

Development Control Committee



Forest Heath
District Council

Title:	Agenda														
Date:	Wednesday 5 July 2017														
Time:	6.00 pm														
Venue:	Council Chamber District Offices College Heath Road Mildenhall														
Full Members:	<p style="text-align: center;">Chairman Rona Burt Vice Chairman Chris Barker</p> <p><u>Conservative Members (9)</u></p> <table style="width: 100%; border: none;"> <tr> <td style="width: 33%;">David Bowman</td> <td style="width: 33%;">Brian Harvey</td> </tr> <tr> <td>Ruth Bowman J.P.</td> <td>Carol Lynch</td> </tr> <tr> <td>Louis Busuttil</td> <td>Louise Marston</td> </tr> <tr> <td>Stephen Edwards</td> <td></td> </tr> </table> <p><u>West Suffolk Independent Members (3)</u></p> <table style="width: 100%; border: none;"> <tr> <td style="width: 33%;">Andrew Appleby</td> <td style="width: 33%;">David Palmer</td> </tr> <tr> <td>Simon Cole</td> <td></td> </tr> </table> <p><u>UKIP Members (2)</u></p> <table style="width: 100%; border: none;"> <tr> <td style="width: 33%;">Roger Dicker</td> <td style="width: 33%;">Peter Ridgwell</td> </tr> </table>	David Bowman	Brian Harvey	Ruth Bowman J.P.	Carol Lynch	Louis Busuttil	Louise Marston	Stephen Edwards		Andrew Appleby	David Palmer	Simon Cole		Roger Dicker	Peter Ridgwell
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Stephen Edwards															
Andrew Appleby	David Palmer														
Simon Cole															
Roger Dicker	Peter Ridgwell														

SITE VISITS WILL BE HELD ON MONDAY 3 JULY 2017 AT THE FOLLOWING TIMES:

No coach is to be provided for these site visits, Members are requested to make their own way there and to car share wherever possible.

1. **Planning Application DC/17/0718/FUL - Barley Close, Newmarket**
Planning Application - 1no. dwelling
Site visit at 10.00am (CB8 8GQ)
2. **Planning Application DC/16/2762/FUL - Land West of Gazeley Road, Gazeley Road, Kentford**
Planning Application - 1no. dwelling (following demolition of existing garage)
Site visit at 10.30am (CB8 7QA)
3. **Planning Application DC/16/1897/FUL - Land South of Laurel Close, Holywell Row**
Planning Application - 6no. detached dwellings with cart lodges, garages and associated works (demolition of agricultural buildings)
Site visit at 11.10am (IP28 8LS)

Cont. overleaf...

4. Planning Application F/2013/0394/OUT - Land West of Eriswell Road, Lakenheath

Residential development of up to 140 dwellings with associated open space provision, landscaping and infrastructure works, as amended

Site visit at 11.40am (IP27 9AP)

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

**DEVELOPMENT CONTROL COMMITTEE:
 AGENDA NOTES**

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

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

Material Planning Considerations

1. It must be noted that when considering planning applications (and related matters) only relevant planning considerations can be taken into account. Councillors and their Officers must adhere to this important principle which is set out in legislation and Central Government Guidance.

2. Material Planning Considerations include:

- Statutory provisions contained in Planning Acts and Statutory regulations and Planning Case Law
- Central Government planning policy and advice as contained in Circulars and the National Planning Policy Framework (NPPF)
- The following Planning Local Plan Documents

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

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

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

Documentation Received after the Distribution of Committee Papers

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

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

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

Public Speaking

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

DEVELOPMENT CONTROL COMMITTEE: DECISION MAKING PROTOCOL

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

Decision Making Protocol

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

- Where an application is to be deferred, to facilitate further information or negotiation or at an applicant's request.
- Where a recommendation is to be altered as the result of consultation or negotiation:
 - The presenting Officer will clearly state the condition and its reason or the refusal reason to be added/deleted/changed, 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/changed, 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.

Agenda

Procedural Matters

Part 1 – Public

Page No

- 1. Apologies for Absence**
- 2. Substitutes**
- 3. Minutes** **1 - 20**

To confirm the minutes of the meeting held on 7 June 2017 (copy attached).
- 4. Planning Application DC/16/1897/FUL - Land South of Laurel Close, Holywell Row** **21 - 38**

Report No: **DEV/FH/17/023**

Planning Application - 6no. detached dwellings with cart lodges, garages and associated works (demolition of agricultural buildings)
- 5. Planning Application DC/16/2762/FUL - Land West of Gazeley Road, Gazeley Road, Kentford** **39 - 48**

Report No: **DEV/FH/17/024**

Planning Application - 1no. dwelling (following demolition of existing garage)
- 6. Planning Application F/2013/0394/OUT - Land West of Eriswell Road, Lakenheath** **49 - 162**

Report No: **DEV/FH/17/025**

Residential development of up to 140 dwellings with associated open space provision, landscaping and infrastructure works, as amended
- 7. Planning Application DC/17/0718/FUL - Barley Close, Newmarket** **163 - 174**

Report No: **DEV/FH/17/026**

Planning Application - 1no. dwelling

8. Planning Application DC/16/2731/HH - 5 Whitegates, Newmarket

175 - 196

Report No: **DEV/FH/17/027**

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 7 June 2017 at **6.00 pm** at the **Council Chamber, District
Offices**, College Heath Road, Mildenhall IP28 7EY

Present: **Councillors**

Andrew Appleby	Roger Dicker
Chris Barker	Stephen Edwards
David Bowman	Brian Harvey
Ruth Bowman J.P.	Louise Marston
Rona Burt	David Palmer
Louis Busuttil	Peter Ridgwell
Simon Cole	

In attendance:

Lance Stanbury

222. **Election of Chairman for 2017/2018**

This being the first meeting of the Development Control Committee since the Authority's Annual Meeting in May 2017, the Business Partner (Planning) opened the meeting and asked for nominations for the Chairman of the Committee for 2017/2018.

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

There being no other nominations, the motion was put to the vote and with the vote being unanimous, it was

RESOLVED:

That Councillor Rona Burt be elected Chairman for 2017/2018.

Councillor Burt then took the Chair for the remainder of the meeting.

223. **Election of Vice Chairman for 2017/2018**

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

There being no other nominations, the motion was put to the vote and with the vote being unanimous, it was

RESOLVED:

That Councillor Chris Barker be elected Vice Chairman for 2017/2018.

224. Chairman's Announcements

Prior to continuing with the business on the agenda, the Chairman took the opportunity to formally welcome David Collinson who had recently joined the West Suffolk Councils as Assistant Director for Planning and Regulatory Services.

The Chairman then paid tribute to two elected Members who had recently passed away; Councillor Bill Sadler long-serving Forest Heath District Councillor for Newmarket and St Edmundsbury Borough Councillor Angela Rushen. All those present then observed a one minute silence in their memory.

225. Apologies for Absence

Apologies for absence had been received from Councillor Carol Lynch.

226. Substitutes

There were no substitutes present at the meeting.

227. Minutes

The minutes of the meeting held on 3 May 2017 were unanimously received as an accurate record and were signed by the Chairman.

228. Planning Application DC/16/2652/OUT - Stock Corner Farm, Stock Corner, Beck Row (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)

This application was referred to the Development Control Committee as the Parish Council supported the proposal which was contrary to the Officer recommendation of refusal, for the reason set out in Paragraph 75 of Report No DEV/FH/17/015.

Members were advised that the application was also before Committee in the interests of consistency, as the previously determined application for the site (DC/15/2456/OUT) had been considered by the Committee in May 2016 when the proposal for 11 no. dwellings was refused.

Speaker: Mr Michael Hendry (agent) spoke in support of the application

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

Upon being put to the vote and with the vote being unanimous, it was resolved that

Decision

Planning permission be **REFUSED** for the following reason:

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.

229. **Supplementary Information in Respect of Agenda Items 7, 8 & 9**

Prior to the consideration of Agenda Items 7, 8 and 9 the Case Officer for the three Lakenheath planning applications tabled two sets of documents to the meeting which related to each of the three reports:

1. Late representations from Lakenheath Parish Council and supporting documentation (as emailed directly to all Committee Members by the Parish Council earlier in the day); and
2. Correspondence setting out matters which arose pertaining to the cumulative traffic study following publication of the Committee agenda.

The Case Officer spoke to each of the items and summarised what Members had before them.

The Chairman then allowed a 10 minute adjournment in order to permit the Committee time in which to peruse the tabled documentation.

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

This item was originally considered by the Development Control Committee on 3 August 2016 when Members determined that the application be granted.

The planning application was returned to Committee in order to enable Members to consider material changes in circumstances that had occurred since the August 2016 determination, these being:

- i. The Council's 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; and
- iii. The recent publication of noise contour information by the Defence Infrastructure Organisation (on behalf of the Ministry of Defence).

The Committee were also advised that following the resolution to grant planning permission in August 2016 the Secretary of State issued an 'Article 31 Holding Direction' in respect of this application, which prevented the Planning Authority from granting planning permission for the development, in order to enable the Secretary of State to determine whether or not to 'call in' the application for his own determination.

Accordingly, whilst Officers were continuing to recommend that the application be approved, subject to the completion of a S106 agreement and conditions as set out in Paragraph 75 of Report No DEV/FH/17/016, this was subject to the Secretary of State confirming withdrawal of the Holding Direction and/or deciding not to call in the planning application.

Members conducted a site visit prior to the meeting.

As part of his presentation to the meeting the Principal Planning Officer – Major Projects drew attention to the following:

- The two supplementary document bundles that related to this application, as made reference to earlier in the meeting;
- The correct site map which had been emailed separately to Members prior to the meeting (the wrong version had been attached to the published agenda);
- The most recent noise contour mapping – the Committee were advised that following the noise contours having been updated the application site now fell within the defined boundaries (this wasn't the case when the application was considered in 2016);
- The 'nesting buffer' and the boundaries that had been updated in respect of this, however, the application site remained unaffected; and
- Other determined and pending planning applications for Lakenheath and the current status of each.

Speaker: Councillor Hermione Brown (Lakenheath Parish Council)
spoke against the application

Councillor Brian Harvey made reference to the tabled correspondence in relation to the cumulative traffic study and voiced concerns with regard to the estimations made reference to within the documentation. In light of this supplementary paper he felt unable to support the planning application.

In response, the Case Officer explained that Highways had carried out their own assessment of the roads/junctions in question, this included a cumulative impact assessment of all relevant applications, and in light of which they concluded that that with appropriate mitigation the application before Members would not have a severe impact on the highway network.

Councillor Peter Ridgwell voiced concern with regard to the position of the access off Station Road that would be used to travel to/from the primary school within the scheme. The Officer explained that whilst the position of the school had moved from the North of the site in initial plans to the South, the access had always remained at the same point. The Committee were also advised that the 30mph speed limit had been recently extended along Station Road and now covered the whole frontage of the application site.

Councillor Ridgwell also asked if consideration had been given to the promotion of Lakenheath Railway Station in view of the expansion of Lakenheath village. The Case Officer explained that railway operators had not requested this and it was therefore unreasonable for the Planning Authority to request this.

Councillor Louise Marston, as Ward Member for Lakenheath, spoke in support of the planning application. She explained that over half of the village fell within the same noise contour as the application site. Furthermore, she pointed out that the existing primary school fell within a higher noise contour than the application site and the school was unable to be entirely mitigated due to the age of the building.

Councillor Marston moved that the application be approved, as per the Officer recommendation, and this was duly seconded by Councillor Simon Cole.

Upon being put to the vote and with 10 voting for the motion, 2 against and with 1 abstention it was resolved that

Decision

Subject to the Secretary of State confirming withdrawal of 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; and

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).
3. 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 above; or
 - ii) the applicant declining to enter into a planning obligation to secure the Heads of Terms set out at above for reasons considered unreasonable by the Assistant Director (Planning and Regulatory);
- the planning application be returned to the Development Control Committee for further consideration.

231. **Planning Application F/2013/0345/OUT - Land at Rabbit Hill Covert, Station Road, Lakenheath (Report No: DEV/FH/17/017)**

Residential development (up to 81 dwellings, as amended)

This item was originally considered by the Development Control Committee on 3 September 2014 when Members determined that the application be granted.

The planning application was returned to Committee in order to enable Members to consider material changes to circumstances that had occurred since the September 2014 determination, these being:

- i. The Council's 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;
- iii. The recent publication of noise contour information by the Defence Infrastructure Organisation (on behalf of the Ministry of Defence);
- iv. The ability of the Council to demonstrate a five-year land supply of deliverable housing sites;
- v. The adoption by the Council of the Joint Development Management Policies document in February 2015;
- vi. The submission of a number of additional planning applications proposing large scale housing development at and around Lakenheath village; and
- vii. Enactment of CIL Regulation 123 which led to a requirement for the off-site public open space contributions being omitted from the S106 Agreement.

Members conducted a site visit prior to the meeting. Officers were continuing to recommend that the application be approved, subject to the completion of a S106 agreement and conditions as set out in Paragraph 115 of Report No DEV/FH/17/017.

As part of his presentation to the meeting the Principal Planning Officer – Major Projects drew attention to the following:

- The two supplementary document bundles that related to this application, as made reference to earlier in the meeting;
- The comments made by the Council's Public Health and Housing Officers (as set out in Paragraph 17 of the report) in confirming that they continued to retain no objections to the application; and
- The most recent noise contour mapping – the Committee were advised that following the noise contours having been updated the application site now fell within the defined boundaries (this wasn't the case when the application was considered in 2014).

Speaker: Councillor Hermione Brown (Lakenheath Parish Council)
spoke against the application

Councillor Louise Marston moved that the application be approved, as per the Officer recommendation, and this was duly seconded by Councillor David Bowman.

Upon being put to the vote and with 11 voting for the motion and with 2 abstentions it was resolved that

Decision

1. Outline planning permission be **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
2. In the event of the Assistant Director (Planning and Regulatory) recommending alternative (reduced) S106 Heads of Terms from those set out above on the grounds of adverse financial viability or other factors pertaining to the deliverability of the development, the planning application be returned to the Development Control Committee for further consideration.
 3. 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 the Development Control Committee for further consideration.

232. Planning Application DC/13/0660/FUL - Land off Briscoe Way, Lakenheath (Report No: DEV/FH/17/018)

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

This item was originally considered by the Development Control Committee on 3 September 2014 when Members determined that the application be granted.

The planning application was returned to Committee in order to enable Members to consider material changes in circumstances that had occurred since the September 2014 determination, these being:

- i. The Council's 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;
- iii. The recent publication of noise contour information by the Defence Infrastructure Organisation (on behalf of the Ministry of Defence);
- iv. The ability of the Council to demonstrate a five-year land supply of deliverable housing sites;
- v. The adoption by the Council of the Joint Development Management Policies document in February 2015;
- vi. The submission of a number of additional planning applications proposing large scale housing development at and around Lakenheath village;
- vii. Enactment of CIL Regulation 123 which led to a requirement for the off-site public open space contributions being omitted from the S106 Agreement;
- viii. Adoption of new parking guidance by Suffolk County Council, replacing the 2002 Suffolk Advisory Parking Standards; and
- ix. Amendments to the proposal made by the applicant to address changes in circumstance relevant to public open space, car parking provision and surface water drainage requirements.

Members conducted a site visit prior to the meeting.

The Committee were advised that there were still some minor 'snagging issues' to be resolved in respect of highways (as made reference to in Paragraph 86 of Report No DEV/FH/17/018), which were considered negligible enough to be delegated to Officers to confirm with the Highways Authority following the submission of further details with the applicants. Accordingly, whilst Officers were continuing to recommend that the application be approved, subject to the completion of a S106 agreement and conditions as set out in Paragraph 119, this was subject to the receipt of confirmation from the Highways Authority that they had no reasonable objections to the amended details.

As part of his presentation to the meeting the Principal Planning Officer – Major Projects drew attention to the following:

- The two supplementary document bundles that related to this application, as made reference to earlier in the meeting;
- The amendments made to the plans since September 2014, principally with regard to the public open space element (the number of dwellings within the scheme remains the same); and
- The most recent noise contour mapping – the Committee were advised that following the noise contours having been updated the application site now fell within the defined boundaries (this wasn't the case when the application was considered in 2014).

Speaker: Councillor Hermione Brown (Lakenheath Parish Council)
spoke against the application

Following a question from Councillor Brian Harvey, the Case Officer reiterated that Highways had carried out a cumulative impact assessment of all relevant applications, they had not been solely considered in isolation.

Councillor Peter Ridgwell raised a question with regard to NHS Trust S106 contributions. In response to which, the Officer drew attention to Paragraph 12 of the report which explained that due to the 'pooling restrictions' set out in the CIL Regulations the Trust had confirmed that they did not wish to request developer contributions from this application. Instead they would request contributions from the three largest schemes which had been put forward for Lakenheath.

Councillor David Bowman moved that the application be approved, as per the Officer recommendation, and this was duly seconded by Councillor Louise Marston.

Upon being put to the vote and with 11 voting for the motion and with 2 against it was resolved that

Decision

1. Following receipt of confirmation from the Local Highway Authority of no reasonable objections to the planning application, full planning permission be **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).

2. In the event of the Assistant Director (Planning and Regulatory) recommending alternative (reduced) S106 Heads of Terms from those set out above on the grounds of adverse financial viability or other factors pertaining to the deliverability of the development, the planning application be returned to the Development Control Committee for further consideration.
3. 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 the Development Control Committee for further consideration.

Following conclusion of this item the Chairman permitted a short comfort break.

Councillor Louise Marston left the meeting at 7.40pm on conclusion of this item.

233. **Planning Applications DC/16/2832/RM & DC/16/2833/FUL - Land East of Kings Warren, Warren Road, Red Lodge (Report Nos: DEV/FH/17/019 & DEV/FH/17/020)**

The Chairman agreed for these two items to be considered concurrently as they concerned the same site.

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

Planning Application – 8no dwellings and associated garaging and parking

These applications had been referred to the Development Control Committee at the request of one of the Red Lodge Ward Members, Councillor Lance Stanbury, for the reasons detailed Paragraph 29 of Report No DEV/FH/17/019.

A Member site visit was held prior to the meeting. Officers were recommending that the applications be approved subject to conditions, as set out in Paragraph 53 of Report No DEV/FH/17/019 (DC/16/2832/RM) and Paragraph 47 of Report No DEV/FH/17/020 (DC/16/2833/FUL).

The Principal Planning Officer made reference to the previously granted hybrid application for the site (F/2013/0257/HYB) within her presentation.

Speaker: Mr Clive MacLeod (resident) spoke against the applications

Further to the comments made by the public speaker, the Officer drew attention to the agreed haul route plan in respect of the development; she confirmed to Members that past breaches of this plan had been notified to the

Council who were monitoring this. The Committee were advised that the separate enforcement matter was not a material planning consideration.

In response to a question concerning education provision, Officers confirmed that Suffolk County Council had recently granted permission for Red Lodge's second primary school to be constructed.

Councillor Lance Stanbury was present as Ward Member for the application and spoke on the importance of space standards and the quality of developments within the District. He advised the Committee that he had raised the size of properties with the Council's Strategic Housing Team who confirmed that the size of the units met with minimum space requirements.

The Service Manager (Planning – Development) also added that Officers had been undertaking a piece of work with regard to space standards across West Suffolk and this would be presented to a future meeting of the Development Control Committee.

Councillor David Bowman moved that Planning Application DC/16/2832/RM (Report No DEV/FH/17/019) be approved as per the Officer recommendation and this was duly seconded by Councillor Brian Harvey.

Upon being put to the vote and with 8 voting for the motion, 2 against and with 2 abstentions, it was resolved that

Decision

Planning permission for DC/16/2832/RM (Report No DEV/FH/17/019) be **GRANTED** 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 194th dwelling.

Councillor David Bowman moved that Planning Application DC/16/2833/FUL (Report No DEV/FH/17/020) be approved as per the Officer recommendation and this was duly seconded by Councillor Brian Harvey.

