieve a homes / jobs balance.

### Officer comment on the principle of development

86. The absence of a 5-year housing supply in the District means that Development Plan policies which seek to restrict the supply of housing (i.e. those discussed at paragraphs 82-85 above) are deemed out-of-date by the Framework and thus currently carry reduced weight in the decision making process. This means the planning application proposals must, as a starting point, be considered acceptable 'in principle'.
87. A key determining factor will be whether the proposed development can be deemed 'sustainable' in the context of the policies contained in the Framework (as a whole) and even if it is concluded the proposals would not be 'unsustainable' following analysis, further consideration must be given to whether the benefits of development are considered to outweigh its dis-benefits, as required by the Framework.
88. A balancing analysis is carried out towards the end of this section of the report as part of concluding comments. An officer discussion to assist with Members consideration of whether the development proposed by this planning application is 'sustainable' development is set out below on an issue by issue basis.

## **Impact upon the countryside**

89. 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.
90. Vision 5 of the Core Strategy recognises the fen and heathland qualities of the countryside surrounding Lakenheath and seeks to protect and enhance these landscapes. Some elements of the countryside surrounding Lakenheath could therefore be viewed as being 'valued landscapes' as cited in the Framework, albeit these are not protected by a local 'Special Landscape Area' designation which weakens that potential significantly.
91. 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.
92. Lakenheath sits on the lower slopes of the chalky and sandy Maids Cross Hill on the edge of the fens.
93. The application site is agricultural land outside the Lakenheath settlement boundary and is situated in the countryside for the purposes of applying planning policies, including those set out in the Framework.
94. The proposed development for residential development in the countryside is this contrary to extant Development Plan policies which seek to direct such development to locations within defined settlement boundaries or allocated sites. As stated above, those policies which restrict the supply of housing are deemed to be out-of-date by the NPPF given the absence of a five year supply of housing sites in the District.
95. The application site is categorised as 'Settled Chalkland' by the Suffolk Landscape Character Assessment (SLCA). The Assessment recognises the presence of the two air bases are important drivers for economic activity and settlement expansion and states the Settled Chalkland landscapes are under pressure from expansion of settlements and other developments. The document considers it important to minimise the impact of development upon the countryside of the settled chalklands and landscape of the Settled Fenlands.
96. The SLCA comments, in a general sense, that the characteristic pattern of planting found in chalkland landscapes, means it is possible to design effective and locally appropriate boundary planting that will minimise the impact of settlement expansion on the surrounding landscape.
97. The development would be harmful to the character of the countryside as a matter of principle given that it would ultimately change currently undeveloped agricultural land into a developed housing estate and this would be a dis-benefit of the proposals.
98. The impact of the development proposals upon the landscape qualities and character of the wider countryside would not be significant given the

contained character of the site, the presence and screening influence of existing mature landscaping to the north and west and the site abutting the village. The site benefits from existing built development which has a shielding affect along the south and east boundaries and which would form a backdrop to new development at the site. Furthermore, boundary planting is proposed to the outer (north and west) boundaries of the site which will mature to soften the impact of the proposed development upon the local landscape.

99. The impact of the proposed development upon the landscape is considered acceptable with any significant adverse effects capable of mitigation via the introduction of new boundary landscaping (the precise details of which could be secured by means of condition).

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

100. 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.
101. 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.
102. 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.
103. 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.
104. The Core Strategy categorises Lakenheath as a Key Service Centre and is thus regarded as a 'sustainable' location which could support growth. Local employment opportunities are restricted with the air base being a key provider of local employment. People living in Lakenheath, not employed at the base, are likely to need to travel to their place of work. There is a range of community facilities in the village, including a number of shops, services, a school, churches and other meeting rooms which serve to contain a number of trips within the village. The village does not have a large grocery supermarket (there is a small Co-Operative in the High Street), although planning permission is extant for a new grocery shop off the High Street, close to the village centre.

105. It is likely that potential occupiers of the dwellings proposed in this planning application would need to travel to meet their employment, retail and entertainment needs. Some of these journeys could be lengthy (non-airbase employees in particular). However, there are a range of services and facilities in the village that will prevent the need for travel to some facilities. Given the village scale of Lakenheath and its isolated situation in a rural area, the development proposals are considered to accord with relevant accessibility policies in the Framework and are sustainable in transport terms.
106. The application site takes vehicular access from Briscoe Way at a single point. Secondary access for pedestrian and cycle access and occasional emergency vehicles is provided from the site onto Burrow Drive. Briscoe Way takes access from Station Road (B1112), the principal route through the village.
107. The applicants have amended the design and layout of the proposals to incorporate comments received from the County Highway Authority whom, consequently, has not objected to the proposals (subject to the imposition of conditions).
108. Access to the proposed development is considered safe and suitable and the development would not lead to significant highway safety issues or hazards. Furthermore, the proposed development would not lead to congestion of the highway network, including during am and pm peak hours.

### **Impact upon natural heritage**

109. 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.
110. Spatial Objective ENV1 of the Core Strategy aims to conserve and enhance the habitats and landscapes of international, national and local importance and improve the rich biodiversity of the District. This objective forms the basis of Core Strategy policy CS2 which sets out in greater detail how this objective will be implemented. Saved Local Plan policy 4.15 sets out criteria against which proposals for new housing development are considered. One of the criteria requires that such proposals are not detrimental to significant nature conservation interests.
111. A 'Phase I' Habitat Survey has been submitted with the planning application. This assesses whether the development proposals might affect the internationally designated sites and other important sites/species outside which are protect by the Habitats and Species Regulations and/or the Wildlife & Countryside Act and Local Biodiversity Action Plan (BAP).
112. As discussed above, it is concluded that the development proposals would not impact upon any European designated nature conservation sites. The applicants report supports this conclusion. The presumption in favour of

sustainable development set out at paragraph 14 of the Framework is therefore material to this planning application.

113. The applicant's report confirms the application site (and some adjacent sites) has been surveyed for a range of rare species. It comments the site is predominantly of low ecological value being mainly cultivated arable land (although the rough grass-dominated margins and boundary hedges will be of higher value to wildlife) and recommends that no further survey is necessary (unless hedgerow/shrub clearance is to occur in the bird nesting season).
114. The report concludes that with a sensitive landscaping scheme and by incorporating other measures recommended (provision of three bat boxes, two house-sparrow terraces, provision of reptile hibernacula, planting of climbing plants and provision of a wildlife corridor (suitable hedgerow) to north boundary) the site could be enhanced for local wildlife post-development.
115. Natural England (statutory advisor under the Habitats and Species Regulations) has not raised concerns or objections in response to the proposals, including their potential impact upon the hierarchy of designated nature conservation sites and recognises the potential to secure biodiversity enhancements in the event that planning permission is granted. Natural England has been asked to comment on any potential impacts upon the designated Special Protection Area from recreational pressure from this development in isolation and in-combination with other planned development. The RSPB and Suffolk Wildlife Trust have also been consulted for their views and their advice is also awaited. The Committee will be verbally updated at the meeting of any further advice received from these bodies. Officers do not anticipate any significant issue in this respect given the matter was not raised by Natural England in its initial comments. However, the recommendation has been drafted on a precautionary basis such that if matters are raised requiring further assessment, the planning application would be returned to the Committee for further consideration.
116. Subject to the satisfactory resolution of the above matters, Officers are satisfied that the development proposals would not adversely affect important sites of ecological interest in the area and would not harm populations or habitats of species which are of acknowledged importance (protected or unprotected). There is no evidence to dispute the applicant's conclusions that carefully a constructed development is likely to result in net ecological gains. The delivery of the enhancement measures set out in the Phase I Habitat Survey could be secured by means of an appropriately worded planning condition.

### **Impact upon built heritage**

117. 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.

118. 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.
119. Core Strategy Spatial Objective C4 aims to protect and enhance the Historic Environment. This objective is implemented via Policy CS3.
120. The development proposals would not impact upon any listed buildings, (including their settings) and as discussed above would have only a negligible impact upon the character and appearance of the Lakenheath Conservation Area from increased traffic movement on the main road through the designation.
121. An Archaeological Evaluation Report has been prepared on behalf of the applicants to establish whether the site might support any important archaeological remains (undesigned heritage assets). This has been submitted with the planning application. The report explains the work that carried out to investigate the archaeological potential of the site and confirms that no significant archaeological features or deposits were encountered.
122. The Archaeological Service at Suffolk County Council has been consulted of the planning application and accepts the findings of the applicant's report. Accordingly, no further archaeological work will be needed prior to development commencing and no archaeological mitigation is required.
123. The development proposals would have no significant impacts upon heritage assets.

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

124. 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."
125. 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.
126. 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".*

127. 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.
128. The policy concludes that all development will be accompanied by appropriate infrastructure to meet site specific requirements and create sustainable communities.
129. Matters pertaining to highway, education, health and open space (including sport and recreation) infrastructure are addressed later 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*

130. The provision of services and facilities within the District's settlements has been the subject of investigation and assessment through the 2009 Infrastructure and Environmental Capacity Appraisal (IECA), which has informed preparation of the Development. The IECA report (commissioned jointly with St Edmundsbury Borough Council) 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.
131. The IECA report is the most up to date evidence base of the infrastructure capacity in the District and was a key document of the recent appeal for new housing development at Kentford (referenced at paragraph 73 above).

#### *Waste water treatment infrastructure*

132. Details submitted with the planning application confirms the proposed development would connect to existing foul water systems in the village. The village is served by Lakenheath Wastewater Treatment Works. IECA comments that the Water Cycle Study identifies that the location of the Treatment Works makes north and west sites preferable otherwise upgrades to the network may be required, although the Treatment Works has severely constrained headroom.
133. The IECA report refers to the Strategic Flood Risk Assessment and Water Cycle Study which identifies that up to 169 new dwellings could be provided in the village within the headroom of the Treatment Works. It does, however, identify that there are only minor constraints to upgrading the works which will need to be completed before significant new development.
134. There has not been significant development undertaken at Lakenheath since the publication of the evidence base contained in the IECA report. Accordingly, the available evidence concludes that this development (being

located to the north of the village and within the headroom of the Treatment Works) is acceptable with regard to waste water infrastructure. Indeed this conclusion has been corroborated by Anglian Water the statutory sewerage undertaker which has not objected to the application and has not requested the imposition of any conditions relating to the treatment of waste water arising from the development.

#### Water supply

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

#### Energy supply

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

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

137. 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.
138. 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.
139. 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.
140. The application site is not in an area at a risk of flooding (i.e. Environment Agency flood risk Zones 2 or 3) and it is therefore unlikely that the proposed dwellings would be at risk of flooding from the nearby drainage channel (north and west of the site), being outside its modelled floodplains.
141. The flood risk assessment submitted with the planning application confirms that surface water will be managed via sustainable drainage systems, including range source control measures (permeable paving, water butts etc.), trapped gullies and catchpits on highway manholes (pollution avoidance), surface water attenuation and flows off the site replicating existing hydrology (i.e. discharge at existing greenfield rates). The Council's

Ecology, Tree and Landscape Ecology Officer has requested clarification that the SUDS infrastructure would be separate from the public open space (paragraph 32 above). The applicant has confirmed that some SUDS infrastructure is intended to be positioned below part of the open space. This does not mean the development is contrary to planning policies relevant to SUDS or public open space, but means it is unlikely the Council would adopt the open space because of the additional risks and liabilities arising from the SUDS infrastructure beneath the surface. This means it would fall upon the developer to set up a Management Company to manage these areas. Resolution of the management of the public open spaces and SUDS infrastructure could be secured by means of a planning condition and/or planning obligation under S106 of the Town and Country Planning Act 1990.

142. The planning application is accompanied by a Phase I contamination report. This concludes the site has not been unduly impacted by former land uses (allotments/agricultural land) and groundwater underlying the site is not regarded as a sensitive receptor. Furthermore, ground gases are considered to pose a low risk. The Council's Environmental Health team has requested the imposition of a condition requiring the submission of a detailed scheme of investigation into potential contamination, including measures to secure any remediation necessary.
143. The Environment Agency (risk of flooding, contamination and pollution control and drainage), Anglian Water Services (drainage and pollution control) and the Council's Environmental Health Team (contamination and pollution control) have not objected to or raised concerns about the application proposals. All have recommended the imposition of reasonable conditions upon any potential planning permission to secure appropriate mitigation.
144. The proposals are considered acceptable with regard to flood risk, surface water drainage and pollution (contaminated land and potential contamination of water supply) considerations.

### **Impact upon education**

145. The County Council as Local Education Authority has confirmed the village school will reach its 315 place capacity in the near future and before any new pupils are likely to emerge from the development. This means that the 14 primary school aged pupils emerging from these development proposals would need to be accommodated on a temporary basis whilst a new primary school facility is built in the village.
146. In isolation it is likely that the Local Education Authority would be able to cater for the educational needs of the 14 pupils emerging from this development at the existing primary school. However, the cumulative impact of pupil yields emerging from other planning applications proposing significant new housing development in the village also needs to be considered, This is assessed later in this section of the report beginning at paragraph 186 below. Developer contributions to be used towards the early years (pre-school) education and for land and build costs of providing a new primary school in the village are discussed at paragraphs 211 and 212 below.

147. 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**

148. 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.
149. 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.
150. Saved Local Plan policy 4.14 requires the layout and design of new housing developments to respect the established pattern and character of development in the locality and saved Policy 9.2 requires development proposals in rural areas to be of a high standard of layout and design.
151. The application seeks full planning permission for development so details of the site layout and appearance of the dwellings are included for consideration.

### Relationship to context

152. The application site is on the north extreme of the village and effectively 'bolts-on' to an existing modern housing estate. The site is detached from the core of the village, a designated conservation area, and has no visual relationship to the more vernacular buildings along the village High Street. The proposal's organic, informal layout, mixture of standard house types, and materials reflects the character of the existing housing in Briscoe Way and Burrow Drive.

### Connectivity

153. Owing to the 'backland' location of the site there are limited opportunities for connections to be made back into the village footpath and highway network. However there are two points of access from the site into Briscoe Way (Vehicular and pedestrian/cycle) and Burrow Drive (pedestrian/cycle and emergency vehicle) so the development maximises its opportunities to connect back into the village. Furthermore, opportunities to make connection to any further future development to the north and west of the site are provided.

### Existing trees and hedgerows and new planting

154. The site is a treeless site which is not surprising given its existing agricultural use. There are some existing trees overhanging the east site boundary marking the rear gardens of some dwellings in Elm Close and these would not be affected by development. Mature hedgerows along the south boundary of the application site which mark the edge of the existing housing estate at Briscoe Way would be retained.
155. The application proposals include new hedgerow planting to the outer 'countryside' boundaries, with opportunities to provide some trees dispersed within it. In time this landscaping would mature to soften the impact of the development on the immediate countryside. New planting is also proposed in landscaped areas within the development, particularly alongside the new internal roads. Some of these will be within front garden areas of the new dwellings and thus have varying chances of becoming established and maturing. Other planting is illustrated within the open spaces.
156. Details of the planting scheme, including its implementation and subsequent maintenance could be secured by condition. The landscaping proposals are considered adequate for the development at this location.

### Parking provision

157. The private dwellings are each provided with at least 2 off road car parking spaces, some are shown to have 3 per dwelling via a mix of covered (garaged) and open spaces. Car parking for the affordable units is provided in communal areas at an average of 1.5 spaces per unit. The level of parking proposed is acceptable and accords with the adopted Suffolk Advisory Parking Standards.
158. It is important to ensure car parking provision is well designed and adequate such that it would not lead to on-street parking on the new and existing estate roads. The majority of the dwellings have parking contained within the curtilage (garaged or open). Communal parking courts are provided for the affordable units but these would not require future residents to drive past their own home before reaching their designated parking space in a rear parking court. Rear communal car parking areas are generally recognised as likely to lead to on-street parking in preference to a less-conveniently located parking court. Although parking courts are an undesirable design feature their presence alone cannot merit a refusal of planning permission and the visual impact of the courts must be taken in to the overall balance.
159. There are unlikely to be general parking problems arising from the proposed design and layout of the scheme.

### Efficiency of layout

160. Some of the parking courts proposed would be to the side of houses, accessed directly from the street. The use of single-sided access roads serving plots around the public open space would be an inherently inefficient use of land, but this needs to be balanced against the design and crime prevention benefits of providing built enclosure to and natural surveillance of, the open space.

161. The site is clearly pressured, in terms of the quantity and mix of housing it is expected to accommodate, and in consequence it needs to be laid out efficiently in order to achieve an acceptable result. There is no evidence the applicants have tested the efficiency of the layout proposed to demonstrate that the potential of the site had been optimised in the way sought by the third bullet point of paragraph 58 of the NPPF;

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

162. Some inefficiencies of layout are an inevitable result of the absence of a highway frontage and the consequential fixed points of access. Others flow from the demands of the local authorities, such as the requirement to provide secondary access for emergency vehicles (Burrows Drive) and for the provision of public open space and the need to provide it with natural surveillance and enclosure. Other inefficiencies are introduced by the inclusion of a number of bungalows in the scheme (which tend to require larger plot sizes than 2-storey housing). Consequences flow, in terms of place-making, from the efficiency with which the site is used. These are considered in the following paragraphs.

#### Placemaking

163. It is perfectly reasonable to use standard house types in new development but essential to configure them to contribute to quality of place. The urban design of the scheme could be improved by designing the configuration of standard house types to contribute to the quality of space.
164. It is possible to discern, from the proposed site layout, that there would be instances of the creation of a sense of place; for example the enclosure of the public open space and the greater height of the affordable flats creating a focal point. Elsewhere, however, there are some areas which would be less successful in place-making terms including (in particular) plot 10, a bungalow which is to be set back behind other dwellings without a frontage. Many of the spaces and streets would have little sense of enclosure (because of spacing and positioning of the bungalows) or of design and appear to be no more than pragmatic arrangements of houses and roads to fit the site and its shape.
165. Criticism of any proposal on design matters is a matter of judgement and balance; 'missed Opportunities' and matters which could be improved upon rather than matters which actually cause harm. The future residents of the scheme would experience a high quality living environment with well designed homes, off-street parking, a centrally located and accessible area of public open space and (for most of the private dwellings) generous gardens.

#### External materials

166. The proposed materials (ref paragraph 3 above) would be contiguous with those used to face the existing Briscoe Way housing development using similar colours and textures. The materials palette is considered acceptable.

### Cycle and bin storage provision

167. The private dwellings and the two affordable dwellings would be able to utilise their own space to provide for bin and cycle storage. All have access to private rear amenity spaces such that these could be stored away from the public realm. Less opportunity would exist for the occupiers of the flats whilst these do have private dedicated amenity space per unit, they are much smaller than those provided to the dwellings. Less opportunity therefore exists for the occupiers of the flats to store their bins and cycles. A communal bin store is illustrated on the plans but a clear strategy for bin and secure cycle storage will be required. This could be secured by condition.

### Conclusions on design matters

168. The relatively hard, urban character of the housing area would be adequately balanced by the open space, landscaped internal spaces and the new boundary planting.
169. Some elements which would contribute to the character of the development are as yet not fully specified or would require to be secured by conditions. These include renewable energy provision and public lighting. However, there is no indication that any of these matters would not result in a satisfactory outcome if left to be resolved through conditions.
170. The proposal would be as connected to adjoining development as it could be. The layout takes a varied approach to the question of frontages which is not inherently wrong but in places leads to inefficiencies of land use and missed opportunities for place making. Some efforts at place making are evident but there is one instance of a less than desirable outcome which is the positioning of plot 10.
171. After considering the elements which would contribute to the character of the development itself, it is concluded that the scheme is capable of improvement in a number of elements but which would certainly not, by themselves, amount to a reason for refusal but which need to be taken into account in the overall balance.

### **Impact upon residential amenity**

172. 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.
173. Vision 1 of the Core Strategy seeks to provide 'a higher quality of life' for residents. Saved Local Plan policy 4.15 seeks to ensure new housing developments do not result in the loss of residential amenity.
174. The amenities of occupiers of dwellings abutting (backing on to) the application site would not be adversely affected by development. The design includes bungalows on all plots which abut the south boundaries of the site (adjacent to the existing Briscoe Way housing estate) in order to safeguard against the potential issues of dominance or overlooking of these

dwellings. There are some two-storey units proposed to abut the eastern boundary where the application site abuts the rear gardens of dwellings fronting Drift Road, but these back on to large garden areas such that the amenities of the occupiers of the dwelling in Drift Road would not be compromised.

175. The potential issue of the development being adversely affected by noise generated by aircraft using the nearby Lakenheath airbase has been adequately considered by the applicants. The noise report submitted with the planning application has been considered by the Council's Environmental Health Officer whom has not raised any concerns or objections, subject to the recommendations of the report being secured by condition. Whilst the dwellings would be constructed in an area affected by noise from military aircraft, this would be intermittent and capable of some mitigation through design (protection of internal living space). Furthermore the dwellings are not likely to be affected at night when aircraft at the base is normally grounded. A condition could be imposed requiring precise details to be submitted for subsequent approval and thereafter implemented in the construction.
176. Whilst the development proposals are not likely to impact upon the amenities of occupiers of existing dwellings close to the site boundaries, the future occupants of the dwellings would be subject to aircraft noise. This is considered to be a dis-benefit of the development which is to be considered when balancing the benefits with the dis-benefits in upon considering whether planning permission should be granted.

#### **Loss of agricultural land**

177. 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.
178. 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 new development in this period. Accordingly, the future development of greenfield sites is inevitable.
179. The application site is Grade 3 agricultural land (good to moderate) and whilst it is not regarded as 'poor quality' land (ref DEFRA agricultural land classifications) its loss is not considered significant. Nonetheless the development of Grade 3 agricultural land which is currently of use for agriculture is a dis-benefit of the scheme. Whilst not an issue that would justify a refusal of planning permission on its own, it is an issue to be taken into account in the overall balance of weighing the development's benefits against its dis-benefits.

#### **Sustainable construction and operation**

180. 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".



181. The Framework confirms planning has a key role in helping shape placed 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.

182. 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.*

183. The importance the Government placed on addressing climate change is reflected in the Core Strategy Visions (Vision 1) and Spatial Objectives (ENV2 and ENV3). Core Strategy Policies CS4 and CS5 set out requirements for sustainable construction methods. There are also emerging policies relating to sustainable construction set out in the Joint Development Management Policies document (DM2, DM7 and DM8), but these are the subject of currently unresolved objections which means the policies can be attributed only limited weight at the present time.