Upon being put to the vote and with 8 voting for the motion, 2 against and with 2 abstentions, it was resolved that

Decision

Planning permission for DC/16/2833/FUL (Report No DEV/FH/17/020) be **GRANTED** 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

234. **Planning Application DC/16/2740/FUL - Caps Cases , Studlands Park Industrial Estate, Newmarket (Report No: DEV/FH/17/21)**

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

This application was referred to the Development Control Committee because Newmarket Town Council raised objections which were contrary to the Officer recommendation of approval, subject to conditions, as set out in Paragraph 38 of Report No DEV/FH/17/021.

A Member site visit was held prior to the meeting.

The Senior Planning Officer made reference to the planning application granted for the site in 2013 (F/2013/0253/FUL) and explained that the change to the HGV access proposed in the scheme before Members for determination was considered a much better solution by Officers.

As part of the Officer's presentation attention was drawn to Paragraph 31 of the report, which contained the comments made by the Council's Public Health and Housing Team who raised no objections to the scheme, on the basis that the proposed extension was likely to reduce the noise levels generated during operation by serving as a barrier to the plant.

Lastly, the Officer advised that since publication of the agenda a response had been received from the consultee in respect of surface water. No objections were raised to the scheme, subject to the inclusion of three conditions which would be added to those listed within the report's recommendation.

It was moved by Councillor David Bowman that the application be approved, as per the Officer recommendation and inclusive of the three additional surface water conditions, and this was duly seconded by Councillor Peter Ridgwell.

Upon being put to the vote and with the vote being unanimous, it was resolved that

Decision

Planning permission be **GRANTED** 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
- 12 Details of the strategy for the disposal of surface water
- 13 Details of the implementation, maintenance and management of the strategy for the disposal of surface water
- 14 Details of a construction surface water management plan detailing how surface water and storm water will be managed on the site during construction

235. Planning Application DC/16/2184/FUL - Nowell Lodge, Fordham Road, Newmarket (Report No: DEV/FH/17/022)

10 No. apartments (demolition of existing dwelling)

This application was originally referred to the Development Control Committee on 3 May 2017 because it was for a major development and Newmarket Town Council raised objections. A Member site visit was held prior to the meeting.

At the May meeting a number of Members voiced varied concerns with regard to the scheme and the Committee resolved that they were minded to the refuse permission, contrary to the Officer recommendation.

Accordingly, a risk assessment had been produced for Members' consideration. Officers were continuing to recommend that the application be approved subject to conditions, as set out in Section I of Report No DEV/FH/17/022.

The Principal Planning Officer advised Members that following the May Committee meeting the applicant had submitted an amended site plan which included four additional parking spaces and an acoustic fence. The applicant had also confirmed that the scheme allowed two vehicles to pass at the entrance to the site. A revised tree protection plan had also been submitted, in light of the works required to enable the four additional parking spaces, which would be mitigated by way of replacement planting.

The Officer also stated that she was aware that the applicant's agent had emailed Members of the Committee directly with supporting information.

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

Whilst some Members of the Committee continued to voice concern with the scheme a number found it generally acceptable.

It was moved by Councillor Simon Cole that the application be approved, as per the Officer recommendation, and this was duly seconded by Councillor Brian Harvey.

Upon being put to the vote and with 9 voting for the motion and with 3 against, it was resolved that

Decision

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.

236. **Planning Application DC/16/2731/HH - 5 Whitegates, Newmarket
(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**

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

A Member site visit was held on 3 April 2017. No comments had been received from Newmarket Town Council and Officers were recommending that the application be approved, subject to conditions as set out in Paragraph 31 of Report No DEV/FH/17/023.

The Planning Officer explained that in 2016 planning permission was granted under application DC/15/2282/HH. However, whilst works had been largely completed, several elements had been found not to conform to what was granted permission.

Accordingly, the plans before Members had been amended as part of the retrospective application to better show what works had been completed.

As part of his presentation the Case Officer advised that a first floor front elevation window had been omitted from the plans, however, this could be delegated to Officers to include if Members resolved to approve the application.

Councillor Ruth Bowman explained that whilst she was not happy with the noncompliance and subsequent retrospective application, she moved that the application be approved as per the Officer recommendation (inclusive of the delegation in respect of the first floor window) and this was duly seconded by Councillor Simon Cole.

Upon being put to the vote and with 3 voting for the motion and 9 against, the Chairman declared the motion lost.

Councillor Brian Harvey raised a question with regard to building regulations. Officers confirmed that a building regulations application had been submitted via an external company, however, Members were reminded that building regulations compliance was not a material planning consideration.

The Case Officer advised the Committee that a significant amount of the scheme before them would have been allowed under Permitted Development.

The Service Manager (Planning – Development) reminded Members that whilst the application was retrospective it, like any other, needed to be considered on its own merits. She also advised the Committee that it was custom and practice to consider Permitted Development alongside an application in order to help inform an Officer recommendation.

Councillor Stephen Edwards spoke against the application, he cited objections to the scheme in respect of:

- Poor design being out of character in the street scene;
- Impact on neighbours' amenity (overlooking); and
- Overdevelopment of the site.

Councillor David Bowman proposed that the application be refused, contrary to the Officer recommendation, for the reasons cited by Councillor Edwards and this was duly seconded by Councillor Edwards.

The Service Manager (Planning – Development) explained that the 'minded to' process would be invoked in respect of this application should Members resolve to refuse, and Officers would produce a risk assessment for consideration at the next meeting of the Committee.

Councillor Cole requested that the following information be included in the risk assessment report; the scheme granted approval under DC/15/2282/HH, development allowed under Permitted Development and the scheme applied for retrospectively – to enable Members to clearly consider all elements in comparison with each other.

The Chairman then put the motion for refusal to the vote and with 9 voting for the motion, 2 against and with 1 abstention it was resolved that

Decision

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

- Poor design being out of character in the street scene;
- Impact on neighbours' amenity (overlooking); and
- Overdevelopment of the site.

The meeting concluded at 8.57 pm

Signed by:

Chairman



Forest Heath
District Council

DEV/FH/17/023

Development Control Committee 5 July 2017

Planning Application DC/16/1897/FUL – Land South of Laurel Close, Holywell Row

Date Registered:	30.09.2016	Expiry Date:	Extension of time pending
Case Officer:	Penny Mills	Recommendation:	Approve, subject to conditions
Parish:	Beck Row	Ward:	Eriswell and the Rows
Proposal:	Planning Application - 6no. detached dwellings with cart lodges, garages and associated works (demolition of agricultural buildings)		
Site:	Land South of Laurel Close, Holywell Row		
Applicant:	Mr P G Haylock		

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:

Penny Mills

Email: penny.mills@westsuffolk.gov.uk

Telephone: 01284 757367

Background:

The application is brought before the Development Control Committee as it is a departure from development plan policy, being a residential development outside the limits of the settlement envelope. The design and layout of the development has been amended during the course of the application. The application is supported by the Parish Council and recommended for approval.

A site visit is due to take place on Monday 3 July.

Proposal:

1. The application seeks approval for a development of six dwellings with on-site car parking, garages, access road and turning head following the demolition of the existing buildings on the site.

Application Supporting Material:

2. Application Form, Design, Access, Heritage and Supporting Planning Statement, Ecology Report, Ecology Checklist, Contamination Report, Plans (as amended)

Site Details:

3. The application site is located on the edge of the village of Holywell Row, outside the designated development envelope, to the south of Laurel Close. The site is currently in agricultural use with a number of existing buildings and areas used for open storage. The Design and Access Statement advises that the applicant has operated an egg farming operation from the site for the past 25 years, although it is noted in the supporting documentation that only small areas of the chicken sheds are currently maintained and used.
4. Laurel Close is a recent development of 6 dwellings, immediately adjacent to the application site. Vehicular access to the site is obtained from The Street through Laurel Close.
5. The closest statutory site of national importance is Breckland Forest Site of Special Scientific Interest (SSSI) which is located around 1km to the southeast. This area of the SSSI is also designated as part of the Breckland Special Protection Area (SPA). Aspal Close Local Nature Reserve (LNR) is located approximately 400m to the west.

Planning History:

6. No relevant Planning history

Consultations:

7. Public Health and Housing: No objections – recommended the following conditions: hours for construction/demolitions; no use of generators; site waste; construction/demolition mitigation plan; and no external lights.

Following a further consultation advising that the site falls within the 63db noise contour the following condition regarding appropriate acoustic treatment of the proposed dwellings was proposed:

(i) The acoustic insulation of the dwelling units within the proposed development shall be such to ensure noise levels, with windows closed, do not exceed an LAeq(16hrs) of 35dB(A) within living rooms between the hours of 07:00 to 23:00 and an LAeq(8hrs) of 30dB(A) within bedrooms between the hours of 23:00 to 07:00.

(ii) 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.

8. Environment Team: No objection, subject to conditions.

Made the following comments:

The application is supported by a Phase 1 Ground Contamination Desk Study, undertaken by AGB Environmental Ltd, reference P2736.1.0, dated 30th September 2016. The report identifies potential sources of contamination and gives a risk rating of moderate to low. Intrusive ground investigations are recommended.

This Service is in general agreement with the conclusions of the desk study and the requirements for intrusive investigations. This Service is satisfied that the intrusive investigations can be controlled/monitored by attaching suitably worded conditions to any planning permission granted.

9. Internal Drainage Board: No objections.

Made the following comments:

The application form states that surface water will be disposed of using soakaways. Provided that soakaways are an effective means of surface water disposal in this area, the board will not object to this application. If soakaways are found not to be effective, the board must be re-consulted.

10. Highways: Initial concerns addressed through submission of amended plans.

The concerns raised were:

- The required visibility splays of 43 metres in both directions from 2.4 metres back from the carriageway edge at the centre of the access cannot be achieved in a westerly direction. This is due to a conifer type tree growing in the adjacent garden as shown in the photo overleaf (believed to be no. 6 The Street). This tree requires removal (or written agreement that it will be removed prior to occupation of the new dwellings) before the Highway Authority can recommend conditions for the proposal.
- The proposed garages for plots 2-6 contribute towards their parking provision (minimum of 3 spaces are required – Suffolk Guidance for Parking 2015). The garage dimensions are not provided so it is not possible to assess whether they are large enough to count as vehicle parking spaces. They must comply with the minimum dimensions in the above parking guidance. For a double garage the internal length should be at least 6 metres with a clear opening (door) of 2.4 metres wide.
- As plot 1 does not benefit from a garage, secure, covered cycle parking should be provided. This could be in the form of a shed or cycle store. This can be conditioned and/or shown on a plan.

- Despite being a private road, there is a requirement for developers to provide safe layouts that prioritise pedestrian and cycle movements (NPPF Para. 35). In this case, the proposed shared use area does not appear to provide any features to delineate it from the access road. Features such as ramps or rumble strips and/or different surface finishes must be provided to comply with the NPPF in this regard.

11. Ministry of Defence: Consulted due to location of site within 63db noise contour but no comments received.

Representations:

12. Parish Council: Stated support for the planning application without comments.

Public representations: None received.

Policy:

13. 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:

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

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.

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:

14. National Planning Policy Framework (2012)

National Planning Practice Guidance

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

Officer Comment:

15. This part of the report first considers the principle of the proposed development before discussing the key considerations in this case, which are: Design, layout and visual amenity; residential amenity; highways issues; benefits of the development.

Principle of Development:

16. 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. Therefore, in order for a development that conflicts with the plan to be acceptable, there must be tangible material benefits weighing in favour of the scheme that outweigh the policy conflict in the planning balance.
17. The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and is a material consideration in planning decisions. At the heart of the NPPF is a presumption in favour of sustainable development. However, given the primacy of the plan, this material consideration alone would not be sufficient to outweigh a direct conflict with policy.
18. The site is located outside the settlement envelope for Holywell Row, on land considered to be countryside for planning purposes. Policy DM5 of the Joint Development Management Policy Document states such areas will be protected from unsustainable development. It goes on to state that 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.
19. Holywell Row is classified as a 'Secondary Village' in the spatial strategy set out in policy CS1 of the Core Strategy, allowing for nominal housing growth where local capacity allows. However, the policy also goes on to state that outside the settlement envelope development will be restricted to particular exceptions, which do not include market housing such as are proposed in this application.
20. The proposed development is clearly in conflict with the provisions of the development plan in relation to market housing in the countryside. Therefore, the proposal should be rejected unless there are other material

consideration weighing in favour of the development that would indicate that a different recommendation is appropriate. In this case the applicant has set out a number of material considerations they consider to weigh in favour of the scheme, these being:

- The agricultural permitted development fall-back position where up to three residential units not exceeding 450 sq. m could be created, without the need for planning permission; and,
- The removal of a non-conforming use that has unrestricted heavy traffic movements

21. The permitted development fall-back position in relation to a planning application is a material consideration. In this case the fall-back position would enable the development of 3 dwellings, which is half the number proposed in this application. This fact, taken in isolation does not carry weight in favour of the development such that it would outweigh the policy conflict here. Nevertheless, it is relevant context which would moderately reduce the weight to be attributed to the conflict in this case.

22. The Design and Access Statement frames the existing use of the site as a non-conforming one, given the close proximity of neighbouring dwellings and the fact that the use of the buildings on the site currently benefit from unrestricted hours of operation and vehicular movements.

23. The applicant has not provided detailed information on the current vehicle movements or hours of use. Furthermore, one would not usually consider an agricultural use to be a non-conforming one, given that agricultural sites happily coexist with dwellings in villages across the district. However, in this particular case, the primary access to the site and the buildings within it, runs directly through a small residential development. This very specific relationship has the clear potential to have a significant adverse effect on the level of amenity those properties enjoy. The development of the site would end this atypical relationship between uses that has the genuine potential to cause significant harm in terms of noise and disturbance. This must be seen as a benefit of the development carrying weight in its favour.

24. Returning to the principle of development, given that the proposal seeks consent for six market dwellings on land considered to be countryside, it is in conflict with policies CS10, DM5 and DM27. However, it is entirely lawful for a Local Planning Authority to grant permission for development contrary to the plan where relevant material considerations indicate that this would be appropriate. The Design and Access Statement highlights such considerations and these must be weighed against the policy conflict, with all other matters in the final planning balance.

Design, layout and Visual Amenity:

25. The NPPF stresses the importance the Government attaches to the design of the built environment, confirming good design as a key aspect of sustainable development, 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.

26. The Framework also advises that although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.
27. Policy DM2 of the Joint Development management Policies Document requires all development to recognise and address key features, characteristics, landscape/townscape character, local distinctiveness and special qualities of an area to maintain or create a sense of place and local character.
28. During the course of the application the design and layout of the scheme has been altered to create a higher quality of built environment which better reflects the aspirations of policies DM2 and DM22 of the Joint Development Management Policies Document. A contemporary approach to the design has been taken, drawing on the architectural forms and materials found in modern agricultural buildings. The layout of the scheme now has an area of green space and modest bungalow framing the entrance to the site and helping the transition from the more traditional approach to design seen in Laurel Close to the built form in this application.
29. The dwellings positioned on the southern part of the site create an interesting streetscene within the development, with plot 4 set slightly forward helping to create a sense of enclosure and drawing the eye from the access road entering the site. A mix of hard landscaping materials are proposed and the dwellings would use an interesting pallet of materials including a metal standing seam roof, vertical larch cladding and aluminium windows. The proposed soft landscaping and central open space would also bring some benefits in terms of character and appearance.
30. It is considered that this well designed and interesting scheme would result in a substantial improvement in visual amenity and the character of the wider area and this should carry substantial weight in favour of the development in the planning balance.
31. In order to ensure the high quality of development is borne out, conditions should be used to secure details of materials and hard and soft landscaping through the development.

Residential Amenity

32. Policy DM2 of the Joint Development Management Policies Document requires development to take mitigation measures into account to not adversely affect the amenities of adjacent areas by reason of noise, smell, vibration, overlooking, overshadowing, loss of light, other pollution (including light pollution), or volume or type of vehicular activity generated.

33. In terms of the amenity of future occupiers of the development, the proposed dwellings are positioned to ensure that they would not cause undue overlooking or overbearing impacts on each other. It is also considered that they all have a suitable level of outdoor amenity space and the conditions recommended by Public Health and Housing would ensure any potential noise impacts are adequately mitigated.
34. In terms of the impacts on the amenity of existing neighbours, the dwelling proposed in the northwest corner of the site adjacent to the neighbouring property in Laurel Close is a bungalow, minimising the potential for any adverse effects on this property. Opposite this bungalow, on the other side of the access into the site, an area of open space is proposed adjacent to the neighbour in Laurel Close, again, minimising the potential for any adverse impacts on neighbouring residential amenity.
35. The dwelling on plot 6 is the only property with the potential to introduce any overlooking to existing neighbours. Due to the position of this property and the degree of separation it is considered that this would not give rise to an unacceptable level of overlooking.
36. On balance, it is considered that the development would accord with the requirements of policy DM2 in respect of residential amenity and, as previously stated would remove a potentially non-conforming use with the potential to have considerable adverse effects on amenity.

Highways Issues:

37. Policy DM2 of the Joint Development Management Policies Document requires that new development should produce designs that accord with standards and maintain or enhance the safety of the highway network. Policy DM45 sets out criteria for the submission of Transport Assessments and Travel Plans to accompany planning applications whilst Policy DM46 addresses parking standards.
38. The NPPF advises that development should not be prevented or refused on transport grounds, unless the residual cumulative impacts of development are severe.
39. The development would be accessed from Laurel Close, which itself is accessed from The Street. The highways Officer initially raised concerns over the inability to achieve the required 43 metre visibility splay at this junction in the westerly direction. This was due to the presence of a conifer type tree growing in the adjacent garden. The applicant has advised that this tree falls within land in the blue line and as such its removal prior to the commencement of any development could be secured by condition.
40. The amended plans show sufficient parking for each dwelling to meet the requirements of the Suffolk Parking Guidance and it is possible to secure covered cycle storage by condition.
41. In order to ensure a safe layout within the development, features within the new highway are required to, mark the transition from the access road to the shared surface area. Again, it is considered possible to secure full details of this through the use of a condition.

42. It is considered that on balance, subject to the use of conditions, the development would be acceptable in highways safety terms and in accordance with Development Plan policies and the guidance contained within the NPPF.

Biodiversity and Ecology:

- 43.Paragraph 109 of the NPPF recognises that the planning system should aim to conserve and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible. Paragraph 118 of the NPPF also states that opportunities to incorporate biodiversity in and around developments should be encouraged.
- 44.A phase 1 Ecology and Protected Species Report was submitted alongside the application. This report concluded that no significant ecological constraints were identified in relation to future development of the site. In particular, significant adverse effects on the Breckland SPA and its interest features were considered highly unlikely given the distance between the SPA and the site, the site's location on the edge of an existing residential area, and the small size of the development proposed.
- 45.The report stated that the site lacked semi-natural habitat interest, with only very small and isolated areas of rough grassland present in neglected parts of the site, which on balance were considered too small and isolated to be of significant value to reptile species.
- 46.No evidence of bat use was found in association with any of the agricultural buildings during the external and internal inspections, and all buildings were assessed as being of negligible value to bats in overall terms.
- 47.In order to ensure there would be no harm to protected species and to ensure appropriate biodiversity enhancements are included in any development, conditions relating to clearance during the bird nesting season, precautionary approach to demolition, securing the provision of bat boxes in each dwelling, and the use of native species in landscaping would need to be attached to any consent.
- 48.On balance, and subject to the use of the conditions referred to above it is considered that the development would be in accordance with policies DM10 of the Joint Development Management Policies Document 2015 in terms of biodiversity and protected species.

Other matters:

Drainage

- 49.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. This application is for 6 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.
- 50.The Internal Drainage Board has advised that they are satisfied with the use of soakaways provided that they are found to be an effective means of dealing with surface water at this site. In order to ensure that this is the case a condition requiring the submission of a surface water drainage scheme could be required by condition.

Heritage Impacts

51. The application site is approximately 130 metres from Poplar Farmhouse, a Grade II listed building. The proposed development giving the degree of separation, intervening land uses and scale of the development, there would be no adverse effects on the setting of this building.

Contamination

52. The Environment Officer has reviewed the submitted desk study and the requirements for intrusive investigations. They are satisfied that the intrusive investigations can be controlled/monitored by attaching suitably worded conditions to any planning permission granted.

Affordable Housing and S106 contributions

53. As this is a development of less than 10 dwellings, no affordable housing or other contributions are able to be sought.

Sustainable Design and Construction

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

Other Benefits Associated with the Development

55. The proposed development would bring both short term and long term economic benefits from employment during construction and the circulation of additional funds in the locality once occupied. The development would also make a modest contribution to the overall housing stock. However, given that this development is for six dwellings, the weight to be attributed to these benefits is modest.
56. The soft landscaping scheme, which would include the use of native species and provision of bat boxes on the dwellings would bring modest benefits in terms of biodiversity. Biodiversity enhancements proportional to the development are required by policy, nevertheless in this case the combination of these should carry some weight in favour of the development, albeit modest.

Planning Balance and Conclusion:

57. The development proposal has been considered against Development Plan Policies and the objectives of the National Planning Policy Framework. In this case there is a clear conflict with development plan policy in respect of housing in the countryside and this carries significant weight against the proposal. In such circumstances, a development should only be approved where there are clear material planning considerations which indicate a

decision contrary to the provisions of the plan would be more appropriate in planning terms.

58. It is acknowledged that the permitted development fall-back position would reduce the weight to be attributed to the policy conflict to a modest degree. However, it is the removal of a potential non-conforming use that would in this case carry more significant weight in favour of the scheme. The current relationship between Laurel Close and the application site; whereby the latter is accessed through the former, is clearly an unsatisfactory one. Given the lack of restrictions on hours of use or vehicle movements, should activity here intensify, a harmful impact on the amenity of those neighbours would be inevitable. The removal of this use should therefore carry considerable weight in favour of the development.
59. The improvement in the quality of the built environment and positive effect on visual amenity and the character of the area as a result of the introduction of a well-designed and interesting development would also carry considerable weight in favour of the scheme.
60. Additional modest economic gains and biodiversity improvements would also carry limited weight in favour of the scheme.
61. Aside from the fact that the development is positioned outside the development envelope, the proposal is considered to accord with all other relevant development plan policies and would, subject to the use of conditions, be acceptable in terms of drainage, highway safety and residential amenity.
62. On balance, it is considered that taken together, the factors weighing in favour of the scheme, outlined above, would outweigh the policy conflict in this case, indicating that the development should be permitted.

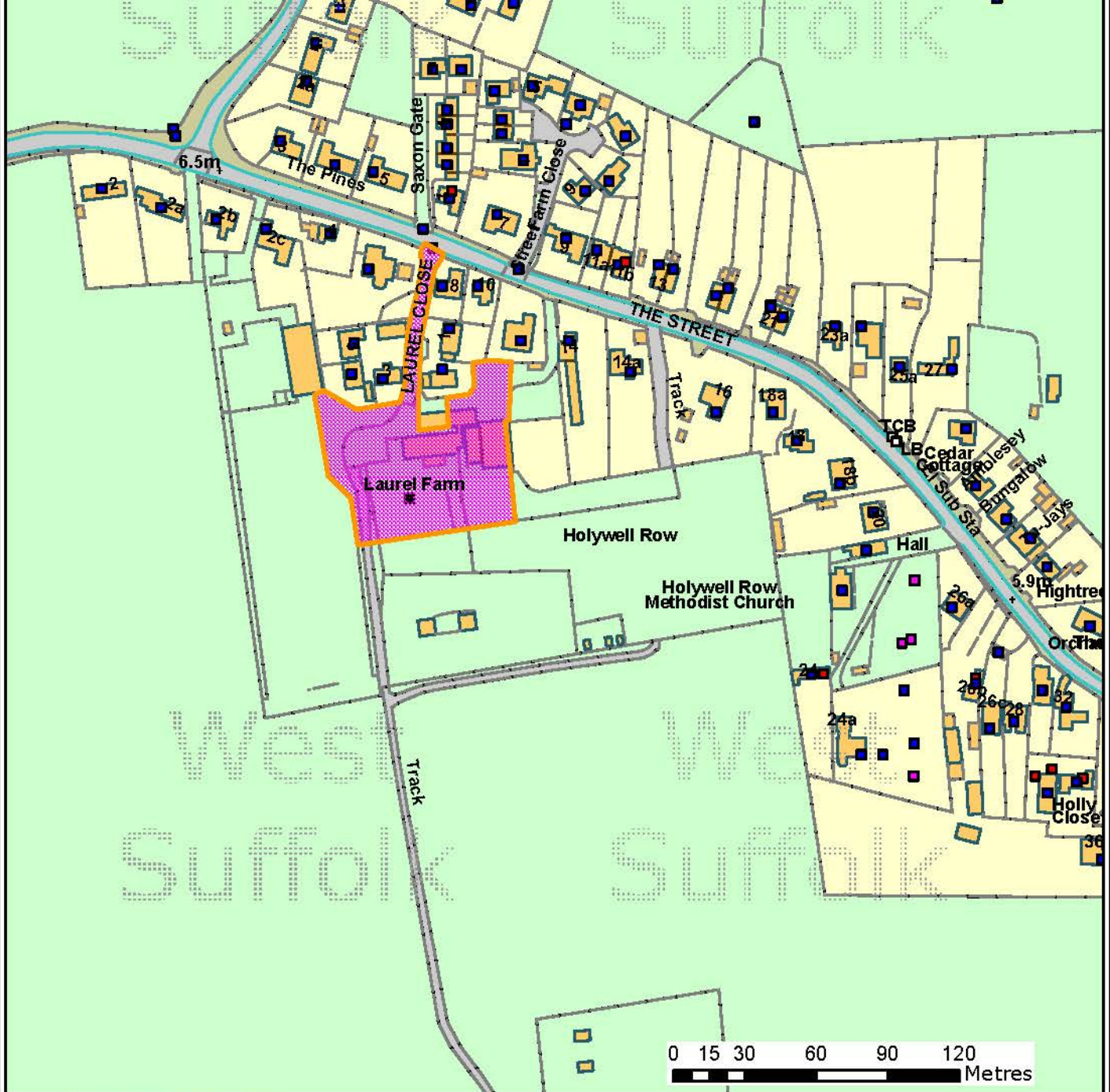
Recommendation:

63. It is recommended that planning permission be **GRANTED** subject to the following conditions:
1. Time limit
 2. Approved Plans
 3. Site clearance not within nesting season
 4. Checking for bats prior to demolition
 5. Installation of bat boxes on new dwellings
 6. Hours of demolition/preparation/construction
 7. Construction management and dust mitigation scheme
 8. No external lights
 9. Acoustic insulation of new dwellings
 10. Details of materials, fenestration and doors
 11. Contamination conditions as recommended by Environment Officer
 12. Soft landscaping (to include native species)
 13. Hard landscaping
 14. Provision of visibility splays
 15. Details of shared surfacing
 16. Secure cycle storage
 17. Bin storage
 18. Water consumption

Documents:

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

<http://planning.westsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=OCRREXPDJCN00>



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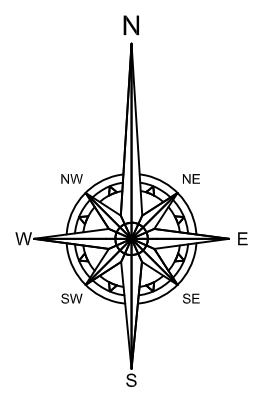
West Suffolk
working together

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Scale: 1:2,500
Date: 22/06/2017

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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.



Indicative landscaping scheme

+99.550

Indicative new site levels

+11.65

Existing levels



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



Minimum 4m² (suggested 2.4x1.8m) SW timber shed with lockable door and window and concrete base with cycle security lock fixings

DRAWING REVISIONS

Rev	Date	Details
A	28-06-16	Scheme up-dated
B	13-07-16	Distance between garages of plots 3&4 increased by 1.0m
C	14-09-16	Refuse bin points added
D	01-11-16	Highway comments added
E	28-02-17	Scheme Up-dated
F	20-03-17	Plot 1 up-dated and roof detail to plots 3 & 5
G	16-05-17	Plot 2, 4 & 6 up-dated



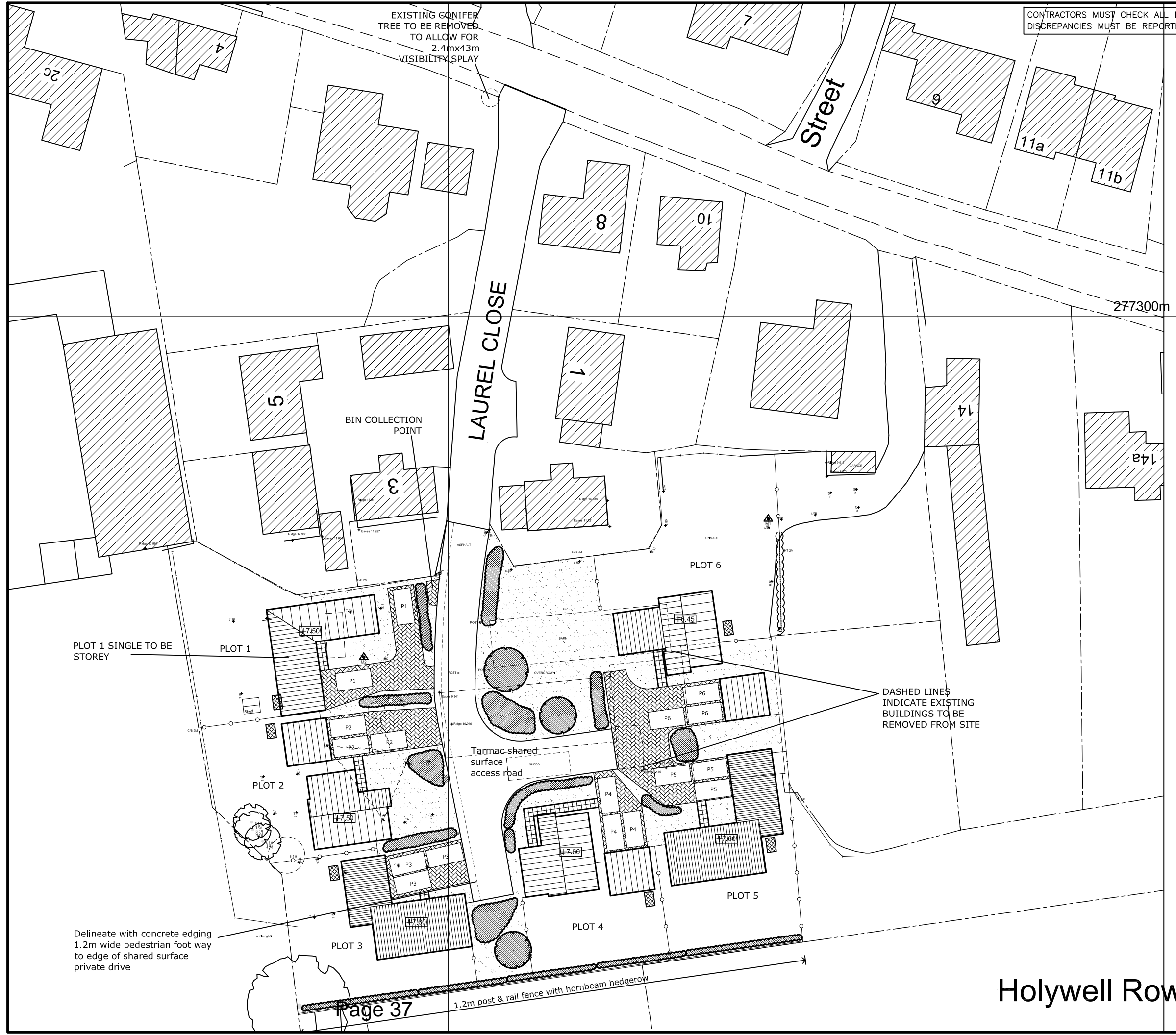
Project:
Proposed Residential Development at Laural Farm The Street Holywell Row Suffolk

Drawing:
Scheme E

Drawn by: MWS Scale: 1:500@A3 Date: 24-03-16

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: **353/SK/05** Revision **G**



DASHED LINES INDICATE EXISTING BUILDINGS TO BE REMOVED FROM SITE

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Forest Heath
District Council

DEV/FH/17/024

Development Control Committee 5 July 2017

Planning Application DC/16/2762/FUL – Land West of Gazeley Road, Gazeley Road, Kentford

Date Registered: 20th February 2017 **Expiry Date:** 17th April 2017 – EOT 6th July 2017

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

Parish: Kentford **Ward:** South

Proposal: Planning Application - 1no. dwelling (following demolition of existing garage)

Site: Land West of Gazeley Road, Gazeley Road, Kentford

Applicant: Mr Michael Paske

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:

Kerri Cooper
Email: kerri.cooper@westsuffolk.gov.uk
Telephone: 01284 757341

Background:

This application is referred to the Development Control Committee following consideration by the Delegation Panel. The application is recommended for APPROVAL.

This application is referred to Delegation Panel as the Parish Council are objecting to the proposed development, which is contrary to the recommendation of approval by the Local Planning Authority. In addition, the local Ward Member, Councillor Dicker has verbally reiterated the concerns from local residents and Parish Council.

A Committee Site Visit is to be undertaken on Monday 3 July 2017.

Proposal:

1. Planning permission is sought for a two storey detached dwelling.
2. The application has been amended since submission to revise the design of the dwelling and provide additional information to the Local Planning Authority regarding parking and layout to address concerns.

Application Supporting Material:

3. Information submitted with the application as follows:
 - Application Form, Design and Access Statement, Biodiversity Checklist, Land Contamination Report, Arboricultural Impact Assessment and Drawing Nos. 10 C, 11 D, 12 A and 5652 D received 16th December 2016, 19th January, 20th February, 13th April and 10th May 2017.

Site Details:

4. The application site comprises a detached triple bay garage, located adjacent to East and West Dormy House. The site is set back from Gazeley Road and accessed via a shared access. The site is situated within the Housing Settlement Boundary of Kentford.

Planning History:

5. DC/14/0341/FUL - Erection of a one-and-a-half storey terrace of 3 dwellings (demolition of existing dwelling / garages / store rooms) – Merman House, Gazeley Road, Kentford - Approved.
6. DC/16/0179/FUL - Planning Application - 2no. two storey dwellings – Development Site, Gazeley Road, Kentford - Approved.

Consultations:

7. SCC Highway Authority: No objection, subject to condition.
8. Environmental Health - Public Health and Housing: No objection, subject to conditions.

9. Environmental Health – Land Contamination: No objection.

10. Natural England: *'Natural England has assessed this application using the Impact Risk Zones data (IRZs). 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 SAC has been classified.'*

11. Tree and Landscape Officer: No objection subject to development being carried out in strict accordance with Hayden's Tree Report. Boundary treatment should be conditioned to control potential impact to the tree.

12. Suffolk Wildlife Trust: No comments received.

13. RSPB: No comments received.

Representations:

14. Parish Council: Kentford Parish Council object due to loss of privacy to nearby houses and overdevelopment of the area.

15. Ward Member: Councillor Dicker called in the application, due to the concerns raised by nearby residents.

16. Neighbours: 1 letter of objection was received from the owner of Jersey House, which included the following summarised points:

- Impact on neighbour amenity – overlooking.
- Impact on parking and highway safety.

17. 1 letter of objection was received from the owner of Langtry House, which included the following summarised points:

- Impact on parking.
- Impact on neighbouring amenity – overlooking.
- Design of proposed dwelling.

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

18. Joint Development Management Policies Document:

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

19. Forest Heath Core Strategy 2010:

- Policy CS1 (Spatial Strategy)
- Policy CS2 (Sustainable Development)

- Policy CS5 (Design Quality and Local Distinctiveness)
- Policy CS10 (Sustainable Rural Communities)

Other Planning Policy:

20.National Planning Policy Framework (2012)

Officer Comment:

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

- Principle of Development
- Impact on Visual Amenity
- Impact on Neighbouring Amenity
- Impact on Highway Safety and Parking
- Other Matters

Principle of Development

22.Policy CS1 states that within the Housing Settlement Boundary, planning permission for new residential development will be granted where it is not contrary to other planning policies.

23.The site is located within the Housing Settlement Boundary for Kentford and as such the principle of an additional residential dwelling is acceptable. The principle of residential development is also considered entirely appropriate in this location being surrounded by residential development. It is therefore considered a sustainable re-use of land.

24.There is nothing to preclude consideration of this site for residential development subject to the impacts of the proposal otherwise being satisfactory.

Impact on Visual Amenity

25.Policy DM22 states that residential development proposals should maintain or create a sense of place and/or character by utilising the characteristics of the locality to create buildings and spaces that have a strong sense of place and distinctiveness, using an appropriate innovative design approach and incorporating a mix of housing and unit sizes that is appropriate for the location.

26.The proposed dwelling is of a two storey scale and is to be sited on the footprint of the existing garage building. The proposed dwellings amenity space will be located to the front. Modest changes to the design of the dwelling have been made which include the removal of the front gable roof dormer, to allow the proposed dwelling to be similar in design and form to the adjacent pair.

27.It is now considered that the proposed development fits in with the varied pattern of development in the locality which consists of large historic properties to smaller modern semi-detached dwellings and modest bungalows. The surrounding dwellings utilise different accesses with no clear building line or linear arrangement. On this basis, it is not considered that the proposed location of the dwelling would be detrimental to the character of the area. Whilst the new dwelling would not benefit from a

clear road frontage, their character, form and layout adds further interest to this area of development in Kentford. To ensure that the external appearance of the development is satisfactory, facing and roofing materials will be secured by condition.

Impact on Neighbouring Amenity

28. The proposed two storey dwelling is to be sited on the footprint of the single storey garage building. 2no. high level obscure glazed windows are located in the rear elevation at first floor level and 1no. high level obscure glazed window is located in the side elevation at first floor level.
29. A site visit was carried out to Jersey House to view the application site from the rear garden and at first floor level. Whilst the proposed development will be viewed from Jersey House and surrounding neighbouring properties, private views are not a material planning consideration and cannot be factored into this assessment and subsequent decision.
30. Although it is acknowledged that there will be an impact as a result of the proposed development, it is not considered that this will be one which is significant as to cause harm by virtue of overlooking, loss of light and over bearing, given the design, scale and form of the proposed dwelling and relationship between existing surrounding development.

Impact on Highway Safety and Parking

31. The existing three bay garage which is to be demolished provides additional parking to East and West Dormy House, however it has been confirmed by the agent that this is not used by either owner/occupier. A proposed parking plan has been provided to show that formal on-site parking is to be provided to the front of East and West Dormy House and the proposed development, which meets the guidance as set out in the Suffolk Guidance for Parking.
32. Suffolk County Highway Authority is satisfied with the existing access along with the onsite parking provisions and as such, has raised no objections to the proposal, subject to a condition.

Other Matters

33. Policy DM7 states (inter alia) proposals for new residential development will be required to demonstrate that appropriate water efficiency measures will be employed. No specific reference has been made in regards to water consumption. Therefore a condition will be included to ensure that either water consumption is no more than 110 litres per day (including external water use), or no water fittings exceeds the values set out in table 1 of policy DM7.
34. The application site is not situated within a flood zone. Therefore, there will be no impact on flooding as result of the proposed development.
35. The application has been assessed to look at the impact on the trees, especially in respect of T001 – Norway Maple that is situated to the front of the site. It is considered that the proposed development would be

acceptable provided it is carried out in strict accordance with Hayden's Tree Report. In order to control the boundary treatment, to ensure there is no potential impact or damage to the tree, the details will be requested via condition.

36. There is no record of any protected species on site and the use of the site is to remain as is.

37. Natural England has assessed this application using the Impact Risk Zones data (IRZs). Natural England advises that the proposal, if carried out in strict accordance with the details submitted, is not likely to have a significant effect on the interest features for which Breckland SAC has been classified.