184. The Planning Statement (re-confirmed by the Design and Access Statement) submitted with the planning application confirms the following;

- *We confirm in accordance with CS4 that low water volume fittings will be used in the dwellings together with high levels of insulation. Water run-off from the development will be mitigated by a series of soakaways, which the chalky soil is well-suited to accommodate.*
- *In accordance with [emerging] policy DM7 the proposals have been designed to achieve the highest feasible standards of sustainable design and construction. The scheme will be designed to comply with the relevant Part L Building Regulations that are in effect.*
- *Low flow rate taps and dual flush toilets are proposed to be installed to reduce water use and the refuse store will incorporate separate storage for waste and recycling.*

185. Other than the statements set out above, the applicants have not attempted to address the requirements of the relevant 'sustainable construction' policies. In particular there is no confirmation of measures that will be taken to reduce the use of energy from centralised sources (i.e. via use of solar panels, air source heat pumps etc.). This matter can reasonably be addressed by conditions such that an overall sustainable construction strategy is agreed, alongside details of measures to implement that strategy, all prior to the commencement of any development.

## **Cumulative Impacts**

186. Members will note there are a number of planning applications for major housing development currently under consideration, three of which are before the Committee for decision at this meeting. Furthermore, as the Development Plan progresses and the Site Allocations Document evolves, further sites are likely to be allocated for new residential development irrespective of the outcome of these planning applications. Whilst the evidence base behind the Development Plan documents will assess potential cumulative impacts of any formal site allocations, no such assessments have been carried out with regard to the potential cumulative impacts of the current planning applications.
187. This sub-section of the officer assessment considers potential cumulative impacts upon village infrastructure of the three planning applications on this Committee agenda (references DC/13/0660/FUL, F/2013/0345/OUT and F/2013/0394/OUT).
188. Suffolk County Council and Lakenheath Parish Council suggested that a meeting with key community stakeholders should take place before these planning applications are determined by the Local Planning Authority. This meeting has now occurred and was attended by representatives of Forest Heath, Suffolk County Council, Lakenheath Parish Council, the Primary School (Head Teacher and Governors) and members of the community.

### Education

189. The three planning applications together (288 dwellings) would generate approximately 72 children of primary school age once all have been built and occupied. The existing village primary school has reached capacity and by the time the construction of these developments is underway (if all are granted and commence early) with occupations and new primary pupils emerging, the school will have filled its 315 pupil place capacity.
190. The County Council has instructed a land agent to scope the village for potentially suitable sites that may be available for a new primary school. This work is underway and the County Council is in discussion with representatives of various landowners/developers.
191. A site for a new primary school facility is yet to be secured such that the County Council cannot guarantee its provision at this point in time. Your officers consider it is likely a site will emerge either as part of work on the Site Allocations Development Plan document or in advance given that work is already underway. It is unfortunately that some children may have to leave Lakenheath in order to access a primary school place on a temporary basis as a consequence of new housing development being permitted (should a temporary solution not be found at the existing village school site) but this is not an uncommon phenomenon in Suffolk or the country as a whole.
192. The (potential) need for some pupils to travel to a school outside of Lakenheath would impact upon the sustainability credentials of the proposals and are regarded as a dis-benefit of development in advance of a new school site being found. It is important to note, however, that the County Council has confirmed school places would be available for all pupils emerging from these development proposals, even if they are all built early

on and concerns have not been expressed by the Authority that educational attainment would be affected or threatened should these developments go ahead. It is your officers view (particularly in the absence of confirmed objections from the Local Education Authority) that the absence of places for children at the nearest school to the development proposals is not in itself sufficient to warrant a refusal of planning permission but the issue (both individually for this proposal and cumulatively with the other extant proposals for major housing development at Lakenheath) needs to be considered as part of the planning balance in reaching a decision on the planning applications.

193. In weighing up the benefits and dis-benefits of development in the balancing exercise, it is important to note that the development proposals would provide proportionate funding for the erection of a new primary school. Accordingly, the applicants have done all they can possibly do (and all they have been asked to do) to mitigate the impact of their developments upon primary school provision.

#### Highways

194. In its most recent representations about this planning application (received 8<sup>th</sup> August – paragraph 24 above), the Strategic Planning department at Suffolk County Council has for the first time raised concerns that the highway impacts of development upon the village (both from the new school and cumulative impacts from village wide development) are uncertain. This is in the context of the Local Highway Authority raising no objections to any of the individual planning applications, subject to the imposition of conditions (paragraphs 19 and 20 above).
195. These concerns are not backed up with evidence or a considered analysis of the nature of the possible impacts (i.e. it is not clear which parts of the local highway network would be particularly vulnerable to new housing growth at Lakenheath). This matter needs to be considered further by the County Council in liaison with the applicants, but given the issue has been raised so late in the planning process (more than a year after the first of the three planning applications was registered), officers are recommending this work continues after Members have considered the three planning applications and, if a reasonable package of highway works can be demonstrated as being necessary to mitigate the likely highway impacts of these development proposals (and anticipated growth via the emerging Local Plan) the developers could be asked to make a proportionate contribution towards the package. These contributions could be secured via a S106 Agreement. The officer recommendation at the end of this report is worded to secure a strategic highway contribution should it be deemed necessary and is adequately demonstrated.

#### Special Protection Area

196. The potential cumulative recreational pressure impacts of the Lakenheath housing developments upon the Special Protection Area are discussed above in the Natural Heritage sub-section of this report.

#### Landscape

197. Given the locations of the three proposed housing developments around Lakenheath, no cumulative landscape impacts are anticipated despite all

three sites being located on the edge of the village. Lakenheath is a sizeable village and the development proposals would not represent a significant expansion to it.

### Utilities

198. The potential cumulative impact of development upon the sewerage network was a concern of officers, particularly as the IECA study identified a tipping point of 169 dwellings before the Treatment Works reaches capacity. Whilst each planning application in isolation could be accommodated within this identified headroom, the three proposals in combination would clearly exceed it.
199. Anglian Water Services has not objected to any of the three planning applications and confirmed for each one there is adequate capacity within the system to accommodate the increased flows from development. Upon further questioning about potential cumulative impacts and the findings of the IECA study, Anglian Water Services has confirmed the following;
- *MCert Flow Monitor was installed at the Lakenheath Water Recycling Centre on 28 October 2010 which is after the Infrastructure and Environmental Capacity Assessment (IECA) Study and the Water Cycle Study. Please note that both of these studies were high level and were utilising best available data.*
  - *Based on the MCert flow monitor data over the past four years, it has been established that up to 1000 properties could be accommodated at the Lakenheath Water Recycling Centre. Therefore, the proposed 288 dwellings in total for the three planning applications stated in your email dated 10 July 2014 could be accommodated at the Lakenheath Water Recycling Centre.*
200. In light of this explanation, which updates and supersedes evidence presented in the IECA study, officers are satisfied the development proposals would not have adverse cumulative impacts upon the sewerage infrastructure serving Lakenheath.
201. There is no evidence to suggest there would be significant cumulative impacts upon water and energy (electricity) supplies to the village given the respective capacities identified in the IECA study.

### **Planning Obligations**

202. 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.*
203. 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.

204. 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.
205. 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.
206. The developer has confirmed a willingness to meet the required obligations 'subject to viability'. No claim to reduce the level of contributions on viability grounds has so far been claimed by the applicants. The recommendation (at the end of this report) therefore assumes the development can provide a fully policy compliant package of measures.
207. The following developer contributions are required from these proposals.

#### Affordable Housing

208. 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.
209. 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 (20.1 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).
210. The applicants have proposed 20 of the 67 dwellings as 'affordable'. The remaining 0.1 of a unit could be secured as a financial contribution to be used to provide affordable housing elsewhere in the locality. The mix and tenures have been agreed with the Council's Strategic Housing team (paragraphs 26-28 above).

#### Education

211. 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.
212. Core Strategy Policy CS13 (b) considers educational requirements as a key infrastructure requirement. 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 a financial contribution from this development that is to be used towards the construction of a new primary school in the village. It has also confirmed a need for the development to provide a contribution to be used towards pre-school provision in the area to cater for the educational needs of pre-school children (aged 2-5) that are forecast to reside at 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 22 above.

#### Public Open Space

213. 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.
214. 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.
215. Saved Local Plan policies 10.2 and 10.3 address play space requirements and state such areas will be provided as an integral part of new residential development. It is also stated that provision will be made for a wider area than just the development site.
216. 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. In this case, 1,507 sq. m of public open space is provided as part of the site layout and a contribution of £350,250 is required and will be used for sport, recreation and open space provision/enhancement away from the site. A condition could be imposed upon any planning permission granted to ensure the open space area provided at the site is properly provided, managed and maintained.

#### Libraries

217. 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 £14,472.

#### Health

218. The NHS Property Services has confirmed there is sufficient capacity in the existing health infrastructure (i.e. GP surgeries) to cater for the additional demand for local services this development would generate. Accordingly, no health contribution is to be secured from the proposed development.

#### Summary

219. With these provisions in place, the effects of the proposal on local infrastructure, including affordable housing, open space, recreational facilities, education, and libraries would be acceptable. The proposal would

comply with Core Strategy Policy CS13 by which the provision or payment is sought for services, facilities and other improvements directly related to development. The proposed planning obligations are considered to meet the CIL Regulation 22 tests set out at paragraph 202 above.

### **Conclusions and Planning Balance**

220. Development Plan policies relating to the supply of housing are out of date, by virtue of the fact that a five year supply of deliverable housing sites cannot be demonstrated.
221. With this background it is clear that permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole. There are no specific policies in the Framework which indicate that this development should be restricted. National policy should therefore be accorded great weight in the consideration of this planning application, especially the presumption in favour of sustainable development, which officers consider this proposal represents.
222. In relation to the economic role of sustainable development, the proposal would generate direct and indirect economic benefits, as housing has an effect on economic output both in terms of construction employment and the longer term availability of housing for workers. The development would provide additional infrastructure of wider benefit – including, education provision (longer term) and public open space.
223. In terms of the social role of sustainability the development would enhance the local community and provide a level of much needed market and affordable housing to meet the needs of present and future generations. The development would, on balance, result in a built environment of good quality. The proposal would rely on, and to a limited extent enhance the accessibility of existing local services – both within Lakenheath and further afield.
224. The absence of capacity at the local primary school to cater for the pupils emerging from this development on a permanent basis is regarded as a dis-benefit of the development. The in-combination effects of this development with other planned housing developments at Lakenheath could have significant impacts upon local primary education provision and could force some pupils to leave the village to secure their primary school place. This is tempered somewhat, however, by temporary nature of the arrangement whilst a new school is built and in the absence of objections from the Local Education Authority. Furthermore, the Local Education Authority has not suggested that pupil attainment would be adversely affected by these temporary arrangements.
225. In relation to the environmental role it is self-evident that the landscape would be changed as a result of the proposal albeit this would only be perceptible at the immediate location of the application site once new landscaping has opportunity to mature. In advance of this, impacts upon the landscape would be much greater. Good design and the retention of existing vegetation and provision of new planting would mitigate the landscape effects to a great degree. Of significance is the fact that the site does not benefit from any specific ecological, landscape or heritage designation, unlike large areas of the District, and the effect on the

character of the settlement would be acceptable. Longer landscape views would be limited, particularly after new landscaping has fully matured.

226. The development proposals would be impacted adversely by noise from aircraft operating from the nearby runways at the Lakenheath airbase. This is not capable of being fully mitigated and the external areas (eg garden spaces) would be particularly exposed to the effects of aircraft noise. Internal spaces are capable of mitigation through appropriate design and construction measures.
227. The progress of the LDF has been slow to date owing largely to the successful challenge of the Core Strategy (CS7) in the High Court, and its future progress is uncertain, given that the Single Issue Review and Site Allocation documents have reached only the early preparatory stages in the process with public consultation yet to be carried out. In any event, there is no evidence that the proposal would be premature to or prejudice the development plan process.
228. The lack of a five year supply of deliverable housing land, combined with the historic (but not persistent) under supply of housing, is an important material consideration. To the very limited extent that the evidence demonstrates material considerations against the proposal – essentially relating to the limited local landscape effects, loss of agricultural land of good to moderate quality and some design weaknesses in parts of the layout – this consideration (benefit) significantly outweighs those concerns (dis-benefits) and points clearly towards the grant of planning permission in this case.

### **Recommendation**

229. That, subject to no concerns, objections or new material planning issues being raised by Natural England, the RSPB or the Suffolk Wildlife Trust, outline planning permission be granted subject to:

The completion of a S106 agreement to secure:

- Affordable housing (30% = 20 units on site and 0.1 units by means of a developer contribution)
- Education contribution (Primary School - £251,090)
- Pre-school contribution (£42,637)
- Libraries Contribution (£14,472)
- Public Open Space contribution (Provision on site and contribution of £350,250)
- Strategic Highway Contribution (should this be deemed compliant with CIL Regulation 122 – a proportionate contribution would be appropriate, sum to be determined)
- SPA Recreational Impact Contribution – which may include monitoring of potential impacts from development (should this be deemed compliant with CIL Regulation 122 – sum to be determined)
- Any further clauses considered necessary by the Head of Planning and Regulatory Services.

230. Following completion of the planning obligation referred to at paragraph 229 above, the Head of Planning and Regulatory Services be authorised to grant planning permission subject to conditions, including:
- Time limit (3 years for commencement)



- Materials (use of those proposed)
- Sustainable construction (further details to be approved and thereafter implemented)
- Bin and cycle storage strategy for the affordable units (details to be approved and thereafter implemented)
- Public open space (strategy for future management and maintenance)
- Landscaping (precise details of new hard and soft landscaping)
- Retention and protection of existing trees and hedgerows
- Ecology (enhancements at the site)
- Construction management plan
- As recommended by LHA
- Contamination & remediation (further investigations and any remediation necessary)
- Means of enclosure
- Noise mitigation
- Fire Hydrants
- Waste minimisation and re-cycling strategy
- Implementation of the surface water drainage scheme.
- Any additional conditions considered necessary by the Head of Planning and Regulatory Services.

231. That, in the event of the Head of Planning and Regulatory Planning Services recommending alternative (reduced) Heads of Terms from those set out at paragraph 229 above, or Natural England the RSPB and/or the Suffolk Wildlife Trust raise objections concerns or substantive issues about the proposals which have not already been considered by the Committee, the planning application be returned to Committee for further consideration.

232. That in the event the applicant declines to enter into a planning obligation to secure the Heads of Terms set out at paragraph 229 above for reasons considered unreasonable by the Head of Planning and Regulatory Services, planning permission be refused for the following reasons:

- i) Unsustainable form of development not mitigating its impact upon, education provision (primary and pre-school), open space, sport and recreation and libraries (contrary to the Framework and Core Strategy policy CS13 and saved Local Plan policy 10.3).
- ii) If appropriate following further investigation; adverse cumulative impacts upon, the highway network and the Special Protection Area (from increased recreational pressure)
- iii) Non-compliance with affordable housing policy (contrary to Core Strategy policy CS9 and supporting SPD document)

#### **Documents:**

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

<http://planning.stedmundsbury.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=MW5ML2PDH4S00>

Alternatively, hard copies are also available to view at Planning and Regulatory Services, District Offices, College Heath Road, Mildenhall, IP28 7EY

Case Officer: Gareth Durrant (gareth.durrant@westsuffolk.gov.uk)  
Telephone No: 01284 757345

**112. PLANNING APPLICATION DC/13/0660/FUL – LAND OFF BRISCOE WAY, LAKENHEATH (REPORT NO DEV14/131)**

Councillor D W Gathercole declared a local non-pecuniary interest in respect of this item as he was a Lakenheath Parish Councillor.

Detailed (full) application for the erection of 67 dwellings (including 20 affordable dwellings) together with 1500sqm of public open space.

This application was referred to the Development Control Committee as it was a proposal for ‘major’ development and the recommendation to grant planning permission was contrary to the provisions of the extant Development Plan. The proposal also raised complex planning issues of District-wide importance.

The Committee was advised that the proposals were considered to comply with the relevant policies of the National Planning Policy Framework but the ‘countryside’ location of the site meant the proposed housing development conflicted with adopted Development Plan policies.

The Committee was reminded that the application was first reported to them at their meeting on 14 May 2014 but following the receipt of late representations on behalf of Lakenheath Parish Council and Suffolk County Council the item was subsequently withdrawn from the agenda prior to consideration.

A Member site visit had been held prior to the meeting, Officers were recommending that planning permission be granted, as set out in Paragraphs 229-232 of Report No DEV14/131, subject no new concerns, objections or material planning issues being raised by Natural England, the Suffolk Wildlife Trust or the RSPB.

The Principal Planning Officer – Major Projects further advised the Committee that since publication of the agenda further representations had been received as summarised: ☐ A letter of objection from Lakenheath Community Primary School’s Governing Body (circulated to Members under separate cover); and ☐ A letter of objection from Cerda Planning Ltd, acting on behalf of Lakenheath Parish Council (circulated to Members under separate cover).

The Officer again made reference to the former USAFE personnel dwellings at Lords Walk which had recently come onto the housing market. He again reminded Members that Officers had verified that this stock of dwellings was already counted as ‘existing’ housing stock and could not, therefore, be counted as a contribution towards the five year supply of housing in the District.

Lastly, the Officer drew attention to the recommendation set out in Paragraph 229 of the report and explained that the word “outline” needed to be removed from this (as it was a full application) and the S106 contribution towards primary school education needed to be amended to read £325,766 (as opposed to £251,090).

Councillor D W Bowman proposed that the application be approved, as recommended by Officers, including the corrections to Paragraph 229 and that the delivery of the scheme be phased in order to allow time in which for the infrastructure to be put in place (as per the previous applications). This was duly seconded by Councillor W Hirst.

Following the Lawyer having advised on appropriate wording, the Chairman put the amendment to the vote and with 11 voting for the motion, 4 against and with 1 abstention, it was resolved:

That subject no new concerns, objections or material planning issues being raised by Natural England, the Suffolk Wildlife Trust, or the RSPB planning permission be GRANTED subject to:

1. The completion of a S106 agreement to secure: ☐ Affordable housing (30% = 20 units on site and 0.1 units by means of a developer contribution) ☐ Education contribution (Primary School - £251,090) ☐ Pre-school contribution (£42,637) ☐ Libraries Contribution (£14,472) ☐ Public Open Space contribution (Provision on site and contribution of £350,250)

☐ Strategic Highway Contribution (should this be deemed compliant with CIL Regulation 122 – a proportionate contribution would be appropriate, sum to be determined) ☐ SPA Recreational Impact Contribution – which may include monitoring of potential impacts from development (should this be deemed compliant with CIL Regulation 122 – sum to be determined) ☐ The phasing and timing of the delivery of the scheme be negotiated for the development to ensure appropriate infrastructure is in place ☐ Any further clauses considered necessary by the Head of Planning and Regulatory Services.

2. Following completion of the planning obligation referred to at Recommendation 1 above, the Head of Planning and Regulatory Services be authorised to grant planning permission subject to conditions, including: ☐ Time limit (3 years for commencement) ☐ Materials (use of those proposed) ☐ Sustainable construction (further details to be approved and thereafter implemented) ☐ Bin and cycle storage strategy for the affordable units (details to be approved and thereafter implemented) ☐ Public open space (strategy for future management and maintenance) ☐ Landscaping (precise details of new hard and soft landscaping) ☐ Retention and protection of existing trees and hedgerows ☐ Ecology (enhancements at the site) ☐ Construction management plan ☐ As recommended by LHA ☐ Contamination & remediation (further investigations and any remediation necessary) • Means of enclosure ☐ Noise mitigation ☐ Fire Hydrants ☐ Waste minimisation and re-cycling strategy ☐ Implementation of the surface water drainage scheme. ☐ Any additional conditions considered necessary by the Head of Planning and Regulatory Services.

3. In the event of the Head of Planning and Regulatory Planning Services recommending alternative (reduced) Heads of Terms from those set out at Recommendation 1 above, or Natural England the RSPB and/or the Suffolk Wildlife Trust raise objections concerns or substantive issues about the proposals which have not already been considered by the Committee, the planning application be returned to Committee for further consideration.

4. In the event the applicant declines to enter into a planning obligation to secure the Heads of Terms set out at Recommendation 1 above for reasons considered unreasonable by the Head of Planning and Regulatory Services, planning permission be refused for the following reasons: i) Unsustainable form of development not mitigating its impact upon, education provision (primary and pre-school), open space, sport and recreation and libraries (contrary to the Framework and Core Strategy policy CS13 and saved Local Plan policy 10.3).

ii) If appropriate following further investigation; adverse cumulative impacts upon, the highway network and the Special Protection Area (from increased recreational pressure) iii) Non-compliance with affordable housing policy (contrary to Core Strategy policy CS9 and supporting SPD document)

Speakers: Mrs Emma Vincent (Head Teacher of Lakenheath Community Primary School) spoke against the application Mr Michael Robson (Cerda Planning Ltd, acting on behalf of Lakenheath Parish Council) spoke against the application.

Councillor D W Gathercole left the meeting at 8.27pm following the conclusion of the above item.

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**DEV/FH/17/019**

**Forest Heath**  
District Council

# Development Control Committee

## 7 June 2017

### Planning Application DC/16/2832/RM

#### Land East of Kings Warren, Warren Road, Red Lodge

**Date:** 23/12/2016      **Expiry Date:** 29/03/2017  
**Registered:**                      **EOT:** 12/05/2017

**Case Officer:** Charles Judson      **Recommendation:** Approve

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

**Proposal:** Reserved Matters Application - Submission of details under Planning Permission F/2013/0257/HYB - the means of access, appearance, landscaping, layout and scale for Phases B and C

**Site:** Land East Kings Warren, Warren Road, Red Lodge, Suffolk

**Applicant:** Mr Mark Bedding, Crest Nicholson (Eastern) Ltd

**Synopsis:**

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

**Recommendation:**

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

CONTACT CASE OFFICER:

Charles Judson

Email: Charles.judson@westsuffolk.gov.uk

Telephone: 01638 719267

**Background:**

**The application is referred to the Development Control Committee at the request of Councillor Stanbury for the reasons set out in Paragraph 29 of this report.**

**Proposal:**

1. Planning permission is sought for the reserved matters to F/2013/0257/HYB which granted, inter alia, outline permission for the construction of 268 dwellings. Full Planning permission was also granted for 106 dwellings on phase A and these are under construction. The Reserved Matters application therefore relates to phases B and C. The application however should also be read in conjunction with application DC/16/2833/FUL which seeks full permission for an additional 8 dwellings to be located within the boundaries of the reserved matters application. A separate report for this associated application has been prepared but it is considered that they are so inherently related that they require consideration and determination concurrently.
2. Cumulatively the proposed reserved matters and full applications seek permission for 276 dwellings of which 30% would be affordable with the following accommodation mix proposed:

	1 bed	2 bed	3 bed	4 bed	Total
Affordable	18	42	17	5	82
Open market	0	14	134	45	194
Total	18	56	151	54	276

3. Access to the site would be to the south-west via Larch Way using the same point of access for the 106 dwellings approved as part of Phase A with an emergency access provided to the north of the site to connect to Thistle Way.
4. Also proposed is an extension to the existing allotments to the north west of the site, an area of public open space to the north of the site adjacent to the existing playing fields and the continuation of an existing footpath to the east of the site to provide a permissive footpath and associated open space.
5. An associated discharge of conditions application has been submitted under reference DCON(4)/13/0257 and should be read in conjunction with this application.