Conclusion:

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

Recommendation:

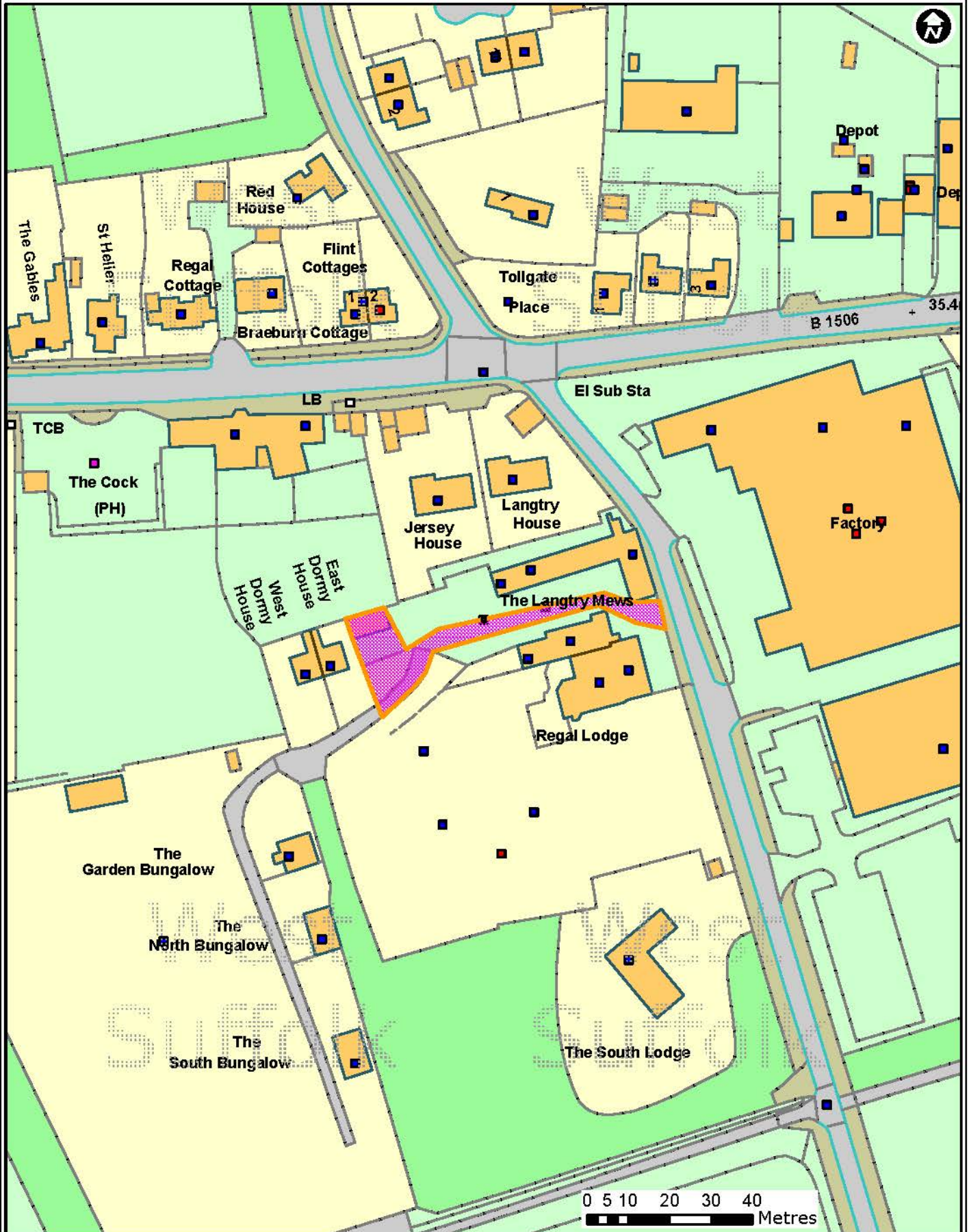
39. It is recommended that planning permission be **APPROVED** subject to the following conditions:

1. 01A – Time limit detailed.
2. 14FP – Development to accord with Application Form, Design and Access Statement, Biodiversity Checklist, Land Contamination Report, Arboricultural Impact Assessment and Drawing Nos. 10 C, 11 D, 12 A and 5652 D received 16th December 2016, 19th January, 20th February, 13th April and 10th May 2017.
3. 04C – Facing and roofing samples.
4. 18AA – Parking.
5. NS – Hours of construction.
6. NS – Acoustic insulation.
7. 12D – Boundary treatment.
8. 23 – Tree protection in accordance with Hayden's Tree Report dated 13th December 2016.
9. DM7 – Water consumption.

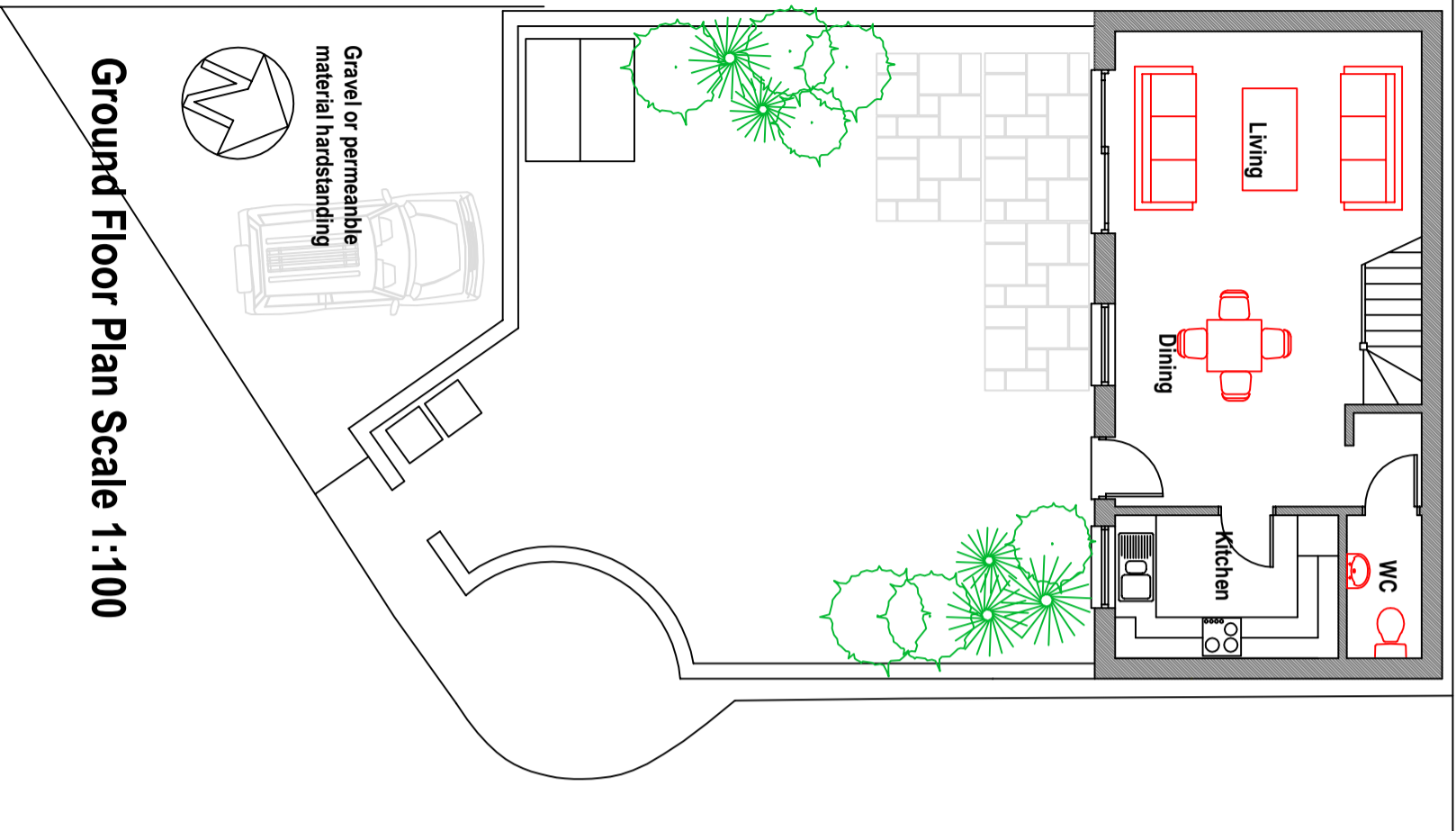
Documents:

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

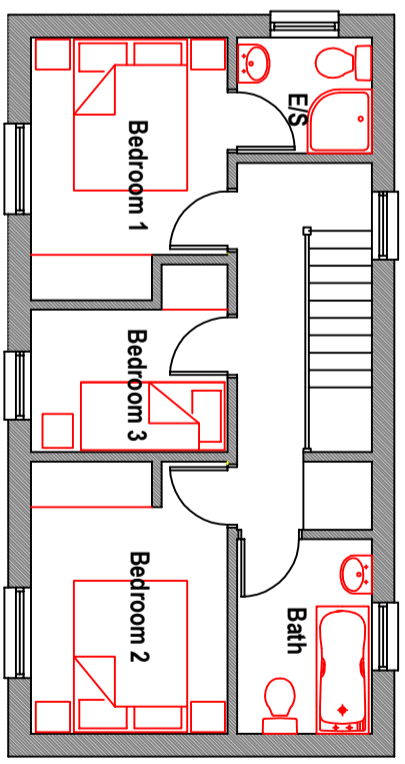
<https://planning.westsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=OI8AE4PDLIU00>



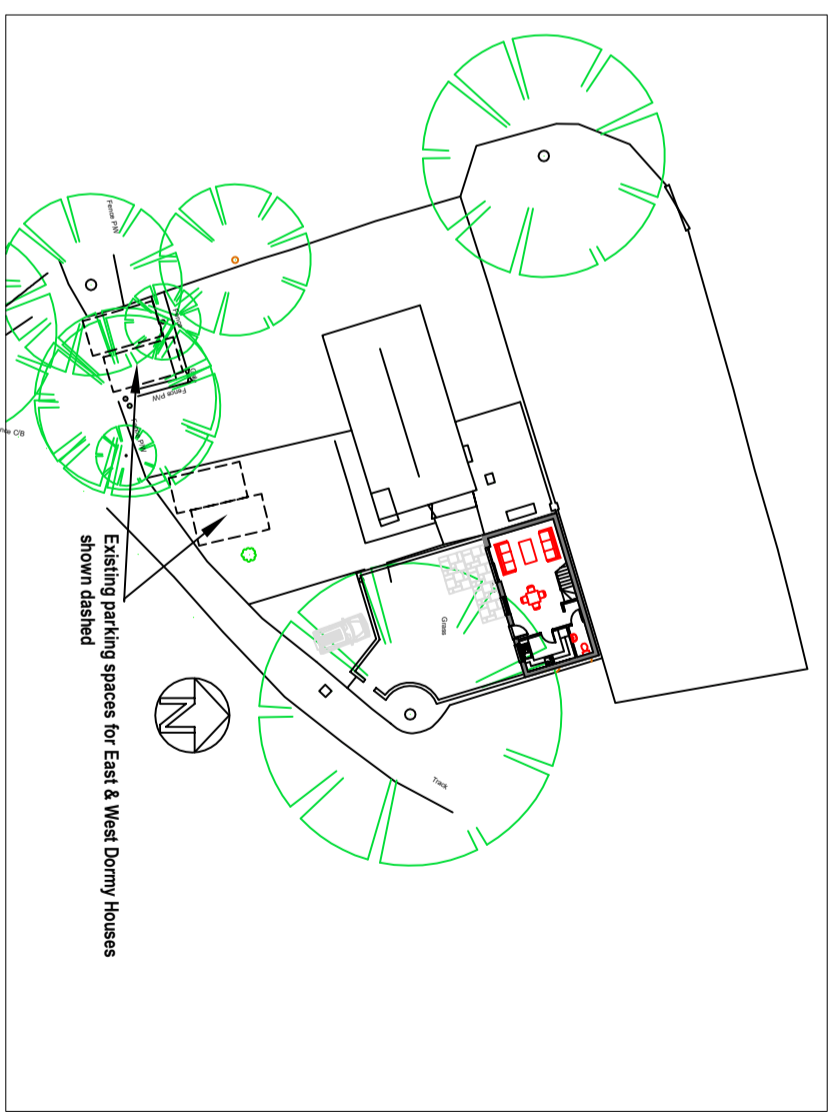
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Ground Floor Plan Scale 1:100



First Floor Plan Scale 1:100



Block Plan Scale 1:500

ALL DIMENSIONS TO BE CHECKED ON SITE
 TO BE READ WITH ALL CONTRACT DOCUMENTATION
 ANY DISCREPANCIES TO BE REPORTED TO THE CONTRACT ADMINISTRATOR
 DO NOT SCALE FROM THIS DRAWING.

Planning

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REVISIONS
 A. Jan 17 Ground floor plan amended
 B. Feb 17 Floor plans amended
 C. Apr 17 parking shown for adjacent properties

HPN Ltd
 CHARTERED ARCHITECTS AND SURVEYORS
 HOPWELL HOUSE
 NEWMARKET
 Telephone 01638 660099 Fax 01638 667651
 E-mail address architects@hpn.ltd.uk

Job title
 M. M Paske
 Proposed Development
 Langtry Mews Kentford

drawing title
Floor Plans & Block Plan

job number 1643
 drawing number 10
 revision C
 scale as noted
 drawn by MAB
 date Oct 2016



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Forest Heath
District Council

DEV/FH/17/025

Development Control Committee

5 July 2017

Planning Application F/2013/0394/OUT - Land West of Eriswell Road, Lakenheath

Date Registered: 9th August 2013 **Expiry Date:** 14 October 2016 (with agreed extension)

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

Parish: Lakenheath **Ward:** Lakenheath

Proposal: Residential development of up to 140 dwellings with associated open space provision, landscaping and infrastructure works, as amended.

Site: Land west of Eriswell Road, Lakenheath

Applicant: Elveden Farms 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:

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 outline planning permission at its meeting on 3 September 2014.

The planning application is returned to this 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) Amendments to the nesting attempts 'buffer' outside the Special Protection Area and the inclusion of the application site within this buffer.

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

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) 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.

ix) The service of a Tree Preservation Order with respect to trees along the eastern (road frontage) boundary of the site.

The full Officer report to the Development Control Committee (3rd September 2014) is included with this update report as Working Paper 1. An extract from the minutes of the 3rd 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 and 2 of the report to the 3rd 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 3 of the report to the 3rd September 2014 meeting of Development Committee (attached as Working Paper 1).

Site Details:

3. The application site is described at paragraphs 4-7 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. There is no planning history (planning application determinations) relevant to this site.
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 B 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:

Project Ref.	Application Reference.	Address.	No. of dwellings.	Current Status (n.b. all remain undetermined)
A	DC/14/2096/HYB	Land at Station Road, Lakenheath	Up to 375 + school	Approved by the Development Control Committee in June 2017. Presently subject to an 'Article 31 Holding Direction' enabling the Secretary of State opportunity to consider whether he wishes to call in the planning application for his own determination.
B	F/2013/0345/OUT	Land at Rabbit Hill Covert, Lakenheath	Up to 81	Approved by the Development Control Committee in June 2017. Presently subject to an 'Article 31 Holding Direction' enabling the Secretary of State opportunity to consider whether he wishes to call in

				the planning application for his own determination.
C	F/2013/0394 /OUT	Land west of Eriswell Road, Lakenheath	Up to 140	The subject of this report.
D	DC/13/0660/ FUL	Land at Briscoe Way, Lakenheath	67	Approved by the Development Control Committee in June 2017. Presently subject to an 'Article 31 Holding Direction' enabling the Secretary of State opportunity to consider whether he wishes to call in the planning application for his own determination.
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 by a Planning Inspector in due course, 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 on or before 5 th 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 Control Committee in August 2017.

Consultations:

6. Consultation responses received in advance of the report to the September 2014 Development Control Committee meeting are summarised at paragraphs 9-27 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. **Defence Infrastructure Organisation** on behalf of the **Ministry of Defence** – submitted further representations about the planning application, as follows:

- The proposed development will occupy statutory height, bird-strike, explosives and technical safeguarding zones surrounding RAF Lakenheath. However, I can confirm that in principle the MOD has **no safeguarding objections** to this proposal.
- The scheme outlined will occupy the 15.2m aerodrome height consultation zone. Whilst it is not expected that this will act as a constraint on the development outlined, the applicant should take this into account in finalising the design of the structures that will feature in this scheme.
- The development also partly occupies the outer explosive safeguarding consultation zone, known as the vulnerable building distance (VBD) that surrounds explosive storage facilities at RAF Lakenheath.
- All buildings occupying the VBD should be 'non-vulnerable' that is of robust construction and design so that should an explosion occur at the MOD site, buildings nearby will not collapse or fail in a manner that could cause critical injury to the occupants. In this context, buildings that contain large areas of glazing, tall structures (in excess of the 3 storeys) and buildings of light weight construction are of particular concern to the MOD.
- A further consideration, relating to maintaining explosives safeguarding requirements, relates to the potential for the new development to increase user demand upon the public open space in the nearby Maids Cross Hill nature reserve. The reserve abuts RAF Lakenheath occupying the inner explosives safeguarding zone in which the MOD monitors the level of occupation to maintain explosives licensing standards. If the development indirectly increased the number of people using the reserve this could impact upon defence requirements. Accordingly the MOD considers that the development proposed should make provision for public open space and leisure areas needed to support the new housing without relying on the open space at Maids Cross Hill to provide such facilities.
- It is noted that the application includes provision of open space. The submission also makes reference to designing in access links to the existing public open space and playing fields to the north of the application site. However, the applicant should take the above issue into consideration when designing this development scheme.
- The development site occupies a technical safeguarding zone that protects the operation of a transmitter/receiver air traffic navigational aid located at the aerodrome. Within this zone it is necessary to regulate the use of external metallic cladding on the elevations and roofs of buildings. The applicant will need to take this into account in designing the buildings that will occupy the site.

- The application site also occupies the statutory bird-strike safeguarding zone that surrounds the aerodrome. In this context the provision of open space and landscaping cited in the application may be relevant. Landscape features will need to be designed to minimise habitat opportunities, such as water bodies or other forms of wetland, that would attract and support populations of large and, or, flocking birds hazardous to air traffic.
- Due to the proximity of the application site to the aerodrome the proposed development may be affected by aircraft noise and the applicant may wish to take this into account.

12. **Defence Infrastructure Organisation** on behalf of the **Ministry of Defence** – submitted further representations in October 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 located approximately 950 metres (0.59 miles) at its closest point, north-west of the 06/24 Runway at RAF Lakenheath. It is expected that the application site will be subject to noise associated with instrument departure and recovery profiles. Furthermore, the intention to harden the over-runs at both ends of the runway to support the additional aircraft mission (that will not be restricted to the current 'Quiet-Hours' regime) will see larger aircraft powering up closer to the application site and existing properties than is currently the case.
- 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 the DIO confirms it is 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 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. NHS Property Services (May 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 £46,080 to be used towards increasing the capacity of the local GP surgery.
14. In June 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 18 of the September 2014 Committee report (Working Paper 1) that Appropriate Assessment of the project is not required remains unchanged. A copy of the 'screening' of the proposals against the provisions of the 'Habitats Regulations. Is attached to this report as Working Paper 3. The following comments, separate to the 'screening' information, were received:
- These comments are made further to previous comments made in October 2015. They are to highlight changes that have occurred since that time and to confirm the current position.

Tree protection

- The trees which form the pine line along Eriswell Road are protected by tree preservation order TPO006/2016. The TPO was made because these tree belts and pine lines are an important landscape feature characteristic of the area and of the Breckland landscape character type. The trees are of high visual amenity value particularly in the immediate vicinity forming a gateway to the village when approaching from the south along Eriswell Road. This tree preservation order has been made to protect these landscape features which are potentially threatened by proposed development. The tree preservation order was confirmed on 21 October 2016 following representations being reported to Development Control Committee.
- The proposal includes the removal of three trees which protected by the TPO. If planning consent is given this will include consent for the removal of these trees, however the remaining trees will be protected during the construction process and into the future. The tree preservation order is not considered to be inconsistent with

development of the site but is intended to ensure the retention of the pine line which is considered to be a locally important landscape asset.

Landscape and SUDs

- Comments of the impact of the proposals on landscape remain as made in October 2014 as do comments in relation to SUDs. Recommended conditions are the same:
 - Landscape strategy 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
 - A tree protection plan should be provided with the reserved matters.
- The provision of sustainable urban drainage is integral to the open space on the site. The applicant must show that there is no double counting 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

Stone Curlew Buffers in the Brecks - July 2016

- In July 2016 the Council published up-dated Special Protection Area 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 are 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 nor 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 SA7 of the Site Allocations Document allocate sites for housing development at Lakenheath including Land west of Eriswell 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. This adds further weight to the need for the proposals, to provide onsite open space and a proportionate contribution towards strategic green infrastructure for Lakenheath which could be related to the Cut-Off Channel or other project.

Habitats Regulations Assessment (HRA)

- Natural England (in their letter of 13 August 2013) confirmed that they do not object to the proposals and that there would be no impact on statutory sites.
- 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 Landscape Partnership, on behalf of the applicant has submitted information to inform the HRA. This is in the Ecological Appraisal (June 2013). The local planning authorities HRA is below. In undertaking the HRA, officers have had regard to the advice of Natural England and other correspondence received in matters concerning the European sites.

Bats

- Natural England has commented on the impact of the proposals on bats and are satisfied that there would be no impact so long as no trees are to be removed.
- A representation was received from a neighbour objecting on the grounds that the bat survey undertaken fell short of the minimum required to assess the impact of the proposals on bats. Officers are happy that there is sufficient information within the Lakenheath site L/26, Ecology Appraisal July 2013 to assess the effects of the outline proposals on bats.
- The trees with potential for bat roosts have been checked against the access proposals. Trees T60, T61 and T40 are to be removed. These trees are all within bat roost category 2- trees with no obvious potential. Further bat survey will be required at the reserve matters

stage to clarify whether conditions have changed and to assess any further effects based on the detailed proposals.

Ecology report update

- Section 5.3 of the ecological report is clear that the recommendations of that report are limited in the timescale in which they are valid. For this reason it will be necessary for the applicant to submit an updated ecology report to support the reserved matters application. This must include
 - Proposed mitigation for toads and reptiles
 - Proposed mitigation for breeding birds
 - Proposed mitigation for bats including an illumination plan that clearly shows the sensitive habitats and appropriate lighting contours.
 - The recommendations in the updated ecology report must be implemented in full and an implementation plan for those measures should be submitted as part of the reserved matters.
15. 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.
16. **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 - £543,620 towards the build costs of a new primary school in the village and £45,290 towards the cost of securing the land.
- Secondary Education – surplus capacity is presently available, no contribution is requested.
- Pre-school provision – proportionate contribution of £151,662 towards a new 60 place early years setting at Lakenheath, which may be co-located with the new primary school.
- Libraries - £30,240 towards the relocation and enhancement of the local library facility.

Representations:

17. Representations included in the officer report to the September 2014 Development Control Committee meeting are summarised at paragraphs 28-34 of the committee report attached as Working Paper 1.
18. The following additional representations have been received post September 2014.
19. **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.

20. **Lakenheath Parish Council** – (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.

21. **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".

22. A further **3 letters of objection** were received to the proposals. Many of the issues and objections had been raised previously and are reported at paragraph 34 of the attached Working Paper 1. The following additional points were made:

- The bat surveys undertaken were insufficient and did not confirm to standards applied by Natural England.
- There is very little local employment.

Policy:

23. Relevant Development Plan policies were listed at paragraphs 35 and 36 of the report to the 3rd September 2014 meeting of Development Committee (attached as Working Paper 1).
24. 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
25. 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) currently remains part of the Development Plan.

Other Planning Policy:

26. Other relevant planning policies were discussed at paragraphs 37-51 of the report to the 3rd September 2014 meeting of Development Committee (attached as Working Paper 1).
27. 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.

28. 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 SA7 and the allocation of the application site by the Site Allocations Development Plan Document for a housing development.

Officer Comment:

29. The Development Control Committee resolved to grant planning permission for this development at its meeting on 3rd September 2014. The resolution to approve was subject to conditions and prior 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.
30. A full and detailed officer assessment of the planning application was included at paragraphs 52-221 of the report to the 3rd September 2014 meeting of Development Committee (attached as Working Paper 1).
31. 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. Officers consider the Committee is required to consider the planning application further in the light of material changes in circumstances since the resolution to grant planning permission was reached in September 2014.

32. 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.

33. 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.
34. 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.
35. 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.
36. 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 potential appeal.

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

37. 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.

38. 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/overleaf:

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 in any case the relevance of the policy criteria is limited given the outline nature of the planning application (with matters pertaining to the design and layout of the development reserved from the application. All relevant 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 include a general presumption against development in the countryside but make specific exceptions for certain development types and scales. The application proposals do not meet the specific criteria of these policies and, given the current 'countryside' location of the application site, they are 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 via 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 115-121 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 115-121 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 115-121 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 90-100 and 187 of Working Paper 1). Further discussion about the potential cumulative impact upon the landscape of a number of proposals for development around the village 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 143-151 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 58-60 and 122-128 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 122-128 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 155-160 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 140 dwellings (with public open space and other development infrastructure) could satisfactorily be accommodated at the site and consider the outline proposals accord with the requirements of policy DM22.
DM27	See comments made in this table 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 on site 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 can 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 105-114 and 184-185 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.

Amendments to the Special Protection Area 'nesting attempts' buffer.

39. 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 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). This is a change in circumstance since the Committee response to grant planning permission in September 2017, because at that time the application site was situated outside the 'nesting attempts' buffer.
40. The potential impact of development upon the SPA, including stone curlew nesting attempts outside the Special Protection Area has been considered in great depth, not only with respect to the various planning applications proposing significant new housing development around the village (as set out in the table beneath paragraph 5 above), but also with respect to the emerging Development Plan.
41. Natural England has advised there are no likely significant effects upon the Special Protection Area arising from these development proposals, both in isolation and in combination with other plans or projects (paragraphs 9 and 10 above). Further assessment of the potential impact of the proposals upon the Special Protection Area has been carried out by the Council's Landscape and Ecology Officer whom has also 'screened' the proposals against the requirements and precautionary safeguards of the 'Habitats Regulations'. The screening concluded the proposals alone would not result in likely significant effects on Breckland Special Protection Area. A copy of the 'screening' is attached as Working Paper 3. Other comments received from the Landscape and Ecology Officer are set out at paragraph 14 above.
42. The potential impact of the development proposals, in combination with other plans and projects, is considered in the next sub-section, as part of the assessment of potential cumulative (or in-combination) impacts.

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 177 to 191 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 which considered the implications of all projects in combination. He confirmed the application proposals were not 'EIA Development' meaning an Environmental Statement is 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 is adopted, 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 it has been withdrawn from the planning register. Furthermore, project H is not included given that it is accompanied by an Environmental Statement which will itself need to consider and mitigate its own and its 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 'hybrid' planning application (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.
49. At its meeting in August 2016, the Development Control Committee resolved to grant planning permission for those proposals (including the school site). The Committee repeated its resolution to grant planning permission at its meeting last month (June 2017) when it considered an update report assessing changes in circumstances since the August 2016 meeting.

50. The planning application is yet to be finally determined, however, as it is the subject of a formal Article 31 holding direction served upon the Council by the Secretary of State.
51. 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."

52. 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 this 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

53. 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.

54. 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)).
55. 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.
56. 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.
57. 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.
58. 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.

59. 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 915 dwellings without severe impacts arising. However, if between 915 and 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 915th dwelling.
60. The study does not clarify precisely (or roughly) where the tipping point is beyond the 915th 'new' dwelling. Accordingly it is not clear precisely how many dwellings could be built at Lakenheath beyond 915 with the 'smaller' scheme of improvements to the Eriswell Road junction, before additional measures to implement the larger mitigation scheme need to be implemented. 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 (including the two proposals currently at appeal) without severe impacts arising.
61. In May and June 2017, Elveden Farms Ltd which owns the third party land around the 'Eriswell Road' junction and is the applicant with respect to this planning application, provided evidence to the Council and the Highway Authority at Suffolk County Council to challenge the findings of the AECOM studies. The evidence was provided to the District Council prior to the Development Committee considering three planning applications totalling up to 523 dwellings and a primary school at three sites to the north of Lakenheath in June 2017.
62. The advice of the Local Highway remains clear that the local road network, including the 'Eriswell Road' junction (which is the junction that would be placed under the greatest pressure from new housing developments at Lakenheath) is capable of accommodating the development proposals without 'severe impacts' arising. 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. As already stated, 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 presently outside highway boundaries. Having carefully considered all evidence available with respect to cumulative traffic matters, the Development Control Committee considered (at its June 2017 meeting) that the advice of the highway authority was the correct advice and resolved to grant planning permission for all three proposals to the north of the village.

63. At present, there are resolutions to approve up to 523 dwellings in the village (from the three schemes consented by the Development Control Committee in June 2017), albeit these proposals are all subject to Article 31 Holding Directions which means their final approval cannot yet be guaranteed. The application proposals would, if approved, increase the number of 'committed' dwellings in the village to up to 663. There are also two further development proposals in the village proposing substantial new development and these are both the subject of appeals. The appeal schemes proposed up to 230 further dwellings. If all of these developments were to be granted planning permission, including the application proposals which are the subject of this report, up to 893 dwellings would be consented in the village. This number of additional dwellings would be within the 915 dwellings that the Highway Authority confirms can be accommodated on the local road network without severe impacts arising.
64. 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 Maidscross Hill SSSI

65. The application site is outside the 1.5km buffers to the SPA but sits within the 'nesting attempts' 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 8-10 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. Further assessment carried out by the Council's Landscape and Ecology Officer has concluded the development proposals, in combination with other plans and projects would not give rise to significant effects upon the Special Protection Area (Working Paper 3).
66. 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.
67. 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 sufficient measures in this respect (i.e. large areas of public open space and attractive dog walking routes). The application proposals, if left unmitigated, would likely increase recreational pressure upon the Breckland Special Protection area and add to existing detrimental effects upon the species of interest (the woodland component of the Special Protection Area in particular).

68. Furthermore, the development, in combination with other plans and projects, (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.
69. Emerging Policies SA7 and SA8 of the Site Allocations Development Plan Document allocate a number of sites at Lakenheath for residential development, including this 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 the Maidscross Hill SSSI and the Breckland SPA. The policies state such 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.
70. 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.
71. The application proposals (alongside other proposals for large scale residential development) 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 (closest to the application site).
72. With these measures in place (which would also be part funded/part provided from other housing developments around the village), 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

73. 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

74. 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.
75. 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 189 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).
76. 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.
77. 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

78. 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.
79. 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.
80. 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

81. 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, likely or potential cumulative impacts.

CIL Regulation 123

82. 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 provide it.
83. 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).
84. 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.
85. The loss of the off-site tariff based public open space contribution will trigger the need for policy compliant levels of public open space to be provided on site, such there would be no nett loss to the overall (lawful) provision. It is likely the public open space will be provided towards the outer site boundaries to provide pedestrian and dog walking routes. 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

86. 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.
87. 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.
88. 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.
89. 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.
90. 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.
91. In September 2014, at the time the Development Control Committee resolved to grant planning permission for this development, the application site was shown to be situated within the 70bda noise contour (based on data published by the Ministry of Defence in 1994). Since 2014 the Ministry of Defence has published two updates to the RAF Lakenheath noise information. Firstly, in 2015, it updated the noise contour information by scrapping the 70db and 80db contours and, using the same source information from 1994, replacing these with new 62db, 66db and 72db contours. The application site was shown to be situated within the 72+db noise contour. Secondly, in February 2017, the Ministry of Defence submitted new noise contour information based on new modelling and more up to date data. The 62db, 66db and 72db noise contours were mapped again and the application site remained within the 72+db contour.

92. The planning application was accompanied by a noise impact assessment (NIA). The NIA was based on field surveys carried out over a 9 day period in April 2013. The noise consultant considered the survey period to be sufficiently long and extensive. The field work recorded average noise levels of up to 68db LAeq (16-hr), although some measurement locations, away from the roadside, were slightly more favourable with levels in the region of 61-64 db LAeq (16-hr). The NIA concluded mitigation measures could be installed into the dwellings to insulate internal rooms against aircraft noise. The noise mitigation strategy can be designed to achieve average internal noise levels within World Health Organisation (and British Standard) guidelines. The external areas of the site would remain unmitigated, although it is possible (at Reserved Matters stage) to design the layout of the site to improve defence of private gardens against road traffic noise.
93. The Council's Public Health and Housing Officers (and, initially, the Defence Infrastructure Organisation) have not objected to the proposals, subject to conditions. The planning application was recommended for approval to the September 2014 meeting of the Development Control Committee and, at the time, the effect of aircraft noise upon the proposals was not particularly controversial.
94. In October 2016, over two years after the Committee resolution and over 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 Public Health and Housing Team, having considered the information set out in the NIA, the fresh MoD noise contours and the objections received from the Defence Infrastructure Organisation on noise grounds, continue to advise that the internal spaces of the dwellings are capable of mitigation through construction and appropriate window and wall/roof insulation.
95. In April 2017, following publication of the refreshed noise contours the Ministry of Defence provided general guidance to assist the Council with its consideration of planning applications for new development in areas likely to be affected by aircraft noise. With respect to development proposals within the 72+db LAeq(16-hr) noise contour, the MoD advises as follows:
96. "mitigation of the types mentioned above will be the minimum expected but further measures may be required by the MOD depending on the characteristics of the proposed development".
97. The measures referred to "mentioned above" (in relation to development in the 66-72db contour) were:
- *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 after the Committee resolution to grant planning permission in September 2014 necessitates 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 relate 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), subject to the inclusion of appropriate noise mitigation measures. In this regard the receipt of recent general advice from the Ministry of Defence 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 remain content to conclude the internal spaces of the dwellings could be adequately mitigated against aircraft noise.

100. It remains the case that external spaces, including domestic gardens, public paths and public open space can not be mitigated against the effects of aircraft noise in the same way as the internal spaces of the dwellings. 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 because it would potentially annoy users of those spaces during noise events 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 and short term nature of the individual aircraft movements, 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. 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.

Tree Preservation Order

103. A formal tree preservation area has been made and served to protect a line of pine trees which runs along the eastern boundary of the application site along the highway (Eriswell Road) frontage.
104. The planning application includes the location of proposed vehicular access into the development for consideration and approval as part of the outline planning application. If outline planning permission is to be granted this means the proposed access locations would be fixed for any subsequent reserved matters submission/s.
105. The proposed vehicular access necessitates the removal of a small number of trees for the physical entrances and/or visibility splays. The impact of the loss of trees was considered as part of the report to the September 2014 meeting of the Development Committee (paragraphs 101-104 of Working Paper 1).
106. The service of the Tree Protection Order does not alter previous conclusions about the impact of the proposed development upon trees. It remains the case that 14 trees would be removed during development. Nine of these trees would be felled because of their poor or dangerous condition (and not as a consequence of the proposed development), with a further five low grade trees removed to make way for access/visibility. New trees would be planted along the eastern boundary to replace those specimens to be felled in order to retain and strengthen the pine line. New/replacement planting could be secured by means of a planning condition.

107. The Tree Preservation Order was not served by the Council to safeguard any of the pine trees earmarked for removal as part of this planning application. Indeed the Council would served the Order much earlier had that been its intent. The Order has been served to safeguard trees which would remain during and following completion of the development.

Other matters

108. 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

109. 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."

110. 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.
111. 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.
112. 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
113. 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

114. 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.
115. The starting point is that the risk of accident from jets in flight is low. It is understood that pilots are trained to divert aircraft away from built up areas in the event of an emergency.
116. 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 the village as a whole. In your officer's view the matter is not sufficient to justify a refusal of planning permission.

Bat survey

117. Concerns have been expressed by a local resident that the bat survey submitted to accompany the planning application may not have been carried out in accordance with standards recommended by Natural England. The Council's Landscape and Ecology Officer has considered the

allegation and confirmed the Bat Surveys undertaken did accord with Natural England advice and, whilst the surveys do require updating for any future submission of Reserved Matters, they are sufficient to enable the Committee to be able to conclude that bats (and other species at the site) are not a determinative factor with respect to the outcome of this application for outline planning permission.

S106 Agreement

118. 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:

119. 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.
120. 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 32 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 development proposals, it is more likely to 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) would apply.
121. 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'.

122. 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 Council may 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 going forward 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.
- Officers' consider the proposals represent 'sustainable development' in accordance with the policies of the NPPF, when read as a whole. The proposals are considered to 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 the advanced stage it has reached, but the level of weight to be attributed is tempered by the fact there are presently unresolved objections to relevant policies, including SA7 which allocates the application site for housing development.

123. 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:

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

A. The completion of a S106 agreement to secure:

- Affordable housing (30% - up to 42 dwellings)
- Education contribution (Primary School – up to £ £543,620 towards build costs and up to £45,290 towards land costs)
- Education contribution – contribution for temporary travel arrangements.
- Pre-school contribution (up to £151,662)
- Libraries Contribution (up to £30,240)
- Public Open Space provision on site (to comply with SPD requirements and future management and maintenance plan) unless the requirements can be appropriately imposed as a condition.
- SPA Recreational Impact Mitigation Contribution – partly in kind (on land in the control of the applicant) and partly financial contribution to be used towards provision of new and/or upgrade of existing public footpath network in the vicinity of the application site.

And

B. subject to conditions, including:

- Time limit (3 years for submission of reserved matters and 2 years for commencement following approval of reserved matters)
- Materials (details to accompany reserved matters submission/s)
- Water efficiency measures (triggering the 'optional' requirements of the Building Regulations)
- Bin and cycle storage areas to be submitted with Reserved Matters
- Public open space (provision in accordance with the adopted SPD and strategy for future management and maintenance, unless specifically required by clauses in the S106 Agreement)
- Protection of retained trees during construction
- Ecology (further ecological surveys, including bat surveys and securing ecological enhancements at the site)
- Construction management plan, including waste minimisation and recycling, hours of construction etc.

- As 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)
- Noise mitigation measures (to internal rooms)
- Fire Hydrants (details to be submitted and agreed)
- Surface water drainage scheme (SUDS – full details to be submitted with the Reserved Matters).
- Provision of public information/interpretation boards and information packs for the new residents with respect to avoiding impacts upon the Special Protection Area.
- Archaeological investigations and recording.

125. That, in the event of the Assistant Director for Planning and Regulatory recommending alternative (reduced) S106 Heads of Terms from those set out at paragraph 124 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.

126. 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 for Planning and Regulatory, the planning application be returned to Committee for further consideration.