**Application Supporting Material:**

6. Information submitted with the application as follows:
  - Location Plan



- Masterplan
  - Landscape masterplan and detailed landscaping proposals (amended)
  - Elevations and floorplans
  - Parking plan, refuse plan, materials plan, affordable housing plan (amended)
  - Noise assessment
  - Ecology report
  - Landscape and ecology management plan
  - Design statement
7. Amended plans and documents have been submitted since the application was first submitted to address comments made by the Highway Authority, Landscape and Ecology Officer, Police Architectural Liaison Officer and Anglian Water.

**Site Details:**

8. The site is located to the East of Red Lodge and measures 7.5 hectares. The land was last used for agriculture and contains the farmhouse known as Hundred Acre Farm and its associated buildings.
9. To the south of the application site is Phase A of the development approved under F/2013/0257/HYB where 106 dwellings are currently under construction. To the east of the site is agricultural land. To the west of the site is residential development, allotments and playing fields constructed under previous phases of the Kings Warren development. To the north of the site is an undeveloped field last having been used for agriculture.

**Relevant Planning History:**

- 10.DC/16/2833/FUL - 8no dwellings and associated garaging and parking. Undetermined.
- 11.DCON(4)/13/0257 Application to Discharge Conditions 32 (Contamination), 32 (Bin Storage), 37 (Parking), 41 (Construction Method Statement), 42 (Materials), 43 (Soft Landscaping) for Phase B and C only, excluding separate site area to the North West, 44 (Hard Landscaping), 45 (Public Open Space), 49 (Ecological Protection), 51 (Noise Levels), 53 (Details of Permissive Path) and 54 (Design Statement) of F/2013/0257/HYB. Undetermined.
- 12.DC/16/2851/EIASCRCR – EIA Screening Request for 268 dwellings and 8 additional dwellings on land to East Red Lodge. Determined not EIA
- 13.Planning permission granted under F/2013/0257/HYB for:
- (i) Outline application - demolition of Hundred Acre Farm and the construction of up to 268 dwellings, new public open space, drainage ditches, associated access, landscaping, infrastructure and ancillary works on land East of Red Lodge and the construction of up to 225 sq., metres of Class A1

retail floorspace on land forming part of Phase 4a Kings Warren.

- (ii) Full application - (Phase A): construction of 106 dwellings (including the relocation of 3 committed dwellings from Phase 4a), new public open spaces, associated access, landscaping, infrastructure and ancillary works on land East of Red Lodge. Restoration of open Breck grassland on land South East of Herringswell, as amended.

### **Consultations:**

14. Highway Authority: Amendments are required to cover the following matters: parking for 4 bed dwellings insufficient; under provision of visitor car parking; shared surfaces should be shown as block paving; details required of emergency access road; no trees should be within the highway; amendments required to footway provision and cycle crossing required.

Comments on amended plans: No objection subject to conditions. (Officer note – these conditions are covered by the hybrid permission except the need to provide details of and implement the emergency access prior to the occupation of the 300<sup>th</sup> dwelling. With 106 dwellings granted as Full with the hybrid, the trigger is the 194<sup>th</sup> dwelling with this reserved matters).

15. Environment Agency: Due to the sensitivity of this location it is requested that previously suggested condition for the hybrid application is re-imposed. (Officer note: This condition is already imposed on the outline consent).

16. Strategic Housing Team: Supports the application as it meets policy CS9. The mix is as agreed and the size of the units also meet the minimum space requirements. I am satisfied with the clustering arrangements and they accord with the SPD. It has been agreed that the additional 2 affordable dwellings associated with DC/16/2833/FUL will be secured and delivered on this site. The 0.8 of an affordable dwelling will be secured as a commuted sum.

17. Sport England: The proposed development is not considered to fall either within our statutory remit (Statutory Instrument 2015/595), or non-statutory remit (National Planning Policy Guidance Par. 003 Ref. ID: 37-003-20140306) upon which we would wish to comment, therefore Sport England has not provided a detailed response. General guidance and advice can however be found on our website.

18. Public Health and Housing: No objection subject to the mitigation as set out in Section 6 and Figure 3 of the applicants noise assessment is required to ensure internal and external noise levels will meet the relevant criteria.

19. SCC Archaeology: No objection subject to conditions regarding programme for archaeological works and evaluation. (Officer comment – These conditions are already imposed on outline)
20. Natural England: Natural England has previously commented on this proposal at outline application stage and made comments to the authority in our letter dated 07 February 2014, under planning ref F/2013/0257/HYB. The advice provided in our previous response applies equally to this proposal although we made no objection to the original proposal. The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.
21. SCC Flood and Water Engineer: Holding objection. Currently the provision of SuDS on the masterplan is not clear or referenced appropriately. All SuDS should be shown on the masterplan and subsequent detailed layout drawings to show how they fit into the site layout. Furthermore the SuDS layout for phases B and C should follow the drainage strategy required by condition 40 of planning application F/2013/0257/HYB. SCC understand that ditches, soakaways and infiltration trenches were proposed at the outline stage, the dimensions of these drainage assets is critical to the site layout and landscaping. So far we have no evidence to show if the required SuDS have been allocated the correct space on the site.

Comments on additional information: I have been sent the information I required to highlight where the SuDS provision is within the site layout, thus I can now remove my holding objection for the site layout/appearance reserved matter. I will need to review the drainage in detail though once its submitted in accordance with the condition on the outline permission.

22. Anglian Water: We have reviewed the applicant's submitted foul drainage information and consider that the impacts on the public foul sewerage network have not been adequately addressed at this stage. Whilst the strategy to pump foul flows from the development and the addition of 8 dwellings (DC/16/2833/FUL) is acceptable, we would wish to see a proposed pumped rate in line with the agreed strategy.

Comments on additional plans: We have reviewed the applicant's submitted foul drainage information and consider that the impacts on the public foul sewerage network have been adequately addressed at this stage. We request that we are consulted on any forthcoming application to discharge Conditions 13 and 39 of the outline planning application to which this Reserved Matters application relates, which requires the submission and approval of detailed foul drainage information.

23. Historic England: No comments. On the basis of the information available to date we do not wish to offer any comments. The application site has a good potential for below ground archaeology and we suggest that you seek the views of your archaeological advisors.

24.Highways England: No objection

25.Police Architectural Liaison Officer - Having viewed the plans there are some areas that I have concerns about including the use of car ports, access arrangements to rear gardens of terraced houses, boundary treatment to allotments and access arrangements to flats.

Comments on amended plans – No comments received

26.Ecology and Landscape Officer: No objection in principle but detailed comments on specific details including concern over the phasing of the open space.

Comments on amended plans and following further discussions – Objections have been overcome with the exception of some very minor issues. (Officer note – an email has been provided to address these minor issues and is appended as an approved document to the associated DCON application).

### **Representations:**

27.Parish Council: No comments received

28.Ward Member - Councillor Lynch: Please bring to committee as there has been a lot of interest in these applications. This call in was subsequently withdrawn.

29.Ward Member – Councillor Stanbury – I support Cllr Millars request for applications DC/16/2832/RM and DC/16/2833/FUL to be determined by Committee for the following reasons:

- The inclusion of eight additional properties. This implies space savings will be made on the site, to the sizes of properties, or amendments to traffic flows etc. They certainly will impact on day to day concerns of future residents such as parking provision, access etc. I think these should be seen by Members.
- I have had representations from visitors to the Show Homes on the site commenting on the small scale of the properties. National Standards for dwelling sizes are now available. I think Members should be informed on whether or not properties conform with these standards and what this means for determining the application.

30.Neighbours:

- 14 Aspen Way: Object due to proximity of the affordable housing to their property.
- 19 Aspen Way: Object. Mix of affordable housing does not encourage ownership. Affordable houses are located to the western edge of the

site near existing market dwellings. The affordable homes should be spread through the site to ensure social integration. Plans do not identify how hedge on Aspen Way will be maintained. Proposal will lead to congestion on roads and impact on infrastructure and services.

- 3 Sage Court: Comment on the proposed access to Thistle Way and the level of congestion which currently exists and a likely increase in the chance of accidents due to poor visibility. Requests parking restrictions are imposed on Thistle Way.
- 31 Larch Way: Request that access arrangements be reconsidered to provide at least one or two new options for access to reduce the number of vehicular movements on Larch Way. Concerned about highway safety due to increased traffic movements. Request that road narrowing rather than speed humps are provided to reduce traffic speeds. Emergency vehicles will struggle to access the site due to parking problems.
- 21 Aspen Way: We agree with 19 Aspen Way and would also like to mention that 75% of the properties on this road are let mainly to the American base so it would be nice if the plans would take this into consideration as the houses opposite us on the plans are also rentals which makes it harder to build a community neighbourhood as we have such a high turnaround of people coming and going.
- 19 Fennel Drive: I am chair of the Red Lodge Allotment Association. Our fence to the boundary with the playing field has been irreparably damaged by persons climbing over to retrieve balls,(also causing a nuisance and damage to allotments) which have been kicked over the fence from the adjacent pitches, due to the close proximity of the goal line to our boundary. We ask that the new fence to this edge of the new area of allotments shown on the plans be 3 metres high, as already erected to other amenity areas such as the tennis courts, to eliminate this on-going problem. It would be ideal if Crest Nicholson would replace the existing damaged fence to this boundary at the same time as a pro bono act for the allotment association to save the extensive costs we face. Concerned also at a platform which is being constructed adjacent to the existing allotments and that the proposed allotments would be provided at a different level.

**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:

31. Joint Development Management Policies Document 2015:
- Policy DM1 – Presumption in favour of sustainable development
  - Policy DM2 – Creating places
  - Policy DM11 – Impact of Development on Sites of Biodiversity and Geodiversity Interest
  - Policy DM12 – Protected Species
  - Policy DM13 – Mitigation, Enhancement, Management and Monitoring of Biodiversity

- Policy DM14 – Landscape Features
- Policy DM22 – Residential Design
- Policy DM42 – Open Space, Sport and Recreation Facilities
- Policy DM46 – Parking Standards

32. Forest Heath Core Strategy 2010

- Policy CS1 – Spatial Strategy
- Policy CS2 – Natural Environment.
- Policy CS3 – Landscape Character and the Historic Environment.
- Policy CS5 – Design Quality and Local Distinctiveness.
- Policy CS9 – Affordable Housing Provision.

**Emerging Local Plan:**

33. Forest Heath Proposed Submission Site Allocations Local Plan (2017):

- Site SA9(c) – Land East of Red Lodge: South.

**Other Planning Policy:**

34. National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG)

**Officer Comment:**

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

- Means of access; layout; scale; appearance and landscaping of the development.

36. The application seeks approval of reserved matters following the granting of F/2013/0257/HYB which granted, inter alia, outline permission for the erection of 268 dwellings. The reserved matters being applied for are the means of access, appearance, landscaping, layout and scale.

Means of Access

37. It is proposed that the development would be served by a vehicular access to the south west of the site via Larch Way using the access approved to serve Phase A of F/2013/0257/HYB where 106 dwellings are currently under construction. It is also proposed that this access would serve the 8 dwellings being considered under application DC/16/2833/FUL. In total therefore this access would serve a total of 382 dwellings.

38. Larch Way is a residential estate road which provides onward connection to Hundred Acre Way to the west which in turn provides access to Warren Road. From the point of access the estate road would head northwards through the middle of the site and would branch to the east and west with cul de sacs, mews' and private drives to serve the residential development. The road would extend to the north of the site to the southern end of the public open space where it would terminate. However, an emergency access road would be

provided to cross the public open space and field to the north and connect to the adopted highway at Thistle Way. A shared cycleway/footway would be provided adjacent to the main spine road providing access from Larch Way, providing a safe access route through the site and to the public open space. The Highway Authority has raised no objection to this strategy in principle and following the submission of amended plans they raise no objection subject to conditions. These conditions are largely covered by the hybrid permission and therefore do not need to be duplicated except the requirement to provide further details and then implement the emergency access prior to the occupation of the 300<sup>th</sup> dwelling. With 106 dwellings approved as a full permission with the Hybrid the trigger is therefore the 194<sup>th</sup> dwelling on phases B and C.

39. A representation has been received from a neighbouring resident concerned at the use of Larch Way as the sole point of vehicular access to the site commenting that the provision of one or two additional points of access would be preferable to reduce the number of additional vehicles which will be using Larch Way. However, Larch Way is an estate road constructed to a standard capable of accommodating the additional traffic flows without resulting in conditions detrimental to highway safety. Whilst the issue of roadside parking in the area is noted, the provision of an emergency access to the north of the site ensures that emergency vehicles would have two points of access to the site ensuring adequate access can be maintained in the event of an emergency. The Highway Authority does not object to the application following the submission of amended plans and it is considered that the proposal would not be detrimental to highway safety. The route of construction traffic has been secured in the s106 agreement for the hybrid application and requires the use of a haul road to the east of the site rather than through estate roads. To ensure the appropriate and timely delivery of the emergency access a condition needs to be imposed to require further details of this to be provided as discussed above.

40. In addition to the vehicular access strategy outlined above, the proposal would provide adequate pedestrian and cycle access through the residential development with adequate connections to ensure high levels of permeability to encourage walking or cycling and reduce dependence on the car. Furthermore, a new footpath would be provided to the eastern boundary of the site to continue the existing recreational footpath to the south of the village with connections provided from the proposed development.

#### Layout

41. The layout is partially dictated by the proposed access arrangements and highway network described in the preceding paragraphs where the site would be served by a central spine road which would branch to the east and west to provide smaller mews', cul de sacs and private driveways to provide access to the residential dwellings.

42. The greatest proportion of the site consists of residential development comprising of a mix of one, two, three and four bedroom detached, semi-detached and terraced houses and maisonettes and apartments supported by a network of roads, cycleways and footways. Inclusive of the 8 dwellings proposed under application DC/16/2833/FUL the development would have an overall density of 36.8 dwellings per hectare.
43. The site is divided into two phases – B and C – the former proposed to the west of the spine road and the latter to the east of the spine road. Phase B has a higher density of dwellings being adjacent to the existing Kings Warren development whilst phase C would have a lower density to reflect its location adjacent to the agricultural land to the east and its location at the edge of the settlement. The dwellings would be laid out with active frontages to the access roads and open space and characterised by off road parking, modest front gardens, a range of rear garden sizes and an assortment of garaging. It is considered that the arrangement of dwellings, including the treatment of spaces around the dwellings would result in a high quality environment compatible with the existing character of Red Lodge whilst also respecting the countryside to the east of the site.
44. In accordance with the requirements of the section 106 agreement, 30% of the dwellings would be for affordable housing which, inclusive of the 8 additional dwellings proposed under application DC/16/2833/FUL, would amount to 82 dwellings. The affordable dwellings would be located within a number of clusters throughout the development but phase B would have a slightly higher proportion (35%) compared to phase C (23%). Representations received have raised concern at the distribution of affordable houses in terms of the greater percentage being adjacent to Aspen Way and mix of affordable houses, however the Strategy and Enabling Officer has confirmed that they are satisfied with the clustering and consider the mix to be good. Given the support of the Strategy and Enabling Officer it is considered that the affordable housing mix and the clustering of dwellings are acceptable. Neighbour comments have been received regarding the provision of affordable housing located adjacent to existing market housing and the impact this could have on property value however this is not a material planning consideration and it is considered that the location of the affordable dwellings is acceptable.
45. An area of public open space is proposed to the north of the site, with further open spaces provided to the eastern boundary of the site along the route of a footpath, to the west of the spine road and cycle path and allotments to the northwest. The open spaces would have good levels of accessibility, providing high quality useable space whilst also contributing to providing a quality built environment with a sense of place. The layout of the open space is therefore considered acceptable. Also proposed is an extension to the existing allotments to the west of the site. Amended plans have been submitted to provide a 3m high weld mesh fence on the boundary with the existing playing fields and vehicle and pedestrian access provided at two points from



the existing allotments. No details have been provided regarding the division of pitches as it is considered that this would be appropriate for the uses of the allotments to dictate based on their requirements. A resident has raised concern at a soil platform which has been formed adjacent to the existing allotments but the applicants have confirmed that this is temporary and associated with the ongoing construction on the wider site and that the proposed allotments would be provided at the same level as the existing allotments.

46. Amended plans have been submitted to address comments made by the Police Architectural Liaison Officer. These changes include changes to the layout to split a terrace into two pairs of semi detached dwellings to avoid long, secluded rear garden access paths with limited natural surveillance, the inclusion of a weld mesh fence to the allotments and confirmation that lighting will be provided to car ports. It is considered that the changes made and confirmation provided ensure that the scheme proposed a layout which would minimise the opportunity for crime and anti-social behaviour. No comments have been received from the architectural liaison officer based on the amended plans.

#### Scale

47. The application proposes 268 dwellings comprised of one single storey dwelling, a 3 storey apartment block containing 5 dwellings and the remainder being 2 storey. Where garages are provided they would be single storey. The dwellings would have a range of widths, heights and depths but would be of a scale compatible to the scale of development within the Kings Warren development which contains a range of dwelling types, mostly being 2 and 2.5 storey but also including apartments up to 4 storey. Furthermore, the variety in scale proposed would contribute to creating an interesting street scene given the variety in house types. The scale of buildings would not result in an incongruous development and would not result in significant overshadowing or overlooking of existing properties. The dwellings most affected by the scale of development would be the dwellings on Aspen Way who face towards and are sited adjacent to the application site, as their outlook would be affected by the new dwellings, but it is not considered that the impact would be significant and the proposed development would not significantly impact upon their living conditions. Comments have been received from occupants of Aspen Way that the provision of affordable housing in close proximity to their dwellings would impact on the value of their property, but this is not a material planning consideration.
48. Concern has been expressed by the Local Member over the size of dwellings proposed in terms of the floorspace and whether they meet the Nationally Described Space Standards. The Planning Practice Guidance directs that where a Local Planning Authority wishes to require an internal space standard they should do so by reference in their Local Plan to the nationally described space standard. Members are advised that these standards have not been adopted into the

Forest Heath Local Plan and are therefore not applicable. However, Policy DM22 does require dwellings to be fit for purpose and provide adequate space. The submitted plans show how rooms can be laid out with furniture and that rooms would be well served by light and ventilation with gardens and suitable access to green infrastructure providing sufficient levels of amenity for occupants. Of the 186 market dwellings, 162 (87%) would meet the Nationally Described Space Standards and all but three house types (Leigh, Elmswell and Sussex) comply with these standards. Of the three that don't, two house types are marginally below the National Standard with the Sussex at 2sqm below and the Elmswell at 8sqm below. Furthermore, all but one house type (the Chelstead) has increased in size since the Phase A house types were approved. With regard to the affordable houses, of the eight house types proposed, four exceed the Nationally Described Space Standards whilst four are below. The affordable dwellings have been subject to consultation with the Strategy and Enabling Officer who has raised no objections to the size of the affordable dwellings and has not raised any concern that they would not be attractive to a registered provider. The plans submitted for the affordable dwellings identify how rooms could be laid out with furniture and demonstrate that they would be well served by light and ventilation. It is therefore considered that the proposed size of dwellings comply with the requirements of policy DM22 and in the absence of a planning policy which requires the dwellings to be designed to the Nationally Described Space Standards it would not be appropriate to apply these standards to the development.

#### Appearance

49. The proposed dwellings have been designed to use a variety of architectural forms and palette of materials including a range of suitable bricks, tiles, render, flint and weatherboarding. This approach would create visual interest whilst also reflecting local characteristics. Furthermore, the main spine road and traditional roads would be constructed of bitumen macadam whilst the shared surface roads and private drives would be constructed from block paving further enhancing the appearance of the development and defining a sense of place. The appearance of the development would further be enhanced by the hard and soft landscaping.

#### Landscaping

50. The landscaping strategy for the site seeks to retain and incorporate into the layout the existing hedgerow along the western boundary with Aspen Way and existing trees to the eastern boundary and Pine lines within the site. A green link is provided through the south running adjacent to the spine road with further open spaces and landscaping to the east of the site, including space for sustainable urban drainage. It is considered that this landscape strategy is acceptable. The Councils Landscape and Ecology Officer has made detailed comments on the detailed landscaping proposals and significant discussions have been undertaken in respect of the landscape proposal and delivery of the

open space and permissive path to ensure that they are acceptable and come forward in a timely manner. It is considered that the details as amended are now acceptable.

51. The impact of the proposals on statutory and non-statutory sites was assessed as part of the outline planning application F/2013/0257/HYB. Natural England has been consulted on the current applications and has confirmed that they do not consider that the reserved matters application differs significantly from the outline application and the advice that they have previously given still applies. 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) and the application has been screened accordingly with no adverse impacts identified bearing in mind the mitigation secured at outline.

**Conclusion:**

52. 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:**

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

1. Development to be carried out in accordance with the approved plans and documents
2. Details of emergency access to be provided and implemented in advance of 194<sup>th</sup> dwelling.

**Documents:**

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

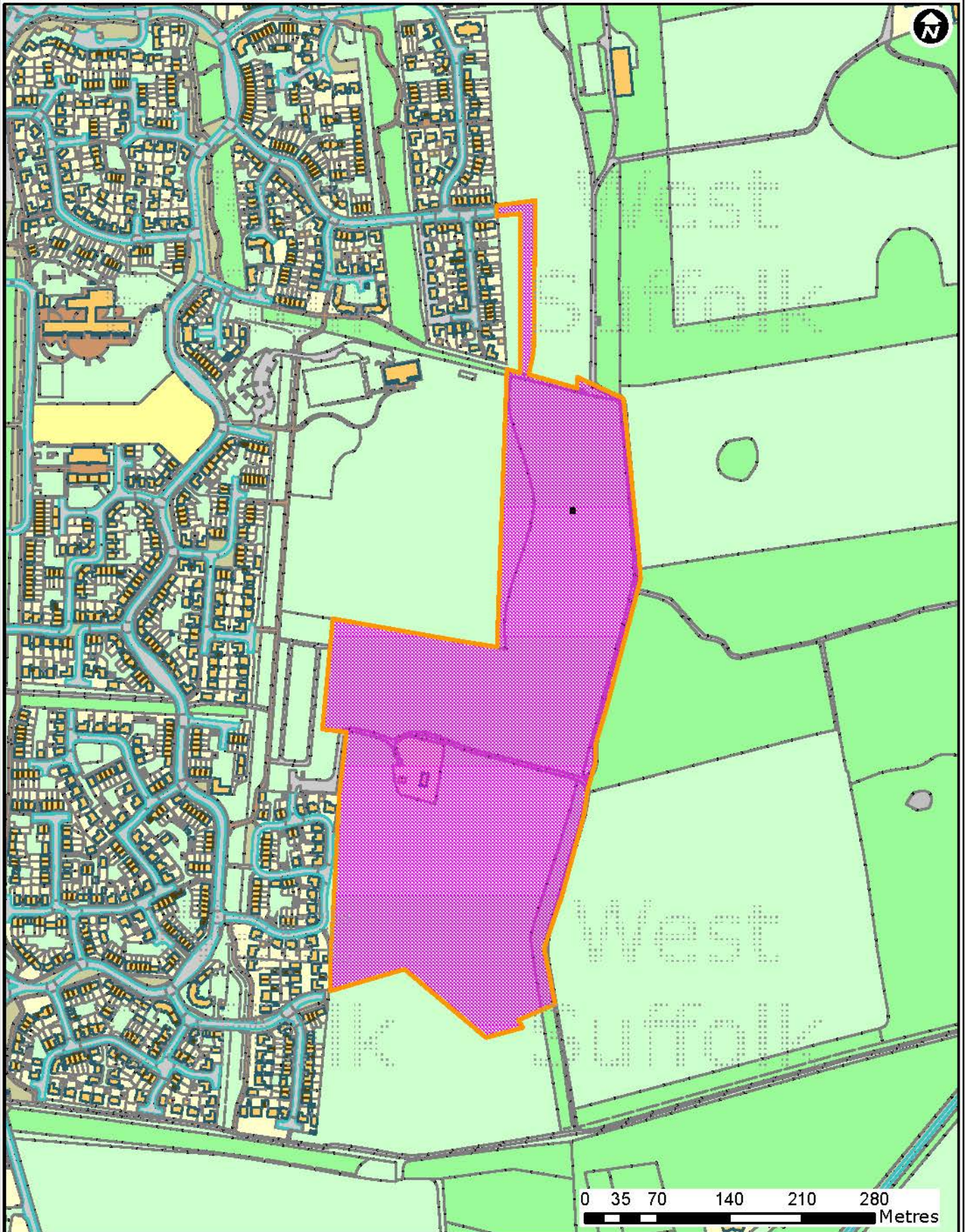
<https://planning.westsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=OIMSO4PDLNK00>

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**DC/16/2832/RM**

Land East Of Kings Warren, Warren Road, Red Lodge



Forest Heath • St Edmundsbury

**West Suffolk**  
working together

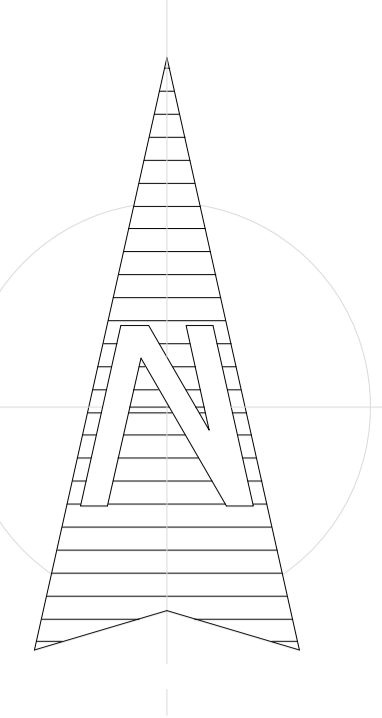
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**Date: 25/05/2017**

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# Playing Fields



## Legend

- Boundary Treatments**
- 1.8m high brick wall & piers
  - 1.8m high Close board timber fence
  - 1.8m high x 2m length privacy timber fence panel
  - 600mm High Timber Knee Railing
  - 0.9m high post and wire
  - 2.0m Welded mesh fence
  - 3.0m Welded mesh fence
  - 50mm concrete edging sunken into ground to define boundary
  - 1.1m Bullard
  - 1.8m high closed board gate
- Access**
- Front door
  - Garage personnel door
  - Garage door
- Surfaces**
- Adaptable road (Broom Barns, Ardena, Green, Burn Ovens)
  - Private Drive (Broom Barns, Ardena)
  - Adaptable Road & Private drives - Asphalt
  - Footpaths - Asphalt
  - Access path (level access)
  - Areas of soft landscaping
  - Mown Path
  - Permeable path
- References**
- Lav House type reference
  - Sg Single Garage
  - Dg Double Garage
  - Cp Carport
  - 60 Plot number
  - Affordable Housing
  - Parking
  - Formal Visitor Parking (48 spaces)
  - Informal Visitor Parking (27 spaces)
  - Garden Shed (2 Cycle spaces)
  - No build Easement
  - Front gardens
  - Rear Gardens
  - Open Space / Countryside / Allotments
  - Illustrative Tree Planting
  - Existing Tree Planting with root protection area

## Accommodation Schedule

No	Ref	Beds	Ht
14	San - Sandown	2	2
24	Lei - Leigh	3	2
28	Elm - Elmswell	3	2
28	Sus - Susses	3	2
20	Chw - Chesworth	3	2
18	Ken - Kennet	3	2
4	Kens - Kensington	3	2
6	Chl - Chelstead	3	2
6	El - Elsenham	4	2
3	Wal - Walberwick	4	2
4	Ick - Ickworth	4	2
5	Dan - Danbury	4	2
7	Lav - Lavenham	4	2
4	Wood - Woodbridge	4	2
15	Cop - Copthorne	4	2
186			
9	Ha51 1b2p Flat	1	2
4	Ha52 1b2p Mals	1	2
5	Ha56 1b2p House	1	2
42	Ha76 2b4p House	2	2
15	Ha87 3b5p House	3	2
1	Ha98 3b6p House	3	2
5	Ha102 4b6p House	4	2
1	Ha118 3b3c Bungalow	3	1
82			
<b>268</b>	<b>Grand Total</b>		

Note:- SUDs drainage shown for information ONLY.  
 Project:  
**Phases B & C**  
 Land to the East of Warren Road, Red Lodge.  
 Description:  
**Phase B & C**  
**Development Layout**

Crest Nicholson (Eastern) Ltd.  
 One Myrtle Road  
 Brentwood  
 Essex  
 CM14 5EG

T: 01277 693230  
 F: 01277 693277



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**DEV/FH/17/020**

**Forest Heath**  
District Council

# Development Control Committee

## 7 June 2017

### Planning Application DC/16/2833/FUL Land East of Kings Warren, Warren Road, Red Lodge

<b>Date</b>	28.12.2016	<b>Expiry Date:</b>	22.02.2017
<b>Registered:</b>		<b>EOT:</b>	12.05.2017
<b>Case Officer:</b>	Charles Judson	<b>Recommendation:</b>	Approve
<b>Parish:</b>	Red Lodge	<b>Ward:</b>	Red Lodge
<b>Proposal:</b>	Planning Application - 8no dwellings and associated garaging and parking		
<b>Site:</b>	Land East of Kings Warren, Warren Road, Red Lodge, Suffolk		
<b>Applicant:</b>	Crest Nicholson (Eastern) Ltd		

**Synopsis:**

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

**Recommendation:**

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

CONTACT CASE OFFICER:

Charles Judson

Email: Charles.judson@westsuffolk.gov.uk

Telephone: 01638 719267

## **Background:**

**The application is referred to the Development Control Committee at the request of Councillor Stanbury for the reasons set out in Paragraph 26 of this report.**

## **Proposal:**

1. Full planning permission is sought for the erection of 8 dwellings. The application site is located within the boundaries of application F/2013/0257/HYB (the 'Hybrid Application') which granted, inter alia, full planning permission for 106 dwellings (Phase A) and outline permission for 268 dwellings (Phases B and C). A reserved matters application for 268 dwellings is currently being considered under reference DC/16/2832/RM for phases B and C but in undertaking detailed design work the applicants have identified that the site is capable of accommodating a further 8 dwellings.
2. As the additional 8 dwellings would exceed the number of dwellings permitted under the Hybrid Application a separate full application has been submitted. A separate report for the associated reserved matters application has been prepared but it is considered that the applications are inherently related and that they require consideration and determination concurrently.
3. The proposal will comprise two 2 bedroom dwellings, four 3 bedroom dwellings and two 4 bedroom dwellings. Two affordable dwellings are proposed, but these are to be provided within phases B and C concurrently with the affordable dwellings required as part of the Hybrid Application.

## **Application Supporting Material:**

4. Information submitted with the application as follows:
  - Location plan
  - Floor plans and elevations
  - Planning Statement
  - Materials schedule
  - Drainage report
  - Master Plan (8 units)
  - Layout Plan
  - Landscape Plan
5. The application has been amended since submission to provide additional vehicular parking at the request of the Highway Authority.

## **Site Details:**

6. The application site is located to the east of Red Lodge and within the land covered by application F/2013/0257/HYB where, inter alia, outline

planning permission was granted for 268 dwellings and full planning permission for 106 dwellings. The land was last used for agriculture.

7. The site is surrounded by the application site for DC/16/2832/RM seeking reserved matters approval for 268 dwellings which contains the farmhouse known as Hundred Acre Farm and its associated buildings. To the south of this site is Phase A of the development approved under F/2013/0257/HYB currently under construction. To the east of the site is agricultural land. To the west of the site is residential development, allotments and playing fields constructed under previous phases of the Kings Warren development. To the north of the site is an undeveloped field last having been used for agriculture.

### **Relevant Planning History:**

8. DC/16/2832/RM - Reserved Matters Application - Submission of details under Planning Permission F/2013/0257/HYB - the means of access, appearance, landscaping, layout and scale for Phases B and C. Undetermined.
9. DCON(4)/13/0257 Application to Discharge Conditions 32 (Contamination), 32 (Bin Storage), 37 (Parking), 41 (Construction Method Statement), 42 (Materials), 43 (Soft Landscaping) for Phase B and C only, excluding separate site area to the North West, 44 (Hard Landscaping), 45 (Public Open Space), 49 (Ecological Protection), 51 (Noise Levels), 53 (Details of Permissive Path) and 54 (Design Statement) of F/2013/0257/HYB. Undetermined.
10. DC/16/2851/EIASCR – EIA Screening Request for 268 dwellings and 8 additional dwellings on land to East Red Lodge. Determined not EIA.
11. Planning permission granted under F/2013/0257/HYB for:

Outline application - demolition of Hundred Acre Farm and the construction of up to 268 dwellings, new public open space, drainage ditches, associated access, landscaping, infrastructure and ancillary works on land East of Red Lodge and the construction of up to 225 sq., metres of Class A1 retail floorspace on land forming part of Phase 4a Kings Warren.

Full application - (Phase A): construction of 106 dwellings (including the relocation of 3 committed dwellings from Phase 4a), new public open spaces, associated access, landscaping, infrastructure and ancillary works on land East of Red Lodge. Restoration of open Breck grassland on land South East of Herringswell, as amended.

### **Consultations:**

12. Highway Authority: Plot 274 is shown as a 4 bed dwelling and as such requires 3 off road allocated spaces and only two are shown. No visitor parking provision if shown within this area and 0.25 spaces per dwelling

should be provided.

Comments on amended plans – No objections subject to conditions

13. Development Implementation and Monitoring Officer: Understanding that this is a stand-alone application, it does rely upon the principle of development approved under the F/2013/0257/HYB permission and therefore 2 affordable dwellings are offered. The planning statement states these 2 units will be delivered with other AH units, within the site of the existing permission and so these proposed 8 dwellings will be open market.

To secure this arrangement we need to capture these 2 units within a variation of the extant s106, which would in effect increase the existing obligation of 30% (rounded up or down) to say that over and above the 30% on Phase B and C 2 further AH units will be delivered

14. Environmental Health: The application is supported by a Phase 1 Contaminative Uses Desk Study, reference JN0504/DS, dated 14th June 2013, undertaken by ST Consult. The study covers a larger area than the red line boundary of the application.

The study concludes that the risk of soil contamination is very low. Given the very low risk identified, we do not require a full any specific site investigation, but would request a condition is attached to ensure that adequate investigations are undertaken should unexpected contamination be encountered.

15. Natural England: Statutory nature conservation sites: No objection. Natural England advises your authority that the proposal, if undertaken in strict accordance with the details submitted, is not likely to have a significant effect on the interest features for which Breckland SPA has been classified. Natural England therefore advises that your Authority is not required to undertake an Appropriate Assessment to assess the implications of this proposal on the site's conservation objectives.

In addition, Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the Breckland Farmland SSSI has been notified. We therefore advise your authority that this SSSI does not represent a constraint in determining this application.

Protected species: Please refer to standing advice.

Local sites: If the proposal site is on or adjacent to a local site, e.g. Local Wildlife Site, Regionally Important Geological/Geomorphological Site (RIGS) or Local Nature Reserve (LNR) the authority should ensure it has sufficient information to fully understand the impact of the proposal on the local site before it determines the application.

Biodiversity and landscape enhancements: The authority should consider

securing measures to enhance the biodiversity and character and distinctiveness of the surrounding environment from the applicant, if it is minded to grant permission for this application.

16. Sport England: The proposed development is not considered to fall either within our statutory remit (Statutory Instrument 2015/595), or non-statutory remit (National Planning Policy Guidance Par. 003 Ref. ID: 37-003-20140306) upon which we would wish to comment, therefore Sport England has not provided a detailed response. General guidance and advice can however be found on our website.
17. Strategic Housing Team: Supports this application as it meets CS9. 2 affordable dwellings will be secured within the associated reserved matters application DC/16/2832/RM and the 0.8 of an affordable dwelling will be secured as a commuted sum.
18. Environment Agency: No objection subject to conditions regarding surface water disposal and contamination.
19. Historic England: No comment
20. Highways England: No objection
21. Suffolk County Council Flood and Water Engineer: No objections however the proposed surface water drainage is to discharge roof water to soakaways and the roads to a system within the wider site – in principle this is acceptable however due to the overlap SCC would require a condition that this site cannot be built until the wider drainage is approved and in place.
22. Anglian Water: The impacts on the public foul sewerage network have been adequately addressed.
23. Landscape and Ecology Officer: (Comments to be read in conjunction with comments for DC/16/2832/RM and DCON(4)/13/0257). Raised objection to these proposals initially and following extensive discussions and the submission of amended plans there is no objection to the proposals as a whole.

### **Representations:**

24. Parish Council: No comments received
25. Ward Member Councillor Lynch: Please bring to committee as there has been a lot of interest in these applications. This call in was subsequently withdrawn.
26. Ward Member – Councillor Stanbury – I support Cllr Millars request for applications DC/16/2832/RM and DC/16/2833/FUL to be determined by Committee for the following reasons:

- The inclusion of eight additional properties. This implies space savings will be made on the site, to the sizes of properties, or amendments to traffic flows etc. They certainly will impact on day to day concerns of future residents such as parking provision, access etc. I think these should be seen by Members.
- I have had representations from visitors to the Show Homes on the site commenting on the small scale of the properties. National Standards for dwelling sizes are now available. I think Members should be informed on whether or not properties conform with these standards and what this means for determining the application.

27. Neighbours: No comments received. Please refer to DC/16/2832/RM for comments in respect of the associated reserved matters application.

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

28. Forest Heath Local Plan (1995) (saved policies)

- Chapter 13 – Red Lodge. The policies 13.1 Expansion of Red Lodge, 13.2 Master Plan, 13.3 Master Plan Details, 13.4 Infrastructure and Community facilities, 13.5 Commencements and Legal Agreements, and 13.6 Development Diagram and Principles are all saved.

29. Joint Development Management Policies Document:

- Policy DM1 – Presumption in favour of sustainable development
- Policy DM2 – Creating places
- Policy DM6 – Flooding and sustainable drainage
- Policy DM7 – Sustainable design and construction
- Policy DM10 – Impact of development on sites of biodiversity and geodiversity importance
- Policy DM11 – Protected species
- Policy DM12 – Mitigation, enhancement, management and monitoring of biodiversity
- Policy DM13 – Landscape features
- Policy DM14 – Protecting and enhancing natural resources, minimising pollution and safeguarding from hazards
- Policy DM20 – Archaeology
- Policy DM22 – Residential design
- Policy DM46 – Parking standards

30. Forest Heath Core Strategy 2010

- Policy CS1 – Spatial strategy
- Policy CS2 – Natural environment
- Policy CS3 – Landscape character and the historic environment
- Policy CS4 – Reduce emissions, mitigate and adapt to future climate change
- Policy CS5 – Design quality and local distinctiveness
- Policy CS7 – Overall housing provision
- Policy CS9 – Affordable housing provision

- Policy CS10 – Sustainable rural communities
- Policy CS13 – Infrastructure and developer contributions

**Emerging Local Plan:**

31. Forest Heath Proposed Submission Site Allocations Local Plan (2017):
- Site SA9(c) – Land East of Red Lodge: South
32. Forest Heath Proposed Submission Single Issue Review of Core Strategy Policy CS7.

**Other Planning Policy:**

33. National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG)

**Officer Comment:**

34. The issues to be considered in the determination of the application are:
- The principle of residential development
  - The provision of affordable housing
  - Whether the proposal is acceptable in landscape, highways, ecological, amenity and infrastructure terms.
35. The application site is located within the settlement boundary as defined on the Red Lodge Development Boundary Inset Map (4) in the 1995 Local Plan and the Policies Map in the Joint Development Management Policies Document (2015) and is within the boundary of application DC/13/0257/HYB where the principle of residential development has been established with full permission given for 106 dwellings and outline permission given for up to 268 dwellings. This permission is extant and has been implemented with the 106 dwellings approved under Phase A already under construction. Given therefore that the site has permission for significant residential development and is within the settlement boundaries it is considered that the principle of development is acceptable subject to no significant harm being identified.
36. Furthermore, the site is proposed to form part of a wider allocation in the emerging Proposed Submission Site Allocations Local Plan which has been submitted for examination in public. This emerging allocation identifies an indicative capacity of 382 dwellings and the cumulative total of the proposed development (8 dwellings), in addition to the 2013 Hybrid Application (106 granted full permission and 268 granted outline consent) amounts to 382 dwellings in accordance with the emerging policy. The submission Site Allocations Local Plan carries increasing weight as it progresses towards adoption. Given that the application seeks permission for only 8 dwellings it is not considered that it would undermine the plan making process by predetermining decisions about the scale, location and phasing of new development that is a key growth area in the emerging plan.

37. To ensure a coordinated approach to the delivery of the 268 dwellings being considered under DC/16/2832/RM and the additional 8 dwellings, the respective applications have been submitted concurrently. The proposed 8 dwellings would be sited as a cluster within Phase C with a housing mix consisting of two 2 bedroom dwellings, four 3 bedroom dwellings and two 4 bedroom dwellings. The dwellings would be 2 storey in height and reflect the form, character, scale and layout of the proposed dwellings being considered under the reserved matters application.
38. An application for 8 dwellings would not typically require provision for affordable housing being below the threshold of 10 dwellings as identified in policy CS9 of the Forest Heath Core Strategy. However, given that the acceptability of this application is inextricably linked with the Hybrid Application it is considered that the provision of affordable housing should also be linked to this application and accordingly, in accordance with policy CS9, 30% affordable housing is proposed as part of this application. This would amount to 2.4 dwellings but in accordance with the Hybrid Application this has been rounded down to 2 dwellings. These affordable units however are not proposed to be within the application site for the 8 dwellings and are instead proposed to be located amongst the 80 affordable dwellings being considered on phases B and C. The Council's Strategy and Enabling Officer has no objections to this approach and is supportive of the application given that it will deliver an additional 2 affordable dwellings. To secure these it will be necessary for a deed of variation to the section 106 agreement signed for the Hybrid Application. This deed of variation has already been secured.
39. The nearest statutorily designated site is Red Lodge Heath SSSI, located approximately 0.58km to the west and the non-statutory Worlington Chalk Pit County Wildlife Site is located approximately 0.55km to the northwest. Breckland Special Protection Area (SPA) is located within 1.2km to the north east (at its closest point) and the site is within a 1,500m constraint zone around the SPA in respect of Stone Curlews and the 1,500m Nesting Attempts Constraint Zone. 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). Furthermore, policy SA9( c) of the emerging Site Allocations Local Plan states that any future amendments to the proposals or any new planning application (if the current planning permission is not implemented) would need a project level Habitats Regulations Assessment. The application site is located within the developable area considered by the Hybrid Application and as part of this application extensive mitigation was secured. A Habitats Regulations Assessment was previously undertaken for the Hybrid Application and this concluded that the creation of c. 4ha of short sward Breck grassland at a location immediately adjacent to the SPA was considered sufficient to avoid any adverse effect on the Stone Curlew population associated with the SPA. Accordingly, proposals to bring forward this habitat creation were submitted as part of the planning application. The requirements for delivery of the proposed mitigation are set out within the S106 Agreement that forms part of the outline permission. The applicant has confirmed that habitat creation works are currently underway. Given the scale of



development it is not considered that the additional 8 dwellings would have an adverse impact on the SPA or other ecological designations however to ensure an acceptable development the mitigation secured as part of the Hybrid Application must be provided in a timely manner. This however is a matter being considered under the associated reserved matters application. Natural England raises no objection to the application provided that the development is carried out in accordance with the details submitted. Therefore, in relation to the 8 dwellings, it is not considered that the proposal would have an adverse impact in ecology terms.

40. The proposed 8 dwellings would be accessed via the spine road serving the reserved matters application for 268 dwellings with access on to Larch Way to the south west. The Hybrid Application was supported by a Transport Assessment and the proposed additional 8 dwellings would not exceed the scope of this assessment. The application has been amended to ensure an appropriate level of vehicular parking following concerns raised by the Highway Authority and following reconsultation they now no longer object to the application subject to conditions. A number of these conditions are not necessary as the detail has already been provided or secured as part of the associated hybrid application and to avoid duplication they do not need to be reimposed. Highways England also raise no objection to the application.
41. Given the location of the development relative to existing properties it is not considered that the development would have an adverse impact on residential amenity of nearby residents. Furthermore the layout would afford an acceptable level of amenity for future occupants of the application site and future occupants of the reserved matters site. Dwelling sizes are considered to be acceptable with the submitted plans showing how rooms can be laid out to accommodate necessary furniture and provide a reasonable amount of light, circulation, ventilation and access to open space and private gardens.
42. Whilst the proposal would result in an urbanising impact on this parcel of agricultural land, given that the application site is within the boundaries of the Hybrid Application where residential development has been established in principle, it is not considered that the loss of the countryside in landscape terms is unacceptable. Furthermore, the proposal is suitably sited within the reserved matters application site and of an appropriate form and scale to ensure there would be an acceptable visual impact. There are no existing trees or other notable landscape features which would be affected by these proposed 8 dwellings.
43. Anglian Water has made no comment on the application and it is considered that there is sufficient capacity in the foul drainage network to accommodate additional foul water from these 8 dwellings. The Environment Agency raise no objection to the application but request that conditions are imposed regarding the need for a scheme for the drainage of surface water and a condition regarding unexpected contamination. Officers consider that these are appropriate conditions. Suffolk County Council as Lead Local Flood Authority have no objections however they

comment that the proposed surface water drainage is to discharge roof water to soakaways and the roads to a system within the wider site – in principle this is acceptable however due to the overlap they would require a condition that this site cannot be built until the wider drainage is approved and in place. This is also considered reasonable and appropriate conditions will be imposed to reflect this requirement.