Documents:

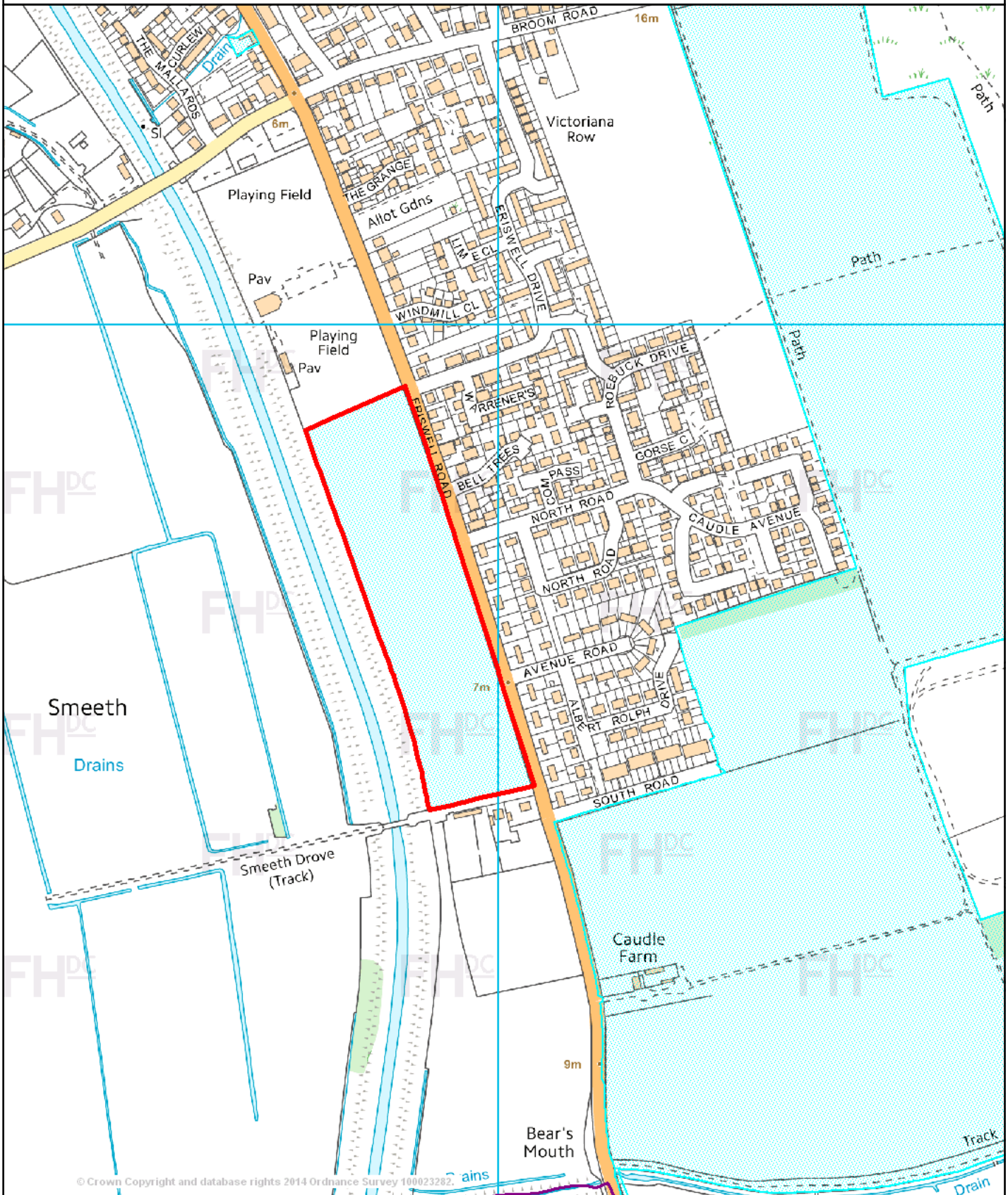
1. Working Paper 1 (Officer report for this planning application presented to the Development Control Committee meeting of 3rd September 2017)
2. Working Paper 2 (Extract from the minute of the Development Control Committee meeting of 3rd September 2017).
3. Working Paper 3 (The Council's 'screening' of the proposals against the provisions of the 'Habitats Regulations').

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=ZZZZV RHHXB413>

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F/2013/0394/OUT - Land West of Eriswell Road Lakenheath



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Forest Heath District Council
 College Heath Road
 Mildenhall
 Suffolk
 IP28 7EY
 Tel: 01638 719000. www.forest-heath.gov.uk

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Illustrative layout plan



- Informal Green space and play space
- Entrance/access
- Residential
- 'Greenway' (Footpath and Cycleway)
- Footpath and Swale
- Access drives/ 'green lanes'
- Entrance/access
- 'Village green' with informal play
- Natural Green space (Swale and new planting)
- Natural green space (Existing trees retained/new planting)
- Informal play
- 'Greenway' (Footpath and Swale)
- Informal green space and play space

Landscape principles

Site L26, LAND WEST OF ERISWELL ROAD
LAKENHEATH

1:1000@A2
July 2013

Illustrative masterplan



Informal green space and playspace

Entrance/ access

'Greenway' (footpath & swales)

Informal play

Indicative frontage/ illustrative layout

Access drives/ 'green lanes'
(shared surface)

Tree lined access road

Entrance/ access

'Village Green'

Informal play

'Greenway' (Footpath/ cycle way)

Natural green space
(existing trees retained)

Natural green space
(swale and new planting)

'Greenway' (footpath & swales)

Informal play

Informal green space and playspace

Site L26, LAND WEST OF ERISWELL ROAD
LAKENHEATH

1:1000@A2
July 2013



Forest Heath District Council

**DEVELOPMENT
CONTROL
COMMITTEE**

3 SEPTEMBER 2014

DEV14/130

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

**PLANNING APPLICATION F/13/0394/OUT – LAND WEST OF ERISWELL 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/13/0394/OUT

Date 9 August 2013 **Expiry Date:** 10 October 2013

Registered:

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

Parish: Lakenheath **Ward:** Lakenheath

Proposal: Erection of up to 140 dwellings

Site: Land West of Eriswell Road, Lakenheath

Applicant: Elveden Farms Ltd

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 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 140 dwellings. All matters with the exception of the general location of two new vehicular accesses are reserved. The application also proposes public open space provision, new landscaping and infrastructure works (including roads, footpaths etc.).
2. During the latter parts of 2013 and early 2014 the applicants submitted further information in response to formal representations received from i) SCC Highways and ii) SCC Archaeology. These two bodies were re-consulted upon receipt of the further information, the

results of which are set out below in the 'consultations' section of the report.

Application Supporting Material:

3. The following documents were submitted to support this application:
 - Forms and drawings including site location, illustrative masterplan and illustrative layout.
 - Combined Planning and Design & Access Statement
 - Noise Assessments
 - Ecological Appraisal
 - Flood Risk Assessment
 - Transport Assessment
 - Geo-Environmental Risk Assessment (contamination)
 - Archaeological Desk Based Assessment
 - Arboricultural Implications Assessment
 - Landscape and Visual Impact Assessment
 - Statement of Community Involvement (including copies of the display material used at public exhibition)

Site Details:

4. The site is situated to the south of Lakenheath. It is approximately 5.43 hectares in size, is presently in agricultural use (Grade 3) and has a 470-metre tree lined frontage onto the highway of Eriswell Road.
5. The application site is situated outside the settlement boundary of Lakenheath which follows the existing development on the opposite side (east) of Eriswell Road. The site is thus situated in the countryside for the purposes of applying relevant Development Plan policies.
6. The site fronts eastward onto Eriswell Road towards a row of existing semi-detached residential properties on the opposite side of the road. An attractive row of mature pine trees marks the site frontage. Some low density housing abuts the south boundary, intersected by a public footpath. The western (rear) boundary is marked by steep banking with a watercourse behind. The site of the pavilion is situated to the north of the site (set in large areas of public open space) with the bulk of the settlement and key village amenities located further north.
7. There are no landscape or heritage asset designations at the site, although the Lakenheath Conservation Area is situated approximately 500 metres to the north (at its closest point). The Environment Agency flood risk maps indicate that the majority of the site is situated within Flood Zone 1 (with little or no risk of flooding) with a small element at the rear north west corner within flood zones 2 and 3.

Planning History:

8. None relevant to the application site.

Consultations:

9. **Environment Agency – no objections** – subject to the imposition of a condition to ensure an appropriate scheme of surface water discharge is secured.
10. **Natural England – no objection** - and comments there would be no adverse impacts on nearby SSSI's is unlikely to impact upon bats and opportunities to secure biodiversity/nature/landscape enhancements (bat/bird boxes) should be pursued.
11. **Suffolk Wildlife Trust – no objection** – we are happy with the findings of the ecological survey report and request the recommendations made within the report are implemented in full, via a condition of a planning consent (should permission be granted). Appropriate ecological enhancements should be incorporated into any reserved matters submitted (in accordance with para 118 of the NPPF). Consideration should be given to the potential impacts of recreational disturbance on the Breckland Special Protection Area – further advice should be sought from Natural England in this respect.
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. It is requested that the agreed surface water disposal strategy is secured via condition.
13. **NHS Property Services** – (amended comments February 2014) - **no objections**. No health contributions are required from the development proposals.
14. **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 to the development from Lakenheath airbase and from the development to existing local residents (design and layout, construction management and hours of working). With regard to aircraft noise, the service provide the following comments:
 - The main environmental issue under consideration when assessing this application is the impact of aircraft noise from Lakenheath airfield upon residential amenity at the proposed properties.
 - The noise report submitted with the application confirms that, generally, the external noise levels will be above the criteria for community annoyance published by the World Health Organisation, and internal noise levels will be above the "good" standard in British

Standard BS 8223: 1999 - Sound Insulation and Noise Reduction for Buildings – Code of Practice. The report confirms that measures can be taken to ensure that internal noise measurements meet the “reasonable” standard in BS8223.

- The application also has to be considered in the light of existing residential development, and in particular that on the eastern side of Eriswell Road, directly opposite the application site. That development, and others in the vicinity, are currently subject to a similar noise field. Hence it would seem unreasonable to recommend refusal of this application on noise grounds, but measures need to be implemented within the construction proposals to mitigate against the impact of internal noise.
15. **FHDC (Conservation) – no objections** – The application site is not adjacent to any listed buildings and is some distance south of the boundary of the Lakenheath Conservation Area.
16. **FHDC (Strategic Housing) – no objections** – request on site provision of affordable housing and provide the following comments;
- Local Plan policy CS9 states that developments of more than 10 dwellings would trigger 30% affordable units.
 - 42 dwellings (30% of 140) are requested to be secured as affordable (6 no. 1-bed flats, 4 no. 1-bed bungalows, 23 no. 2-bed houses, 8 no. 3-bed houses and 2 no. 4-bed houses).
 - The mix of affordable housing has been formulated using data from the current housing register figures (September 2013) whilst also having regard to data from the Strategic Housing Market Assessment.
17. **FHDC – (Leisure, Culture and Communities) – no objections** and draws attention to the public open space requirements of the adopted Supplementary Planning Document (on-site and off-site provision) which will need to be addressed at detailed design stage (reserved matters).
18. **FHDC - (Ecology, Tree and Landscape Officer) – no objections** and comments as follows;

Landscape

- A landscape and visual assessment (LVIA) has been submitted to support the application. The landscape assessment shows that the development of the site will result in the loss of agricultural land, the introduction of additional built form and the redundancy of the current urban edge formed by the pine line. The impact is assessed initially to be of moderate magnitude reducing in the long term. Visually, the greatest impacts will be experienced from Eriswell

Road and from the properties that overlook the site as a result of the change from agricultural land to the built form. The wider visual impacts are assessed to be less significant.

- The main landscape principals (and mitigation for the identified impacts) are given in the LVIA on page 3, and are set out as:
 - To retain existing high quality landscape features,
 - To retain and reinforce planting along the boundaries of the site
 - To provide a cohesive open space framework that extends the existing open space provision
 - To provide legible and permeable movement connections
 - To provide a high quality landscape setting for the proposed built development
 - To contribute to a multifunctional green infrastructure network
 - To provide ecological and amenity enhancement
- Mitigation of impacts and application of the landscape principals has been addressed in the illustrative master plan and layout. The applicant will need to further demonstrate at reserve matters stage the practical application of these principals along with the full provision of open space and the implementation of a SUDs scheme.
- 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 (planning condition)
- The proposals include for the retention of the existing trees in particular the pine line feature adjacent to Eriswell Road. 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.

SUDs

- The provision of sustainable urban drainage is integral to the open space on the site. The applicant must show that there is no double counting 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. They have further commented on the impact of the proposals on bats and are satisfied that there would be no impact so long as no trees are to be removed. The trees with potential for bat roosts have been checked against the access proposals. Trees T60, T61

and T40 are to be removed. These trees are all within bat roost category 2- trees with no obvious potential.

- The ecology report also identifies the potential for impacts on bats from lighting spillage. An Illumination plan should be submitted as part of the reserved matters application to demonstrate that the street lighting and external lighting will not spill to the Cut-off Channel.
- Impacts on reptiles have been assessed against Natural England standing advice. Mitigation for other species including bats and birds is included in the ecological appraisal and hence a condition requiring the recommendations in the ecology report be implemented in full and an implementation plan for those measures should be submitted as part of the reserved matters.

19. **Suffolk County Council (Highways – Development Management) – seek further information** – as follows;

- The main road at the point of the two new proposed accesses has increased traffic speeds. Therefore it would be beneficial for village entry treatments and traffic calming to be installed to reduce vehicle speeds on the main road adjacent to the new accesses.
- I require more detailed information in the transport assessment on traffic destination preferably linked to the census data.
- I require more information in particular to the junction on the A1065.
- With regard to the internal layout, it is not desirable to locate internal access roads so close to the main access road junction with the main road. These should be placed further away from the main junctions and/or block these roads off from exiting near to the junction.
- The internal roads are very linear and may lead to higher than desired vehicle speeds. The introduction of curves and off-set junctions may be beneficial here.
- I also require a sensitivity test with all growth from the local plan.

20. **Suffolk County Council (Highways – Development Management)** following receipt of additional information to address matters set out in the above paragraph – **no objections** –subject to conditions regarding;

- Provision of the access,
- Details of bin/refuse storage areas,
- Details of internal roads and footpaths, necessary works within the

highway and provision of a footway link on the west side of Eriswell Road (details to include layout, levels, gradients, surfacing and drainage),

- Construction of the carriageways and footpaths
- Travel plan
- Deliveries Management Plan for HGV deliveries during construction of the development.
- Details of parking and manoeuvring of vehicles, including adequate car turning space
- Visibility splays (2.4m x 43m in each direction)

21. **Suffolk County Council (Highways - Rights of Way) – No objections** – and comment as follows;

- Restricted Byway No.22 is adjacent to the development site but does not appear to be directly affected by the proposals. As a result of anticipated increased use of public rights of way a contribution towards improvements to the network will be sought (and will be submitted via the Highways Development Management Team). Further advice is provided for the benefit of the applicant/developer.

22. **Suffolk County Council (Archaeology) – Objects** – and comments as follows;

- The Authority comments that this large proposed 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 Prehistoric cremation and burnt flint scatter within 250m, and finds from the Roman, Saxon and Medieval periods within 150m. This is therefore an area of high archaeological potential, in a fen-edge location that was topographically favourable for early settlement.
- For these reasons, it is our opinion that the summary and conclusions reached by this desk based assessment are unsatisfactory. Although there are no known remains within the site itself, this large plot has not been the subject of previous systematic investigation and recording, but offers potential for the discovery of hitherto unknown important features and deposits. This proposed development would cause significant ground disturbance that has potential to damage any archaeological deposits and below ground heritage assets that exist.
- The applicant should be required to provide for an archaeological evaluation of the site before the determination of the application, to allow for preservation in situ of any sites of national importance that

might be defined. This large area cannot be assessed or approved in our view until a full archaeological evaluation has been undertaken, and the results of this work will enable us to accurately quantify the archaeological resource.

23. **Suffolk County Council (Archaeology)** – following receipt of a preliminary programme of Archaeological assessment – raises **no objections** subject to the imposition of conditions to secure implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation. The following comments were received;

- This large proposed development (c. 5.37 ha) lies in an area of archaeological potential as recorded in the County Historic Environment Record (HER). Field evaluation in November 2013 confirmed the presence of heritage assets of archaeological interest at the site including pits, ditches, palaeochannels associated with Prehistoric worked flints and areas of buried soil.
- This preliminary programme of Archaeological assessment has adequately demonstrated that there are no grounds to consider refusal of permission in order to achieve preservation in situ of any nationally important below ground heritage assets. However, the character and extent of these assets requires closer definition. Therefore, in accordance with the National Planning Policy Framework (Paragraph 141), any permission granted should be the subject of planning conditions to record and advance understanding of the significance of any heritage asset before it is damaged or destroyed.

24. **Suffolk County Council (Strategic Planning)** (amended comments January 2014) – 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 35 primary school places. The contribution to be secured from this development is therefore £622,230 (35 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 = £5,495.
- Paragraph 4.14 in the 'Planning, Access & Design Statement' is accurate in terms of reflecting the Infrastructure & Environmental Capacity Assessment in 2009, but clearly this is now at least 4 years out of date. The local primary school in Lakenheath is now under significant pressure and there are no surplus places available and the school also sits on a constrained site so further classroom expansion is problematic. Lakenheath Primary School is physically unable to take on the additional pupils from the development. It is already below the minimum area guidelines for a 315 place school with a distinct lack of playing fields. Against planned housing growth we consider that the only practical option is to secure a new school site upon which to deliver a new primary school.
- 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. The existing village primary is a full capacity. Therefore a full contribution to provide additional facilities for the 35 pupils arising from the proposed development will be required at a total cost of £426,335
- We would welcome clarification regarding future housing growth for Lakenheath.
- **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 £85,274 is requested.
- Lakenheath has three early years providers but two of these are day nurseries so not all of the places can be used for early years

Two for the providers have no spaces remaining and the other only limited spaces – no child can take their 15 hours. According to census data there are 87 (no) 3 and 4 year olds and 63 (no.) 2 year olds. There is an existing local deficit and further housing growth will place existing infrastructure under greater pressure (this warranting the developer contribution).

- **Play space provision.** Consideration will need to be given to adequate play space provision.
 - **Libraries.** A capital contribution of £30,240 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).
25. **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.

26. **Suffolk County Council (Strategic Planning)** – further representations received 8th 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 35 primary age children will arise from a scheme of 140 dwellings.
 2. The pro-rata contribution towards the full build cost of a new school is £622,230 (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 £192,185. 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).
27. **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).

Representations:

28. **Lakenheath Parish Council** (September 2013) – **no objections** - in principle but express some concerns –
- It was resolved that Lakenheath Parish Council agree in principle with the application subject to the following points to be clarified and conditions to be set. Further, the Parish Council will want sewerage capacity (a problem already acknowledged by Forest Heath District Council) increased before any such development is begun.

- Eriswell Road is one of the main roads into the village, any development should set a high standard of design and should incorporate as many ecological/carbon neutral footprints as possible. The Parish Council want this to be a development of which the village can be proud. It is not clear if there is provision for a pavement, and, very importantly 1). It is not at all clear where (refuse) bins are to be stored/placed.
- The proposed density of housing is of great concern to the Parish Council. The number of dwellings should be limited to 90, thereby making it more sustainable and in keeping with a rural setting.
- It is considered that the development is likely to have an adverse impact on the highway (it had already been noted by the Parish Council that a traffic survey carried out on behalf of the developers had been put in place only after the American schools had closed for the summer holidays – any information obtained from this survey is, therefore, inaccurate) and in order to mitigate problems accessing Eriswell Road from the proposed site it is proposed by Lakenheath Parish Council that at least one of the access points should be traffic light controlled with a pelican crossing incorporated to facilitate access to the play areas.
- Flooding, on Eriswell Road, is a great concern in this area – during heavy rainfall residents along Eriswell Road experience serious flooding – SCC are aware of this – and the Parish Council have frequently asked that this problem be resolved – school children from this part of the village often arrive at school soaked through, having had cars plough through standing water. It is noted that the main water pipe is 150mm whereas in other parts of the village water pipes are 300mm. Anglian Water identify the site as of “flood risk” and have stated that flood water will pond at the bottom of the gardens (AW report 8.6.2). Although there are soakaways for each property what about other “open” areas and what will happen when the soakaways fill to the chalk level? Swales are shown on the plan – they are likely to be rather smelly in Autumn and cause the land around to be boggy. How will Undley Road be accessed?
- At least a sixth of village residents are over the age of 70 and Lakenheath, as far as new development goes, has been identified as a place in which to take up retirement, the Parish Council would, therefore wish to see a good number of bungalows on this site. It is noted that the government, too, is voicing its wish to see more bungalows being built.
- It is desirable that there should be an element of social housing, which the Parish Council are keen to see being offered to local people in the first instance.
- There appears to be no provision for a boundary between the Playing Fields and housing (e.g. risk of stray cricket balls) – there should be some provision made.