44. Historic England have confirmed that they have no comment to make but noted that the application site has a good potential for below ground archaeology and they suggest that the views of your specialist archaeological advisers are sought. The Hybrid Application which includes this application has appropriate conditions regarding archaeology and it is not considered necessary for these to be repeated.

45. It has therefore been demonstrated that this application for 8 additional dwellings can be adequately accommodated within the application site for the associated 268 dwellings being considered as a reserved matters application. The proposal would make more efficient use of the land without causing any significant adverse impact and would also secure the delivery of an additional 2 affordable dwellings as part of the wider development.

#### **Conclusion:**

46. 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:**

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

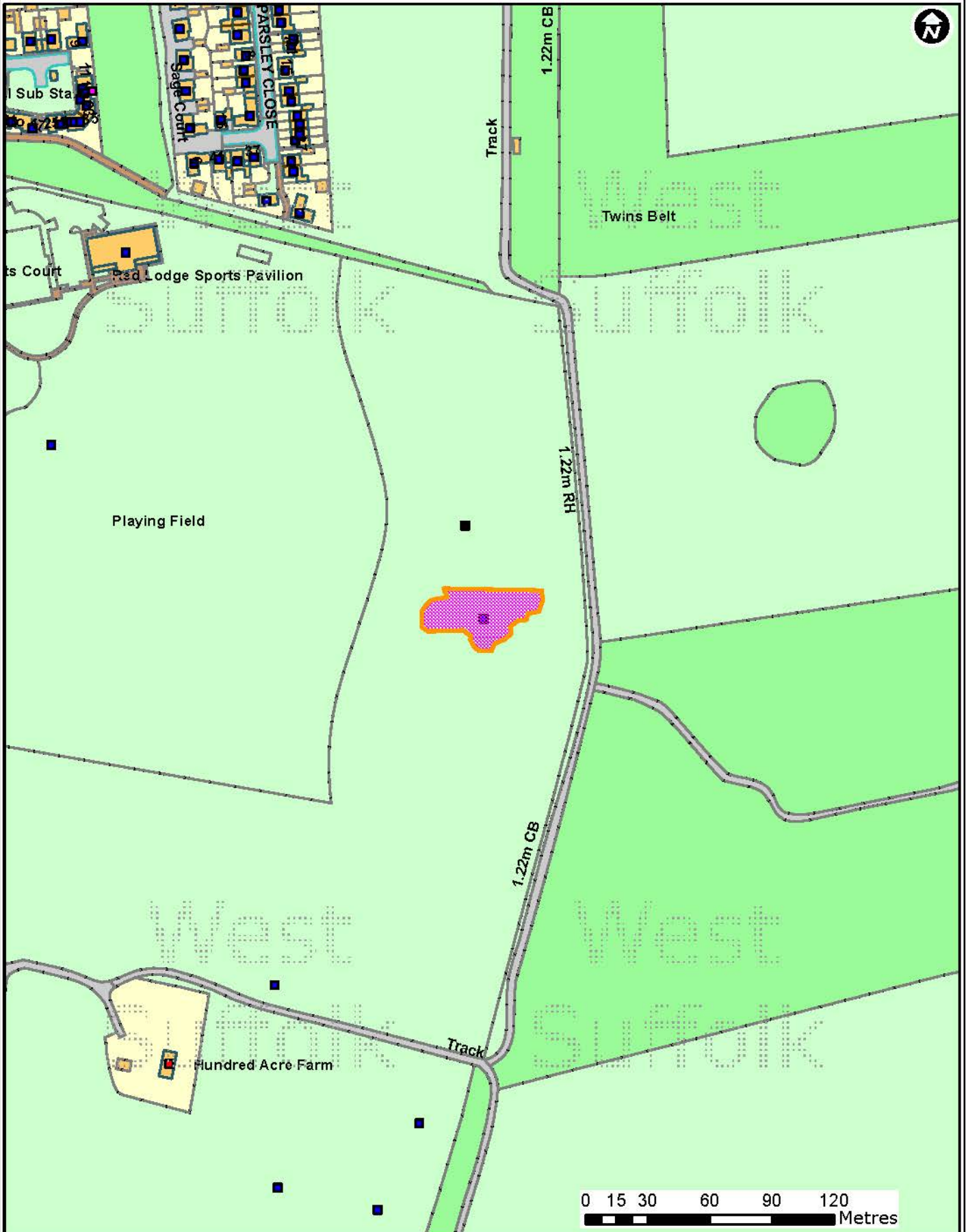
1. 3 year commencement condition
2. In accordance with plans and documents
3. Unexpected contamination
4. Scheme for surface water disposal including implementation and management
5. Details of roads and footpaths to be submitted and then constructed
6. Construction traffic to use the haul road in accordance with DC/13/0257/HYB
7. Parking and manoeuvring to be provided in accordance with plans

#### **Documents:**

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online here <https://planning.westsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=OIMSR7PDLNO00>

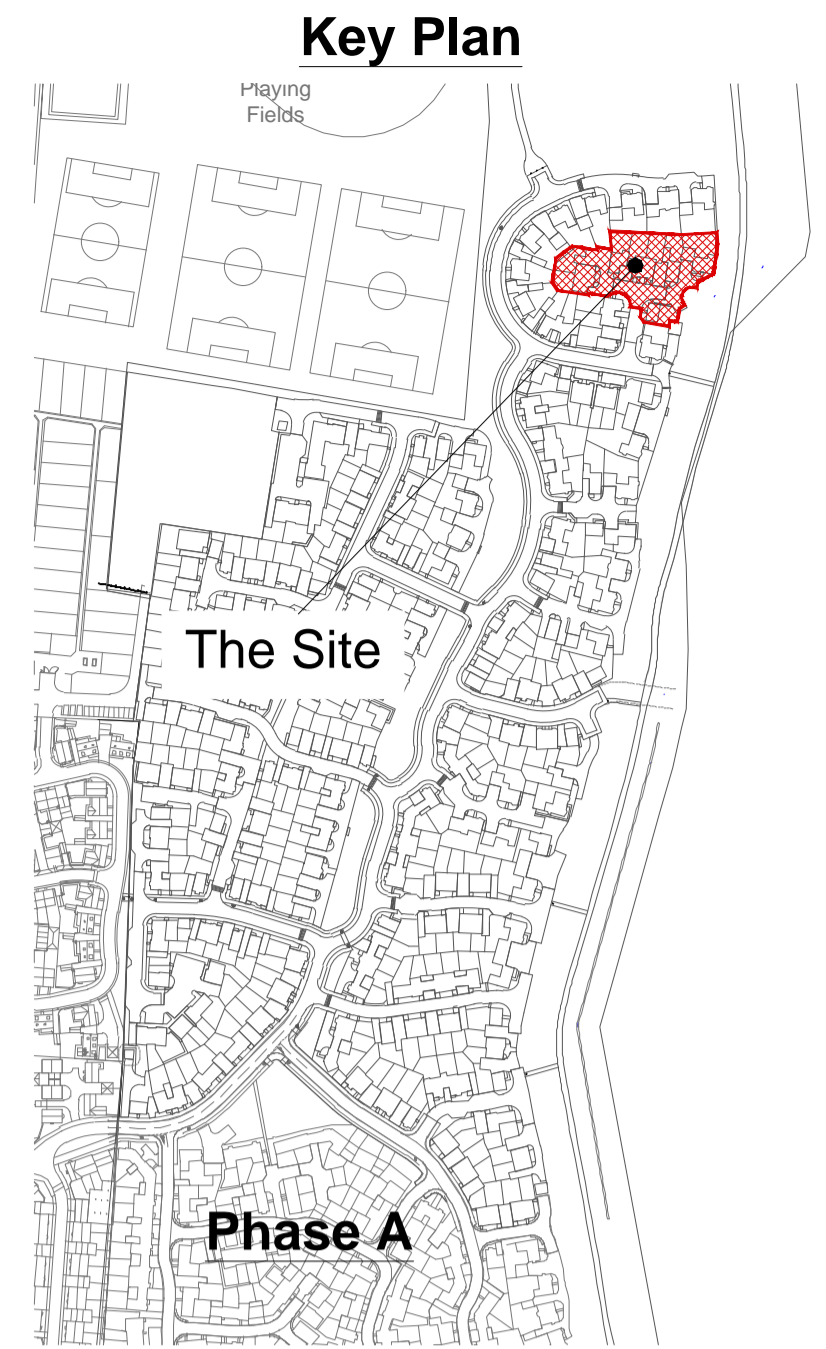
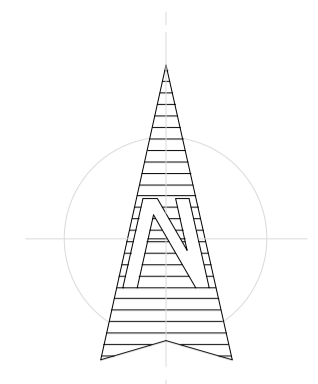
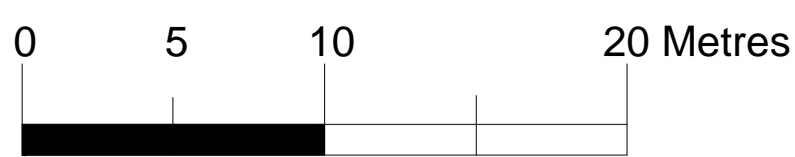
**DC/16/2833/FUL**

Land East Of Kings Warren, Warren Road, Red Lodge



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**Boundary Treatments**

- 1.8m high brick wall & piers
- 1.8m high Close board timber fence
- 2m x 50mm concrete edging at 5m intervals
- 1.8m high closed board gate

**Access**

- Front door
- Garage personnel door
- Garage door

**Surfaces**

- Adoptable road  
Block paving- Keyblok  
Colour- Burnt Ochre
- Private Drive  
Block paving- Keyblok  
Colour- Bracken
- Access path (level access)
- Mown Path
- Permissive path

**References**

- Lav House type reference
- Sg Single Garage
- Dg Double Garage
- 60 Plot number
- Front gardens
- Rear Gardens
- Formal Visitor Parking (2 Spaces)

Note:-  
SUDs drainage shown for information ONLY.

Project:-  
**Phases B & C**  
Land to the East of Warren Road, Red Lodge.

Description:-  
**8 units**  
Development Layout

**Accommodation Schedule**

No	Ref	Beds	Ht
3	Sus - Sussex	3	2
2	Elm - Elmswell	3	2
1	Ken - Kennet	3	2
1	Els - Elsenham	4	2
1	Dan - Danbury	4	2
<b>8</b>	<b>Grand Total</b>		

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Essex  
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Scale:-  
1-250 @ A1

Date:-  
Dec 2016

Dwg no:-  
CN059a-PL-11

Revision:-  
H

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**Forest Heath**  
District Council

# DEV/FH/17/021

## **Planning Application DC/16/2740/FUL, Caps Cases, Studlands Park Industrial Estate, Newmarket**

**Date Registered:** 18.01.2017      **Expiry Date:** 19.04.2017

**Case Officer:** James Claxton      **Recommendation:** Approve Application

**Parish:** Newmarket Town Council      **Ward:** Severals

**Proposal:** Planning Application - (i) Extensions to B1 Light Industrial warehouse including loading bay (ii) additional parking area and new access

**Site:** Caps Cases , Studlands Park Industrial Estate, , Newmarket

**Applicant:** Caps Cases

**Synopsis:**

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

**Recommendation:**

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

CONTACT CASE OFFICER:

James Claxton  
Email: James.Claxton@westsuffolk.gov.uk  
Telephone: 01284 757382

## Background:

**The application is subject to Member call in, and because it is a major application which Newmarket Town Council have objected to, contrary to the Officer recommendation of APPROVAL.**

## Proposal:

1. The proposal can be divided into three key elements.
2. The first is a proposed extension to the existing building, located on its eastern elevation, near to the Studlands Park Avenue entrance for the site. It uses a repeating butterfly roof form, with the pitch orientated south west to north east. The lower valley is at an approximate height of 6.68m and the higher ridge is at 7.82m. The overall footprint for this element is approximately 23.5m in length and 18.5m width providing a total floor space of approximately 445m<sup>2</sup>.
3. The second element is an extension to the existing building, located on its northern elevation. It uses a single ridge roof form, with the pitch orientated south west to north east. The eaves are at an approximate height of 6.13m and the ridge is at an approximate height of 7.86m. The overall footprint for this element is 38.7m in length by 32m in width, providing a total floor space of approximately 1260 m<sup>2</sup>.
4. These elements will be constructed using a metal framework. The proposed cladding materials used for both of these elements are profiled metal sheeting (Cornflower blue in colour) over a red brick plinth, metal sheeting is to be used for the roof and will match the existing materials. White uPVC windows, timber personnel doors, and steel roller doors for vehicle accesses are proposed which also match the existing.
5. The third element of this proposal is the creation of a vehicular access onto Brickfields Avenue to serve a staff car park, which through its detailed design and that of the proposed extensions would prohibit HGV access onto the site. This is located to the north of the site. The existing landscaping along the boundary of the carpark and Brickfields Avenue is to be retained.
6. A succinct reasoning for the need for the proposed development is detailed in the Design and Access statement, and is included below;

*"...The existing building is used for marketing, design development manufacturing operations for cardboard boxes with associated office space and storage of components and materials and no changes to this business are proposed*

*The extensions will provide additional storage and production space for the existing business, which not only is for more productivity but is paramount to enhance the Health and Safety of the workforce. To achieved this by formalising storage areas and the re-locations of production machinery to improve working areas. It is envisaged the proposed will support the need to create 7-10 more jobs for the area.*



*Also by providing another access and additional parking for the employees this will segregate them from the lorries and vehicular manoeuvres which currently takes place via the existing entrance..."*

(The existing entrance being located on Studlands Park Avenue.)

### **Application Supporting Material:**

- Site location plan
- Proposed site plan
- Proposed roof plan
- Existing and proposed elevations
- Superseded proposed site access
- Design and Access Statement
- Travel Plan

### **Site Details:**

7. The site is located on the edge of Studlands Industrial Estate and is located within the settlement boundary. The site consists of the Cap Cases commercial business. The site can be split for description purposes into two sections. The first contains the existing industrial unit which is accessed off Studlands Park Avenue. The second section is located to the north west of the existing industrial unit and is currently laid with compacted stone, with an access ramp for vehicles out onto Brickfields Avenue.
8. Studlands Business Centre lies to the south-west of the site and comprises of a mix of smaller industrial units with a range of uses. To the north east of the site is the business park proper. Residential properties lie to the north and north - west of the site along Brickfields Avenue and form part of the Studlands Park residential area.
9. The ground level of the site sits lower than the adjacent Brickfields Avenue by approximately 2.7 metres, and is banked along this edge. The site is enclosed by post and wire fencing with trees along the roadside boundary to the north and west.

### **Planning History:**

<b>Reference</b>	<b>Proposal</b>	<b>Status</b>	<b>Decision Date</b>
DC/15/1453/FUL	Planning Application - Extension to existing light industrial warehouse	Application Granted	22.10.2015
F/2006/1033/FUL	Erection of a light steel clad building mounted on a concrete base creating 192m <sup>2</sup> of storage space	Approve with Conditions	05.02.2007
F/86/085	C/USE from warehouse to manufacture	Approve with Conditions	13.03.1986
F/76/188	Layout of land for 372500	Approve with	26.08.1976

	sq ft of ware house units in 11 blocks including roads and service areas in excess of existing as amended to 72500 sq ft of industrial and 300000 sq ft of ware house units in 11 blocks by letter dated 07/05/76	Conditions	
F/80/750	Installation of 4,500 litre diesel oil storage tank, including bund wall screen.	Approve with Conditions	27.01.1981
F/80/641	Industrial unit factories; offices; car parking.	Approve with Conditions	13.11.1980
F/81/441	[1] Modification to building approved F/80/641 [2] Additional office floor area as amended by letter dated 18/08/81 and drawing No 56221A received on 20/08/81	Application Approved	14.09.1981
F/81/543	C/USE from industrial to warehousing as amended by letter dated 28/09/81	Approve with Conditions	30.10.1981
F/79/053	Warehousing as amended by letter dated 19/03 and drawing Nos 480/16 and 480/17 received on 21/03/79	Approve with Conditions	10.03.1979
F/93/351	Alterations to form additional office accommodation and new reception as amended by plans received 14/09/93	Approve with Conditions	23.09.1993
F/99/030	Change of use from warehouse (Class B8) to industrial (Class B1).	Approve with Conditions	11.03.1999

## Relevant planning applications

10. The planning application referenced F/2013/0253/FUL, for the creation of a B1 commercial building comprising a workshop and ancillary storage and office uses together with associated infrastructure, is deemed to be relevant to this proposal. This is because it was approved at committee and provided an access onto Brickfields Avenue for both HGVs and staff cars. This has been implemented in part through the creation of an access onto brickfields avenue.

### Consultations:

11. **SCC Archaeology:** No objections, recommend conditions.

**Environment Agency:** No objections.

**Environmental Team:** No objections recommend conditions.

**SCC Highways:** Consultation response received 28<sup>th</sup> May 2017 detailed no objections to the proposal and recommended conditions.

**Public Health and Housing:** No objections, recommend conditions.

### Representations:

12. Two representations have been received. The first is from Number 60 Brickfields Avenue, and is summarised as follows –

- Hours of operation.
- Creation of access onto Brickfields Avenue.
- Noise issues

The second representation received was from the local member Cllr Ruth Allen, and is summarised as follows –

- Concerns over noise from chipper extractor
- Removal of trees
- Provision of access

### Policy:

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

Joint Development Management Policies Document:

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM2: Creating Places - Development Principles and Local Distinctiveness
- Policy DM30: Appropriate Employment Uses and Protection of Employment Land and Existing Businesses
- Policy DM45: Transport Assessments and Travel Plans
- Policy DM46: Parking Standards

Forest heath Core Strategy 2010

- Policy CS1: Spatial Strategy
- Policy CS4: Reduce Emissions, Mitigate and Adapt to Future Climate Change
- Policy CS5: Design Quality and Local Distinctiveness
- Policy CS6: Sustainable Economic and Tourism Development

**Other Planning Policy:**

14.National Planning Policy Framework (2012)

**Officer Comment:**

- 15.The issues to be considered in the determination of the application are:
- Principle of Development and Policy Context
  - Design
  - Highways safety
  - Residential Amenity
  - Other Matters

**Principle of Development and Policy Context**

- 16.At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, where its three dimensions; economic, social and environmental, must be considered where appropriate.
- 17.The Framework identifies the importance of securing economic growth in order to create jobs and prosperity. In addition, Core Strategy Policies CS1 and CS6 identify Newmarket as a primary location to accommodate employment growth.
- 18.The application site lies within an existing industrial area where economic development is encouraged and, in principle, the proposed extensions to facilitate the expansion of the existing business would be appropriate within this area and relate well to a mix of uses found within the Studlands Industrial Estate.
- 19.The applicant (Caps Cases) is looking to provide additional storage and production space, alongside marketing, design and development management processes completed in the existing building. This is an established business and it is envisaged that the expansion will create approximately 7 - 10 new jobs over time. It is reasonable to suggest that this would accord with the economic and social aspects of sustainable development, providing possibilities for further local employment. With regards to environmental role, the site is currently being used for an industrial purpose, but the proposal is not considered to create significant environmental issues by virtue of its operation, design and location.
- 20.It is considered that the proposal accords with locally adopted policies DM1 and DM30 of the Joint Development Management Policies and CS6 of the Forest Heath Core Strategy, which seek to secure Sustainable Development, and appropriate Employment Uses.

## Design

21. The size, scale and design of the proposed extensions to the existing building and the associated development within the site are considered to relate well to other industrial units on adjoining sites and in general to the industrial character of the area. It is Officer's view that the continuation of the roof form and the proposed materials are considered appropriate in this location and complies with Policy CS5 that seeks to deliver good design that has regard to local context.
22. The trees and shrubs along Brickfields Avenue, the western boundary of the site, are to be retained providing a visual screen to the site. This in conjunction with the lower site levels will soften what visual impact the proposal may have on the surrounding area.
23. It is considered that the proposal accords with local plan policies DM2 and CS5, providing a development which is appropriate to its locality and does not negatively impact the street scene.

## Highways safety

24. Highways issues have split down into the following topics "Proposed access", "On site safety", and "Traffic levels".

Proposed access:

25. The amended proposed access, which has been considered appropriate by the Highways authority, has been designed so that no HGVs are able to access the site via this entrance, and alongside this physical restriction an entrance sign will be installed enforcing this. Through the submitted amendments it has been confirmed that appropriate visibility splays can be achieved. This can be secured by condition.

On site safety:

26. Through the design of the proposed scheme, there would be significant improvements to on site safety for staff, by dividing the parking for staff from the HGV movements occurring at the front of the site, by the Studlands Park Avenue entrance. This is achieved through the design of the ramp, and also the extension on the northern elevation which effectively blocks the existing through passage to HGVs by restricting the height of the entrance, the proposed scheme provides substantial improvements in on site safety in comparison existing arrangements.

Traffic levels:

27. As detailed in the traffic plan, the current shift patterns for staff are weekdays: 6AM - 2PM, 2PM - 10.30PM (2PM - 8PM Fridays), with approximately 10 - 15 staff on shift. An additional 5 - 10 people travel by foot or bicycle for the same shift patterns above. It is reasonable to suggest that these movements are outside of the peak times for traffic movement, and would not result in significant negative impacts to the existing traffic flows along Brickfields Avenue.

28. Conditions have been recommended, as well as the recommendation for a KEEP CLEAR marking to be laid on the carriageway at the access to reduce any potential highway impact from queuing traffic.
29. It is reasonable to suggest that the proposal when assessed as individual parts, as above, or taken as whole, accords with policies DM45 and DM46. It has been demonstrated that the likely impacts of the proposal can be appropriately mitigated, and therefore any potential negative impacts do not outweigh the highway safety improvements which can be achieved through the scheme.