- Finally, such a sizeable development will require additional school and health provision which must be addressed in the initial stages.
29. **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."
30. **Lakenheath Parish Council** (June 2014) - **objects** to the planning application. The following comments were provided;
- I thank you for the opportunity of providing a new representation on this case.
 - We confirm that Lakenheath Parish Council objects to this application for now.
 - We do not at this stage wish to provide preference to any major application. This is because we believe that there are more in the pipeline as well as the ones that are being currently determined and we want them to be discussed cumulatively to shape the village for the long term future. This can be achieved using, for example, Environmental Impact Assessment screening on an area covering the whole parish of Lakenheath.
 - We would still like to see independent professional advice and guidance, funded by the developers under the terms of a planning performance agreement, to assess all the infrastructure and environmental impacts across our parish.
 - The village school, despite recent alterations and improvements, has no extra capacity. There is already a holding objection from Suffolk CC in relation to the Bennetts proposals at Briscoe Way till a new site can be identified (also to the satisfaction of the local community) to provide an additional school site. This should apply to this site too as well as any other major developments. The school will have to be in an appropriate place and a safe area for pupils to be able to walk or cycle to school.
 - Finally, the District Council should commission an independent specialist noise and vibration survey. This should include 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 aerial flight path impacts. This was because each developer is using a different method and scale in their design and access reports, as well as ignoring the published flight and holding patterns connected to RAF Lakenheath.
 - We reserve our rights to make further comments when these

objections are all resolved and we are fully aware of the big picture relating to all current and future potential development applications.

- Finally 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.

31. **Ramblers Association – no objections** – Recognises that new development can result in increased use of the local footpath network and requests a developer contribution to enhance a footpath (Lakenheath Lode – FP3) which is presently in poor condition. Whilst the open views from 'Smeeth Drove' looking towards the Church and rooftops of Lakenheath will be transformed, we suggest this could be traded off against the provision of a park bench, possibly somewhere near to the site of the old Spring Hall.

32. **Lakenheath Internal Drainage Board – no objections.**

33. **Gerald Eve** (Planning Consultants) on behalf of **Bennett Plc – object** on the following grounds;

- Bennett have recently submitted an application on a more suitable and sustainable site in the north of Lakenheath off Briscoe Way.
- There are certain critical issues which have not been addressed.
- It would be improper to determine the planning application until the results of archaeological investigations are known.
- We question the validity of the noise assessment given it was apparently carried out when the air base was operating on a period of enforced sequestration (aircraft entering and leaving the base was far fewer than usual and not representative. A further assessment should be carried out during a period of normal base working conditions.
- The Council published the Single issue Review of Core Strategy Policy CS7 Issues and Options Stage (Reg 18) in July 2012. The accompanying, Initial Sustainability Appraisal for Question 11 concludes for Lakenheath that: "the most obvious way to mitigate aircraft noise is not to allocate land within a noise constraints zone... A large area to the South of the settlement does suffer from aircraft noise over 70dB."
- Examining the applicants' Noise Assessment Report, it states that based upon the measurement data presented within Table 3 and the noise contour presented within Appendix 4, it is evident that this noise level is exceeded across the site due to air traffic movements associated with RAF Lakenheath and Mildenhall.
- The data and rationale of the submitted noise assessment is

questioned and recommended that further information/clarification should be sought from the applicant.

- It is noted that no mitigation strategies are suggested for external noise. Enjoyment of private garden areas and public open space would be constrained by aircraft noise. Internal noise mitigation measures would be ineffective when residents open windows and doors for ventilation.
- The British Standards guidance on noise would be considerably breached.
- It is clear that national policy says the planning system should prevent new development from being adversely affected by unacceptable levels of noise pollution. The fact that there is currently residential development within the vicinity suffering from noise pollution is no reason to create further suffering by subjecting future residents to the aircraft base noise, or put more simply poor planning decisions in the past are no grounds to justify poor decisions in the present day. The proposed mitigation measures will not work outside the homes and will subject potential residents to unnecessary persistent noise pollution.
- The Noise Assessment Report concludes that noise levels experienced in the proposed development "are expected to be comparable to those experienced at existing residential dwellings within the locality" and conclude therefore that noise is not expected to pose "a significant constraint" upon the proposed development. This illogical line of argument is taken a stage further in the comments of the Council's Environmental Health Services, in which the officer raises no objection, stating that the "development, and others in the vicinity, are currently subject to a similar noise field. Hence it would seem unreasonable to recommend refusal of this application on noise grounds..." It cannot be right to suggest that development should be allowed to take place in a location which is clearly unsuitable and unsustainable, merely because there is existing development in that location. There is no support for this in planning policy terms. By analogy, development in the Green Belt is not thought acceptable merely because there is existing development in that location. In general terms, existing development in the vicinity of the application site pre-dates the current level of noise and relevant policies and standards.
- Eriswell Road forms a successful and attractive urban edge to the settlement and allowing development on its western side will destroy the large scale vista across the fenland for not only the neighbouring residents but also all the pedestrians and other road users of Eriswell Road.
- The applicants' visual impact report states in 6.2.6 that for the local residents of properties on the B1112 "most longer-distance views of the fen landscape beyond the site would be lost and would be

replaced by clear views of the proposed development, with only occasional glimpses available over and between the new development". Furthermore the report summarises in paragraph 8.1.6, the residual impacts that would remain after 15 years, and in addition to the close proximity views referred to above, it states that it would also impact on the "middle distance views, e.g. those from Undley Road, where the settlement edge of Lakenheath would appear to extend into what previously read as undeveloped countryside, a scenario that would be compounded in winter and at night through the addition of lighting." For these reasons, residential development on this highly visible and sensitive greenfield site representative of the local landscape should be resisted.

- We understand the traffic surveys were carried out only after the American schools had closed for the summer holidays, thus underestimating true background traffic levels. Pedestrian access along the pavements is problematic in wet weather conditions.
- Local opinion is not properly represented in the applicants Statement of Community Involvement.

34. **Six letters/e-mails** have been received from **Local residents objecting** to the planning application. The issues and objections raised are summarised as follows;

- Adverse impact upon the landscape (as evidenced by the applicants own report) and loss of views across open fields.
- Adverse impact upon the character of the village.
- Adverse impact upon quality of life.
- Detrimental impact upon property values.
- Traffic speeds are high along Eriswell Road, further traffic on the road will cause further traffic danger, including for pedestrians (on narrow pavements).
- Traffic congestion with traffic tailing back in the village (an existing problem with USAF personnel travelling to and from the base). New development would only increase this problem.
- There are issues with surface water on roads in the area.
- Foul sewage drains are working to capacity (and have not been improved in years).
- Access into the site will necessitate the felling of some trees.
- The local infrastructure is inadequate and will not be able to absorb the new development (schooling, doctors, shops etc.).

- Increased likelihood of petty crime and anti-social behaviour in the village.
- The proposals will be of no benefit to local people.
- Adverse impacts from aircraft noise and implications of potential incidents at the base (to the proposed development and other development planned in this part of the village).
- Noise measurements were taken during a period of reduced flights.
- Village facilities are relatively distant from the site (e.g. residents will rely on their cars to access the site planned for a new Tesco store thus adding to village traffic congestion).
- Facilities in the village are limited (i.e. the doctor's surgery always seems to be full and shopping has its limitations).
- Potential adverse impact upon ecology.
- There is no need for the additional houses.
- There is so much natural beauty around the areas of the proposed development – it would be a tragedy for this to be built upon. Once it has happened it cannot be undone.

Policy:

35. 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

36. 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.
- **Inset Map 12** (Lakenheath Development Boundary)

Other Planning Policy:

Supplementary Planning Documents

37. 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

38. 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.
39. 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.
40. 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:
41. The stage of preparation of the emerging plan (the more advanced the preparation, the greater weight that may be given)
42. 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
43. 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.
44. 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.

45. 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.
46. 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

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

48. 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.”

49. 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".

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

51. 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:

52. 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

53. 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

54. 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.
55. 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

56. 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)

57. 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

58. 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.

59. 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.

60. 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

61. 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.

62. 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.
63. 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.

64. 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".
65. 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.
66. 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 is evidence that further new housing is not required at Lakenheath. Your Officers are in the process of verifying whether this stock of dwellings is already counted as 'existing' housing stock in the Strategic Housing Market Assessment or whether it would contribute towards the five year supply of new housing in the District as it is released in stages onto the open market. Members will be updated of the outcome at the meeting.
67. 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.
68. 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.
69. 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.

70. 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.
71. 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.
72. 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?

73. 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;)
74. 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.

75. 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

76. 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.
77. 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:
78. 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.

79. 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.
80. 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).
81. 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.
82. 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

83. 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.
84. 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.

85. 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.
86. 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

87. 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 68-71 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'.
88. 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.
89. 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

90. 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.
91. 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.

92. 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.

93. The applicants have submitted a Landscape and Visual Impact Assessment with the planning application. This reaches the following conclusions:

- The proposed development would have no effect on the Lakenheath Conservation Area, and any effects on the Maidscross LNR, listed buildings and public rights of way would be limited to minor changes in visual quality.
- The Suffolk Landscape Character Assessment notes that the Settled Chalklands character type, in which the site is located, are a continuing focus for settlement, and that appropriate planting can be used to minimise the impact of settlement expansion on the surroundings. The proposed scheme would retain and reinforce the existing pine belt and opportunities explored to create a similar feature along the western edge. In addition, significant area of new native trees and shrubs would be planted so that where the development is visible from outside, it would appear set in a landscape framework, as currently occurs successfully elsewhere in Lakenheath.
- The proposed development would extend the built edge of Lakenheath westwards, but it would not compromise its separation from other settlements. It is unlikely that that it would have any effect on the sense of arrival into the village – the existing properties with their mature garden vegetation provide a break in the agricultural landscape and a gateway feature.
- The Landscape Assessment shows that providing the proposed mitigation measures are implemented and correctly maintained, development of the type proposed could be accommodated without significant harm (low significance or less at year 15) to the character of the landscape.
- The visual Impact Assessment demonstrates the influence that the proposed scheme would have on views from residential and public receptors in the surrounding landscape, and how such impacts would reduce in time as the proposed mitigation works (see Section 3) become effective. Residual impacts that are likely to remain after 15 years are, in the main, as a result of:
 - close proximity views, e.g. those from properties in Eriswell Road, that would encompass clear, open views of the new

development (and associated lighting) in what was previously undeveloped agricultural landscape, albeit that views would be partly filtered by the pine belt

- the loss of attractive, long distance views over undeveloped fen land
 - middle distance views, e.g. those from Undley Road, where the settlement edge of Lakenheath would appear to extend into what previously read as undeveloped countryside, a scenario that would be compounded in winter and at night through the addition of lighting
- In other views, e.g. those from the west, although clearly visible, the new development would be seen in the context of the mature vegetation framework that encompasses much of this portion of Lakenheath and which provides an attractive and distinctive break between the Brecks and the lower lying Fens.
 - Visual changes with a rating of medium-high significance or greater are considered to constitute a 'significant' impact. After 15 years, such impacts would be limited to the close proximity views westwards from residential properties on Eriswell Road. The pine belt along the western side of Eriswell Road offers some buffer protection to the visual amenity of these properties. However, given the close proximity of the receptors to the scheme, there are limited options for mitigation. While these effects on residential properties are significant it is common for similar levels of effect to occur where any residential development is proposed next to existing development.
 - From other viewpoints, when the proposed planting has become established and effective in providing screening and/or assimilating the new development into the surrounding landscape framework, there would be no significant change in visual quality as compared to the existing situation.
94. Lakenheath sits on the lower slopes of the chalky and sandy Maids Cross Hill on the edge of the fens.
95. 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.
96. 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.

97. 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.
98. 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.
99. 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. The Landscape and Visual Impact Assessment confirms some residual visual landscape impacts from the development would remain in circa 15 years time after new landscaping has become established and matures. Whilst this impact would be limited in its extent, it compounds the landscape harm that would occur and therefore increases the significance of the dis-benefit.
100. Whilst counting as a dis-benefit of development, the landscape impacts are not considered so significant or harmful that a refusal of planning permission is warranted on this ground alone. Instead, the harm identified will need to be considered against the benefits of development when carrying out the planning balance.

Impact upon trees

101. The application site is fronted by a line of pine trees which is a characteristic feature of the Brecks area. The trees are an attractive feature at the entrance into the village and are an important asset in the locality, softening the impact of the existing village on the countryside and marking a transition between the countryside and the urban form of the village. Officers consider it is vital that all viable trees along the frontage are retained as part of these development proposals.
102. The planning application is accompanied by arboricultural information which includes a tree survey, an arboricultural implications assessment and an arboricultural method statement. The information recommends removal of nine trees because of their declining or unsafe conditions with a further five trees removed to provide vehicular access into the development (none of the trees to be removed to make way for vehicular access have been assessed as important 'Category A High Quality' specimens).
103. The report recognises there is a high likelihood that the remainder of

trees would be retained following development given their location close to the highway frontage (but behind visibility splays required for the accesses) with opportunities to strengthen the line with new planting. Existing trees to be retained post-development would be protected during the construction phase/s by means of appropriately located fencing. These measures could be secured by condition.

104. The impact of the development upon existing trees is considered acceptable with opportunities available to enhance the stock by removing declining specimens and providing new tree planting to the front boundary as part of the landscaping proposals for the site. The most important trees along the site frontage would be retained and protected during construction. Precise details of the landscaping of the site would be considered as part of any reserved matters submission.

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

Policy Context

105. 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.
106. 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.
107. 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.
108. 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.
109. 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

110. The applicants have submitted a Transport Assessment with the planning application. The document begins by considering the baseline conditions and reviews relevant planning policy before assessing the sustainability credentials of the development. It goes on to model and assess traffic growth, trip generation and distribution and carries out a 'future year' transport assessment. The following summary and conclusions are provided at the end of the document:

Summary

- *This Transport Assessment has been prepared following consultation with Suffolk County Council as the highway authority and using the DfT Guidance on Transport Assessment.*
- *Traffic data was collected on Eriswell road using an Automatic Traffic Counter for a week in March 2013*
- *A review of the baseline traffic conditions and facilities in the local area indicates that the site is close to the Key Service Centre facilities in Lakenheath as well as bus stops providing services to other local destinations.*
- *Vehicle trip generation for the site has been established using a national trip database and distribution has been established from the traffic surveys undertaken.*
- *The proposed access junctions have been assessed in a robust scenario where 100% of the development traffic is assumed to use one access and growth has been added onto the local road network to 2018. The accesses operate well under these conditions with no capacity concerns.*

Conclusion

- *In line with the NPPF, the development provides opportunities for sustainable modes of travel, has safe and suitable access for all people, and does not result in severe transport impacts.*
- *Consequently, no reason has been found to prevent the*

development on transport grounds.

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. The Local Highway Authority has requested a travel plan is submitted for approval prior to the commencement of development and thereafter implemented. This could be secured by means of planning condition. 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. The development would take vehicular access from Eriswell Road at two points. Eriswell Road is the main road leading into the village (leading to the High Street) and is also the route used to gain access towards Mildenhall and the A12.
113. The applicants have provided the additional information/clarification requested by the County Highway Authority and are prepared to undertake/fund the off-site highway works the Authority considers are necessary to make the development acceptable in highway safety terms (traffic calming in advance of the site accesses –precise details to be secured by condition). The Highway Authority has not expressed objections to the proposals (subject to these measures being secured and imposition of other conditions).
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 proposed development would not lead to 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. As discussed above, it is concluded that the development proposals would not impact upon any European designated nature conservation sites. The presumption in favour of sustainable development set out at paragraph 14 of the Framework is therefore material to this planning application.
118. An ecological appraisal has been submitted with the planning application.
119. The appraisal sets out a range of mitigation proposals for a number of species and concludes that no further ecological surveys are required at present. Further surveys in respect of bats are recommended at Reserved Matters stage. It also confirms that detailed mitigation design should be provided at Reserved Matters application stage, based on the principles described within the report.
120. 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 from 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 issues in this respect given the matter has not been raised by Natural England in initial comments. However, the recommendation has been drafted on a precautionary basis such that if new matters are raised requiring further assessment, the planning application would be returned to the Committee for further consideration.
121. 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 and mitigation measures set out in the Ecological Report and the submission of further information at Reserved Matters stage could be secured by means of appropriately worded planning conditions.

Impact upon built heritage

122. 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.
123. 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.
124. Core Strategy Spatial Objective C4 aims to protect and enhance the Historic Environment. This objective is implemented via Policy CS3.
125. 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.
126. 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 with the planning application. The report explains the work that carried out to investigate the archaeological potential of the site. The report confirmed the presence of heritage assets of archaeological interest at the site including pits, ditches, palaeochannels associated with Prehistoric worked flints and areas of buried soil.
127. The Archaeological Service at Suffolk County Council has been consulted of the planning application and, in light of the findings to date concluded there are no grounds to consider refusal of planning permission on archaeological grounds but confirms that further survey work will be required (post decision).
128. The development proposals would have no significant impacts upon heritage assets.

Impact upon local infrastructure (utilities)

129. 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.”

130. 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.
131. 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”.
132. 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.
133. The policy concludes that all development will be accompanied by appropriate infrastructure to meet site specific requirements and create sustainable communities.
134. 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

135. 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.

136. 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 72 above).

Waste water treatment infrastructure

137. The Flood Risk Assessment submitted with the planning application confirms;

- *foul water drainage from the site can be achieved by pumping to an existing 300mm diameter public sewer located in Undley Road. Anglian Water has advised that there is spare capacity within this sewer subject to a discharge limit of 3.8 l/s.*

138. 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.

139. 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.

140. 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 in isolation 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. Anglian Water has confirmed the development capacity suggested by the IECA study has been superseded by more up-to-date and reliable survey work. This is discussed in more detail in the cumulative impacts section of this report.

Water supply

141. 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

142. 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

143. 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.
144. 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.
145. 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.
146. The majority of the application site is not in an area at a risk of flooding, but a small area towards the north-west corner is situated within Flood Zones 2 and 3 and is at risk of flooding during extreme events.
147. The Flood Risk Assessment submitted with the planning application addresses the risks of flooding to the development proposals from the adjacent channel and confirms:
- The built development will be located in Flood Zone 1 i.e. outside the 0.1% annual probability floodplain for the Cut Off Channel on the western boundary of the site;
 - All proposed land use at the site is compatible for the flood risk classification of the site;
 - Safe access and egress can be maintained for the lifetime of the development;
148. With regard to surface water drainage the flood risk assessment

confirms;

- The proposed surface water drainage strategy will be implemented to mimic the existing scenario. SuDS drainage techniques will be used to provide capacity, source control, water quality treatment and biodiversity;
 - SuDS have been incorporated to attenuate development surface waters up to and including the 100 year plus climate change rainfall events while additionally providing water quality and bio diversity;
 - Overland flows associated with an exceedance event will be directed towards an infiltration swale located on the western boundary by a series of roadside shallow swales;
 - To ensure the effectiveness of the proposed drainage arrangement a robust maintenance regime will be implemented to ensure future performance of all SUDS and drainage components. This will include regular cleaning of new and existing wet infrastructure features within the site boundary.
149. The planning application is accompanied by a Preliminary Geo-Environmental Risk Assessment. This concludes the site has not been unduly impacted by former land uses (agricultural) and risk of contamination is low. The report identifies the site is not located within an Environment Agency groundwater Source Protection Zone. Furthermore, ground gases (radon) 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.
150. 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.
151. 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

152. 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 35 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.

153. In isolation it is possible that the Local Education Authority would be able to cater for the educational needs of the 35 pupils emerging from this development whilst a new primary school facility is provided in the village, 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 179 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 204 and 205 below.
154. 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

155. 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.
156. 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.
157. 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.
158. The application is submitted in outline form with all matters, except means of access, reserved to a later date. Accordingly matters of design are not particularly relevant to the outcome of this planning application.
159. 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 masterplan drawing has been submitted which suggests a 'linear' development is one of the potential design solutions.