### **Residential Amenity**

30. As per Public Health and Housing's consultation response, it is reasonable to suggest through the proposed design and use of conditions, that no significant impacts would arise to residential amenity in the area. This is due in part to the location of the proposal on site, at a distance of approximately 50 metres from the nearest dwelling, but also due to the benefits created by the design.
31. Noise from this site has been previously investigated by the authority which found that the noisiest activity related to the fans and compactors located externally to the rear of the site. The proposed warehouse extension, by acting as a barrier, is likely to reduce the noise levels observed by neighboring residents from the external plant. In addition it is reasonable to suggest that the building would also act as a barrier to noise created by the HGV area fronting Studlands Park Avenue. No changes to existing operating hours have been proposed.
32. No complaints have been received in relation to the use of the north western area of the site, closest to Brickfields Avenue, as a car park. However it is noted by Public Health and Housing that allowing HGV movements within this car park could result in some harm. By virtue of the recommended highways conditions, the design of the ramp access and building form, HGVs will not be able to access the site via the Brickfields Avenue entrance, which provides suitable mitigation against such action. In addition the conditions recommended by Public Health and Housing provides further controls over the use of the proposal, controlling the hours that the proposed loading bays can operate. It is reasonable to suggest that each of these individual factors when taken as a whole will suitably mitigate any overall harm that may be created by the scheme.
33. As such it is reasonable to suggest that the proposal accords with the thrust of the NPPF and locally adopted policies.

### **Other Matters**

34. The representations received for this application detail concerns regarding the hours of operation, noise issues, creation of an access onto Brickfields avenue, and the removal of trees along the boundary.
35. As per the consultation response provided by Public Health and Housing, a recommendation has been made, in recognition of complaints received about operating hours on the site, which limits the hours of operation for the proposed loading bays. This condition is considered to be an

acceptable approach, and as detailed in this report above, by virtue of the design of the proposal, further reductions in noise levels are likely to be experienced.

36. The creation of the access onto Brickfields Avenue is in line with the previous permission granted at this location referenced F/2013/0253/FUL for the creation of a B1 commercial building comprising a workshop and ancillary storage and office uses together with associated infrastructure. The proposed access in this application utilises the same approach, which was acceptable to the highways authority. The removal of trees along the boundary is contrary to what has been suggested in the design and access statement. To ensure that the proposal is appropriate in design terms, it is recommended that a condition requiring the submission of further details of hard and soft landscaping be submitted and agreed.

### **Conclusion:**

37. 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:**

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

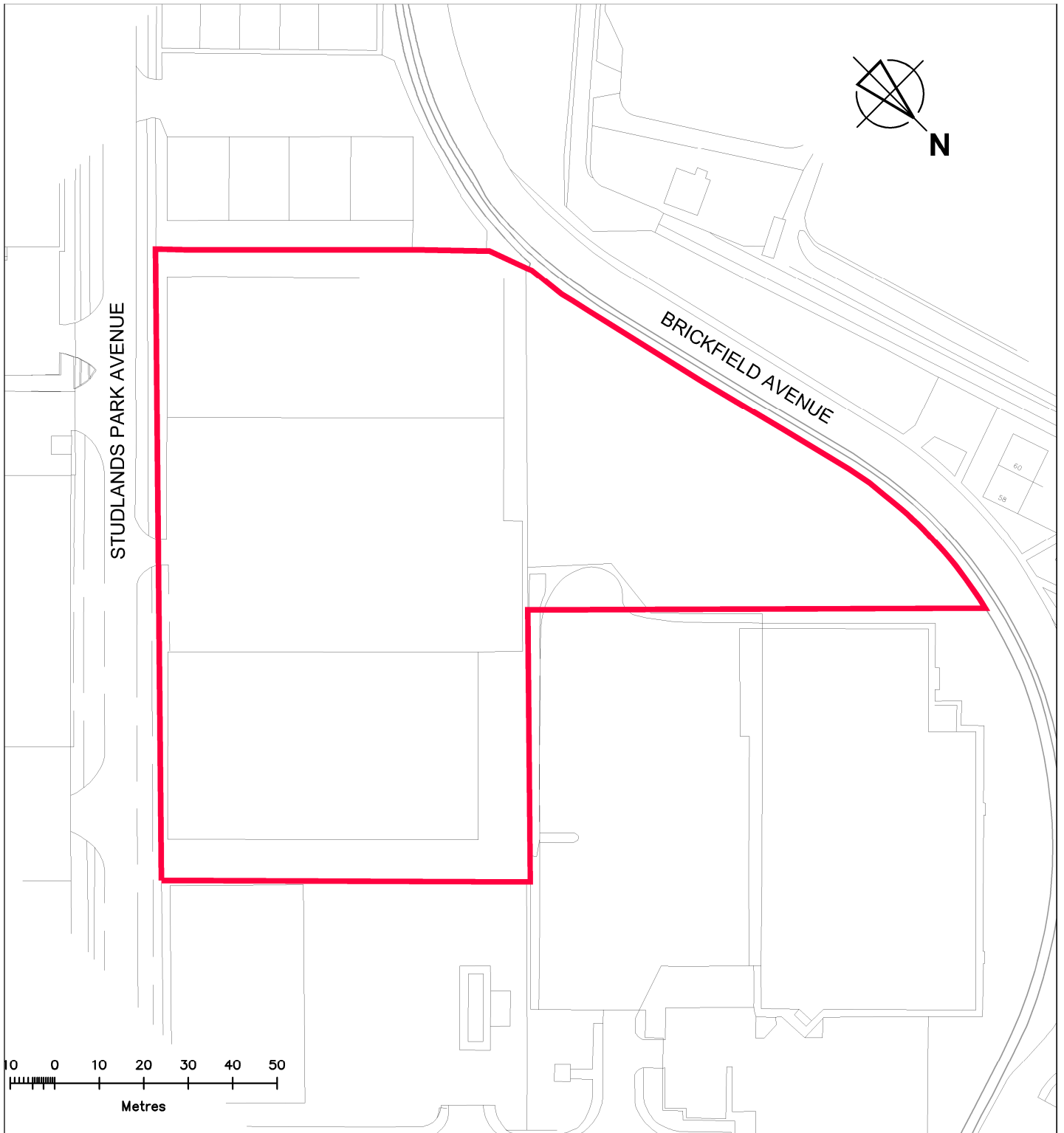
- 1 Time limit
- 2 14FP Approved drawings.
- 3 Implementation of a programme of archaeological work
- 4 Completion of a site investigation and post investigation assessment
- 5 Provision of electric vehicle charge points
- 6 Provision of new vehicular access in accordance with Drawing No. 3875 - 009 Rev A
- 7 Provision of manoeuvring and parking areas
- 8 Provision of visibility splays
- 9 Hours of demolition and construction
- 10 Hours of use for loading bays
- 11 Hard and soft landscaping scheme

### **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=OI4QMBPDLGF00>

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LOCATION PLAN

SCALE (@ A4) 1:1250

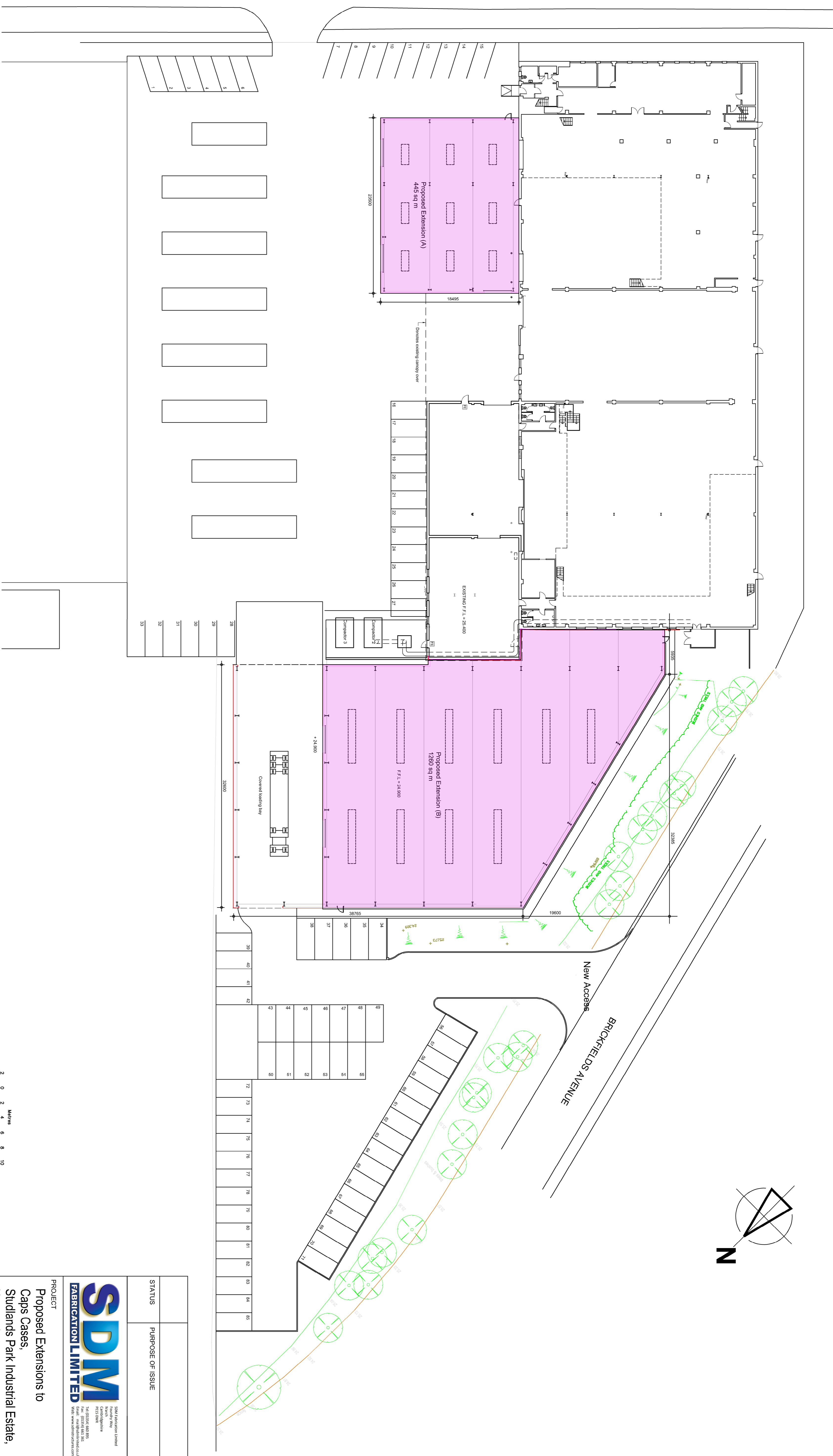


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 Email: mail@sdmlimited.co.uk  
 Web: www.sdmstructures.com

CLIENT	Caps Cases	
PROJECT	Proposed Extensions to Caps Cases, Studlands Park Industrial Estate, Newmarket, Suffolk CB8 7AU	
DRAWING NUMBER	3875 - 001	

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STUDLANDS PARK AVENUE



Proposed Site Plan (1:250)

STATUS		PURPOSE OF ISSUE	
<p><b>SDM</b>  <small>2004 (INCORPORATED)          10th Floor, 100 Market Street, Singapore 060011          Tel: 65 6343 3333          Fax: 65 6343 3333          Email: sdm@sdmltd.com          Web: www.sdmltd.com</small></p>			
<p><b>PROJECT</b>          Proposed Extensions to          Caps Cases,          Studlands Park Industrial Estate,          Newmarket,          Suffolk CB8 7AU</p>			
<p><b>TITLE</b>          Proposed Site Plan</p>			
CLIENT		Caps Cases	
DRAWN BY	CHECKED BY	DATE	
MAW		10/10/2016	
SCALE (@ A1)	PROJECT NUMBER	REV	
1:250	3875		
DRAWING NUMBER			
3875 - 004			

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**Forest Heath**  
District Council

**DEV/FH/17/022**

**Development Control Committee  
7 June 2017**

**Planning Application DC/16/2184/FUL  
Nowell Lodge, Fordham Road, Newmarket**

<b>Date</b>	31/10/2017	<b>Expiry Date:</b>	30/01/2017
<b>Registered:</b>		<b>EOT:</b>	10/05/2017

<b>Case Officer:</b>	Charles Judson	<b>Recommendation:</b>	Approve
<b>Parish:</b>	Newmarket	<b>Ward:</b>	Severals

**Proposal:** 10 No. apartments (demolition of existing dwelling)

**Site:** Nowell Lodge, Fordham Road, Newmarket, Suffolk

**Applicant:** Hyperian Homes Ltd – Mr David Godffrey

**Synopsis:**

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

**Recommendation:**

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

CONTACT CASE OFFICER:

Charles Judson  
Email: Charles.judson@westsuffolk.gov.uk  
Telephone: 01638 719267

# Committee Report and Risk Assessment DC/16/2184/FUL

## Section A – Background and Summary:

A1. This application was deferred from consideration at the Development Control Committee meeting on 3<sup>rd</sup> May 2017. Members resolved that they were 'minded to refuse' planning permission contrary to the officer recommendation of approval subject to conditions. Members were concerned that the proposal would result in; i) insufficient parking provision and adverse impact on highway infrastructure; ii) overdevelopment of the site; iii) a development out of character with the area with a detrimental impact on the Fordham Road street scene; iv) a development which would have an adverse impact on residential amenity; v) an unacceptable loss of trees.

A2. The previous Officer report for the 3<sup>rd</sup> May meeting of the Development Control Committee is included as Working Paper 1 to this report. Members are directed to this paper in relation to the site description, details of development, details of consultation responses received etc.

A3. This report sets out updates from the written papers presented to the meeting of the Development Control Committee on 3<sup>rd</sup> May and includes a risk assessment of the 5 potential reasons for refusal.

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

A5. Since the Committee meeting on 3<sup>rd</sup> May, at the time of writing, the applicants have submitted a revised site plan to provide an additional 4 parking spaces, to demonstrate that 2 vehicles can pass at the site access and to provide an acoustic fence on the southern boundary. The applicants have also confirmed that a revised tree protection plan and a scheme for replacement planting will be submitted in due course. Members will be updated verbally on any further amendments which are submitted.

A6. Members are advised that there is an error in paragraphs 1 and 33 of the Officers report attached as Working Paper 1. The proposal seeks permission for 5 No. two bedroom apartments and 5 No. three bedroom apartments rather than 7 No. two bedroom and 3 No. three bedroom apartments as stated in working paper 1.

## **Section B – General Information:**

### **Proposal:**

B1. Please refer to Working Paper 1, paragraphs 1 to 3 for a description of the application proposals, including amendments made in advance of the June meeting. There have been no further amendments since the May meeting.

### **Application Supporting Material:**

B2. Please refer to working Paper 1, paragraph 4 for details of the drawings and technical information submitted with the planning application.

### **Site Details:**

B3. Please refer to Working Paper 1, paragraph 5 for a description of the application site

### **Planning History:**

B4. Please refer to Working Paper 1, paragraph 6 for details of the sites planning history.

### **Consultation Responses:**

B5. Please refer to Working Paper 1, paragraphs 7 to 16 for details of consultation responses received.

### **Representations:**

B6. Please refer to Working Paper 1, paragraphs 17 to 22 for details of representations received.

### **Policies:**

B7. Please refer to Working Paper 1, paragraphs 23 to 25 for details of relevant planning policy and considerations

### **Officer Comment:**

B8: Please refer to Working Paper 1, paragraphs 26 to 39 for the Officer assessment of the application proposals. The officer assessment remains unchanged following the Development Control Committee meeting on 3<sup>rd</sup> May 2017

### **Section C – Risk Assessment:**

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

C2. As set out in the Background section of this report, Members deferred their consideration of this planning application from the 3<sup>rd</sup> May 2017 meeting of Development Control Committee. Members were 'of mind' to refuse planning permission on grounds of: i) insufficient parking provision for and adverse impact on highway infrastructure; ii) overdevelopment of the site; iii) a development out of character with the area with a detrimental impact on the Fordham Road street scene; iv) a development which would have an adverse impact on residential amenity; v) an unacceptable loss of trees.

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

### **Section D – Potential Reason for refusal 1; Parking provision and highway infrastructure**

D1. The application seeks permission for 10 No. residential apartments comprised of 5 No. two bedroom units and 5 No. three bedroom units. The plans considered by Development Control Committee on 3<sup>rd</sup> May showed the provision of 18 No. vehicular parking spaces, an existing detached double garage to be retained and provision for the storage of 26 cycles. An amended plan has subsequently been submitted to increase the number of parking spaces to 22. The Suffolk Parking Standards (2015) require the provision of 1.5 parking spaces for 2 bedroom units (1 allocated space and 1 shared between 2 units for flexible use) and 2 parking spaces for 3 bedroom units. This would equate to a requirement for 17.5 spaces which the proposal complies with and exceeds based on the amended plan.

D2. The 22 parking spaces would measure 5m x 2.5m in accordance with the parking standards to ensure that occupants are able to get in and out of an average sized family car and the driveway would be a width of 4m allowing two cars to pass freely.

D3. The Highway Authority has confirmed to Officers since the Development Control Committee of 3<sup>rd</sup> May that the level of parking proposed is acceptable. The Highway Authority has also confirmed that the site would not need to provide visitor parking due to its sustainable urban location and the fact that the dwelling type is apartments (whose occupiers tend to have less vehicles than equivalent house occupiers). Therefore, whilst the Suffolk



Parking Standards can require 0.25 visitor spaces per dwelling to be provided (which would equate to 4 spaces) the Highway Authority has not required this provision in this instance. In any case this has now been provided on the amended site plan. They have re-iterated that the Highway Authority have no objection to the application and confirmed that they would not recommend the proposal for refusal on parking grounds.

D5. The relevant development plan policy is DM46 (Parking Standards) of the Joint Development Management Policies Document 2015 which states that, inter alia, the Authority will seek to reduce overreliance on the car and requires all proposals for redevelopment to provide appropriately designed and sited car and cycle parking. Officers consider that this has been achieved and that a refusal of planning permission on grounds of insufficient parking provision to serve the proposed development could not be sustained at appeal and the Council would not be able to produce evidence to substantiate a reason for refusal on these grounds.

D6. In addition to parking, Members were concerned at the impact of the development on the local highway network. Whilst the proposal would result in an increase in vehicular movements to and from the site, the Highway Authority has raised no objection to the impact of the development in either capacity or safety terms. Due to the scale of development it is not considered necessary for the applicant to submit a Transport Assessment and Officers consider that there is no evidence to suggest that the proposed development, in conjunction with committed development, would result in an adverse impact on the local highway network. The site contains sufficient manoeuvring space for vehicles to enter and exit in a forward gear and the driveway is wide enough for two cars to pass, and this has been clarified on the amended layout plan. Policy DM2 requires development to maintain the safety of the highway network which the application is considered to achieve. Officers consider that refusal of the application on the grounds of an adverse impact on highway infrastructure could not be sustained at appeal and the Council would not be able to produce evidence to substantiate a refusal on these grounds.

D7. In the absence of evidence to substantiate a reason for refusal the Council could be liable to pay costs at an appeal and could adversely impact the reputation of the Council.

D8. Notwithstanding the above, if Members are minded to refuse the application on grounds of parking provision and highway infrastructure it is recommended that the following wording be used:

*"The proposal fails to provide an acceptable level of vehicular parking to cater for the development proposed and would likely lead to the need for future residents and visitors of the site to park within the highway and the proposed increase in dwellings on this site would result in an increase in*

*vehicles using the access and local highway network. The development would therefore have a detrimental impact on the safety and functioning of the local highway network in conflict with policies DM2 and DM46 of the Joint Development Management Policies Document 2015”.*

**Section E - Potential Reasons for Refusal 2 and 3 - Overdevelopment of site and out of character with the area detrimental to the Fordham Road street scene.**

E1. Matters of design and impact upon character are, to a degree, subjective and are to be considered in relation to the specific circumstances of the site and its wider context.

E2. Officers remain of the view that the form, scale, bulk and detailed design of the proposal would be acceptable and in accordance with relevant policies for the reasons set out in paragraphs 32 to 34 of the Officers report attached as Working Paper 1. The application has been subject to extensive negotiations to amend the scheme to ensure that its scale and form is appropriate for the area.

E3. Members are not duty bound to accept Officer advice particularly with respect to matters of design and impact upon character which are, to an extent, subjective. Furthermore, it is unlikely that a decision to refuse planning permission on grounds of poor design or adverse impact upon character would be vulnerable to an award of costs if that concern is genuine and the harm arising from that 'poor design' or 'adverse impact upon character' is properly demonstrated at any subsequent appeal.

E4. Officers however are mindful of the varied character of the area which comprises a wide variety of dwellings types (in terms of form, scale, materials and massing) sited in plots of various sizes which results in a varied street scene with little uniformity. Furthermore, the proposed building would be set behind the existing timber fence and mature landscaping to the front of the site providing screening to the development site.

E5. The proposed building would be of a similar height to the existing building and whilst it would have a greater width and footprint, Officers consider that that the site is large enough to accommodate a building of the scale proposed. Furthermore, whilst the proposed parking, driveway and manoeuvring space would result in the loss of land currently used as garden, this would not be readily perceived from outside of the application site resulting in no adverse impact on the appearance of the area.

E6. Notwithstanding the above, if Members are minded to refuse the application on grounds of overdevelopment and character and appearance of the street scene it is recommended that the following wording is used:

*"The proposed layout is considered to represent an overdevelopment of the application site and the building would not respect the character, scale and massing of the locality, detrimental to the visual amenities of the street scene and resulting in an adverse impact on the character and appearance of the Conservation Area. The proposals therefore fail to comply with policies DM2 and DM17 of the Joint Development Management Policies Document 2015 and CS3 and CS5 of the Forest Heath Core Strategy 2010".*

**Section F - Potential Reasons for Refusal 4 – Adverse impact on residential amenity.**

F1. At the Development Control Committee of 3<sup>rd</sup> May Members were concerned that the development would have an adverse impact on the amenity of adjacent residents. Officers remain of the view however that the development would not have a significant adverse impact on residential amenity sufficient to warrant refusal.

F2. The proposed use of the site for 10 apartments would result in a more intensive use of the site resulting in an increase in vehicular movements and the provision of a driveway and associated parking to the side and rear of the dwelling. It is likely that these vehicular movements would result in an increase in noise to adjacent residential gardens. However, Fordham Road carries a significant level of traffic and the vehicular speeds within the site are likely to be very low resulting in a modest noise impact. Furthermore, the use of a bound surface (as opposed to the existing shingle) would further limit the noise impact of cars using the driveway and parking area and could be secured as part of a hard landscaping scheme required by condition. On their amended site plan the applicant has also included provision for an acoustic fence on the southern boundary of the site and this is considered to further ensure that residential amenity would be safeguarded. Precise details of this acoustic fence could be secured through the suggested hard and soft landscaping condition.

F3. When considering neighbour amenity regard must also be given to the bulk and scale of a building and the potential for it being overbearing or result in overshadowing. Officers accept that the building would be visible from neighbouring properties, most notably the dwellings to the north and south of the site. However, in considering the impact of the proposed building, regard must be had to the impact of the existing building and officers consider that the overall impact above and beyond the existing situation would not be sufficient to warrant refusal.

F4. Members are not duty bound to accept Officer advice particularly with respect to matters of residential amenity which are, to an extent, subjective. Furthermore, it is unlikely that a decision to refuse planning permission on residential amenity grounds would be vulnerable to an award of costs if that

concern is genuine and the harm arising from that impact is properly demonstrated at any subsequent appeal.

F5. Notwithstanding the above, if Members are minded to refuse the application on grounds of residential amenity it is recommended that the following wording is used:

*"The proposed development would be detrimental to the amenity of adjacent residents by virtue of the proposals scale, massing and proximity to site boundaries and would result in a material increase in overlooking of private residential property. Furthermore, the intensification in use of the site would result in a material increase in noise and disturbance for neighbours. The proposal would therefore conflict with policy DM2 of the Joint Development Management Policies Document 2015".*

### **Section G Potential Reasons for Refusal 5 – Impact on trees**

G1. The application has been supported by an Arboricultural Impact Assessment prepared by a suitably qualified professional. This report identifies that the development would require the removal of four trees and one hedge. All 4 trees are classified as C1 which are considered to be "unremarkable tree, limited merit/impaired condition" in accordance with Table 1 of BS 5837:2012. The loss of these trees is therefore not considered to result in a significant adverse impact. However, the applicant has confirmed that they are happy to provide mitigation for the loss of these trees in the form of replacement planting and the site contains ample opportunity to do so. Whilst these details have not been submitted at the time of writing it is understood that this is being prepared and Members will be updated accordingly. Alternatively replacement planting can be secured through the soft landscaping condition proposed by Officers.

G2. To ensure the protection of trees to be retained the application was supported by a Tree Protection Plan. This will need to be updated to reflect the revised footprint following negotiations during the course of the application and the applicant has confirmed that this is currently being prepared. Whilst these details have not been submitted at the time of writing Officers are content that adequate tree protection can be secured to ensure those trees to be retained are adequately protected during the course of construction.

G3. Taking account of the above, officers consider that there are insufficient grounds to refuse the application on loss of trees and that a decision on this basis would be without adequate evidence to defend at appeal. In the absence of evidence to substantiate a reason for refusal the Council could be liable to pay costs at an appeal and could adversely impact the reputation of the Council.

G4. Notwithstanding the above, if Members are minded to refuse the application on grounds of loss of trees it is recommended that the following wording is used:

*"The development would result in the loss of existing landscaping features to the detriment of the character and appearance of the area contrary to policies DM2 and DM13 of the Joint Development Management Policies Document 2015".*

**Section H – Implications of a refusal of planning permission:**

H1. It is likely that should Members subsequently resolve to refuse planning permission the applicants will appeal that decision.

H2. Officers consider that it would be difficult to defend a refusal of planning permission on grounds of car parking provision and impact on highway infrastructure given the scale of development, the level of parking provided in accordance with standards, the location of the application site and the lack of objection from the Highway Authority. Furthermore, Officers consider that it would also be difficult to defend a refusal on the grounds of impacts on trees due to the limited tree removals, the category of trees which are to be removed and the ability to adequately protect trees to be retained.

H3. On the other hand, a case could be made at appeal to defend the potential reason for refusal on overdevelopment of the site; a development out of character with the area and a development which would have an adverse impact on residential amenity but officers consider the case to defend would be weak and probably result in a lost appeal. The application has been subject to extensive negotiations and the applicant has worked closely with Officers to produce a design which Officers consider to be acceptable.

H4. A refusal of planning permission for any development on indefensible and/or unsubstantiated grounds is likely to lead to planning permission being granted at appeal. This outcome could have administrative and financial implications for the Council.

H5. Firstly, the Council's reputation would be adversely affected by its inability to properly defend all its reasons for refusal at appeal.

H6. Secondly, if a Local Planning Authority experiences more than 20% of its major development appeals allowed in any two-year period, it is deemed an under-performing authority and would face Government sanction. This would include introduction of a right for applicants proposing major development to submit planning applications directly to the Planning Inspectorate, effectively taking the decision making power out of the hands of the Local Planning Authority. A lost appeal in this case would contribute to that possibility.

H7. Finally, the applicants would have the right to recover their appeal costs (in full or in part, depending upon the circumstances) from the Council should the Inspector appointed to consider the appeal conclude the Local Planning Authority has acted unreasonably. Advice about what can constitute unreasonable behaviour by a Local Authority at appeal is set out in the National Planning Practice Guidance. Three of the numerous examples cited in the advice are as follows:

*What type of behaviour may give rise to a substantive award against a local planning authority? Local planning authorities are at risk of an award of costs if they behave unreasonably with respect to the substance of the matter under appeal, for example, by unreasonably refusing or failing to determine planning applications, or by unreasonably defending appeals. Examples of this include:*

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

H8. In the absence of evidence to substantiate its reasons for refusal Officers consider it would be difficult to defend a potential claim for the partial award of costs at appeal. An award of costs (including partial costs) against the Council would have financial implications for the Council.

## **Section I - Recommendations**

I1 – That, **FULL PLANNING PERMISSION BE GRANTED**, subject to the following conditions:

1. The development hereby permitted shall be begun no later than 3 years from the date of this permission.
2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the following approved plans and documents:

Amended plans and elevations received 1 April 2017

Amended roof plan received 13 April 2017

Amended site plan received 24 May 2017

Amended Tree Protection plan – date TBC

Location Plan received 28 September 2016

3. Prior to their first use, samples of all external materials to be used in the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be constructed in accordance with the approved details.
4. No development above damp course level shall be constructed until a hard and soft landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The development shall then be constructed in accordance with the approved details.
5. 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.
6. No part of the development hereby permitted shall be occupied until the existing vehicular access has been improved, laid out and completed in all respects in accordance with SCC Drawing DM03; and with an entrance width of 4.5 metres. Thereafter the access shall be retained in the specified form.
7. Prior to the development hereby permitted being first occupied, the vehicular 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.
8. The areas to be provided for storage of Refuse/Recycling bins as shown on drawing number 01.2 rev B shall be provided in its entirety before the development is brought into use and shall be retained thereafter for no other purpose.
9. Gates shall be set back a minimum distance of 5 metres from the edge of the carriageway and shall open only into the site and not over any area of the highway.
10. The use shall not commence until the area(s) within the site shown on drawing no. 01.2 rev B for the purposes of manoeuvring and parking of vehicles and cycle storage has been provided and thereafter that area(s) shall be retained and used for no other purposes.
11. Before the access is first used visibility splays shall be provided as shown on Drawing No. 01.0 Rev A with an X dimension of 2.4 metres and a Y dimension of 80 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 2015 (or any Order revoking and re-enacting that Order with or without modification) no obstruction over 0.6 metres high excluding the existing mature trees

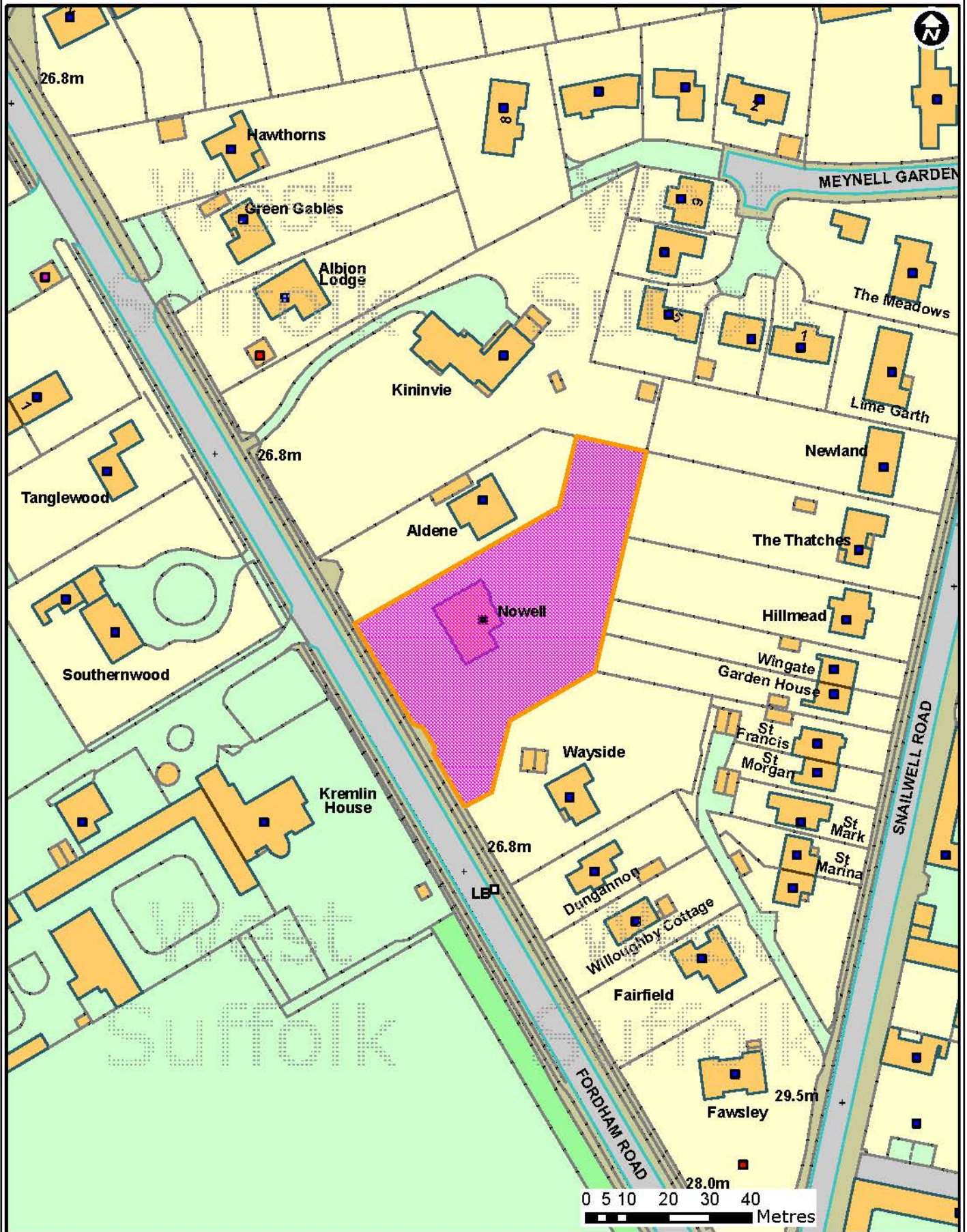
within the highway verge of Fordham Road shall be erected, constructed, planted or permitted to grow within the areas of the visibility splays.

12. The site preparation, demolition and construction works shall be carried out between the hours of 08:00 to 18:00 Mondays to Fridays and between the hours of 08:00 to 13:30 Saturdays and at no time on Sundays or Bank Holidays without the prior written consent of the Local Planning Authority.

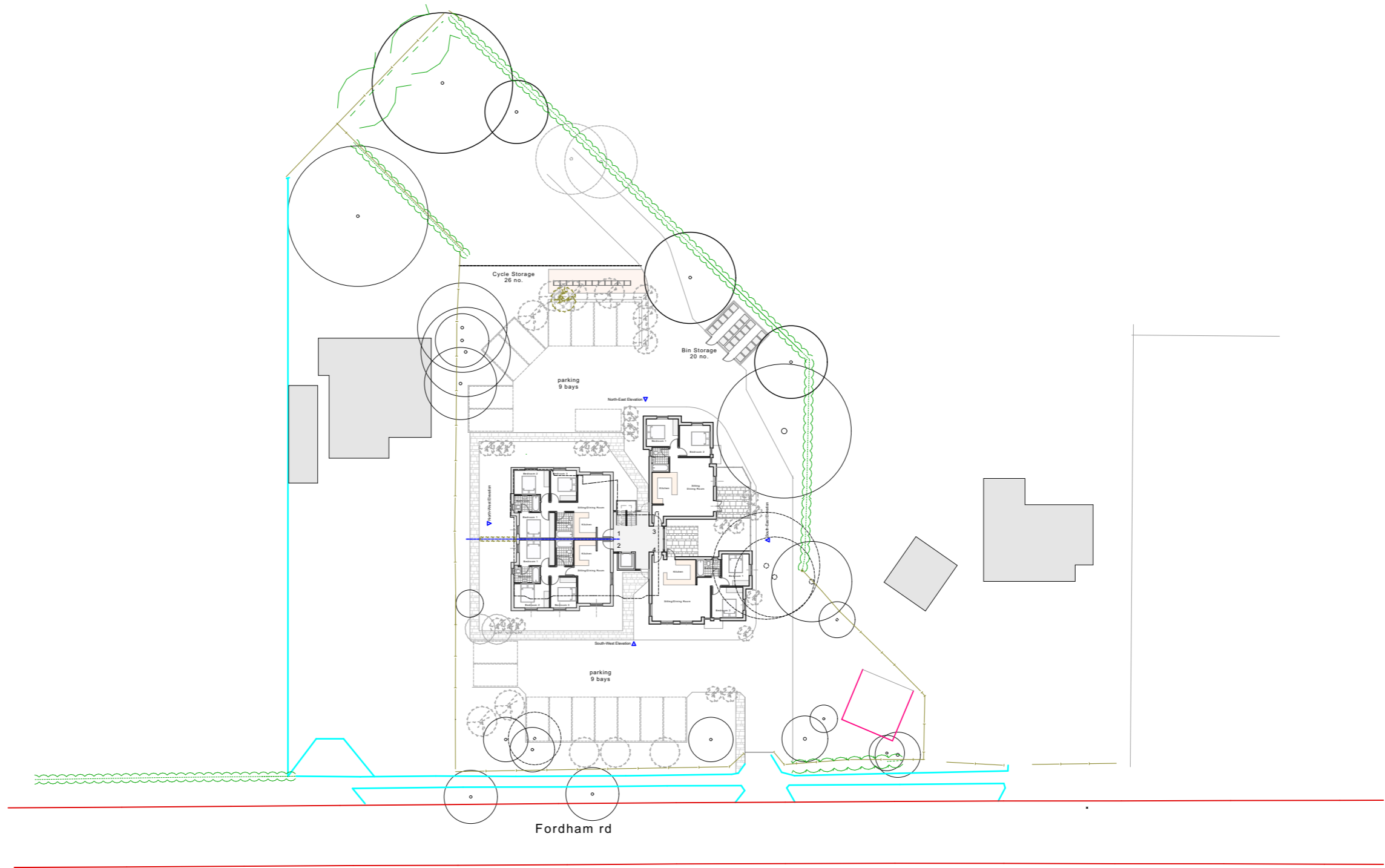
Documents:

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=OE7GJ6PDJZ100>





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REVISIONS:

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MDS Designs Associates - Building Consultants  
 Ash Tree House - 71 Silver Street - Burwell - Cambridge - CB 25 0E F  
 Mr David Godfrey - Hyperian Homes Ltd.

Project: Redevelopment of Nowell  
 Fordham road - Newmarket  
 Drawing: SITE PLAN  
 For Planning

Scale A3  
 1:500  
 Date  
 31-03-17

Rev.:  
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**Forest Heath**  
District Council

DEV/FH/17/014

## **Working Paper 1**

# Development Control Committee 3 May 2017

### **Planning Application DC/16/2184/FUL Nowell Lodge, Fordham Road, Newmarket**

**Date:** 31/10/2016      **Expiry Date:** 30/01/2017  
**Registered:**                      **EOT:** 10/05/2017

**Case Officer:** Charles Judson      **Recommendation:** Approve

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

**Proposal:** 10 No. apartments (demolition of existing dwelling)

**Site:** Nowell Lodge, Fordham Road, Newmarket

**Applicant:** Hyperian Homes Ltd – Mr David Godffrey

#### **Synopsis:**

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

#### **Recommendation:**

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

#### CONTACT CASE OFFICER:

Charles Judson

Email: Charles.judson@westsuffolk.gov.uk

Telephone: 01638 719267



**Background:**

**The application is referred to the Development Control Committee because the application is a major development and the Town Council object, however the Officer recommendation is for APPROVAL.**

**Proposal:**

1. Full planning permission is sought for the erection of a building to provide 10 No. apartments over 3 floors consisting of 7 No. two bedroom apartments and 3 No. three bedroom apartments.
2. The application has been amended since submission to provide a revised layout, appearance and scale of development and to provide revised visibility splays.
3. Access to the site would be as existing with 18 No. vehicular parking spaces provided and associated cycle and bin storage on site.

**Application Supporting Material:**

4. Information submitted with the application as follows:
  - Application forms
  - Location Plan
  - Site Plan (Amended 1<sup>st</sup> April 2017)
  - Proposed floor plans (Amended 1<sup>st</sup> April 2017)
  - Proposed elevations (Amended 1<sup>st</sup> April 2017)
  - Proposed roof plan (Amended 13<sup>th</sup> April 2017)
  - Tree report
  - Design and access statement

**Site Details:**

5. The site is situated to the north west of Fordham Road, Newmarket and contains a substantial detached dwelling in the arts and crafts style. The building is of brick construction under a pin tile roof. Access to the site onto Fordham Road is to the south-east of the site with a detached garage and driveway providing vehicular parking and turning facilities. A detached bungalow with room in the roof is sited to the north-west and a detached two storey dwelling is sited to the south-east. The site is enclosed to its boundaries by a mixture of 1.8m high fencing and mature landscaping. The site is located within the settlement boundaries and whilst outside of the conservation area, the boundary is immediately adjacent to the south-west of the site.

**Planning History:**

6. No relevant site history

## **Consultations:**

7. Highway Authority: No objection subject to conditions.
8. Development Implementation and Monitoring Officer: The proposal of 10 apartments would only trigger a s106 for affordable housing, if the floor space exceeds 1,000sqm.
9. Strategy and Enabling Officer: Sought clarification over whether the proposal triggers affordable housing. No comments on basis that the proposal does not exceed 1000sqm in floor area.
10. Environment Agency: The site is situated within Flood Zone 1 and above a principle aquifer and within source protection zone 3. The developer should address risks to controlled waters from contamination at the site. We have no objection to the proposal.
11. Environmental Health (Contaminated Land and Air Quality): No objection. The contaminated land desk study is an appropriate level of assessment and it is agreed that no further investigation and remediation measures are considered necessary. Guidance and policy advises that major developments should be subject to measures to help reduce the impact on local air quality. We therefore suggest a condition to require the provision of electric vehicle charge points within the site.
12. Public Health and Housing: No objection but commented on the layout and means of access to bedrooms. To minimise the impact on residential occupiers in the vicinity during construction conditions are recommended regarding hours of construction and the burning of waste.
13. Conservation Officer: As a building identified as a non designated heritage asset the proposed demolition would prove contrary to policy DM16 involving an unacceptable level of loss of original features. In addition paragraphs 135 and 133 of the NPPF should apply. Comments on the acceptability of the replacement building have not been made as the building is located outside the conservation area.
14. Anglian Water: Our records show that there are no assets owned by Anglian Water or those subject to an adoption agreement within the development site boundary. The foul drainage from this development is in the catchment of Newmarket Water Recycling Centre that will have available capacity for these flows. The sewerage system at present has available capacity for these flows. The proposed method of surface water management does not relate to Anglian Water operated assets. As such, we are unable to provide comments on the suitability of the surface water management.
15. Tree Officer: The ownership of trees in the highway verge should be checked and concerns raised over trees adjacent to proposed hard surfaces.

16. Suffolk Fire and Rescue: Comments made in respect of Building Regulations and confirmation provided that no additional water supply for the purposes of fire fighting is required.

**Representations:**

17. Town Council: Object on ground of:

- Overdevelopment due to scale and dominance of buildings
- Impact on the level of traffic on Fornham Road
- Impact on the character, appearance of the area and community
- The appearance and design of the development
- Inadequate parking

Comments on amended plans: No comments received

18. Ward Member (Councillors Andrew Appleby; Ruth Allen; Michael Anderson): No comments received

Comments on amended plans: No comments received

CLlr Lynch: Please report to Committee if officer recommendation is for approval for the following reasons:

- Loss of a prestigious house in a substantial plot
- Does not enhance conservation area
- Changes the character of the street scene
- Increase in traffic and possible parking on highway
- Over development
- Need a mix of housing

Comments on amended plans: No comments received

19. Jockey Club Estates: The site is not directly adjacent to any horseracing industry assets but does have two training yards located opposite side of Fordham Road. The Estates' main concern is in relation to increased vehicles movements on the busy Fordham Road. Any additional movements on an already congested highways network are unwelcome, and I would suggest that, should the application be approved, a section 106 contribution towards improvements to the Rayes Lane/Fordham Road junction is appropriate. In addition, during demolition and construction the applicant should ensure liaison with the two trainers near the site and all construction vehicles should be routed via the A14 and A142 rather than through town.

Comments on amended plans: no comments received

20. Wayside, Fordham Road: Comments in terms of noise, parking, residential amenity and traffic/highways. The proposal involves the demolition of an attractive dwelling and replacement with an ugly modern design. With the increase to 10 units there will be an impact on traffic and parking



provision does not seem adequate as it is assumed the residents will have only one car per 2-3 bedroom unit.

Comments on amended plans: No comments received

21. Aldene, Fordham Road: The proposal gives rise to a number of concerns relating to: motor traffic with increased numbers of cars and a lack of parking; noise from the additional vehicles; an increase in bicycles using the footpath; the demolition of Nowell Lodge will change the residential nature of the area and replace a distinctive building with a modern block out of character with the area; questions about the future management of the flats.

Comments on amended plans: No comments received

22. Induna Stables, Fordham Road: Object on grounds of demolition of the existing dwelling which is one of the finest houses in the town; Impact on value of area and the change in character of the road in combination with other applications; Impact on highway network and access to the town with increased traffic volume of Fordham Road requiring mitigation.

Comments on amended plans: No comments received

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

23. Joint Development Management Policies Document:

- Policy DM1 – Presumption in favour of sustainable development
- Policy DM2 – Creating places
- Policy DM7 – Sustainable design and construction
- Policy DM17 – Conservation areas
- Policy DM16 – Local heritage assets
- Policy DM22 – Residential design
- Policy DM46 – Parking standards
- Policy DM48 – Development affecting the horse racing industry

24. Forest Heath Core Strategy 2010

- Policy CS1 – Spatial Strategy
- Policy CS3 – Landscape character and the historic environment
- Policy CS5 – Design quality and local distinctiveness
- Policy CS9 – Affordable housing provision

**Other Planning Policy:**

25. National Planning Policy Framework (2012)

**Officer Comment:**

26. The issues to be considered in the determination of the application are:
- The principle of development and the loss of an undesignated heritage asset

- Character and appearance and impact on conservation area
  - Residential amenity
  - Highway safety
27. The application site is located within the settlement boundary of Newmarket where the principle of new residential development is acceptable. The proposal would involve the demolition of an existing substantial dwelling considered to be a good example of an arts and crafts style dwelling. The style is typical of the 1920-30's architecture which typically exhibited red brick and tile hung walls, red clay roof tiles, iron casements, leaded lights and oak doors all of which feature at Nowell Lodge.
28. A heritage asset, as defined by the National Planning Policy Framework (NPPF), is a building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. Heritage assets include designated heritage assets (such as listed buildings) and undesignated heritage assets identified by the local planning authority, including local listing. Whilst the existing building is not a designated heritage asset, the Conservation Officer considers that the building can be classified as an undesignated heritage asset given its age, style, aesthetic value and group value.
29. As a building identified as an undesignated heritage asset, the proposal, which would result in the complete and irreversible loss of this asset, would be contrary to policy DM16 of the Joint Development Management Policies Document (2015) which seeks to protect such assets. However, the demolition of a building outside of conservation areas is permitted development under Part 11 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 and therefore no planning application is required because planning permission for the demolition is granted by the Order. On this basis, and in the absence of an Article 4 Direction to remove such permitted development rights, it is considered that the applicant could demolish the dwelling without needing planning permission and the loss of the dwelling is not a matter that can be controlled through this application.
30. On the basis that the site is located within a settlement boundary and the demolition of the dwelling is permitted development it is considered that the principle of the proposed development is acceptable.
31. The proposed development has undergone significant amendment since it was originally submitted. The original proposal was for an apartment block three storeys in height and of a modern appearance with a continuous ridge spanning the width of the building. Officers were of the opinion that the scale, form and mass of the proposed building were not appropriate in this location which is characterised by detached dwellings of varied form but of a domestic scale and appearance. On this basis, amendments were negotiated to break up the overall mass of the building resulting in the amended plans received on 1<sup>st</sup> April 2017.

32. The revised plans propose the erection of 10 apartments comprised of 7 No. two bedroom apartments and 3 No. three bedroom apartments. The development would consist of two main elements. To the north-west the building would be 2.5 storeys in height incorporating rooms in the roof served by dormer windows to the front and rear. This element would be linked via a recessed entrance lobby to a second element to the south-east which would consist of four distinct blocks between 2 and 3 storeys in height. It is considered that the revised proposals represent a more appropriate design solution in this location by breaking up the overall mass of the proposed building and providing a building more sympathetic to the form and scale of other buildings in the vicinity of the site. Furthermore, the site is screened from the roadside by an existing 1.8m high close boarded fence and mature landscaping reducing the visual prominence of the building.
33. The Conservation Officer has not commented on the acceptability of the replacement building as it is located outside of the conservation area however as the site is adjacent to the conservation area regard must still be had to its setting. As advised previously, the loss of the existing building is outside of the control of the Local Planning Authority and with this in mind it is considered that the replacement building would preserve the character and appearance of the area. The replacement building would be of an appropriate scale, form, height, mass, alignment and of a design which respects the areas character and setting. The proposal would retain sufficient separation to the site boundaries to retain a sense of spaciousness which characterises the area and would retain the existing soft landscaping to the front of the site. The proposal would result in a more intensive use of the site but it is considered that this would not undermine the character and appearance of the area bearing in mind the busy nature of Fordham Road. On this basis it is considered that the proposal would preserve the character and appearance of the area in accordance with policy DM17. Conditions should be imposed to require precise details of hard and soft landscaping to be submitted for approval to retain control over these matters.
34. In respect of residential amenity, the replacement building would be sited on a similar footprint to the existing building but would extend the building closer to the boundary to the south-east. Whilst the proposal would be 5m from this boundary at its closest point, it would still retain a distance of 24.5m to the adjacent dwelling. The building would remain the same distance from the neighbouring dwelling to the north-west as existing. The proposal would be clearly visible from the neighbouring dwellings but with regard to the scale and impact of the existing building and the degree of separation to be retained to the neighbouring dwellings, it is not considered that the proposed building would be significantly overbearing or unneighbourly. Furthermore, with windows in the side elevations of the existing dwelling, it is not considered that the side facing windows in the proposed building would give rise to an increase in overlooking which would be significantly harmful to residential amenity.
35. Comments were received from the occupants of the dwellings to the north-west and south-east raising concern at the loss of the existing

dwelling but this issue has been addressed in preceding paragraphs. There was also concern raised by neighbours regrading additional noise implications of the proposal given the increased vehicles which will be using the site but it is not considered by officers that the development is of such intensity that residential amenity would be significantly affected and no objections have been received by public health and housing regarding this issue.

36. Neighbours also commented on the impact on the highway network and comments have been received from Induna Stables and the Jockey Club concerning the need for mitigation to provide improvements to the Rayes Lane/Fordham Road junction. The Highway Authority has however raised no objections to the proposal subject to conditions. The mitigation requested by the Jockey Club has been discussed with the Highway Authority who has confirmed that for a development of 10 dwellings the mitigation requested would not be necessary to make the development acceptable in highway safety or capacity terms. It is considered that the development would not materially affect the horse racing industry in accordance with policy DM48. An amended plan has been submitted to clarify visibility arrangements and clarification has been sought from the Highway Authority that the existing trees in the highway verge can be retained which contribute positively to the character and appearance of the area. The scheme proposes 18 parking spaces which exceed the minimum requirements of the Suffolk Parking Standards and provision is made for sufficient manoeuvring space and cycle parking and bin storage within the site. The proposal is therefore considered to comply with policy DM46.
37. The site contains a number of mature trees, largely restricted towards the edge of the site. The scheme proposes the removal of 4 trees and one hedge, the most significant of which being a category C1 False Acacia however the Tree Officer raises no objections to this removal. Concern was expressed by the Tree Officer regarding the provision of hard surfaces adjacent to existing trees however these hard surfaces will be constructed using a methodology to minimise impact during construction and to allow for continued growth and it is therefore considered that the trees would not be unduly affected by the proposals. This has been discussed with the Tree Officer who has confirmed that such would be acceptable.
38. Policy CS9 of the Core Strategy requires the provision of 33% affordable housing on all schemes of 10 dwellings or more however the Planning Practice Guidance which refers to a written ministerial statement of 28 November 2014 states that affordable housing should not be sought on developments of 10 units of less and which have a maximum combined gross floorspace of no more than 1000sq m. The proposal complies with these criteria and accordingly, contrary to policy C9 but in accordance with the Planning Practice Guidance, no affordable housing is being sought on this scheme.

**Conclusion:**

39. 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:**

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

1. 3 year commencement.
2. Development to be carried out in accordance with amended plans.
3. Details of materials prior to their first use.
4. Hard and soft landscaping scheme to be provided
5. Water consumption condition to limit to 110 litres per person per day
6. Highway conditions to address visibility splay; provision of parking as shown on plans; provision of bin storage as shown on plans; gates to hang inwards.
7. Restriction on hours of demolition and construction

**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=OE7GJ6PDJZ100>

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**Forest Heath**  
District Council

# Development Control Committee

## 7 June 2017

### Planning Application DC/16/2731/HH 5 Whitegates, Newmarket

<b>Date Registered:</b>	15/12/2016	<b>Expiry Date:</b>	09/02/2017
		<b>Extension of time:</b>	08/04/2017
<b>Case Officer:</b>	Matthew Gee	<b>Recommendation:</b>	Approve with Conditions
<b>Parish</b>	Newmarket	<b>Ward:</b>	All Saints
<b>Proposal:</b>	Householder Planning Application - (i) Single storey front extension (ii) Two Storey side and rear extension (iii) Single storey rear extension - revised scheme of -DC/15/2282/HH		
<b>Site:</b>	5 Whitegates, Newmarket		
<b>Applicant:</b>	Mr Mark Gordon		

#### Synopsis:

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

#### Recommendation:

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

#### CONTACT CASE OFFICER:

Matthew Gee

Email: Matthew.Gee@westsuffolk.gov.uk

Telephone: 01638 719792

## **Background:**

**This application is referred to the Development Control Committee following consideration by the Delegation Panel. The application is recommended for APPROVAL. No comments have been received from the Town Council. A site visit was undertaken on Monday 3 April 2017.**

## **Proposal:**

1. In 2016, planning permission was granted under application DC/15/2282/HH, for:
  - a. Single storey front extension.
  - b. Single storey side and rear extension, incorporating the existing detached garage.
  - c. First floor extension to the side elevation
  - d. Two storey rear extension
2. Following the approval of application DC/15/2282/HH, works have been largely completed and several elements have been found not to conform to what was granted permission.
3. Taking the previous approval into consideration, this application seeks to regularise the following elements:
  - a. The provision of a balcony to the rear elevation with a floor area of 3.65sqm.
  - b. 2no. additional roof lights and reposition of previously approved roof lights along single storey side extension element.
  - c. Enlargement of previously approved obscure glazed fixed first floor side elevation window.
  - d. Inclusion of weatherboarding to first floor rear extension.
  - e. Enlargement of previously approved ground floor rear window and installation of ground floor rear doors.
  - f. Reduction in the overall length of the side extension from 17.2m to 16.05m.
4. Following a site visit several elements were identified that did not match the details shown on the plans submitted. These elements have subsequently been amended on the plans provided, and are now considered to better show what works have been completed.

## **Site Details:**

5. The site is situated within the settlement boundary of Newmarket and comprises a semi-detached two storeys dwelling with detached garage located to the rear with a driveway running along the western elevation.
6. Work has already started on site under the previous permission of DC/15/2282/HH, with most the external elements of the proposal having now being completed.



**Planning History:**

7. F/82/689 - Front Porch – Approved with conditions
8. DC/15/2282/HH - Householder Planning Application - (i) Construction of Single storey front extension (ii) Two Storey side and rear extension (iii) Single storey rear extension – Approved with conditions

**Consultations:**

9. Highway Authority: No objection to previous application subject to conditions.

**Representations:**

10. Town Council: No comments received
11. No letters of representation have been received from neighbours in relation to this application or the previous application DC/15/2282/HH.

**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:

12. 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
  - Policy DM46 Parking Standards
13. Forest Heath Core Strategy (2010):
  - Policy CS5 - Design quality and local distinctiveness

**Other Planning Policy:**

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

**Officer Comment:**

15. The issues to be considered in the determination of the application are:
  - Impact on character, design and scale of existing dwelling
  - Impact on character and appearance of surrounding area
  - Overdevelopment
  - Residential amenity
  - Highway Safety
  - Other concerns

## Impact on character, design and scale of existing dwelling

16. Policies DM2, DM24 and CS5 all seek to ensure that proposed extensions to dwellings respect the character, scale and design of the existing dwelling. The extension to the front elevation is single storey and protrudes 1.2m forward of the dwelling in line with an existing front porch. The extension uses materials that match the existing dwelling, and is of an appropriate design and scale.
17. The extension to the side elevation consists of a single storey addition which extends along the entire side of the dwelling and protrudes 2.3m from the side elevation. The extension is of an appropriate design and uses materials that match those used in the existing dwelling. It should be noted that the single storey side extension can be achieved under permitted development. In addition, the proposal includes a first-floor side extension which protrudes 1.3m from the side elevation. This extension again uses materials that match those used in the existing and is of a similar design to the existing dwelling. The scale of the first-floor extension is considered acceptable given it is set back from the side boundary, it is no higher than the existing dwelling and has a relatively small floor area.
18. The extension to the rear consists of a single storey extension that incorporates the existing garage. The extension uses matching materials and is of a simple design. In addition, much of floor space created is through the incorporation of the existing detached garage. It is also noted that the single storey rear extension has been reduced by approximately 1.2m in length from the previously approved application. The proposal also includes a first-floor extension which extends from the rear of the dwelling by 3.1m. This extension has been clad in a weatherboarding material and is similar design to the existing dwelling. This extension is also considered to be of an appropriate scale.
19. The two storey rear extension is clad in a white boarding, which is visible down the side of the dwelling from the road. It is not considered that the use of boarding adversely impacts on the character and design of the existing dwelling. In addition, the use of boarding was approved under the previous application DC/15/2282/HH.
20. The use of recessed guttering along the single storey side extension has resulted in a stepped guttering appearance to the front elevation. The guttering along the side elevation has also been constructed in a way that results in it appearing uneven from the road. Whilst visually, this is not ideal, it is not considered to have such a significant adverse impact on the character of the dwelling and wider street scene to warrant refusal of this application.
21. It can therefore be concluded that the extensions are acceptable in terms of scale, character and design.

### Impact on character and appearance of surrounding area

22. New extensions also need to respect the character and appearance of the surrounding area. The majority of the rear elements are not visible from the public realm, and as such it is considered that these pose no adverse impact on the character or appearance of the surrounding area. Whilst the proposed extensions to the front and side elevations are visible, as is the side of the two storey rear extension, they are considered appropriate in scale and design.

### Overdevelopment

23. Policy DM24 seeks to ensure that proposed extensions do not result in the overdevelopment of the dwellings curtilage. It is considered that the curtilage is sufficient to ensure that the extensions do not result in its overdevelopment.

### Residential amenity

24. Policy DM24 also seeks to ensure that proposed extensions will not result in an adverse impact on the neighbouring resident's amenities. The extensions are considered to be located a sufficient distance from the neighbouring dwellings and do not impact on the light levels afforded to the neighbouring residents.

25. The proposal includes the introduction of a first-floor side elevation window. This window is fixed shut and obscure glazed, as such, it is considered that the proposal will not result in any additional overlooking of neighbouring residents private space.

26. In addition, the amended proposal also includes the introduction of a small 3.65sqm first floor balcony. The balcony will include the provision of 2no. 1.8m high obscure glazed screens to the sides. Whilst the introduction of a balcony can often have an adverse overlooking impact, it is considered that the introduction of the 2 obscure glazed screens to either side is sufficient to screen the neighbouring resident's amenity space from potential overlooking.

27. The amended application also includes the repositioning and addition of a few ground floor windows to the rear elevation, and roof lights to the single storey side extension. It is not considered that the repositioning and introduction of these ground floor windows would result in any adverse impact in terms of loss of privacy or overlooking. The repositioning and introduction of 2 roof lights along the side extension is not considered to result in any adverse impact in terms of overlooking or loss of privacy.

### Highway Safety

28. The Highways authority assessed the application under the previous approval of DC/15/2282/HH, and concluded that no impact on highway safety would occur as part of this application. The current application does

not amend either the number of bedrooms or the parking provision. As such it is considered that there will be no additional highway impact from this proposal.

#### Other concerns

29. Matters relating to Building Regulation concerns are dealt with under separate Building Regulation legislation, and can not be taken into account as part of this application.

#### **Conclusion:**

30. In conclusion, whilst the works are largely complete, as assessed above, 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:**

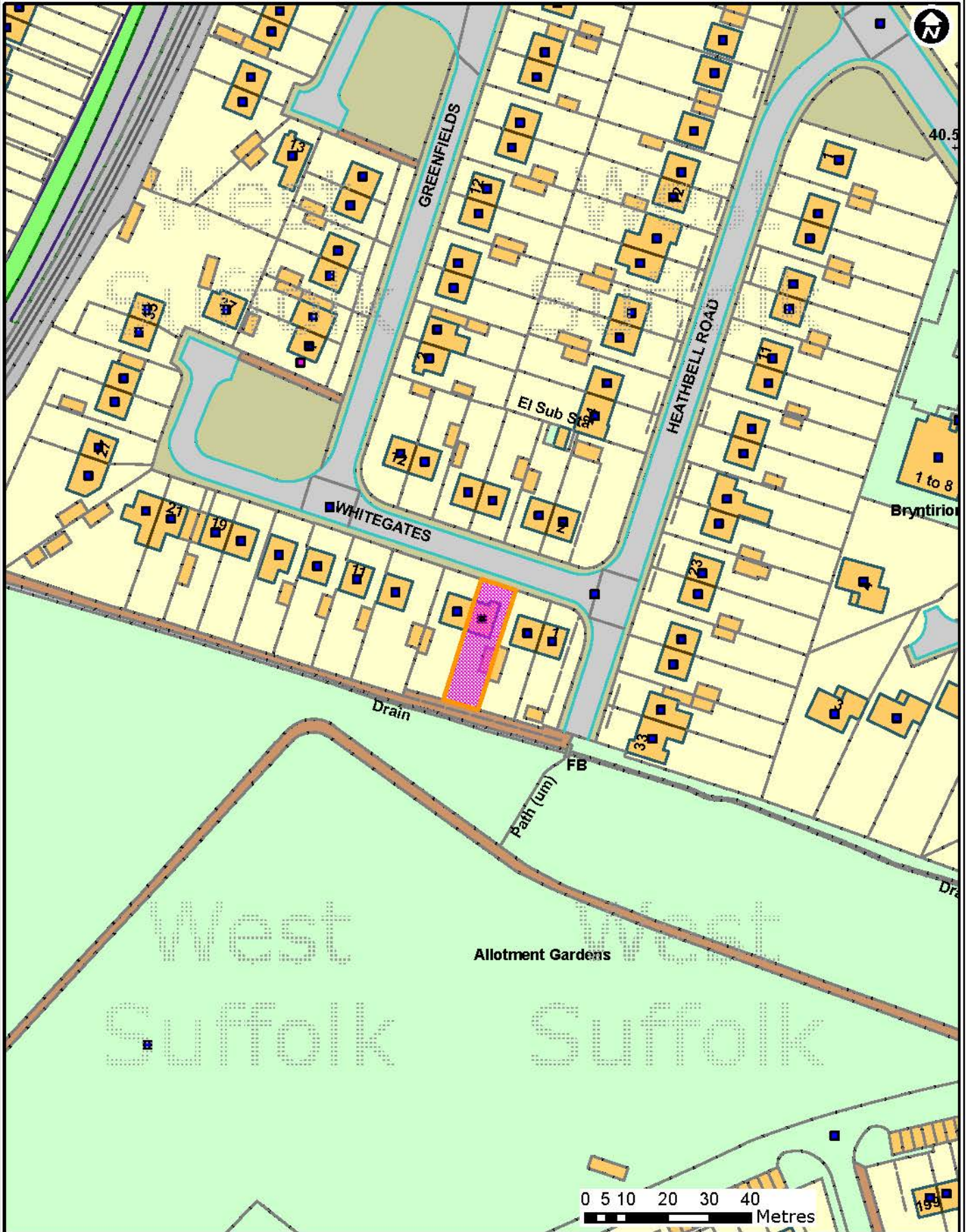
31. It is recommended that planning permission be **APPROVED** subject to the following conditions:

1. Time Limit
2. Compliance with plans
3. Improved access to be retained
4. Access layout
5. Parking provision
6. Obscure glazed window
7. Obscure glazing screens to balcony.

#### **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=OI2KUXPDF400>

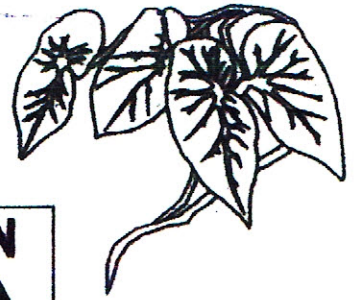


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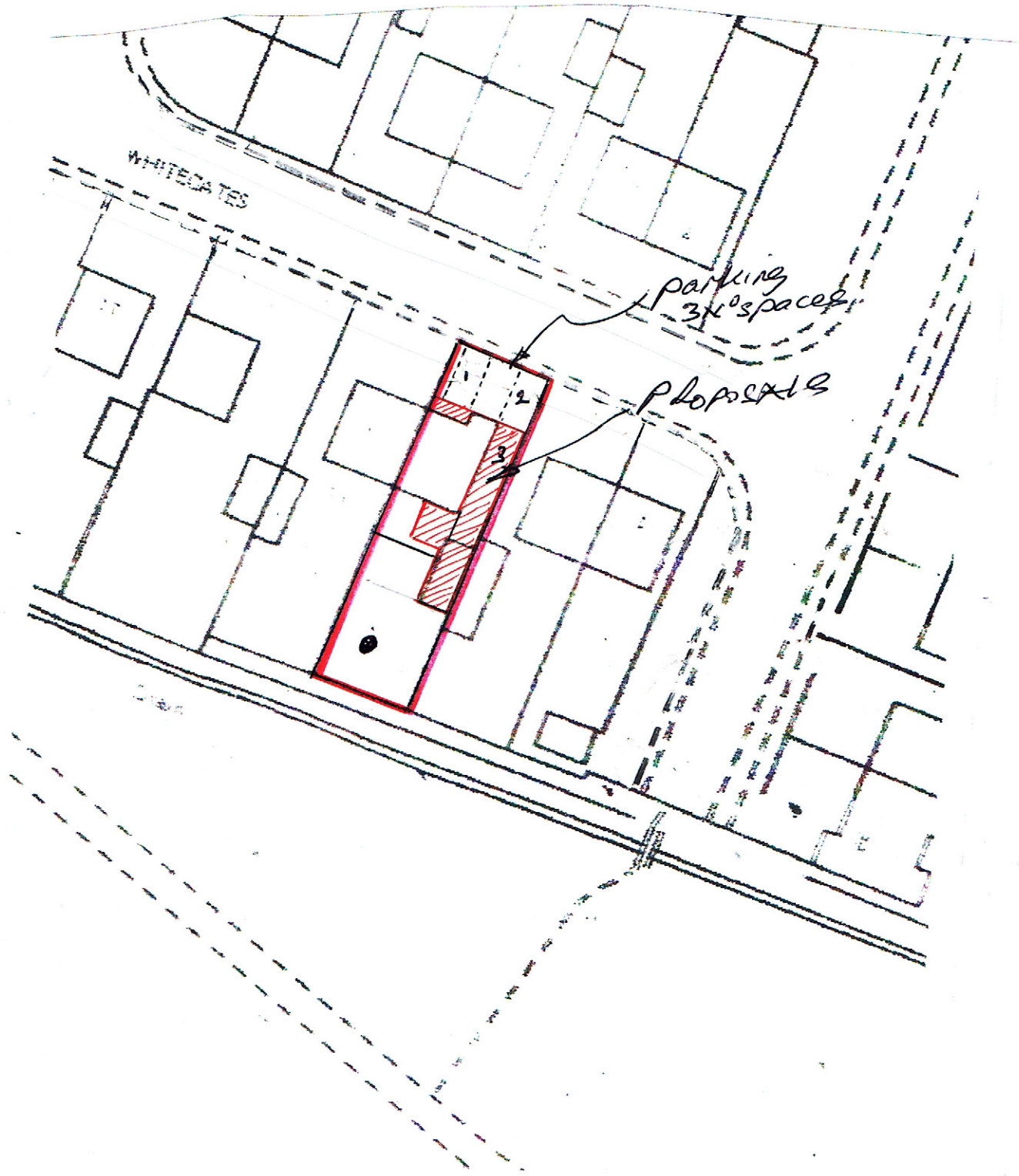


# M.R.DESIGNS

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M 07831 408454 E MRDESIGNS\_HOTMAIL.COM



<b>BLOCK PLAN</b>	Ref: <i>7A65</i>	SCALE: <b>1:500</b>	<b>N</b> ▲
	Client: <i>GORDON</i>	Address: <i>5 WHITEGATES X NEWMARKET CB8 8DS,</i>	Site: ●



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