160. The application proposes 'up to' 140 dwellings which means the reserved Matters could be submitted for a lower number. The final number of units could be affected by a number of factors including the desired density, the preferred design solution (layout) and the mix and type of dwelling proposed (for example a 4-bed detached dwelling will accommodate a much larger plot size than a 2-bed mid terraced dwelling). The maximum gross density of the proposed development (given the 140 dwelling cap) would be just under 26 dwellings per hectare which is considered appropriate at this edge of village location.

Impact upon residential amenity

161. 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.
162. 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.
163. The application is accompanied by a noise assessment which reaches the following conclusions:
 - This assessment has been undertaken as part of the planning application for the Site and considers the suitability of the proposals in terms of the existing noise environment and the potential noise impacts experienced by future occupants of the proposed noise sensitive development once completed.
 - A detailed baseline noise survey has been used to inform the assessment, this has been supplemented with available aircraft noise contour plots prepared by RAF Lakenheath and Mildenhall. The results of the noise survey have been assessed in accordance with applicable standards and guidance, and in line with the assessment requirements of Forest Heath District Council (FHDC).
 - Consideration has been given to appropriate noise mitigation measures, and it has been identified that with the incorporation of appropriately specified glazing and ventilation products, a commensurate level of noise attenuation can be afforded to future residents. With the recommended noise mitigation measures in place, appropriate internal noise criteria can be achieved in the proposed internal habitable spaces.

- With appropriate attention to development layout, it is possible to minimise noise levels experienced within principal garden areas. Noise levels experienced within such areas are expected to be comparable to those experienced at existing residential dwellings within the locality and are therefore not expected to pose a significant constraint upon the Proposed Development.
164. Following completion of the public consultation period (and particularly in the light of criticisms of the noise report submitted by Gerald Eve planning consultants on behalf of Bennett Homes plc, the applicants provided additional information to supplement their noise assessment. The supplementary report reached the following conclusions:
- This report has presented appropriate responses to the noise related points raised within the submitted objection, and identifies that the approach of Forest Heath District Council is consistent and is in accordance with current British Standards.
 - In particular, the following has been identified with due regard to relevant British Standards and guidance:
 - It has been identified that it is neither appropriate nor necessary to consider daytime LAFmax noise levels as suggested within the objection.
 - The proposed glazing and ventilation strategy intended to reduce internal noise levels has been demonstrated to be in accordance with current British Standards. It has been demonstrated that the ventilation requirements for the development can be achieved either by passive ventilation and openable windows for purge ventilation or through the use of mechanical ventilation.
 - The decision by FHDC with regard to allowing development in areas where noise levels are higher than the BS 8233 external noise level criteria is consistent with other applications in the vicinity of the site, which also developed under such conditions and in accordance with the guidance contained within BS 8233:2014.
 - The objection raises comments regarding the *Single Issue Review of Core Strategy Policy CS7 Issues and Options Stage*, but it is identified that this is not adopted planning policy and need not be considered.
 - It is discussed in the NPPF and the updated BS 8233 how external noise levels alone should not prohibit development of a site and that the planning decision should consider many factors in the balance, including making efficient use of land resources to ensure that housing need can be met.

- In conclusion, it remains that noise need not be considered as a determining factor in granting planning permission for the proposed development
165. It is not anticipated that the amenities of occupiers of dwellings abutting the south boundary of the site and to the west on the opposite side of Eriswell Road would be significantly adversely affected by development such that a decision on this planning application should be influenced. The layout of the development is a reserved matter such that matters relating to overlooking, overshadowing and loss of light (etc.) to these dwellings cannot be considered at this point in the planning process. Should outline planning permission be granted for this development and Reserved Matters are subsequently submitted, the impact of the development upon the amenities of the occupiers of the nearby dwellings would be a material consideration.
166. The potential issue of the development being adversely affected by noise generated by aircraft operating at the nearby Lakenheath airbase has been adequately considered by the applicants. Furthermore, the submitted information has been reviewed by Environmental Health Officers whom have not raised objections. The proposed dwellings would be constructed in an area affected by aircraft noise which, in external areas (including garden spaces) would exceed World Health Organisation guidelines. This is considered a dis-benefit of the development. Noise from aircraft is intermittent and is dependent upon the operation and flight patterns of the air base. Aircraft at the base tend to be grounded at night such that aircraft noise ought not be an issue during the most sensitive times. The impact of aircraft noise is capable of some mitigation through design and construction. A condition could be imposed requiring precise details of noise attenuation measures to be submitted for subsequent approval (the first submission of reserved matters) and thereafter implemented in the construction.
167. 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 when considering whether planning permission should be granted.

Loss of agricultural land

168. 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.
169. 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.

170. 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 a matter 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

171. 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".
172. 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.
173. The document expands on this role with the following policy:
174. 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.
175. 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.
176. The Planning Statement refers to policies that are relevant to sustainable design and construction methods but does not go on to

explain how the policy requirements would be implemented by the development proposals. Given the outline status of the planning application (with layout and appearance reserved) there is opportunity to secure these measures at the Reserved Matters stage where the layout of the site and the design and orientation of the buildings could be influenced. A condition is recommended to this effect.

Cumulative Impacts

177. 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.
178. 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

179. 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.
180. 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.
181. 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.

182. 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.
183. 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

184. 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).
185. 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

186. 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

187. 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

188. 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.
189. 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.
190. 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.
191. 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

192. 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.
193. 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.
194. 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.
195. 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.
196. The applicant has submitted a confidential viability report with the planning application claiming the development would not be viable with the level of S106 contributions requested. The planning application is in outline form with the number, mix and type of housing uncertain at this time. In the light of the uncertainties about the detail of the scheme that will be proposed at reserved matters stage officers have rejected the request to adjust the S106 Heads of Terms on viability grounds as being premature at this point in the planning application process and advised that it should be withdrawn from consideration.
197. The applicants have not withdrawn their viability report and are of the view it should have effect at outline planning stage. It is important that Members note viability is an important material planning consideration and cannot be disregarded unless disproved or discredited. In this case, the applicants have flagged up their concerns

that, in present market conditions and having regard to an assumed housing scheme, there is some doubt that the development would be deliverable. However, given that a detailed scheme is yet to be formed for the site and this could be as far as three years away, officers do not consider it appropriate to lower any of the S106 requirements at this stage.

198. Your officers are recommending that any review of the S106 Heads of Terms on viability grounds is effectively deferred to any later submission of Reserved Matters where development viability could be appraised more accurately and against market/economic conditions prevailing at the time. In order to achieve this, it is proposed that a clause would be inserted into the S106 Agreement providing opportunity for development viability to be considered alongside the Reserved Matters submission, should the viability concerns remain at that point.
199. Officers consider this is a reasonable solution given there would otherwise be no opportunity to consider the viability issue at reserved matters stage without the clause (other than potentially via S106B of the 1990 Act whereby a reduction in the level of affordable housing only could be secured if development is deemed unviable). The clause would allow the Council to retain an element of control over any changes (reductions) to the agreed policy compliant S106 package should development viability be demonstrated in the future.
200. With development viability deferred to the Reserved Matters stage, it is appropriate to secure a policy compliant S106 package from this development. The following developer contributions are therefore required from these proposals.

Affordable Housing

201. 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.
202. 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).
203. 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' 140 dwellings = 'up to' 42 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. 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) between the granting of the outline permission and reserved matters approvals (which could be as much as 3 years apart).

Education

204. 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.
205. 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 24 above. These contributions would be secured via a S106 Agreement.

Public Open Space

206. 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.
207. 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.
208. 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.
209. 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 and financial contributions would be secured by the formulaic approach in the S106 Agreement at reserved matters stage.

Libraries

210. 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 £30,240.

Health

211. 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

212. 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 196 above.

Conclusions and Planning Balance:

213. 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.
214. 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.
215. 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.

216. 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.
217. 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.
218. In relation to the environmental role it is self-evident that the landscape would be changed as a result of the proposal. Initially, the proposals would have a significant impact upon the local landscape given the relatively open and exposed character of the surrounding countryside (to the west in particular) although, in time (over the next 10-15 years) new planting would mature to soften the impact upon long views in the landscape. The impact upon the local landscape, particularly public views from Eriswell Road close to the site, would be significantly and irreversibly affected, although the retention and strengthening of the mature 'pine line' along the frontage of the site will help to soften the impact. Of significance is the fact that the site does not benefit from any specific ecological, landscape or heritage designation, unlike other expansive areas of the District, and the effect on the character of the built form of the Lakenheath settlement would be acceptable.
219. 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. Internal spaces are capable of mitigation through appropriate design and construction measures.
220. 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.

221. 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 short and long term 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 towards the grant of planning permission in this case.

Recommendation:

222. 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% - up to 42 dwellings)
- Education contribution (Primary School – up to £ £622,230 towards build costs and up to £192,185 towards land costs)
- Education contribution – temporary arrangements (if subsequently deemed compliant with the CIL Regulations)
- Pre-school contribution (up to £85,274)
- Libraries Contribution (up to £30,240)
- 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 contributions)
- Viability review opportunity at Reserved Matter submission stage.
- 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.

223. And subject to conditions, including:

- Time limit (3 years for commencement)
- Materials (details to be submitted with the Reserved Matters)
- Sustainable design and construction (further details to be submitted

for approval with the Reserved Matters submission and thereafter implemented)

- Bin and cycle storage strategy (to be submitted for approval with the Reserved Matters and subsequently implemented)
- Public open space and SuDS (strategy for future management and maintenance of this infrastructure)
- Landscaping (precise details of new hard and soft landscaping)
- Retention and protection of existing trees, shrubs and hedgerows to be retained (details to be provided with the landscaping scheme at Reserved Matter stage)
- Ecology (strategy for achieving enhancements at the site)
- Any reasonable conditions requested by Natural England, the Suffolk Wildlife Trust and/or the RSPB.
- Construction management plan
- As recommended by LHA
- Contamination & remediation (further investigations and any remediation necessary)
- Means of enclosure (to be submitted with Reserved Matters)
- 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.

224. 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 222 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.

225. That in the event the applicant declines to enter into a planning obligation to secure the Heads of Terms set out at paragraph 222 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=ZZZZVRHHXB413>

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

EXTRACT FROM MINUTES of the **DEVELOPMENT CONTROL COMMITTEE** held at the District Offices, College Heath Road, Mildenhall on **Wednesday 3 September 2014 at 6.00pm.**

111. PLANNING APPLICATION F/13/0394/OUT – LAND WEST OF ERISWELL ROAD, LAKENHEATH (REPORT NO DEV14/130)

Councillor D W Gathercole declared a local non-pecuniary interest in respect of this item as he was a Lakenheath Parish Councillor and a member of Lakenheath Playing Fields Committee.

Outline application for the erection of up to 140 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.

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 222-225 of Report No DEV14/130, 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);
- A letter of objection from Cerda Planning Ltd, acting on behalf of Lakenheath Parish Council (circulated to Members under separate cover); and
- A letter of objection from a local resident of Eriswell Road (circulated to Members under separate cover).

The Officer again drew attention to the former USAFE personnel dwellings at Lords Walk which had recently come onto the housing market. He 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 informed the Committee that all trees in connection with the development had been assessed and there were no issues with those earmarked for removal as they were not of superior quality.

Councillor D W Gathercole again commenced the discussion on the application and reiterated Lakenheath Parish Council's stance with regard to sustainable growth. He also stated that if this application was to be approved then the Parish would request approximately half an acre of land to be allocated to Lakenheath Cricket Pitch in order to allow for future growth and expansion of the Playing Fields.

The Lawyer explained that this would not be something that the Council could formally request as part of the planning process but the Parish Council would be at liberty to negotiate this with the developer.

Councillor A J Wheble raised specific questions with regard to the affordable housing to be provided as part of the development. The Officer explained that all developments could be subject to a viability study in this respect, which was in turn scrutinised by an independent consultant as part of a robust process. As the viability study was yet to be evidenced (given the outline nature of the application without details of the housing scheme) the recommendation was set at 30% affordable housing in line with the Council's policy, however, this would if necessary be revisited at reserved matters stage once precise details of the scheme were available and could be more fairly and accurately assessed for viability.

Councillor R D S Hood made reference to Paragraph 23 which set out the response from Suffolk County Council Archaeology and their request for the developer to record and advance understanding of the significance of any heritage asset before it was damaged or destroyed. Councillor Hood asked if this needed to be made the subject of a condition should the application be approved. The Officer explained that the archaeological request did indeed need to be included as a condition and it had been mistakenly omitted from the recommendation in Paragraph 223.

Following which, Councillor W Hirst proposed that the application be approved, as recommended by Officers, including the amendment with regard to the archaeological request 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 application). This was duly seconded by Councillor Mrs C F J Lynch.

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 outline planning permission be **GRANTED** subject to:

1. The completion of a S106 agreement to secure:
 - Affordable housing (30% - up to 42 dwellings)
 - Education contribution (Primary School – up to £ £622,230 towards build costs and up to £192,185 towards land costs)
 - Education contribution – temporary arrangements (if subsequently deemed compliant with the CIL Regulations)
 - Pre-school contribution (up to £85,274)

- Libraries Contribution (up to £30,240)
- 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 contributions)
- Viability review opportunity at Reserved Matter submission stage.
- 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 (details to be submitted with the Reserved Matters)
- Sustainable design and construction (further details to be submitted for approval with the Reserved Matters submission and thereafter implemented)
- Bin and cycle storage strategy (to be submitted for approval with the Reserved Matters and subsequently implemented)
- Public open space and SuDS (strategy for future management and maintenance of this infrastructure)
- Landscaping (precise details of new hard and soft landscaping)
- Retention and protection of existing trees, shrubs and hedgerows to be retained (details to be provided with the landscaping scheme at Reserved Matter stage)
- Ecology (strategy for achieving enhancements at the site)
- Any reasonable conditions requested by Natural England, the Suffolk Wildlife Trust and/or the RSPB.
- Construction management plan
- As recommended by LHA
- Contamination & remediation (further investigations and any remediation necessary)
- Means of enclosure (to be submitted with Reserved Matters)
- 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).
- Archaeology – to record and advance understanding of the significance of any heritage asset before it is damaged or destroyed
- 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.

Mr Richard Tilley (agent for the applicant) spoke in support of the application.

Land West of Eriswell Road**Habitat Regulations Assessment – screening**

Residential development of up to 140 dwellings with associated open space provision, landscaping and infrastructure works. (Major Development, Departure from the Development Plan and Development Affecting a Public Right of Way)

European sites and location in relation to the development site:

Breckland Special protection Area (SPA) The nearest component sites are 3.6km to the east (Breckland Forest SSSI), 3.5km to the north-east (Breckland Farmland SSSI), 2.1km to the south-east (Lakenheath Warren SSSI), and 1.9km to the south-east (Breckland Farmland SSSI)

Breckland Special Area of Conservation (SAC) The nearest component sites are 425m to the east (RAF Lakenheath SSSI) and 2.1km to the south-east (Lakenheath Warren SSSI).

Qualifying features and conservation objectives:

Breckland Special Protected Area (SPA) qualifies under Article 4.1 of the Directive (79/409/EEC) by supporting internationally important populations of Stone Curlew *Burhinus oedicanus*, Woodlark *Lullula arborea* and Nightjar *Caprimulgus europaeus*.

Breckland Special Area of Conservation (SAC) is designated for the habitats supported. Habitats qualifying for SAC designation in the two component sites include heathland and calcareous grassland only.

Qualifying Features:

H2330. Inland dunes with open *Corynephorus* and *Agrostis* grasslands; Open grassland with grey-hair grass and common bent grass of inland dunes

H4030. European dry heaths

H6210. Semi-natural dry grasslands and scrubland facies: on calcareous substrates (*Festuco-Brometalia*); Dry grasslands and scrublands on chalk or limestone

S1166. *Triturus cristatus*; Great crested newt

Is the plan or project directly connected with or necessary to the management of the site for nature conservation?

No, the proposal is not necessary for the management of the European sites

Is the qualifying feature likely to be directly affected?

The development is located outside of the SPA and is not within the 400m buffer for woodlark and nightjar or the 1500m Stone Curlew buffer zone.

The site is located within the revised buffer surrounding around those parts outside of the SPA which have supported 5 or more nesting attempts by the Stone Curlew. Recent stone curlew data (2011-2015 inclusive) were used to review the constraint zones relating to supporting habitat outside the SPA. However 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 nor the Councils HRA screening. In addition the development is screened from the SPA by existing development and is separated from the SPA and associated stone curlew habitat by the B1112 Eriswell Road. No significant direct effects are likely

The site is located outside of Breckland SAC and beyond the 200m buffer; RAF Lakenheath SSSI is within the fenced airbase with no access for the public and consequently with no risk of impacts from fly tipping, trampling or other anti-social behaviour. No direct likely significant effect on the SAC have been identified

Is the qualifying feature likely to be indirectly affected?

The potential for indirect recreational impacts on the SPA associated with increased residential properties within the vicinity has been considered. The indicative plan for the site provides opportunities for dog walkers within the site to reduce the need for dogs to be exercised on more sensitive sites. In addition this site is immediately adjacent to the playing fields which would also be available for informal recreational use. There are a number of footpaths in the area available to for public access. The increase in population resulting from this development is relatively small and no additional significant effects are likely from residents walking or driving into the SPA as a result of the proposed development alone.

Are there any in-combination effects?

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

Planning applications registered with the local planning authority and being considered in Lakenheath at the current time are:

- a) Rabbit Hill Covert, (81 dwellings)
- b) Land West of Eriswell Road, Lakenheath(140 dwellings)
- c) Land off Briscow Way(67 dwellings)
- d) Land North of Broom Road (132 dwellings)
- e) Land adjacent to 34 Broom Road (120 dwellings)
- f) Land North of Station Road (375 dwellings and a school)
- g) Land at Little Eriswell (550 dwellings and a school)

The total number of dwellings currently being considered significantly exceeds the total which was tested in the FHDC Core Strategy Habitats Regulation Assessment which for Lakenheath was 670 homes. The concern is that whilst alone each of the applications may not have an impact; for this number of dwellings within the settlement, in-combination effects need consideration. The main issues are in-combination recreational effects on the SPA and the potential requirement for road improvements close to the SPA to deal with any increase in traffic movements.

Natural England's internal advice on in-combination effects states that it is only the effects of those plans and projects that are not themselves significant alone which are added into an in-combination assessment. The assessment should only include those that genuinely result in a combined effect, which impairs the ability of an interest feature to meet its conservation objectives.

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. Assessment of this application alone concluded that significant effects are unlikely. The potential for in-combination effects to occur is most likely with other adjacent developments in the north and to the east of Lakenheath. In addition there is concern that residents from all of the sites drive to the forest and heathland elements of Breckland SPA for recreation and in particular to exercise their dogs in the absence of accessible local green space.

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 is being developed alongside the current local plan Single Issue Review and Site Allocations Local Plan.

In 2010 a visitor survey of Breckland SPA was commissioned by Forest Heath District and St. Edmundsbury Borough Councils to explore the consequences of development on Annex 1 bird species associated with Breckland SPA. An important finding of the study was that Thetford Forest is a large area, surrounded by relatively low levels of housing, and at present it seems apparent that recreational pressure may be adequately absorbed by the Forest. The Annex I heathland bird interest features are not yet indicating that they are negatively affected by recreational disturbance. However there are still some gaps in our understanding of the Thetford Forest populations of Annex 1 birds, their current status and potential changes that may be occurring. It is not currently understood whether distribution is affected by recreation, for example.

The recreation study went on to advise that provision of alternative greenspaces could be provided to potentially divert some of the recreational pressure away from the SPA. These would need to be at least equally, if not more attractive than the European sites. Such an approach could link into any green infrastructure initiatives as part of the local plan. Important factors to consider in the design of such spaces are the distance to travel to the site, the facilities at the site, and experience and feel of the site. The visitor survey identified that people are travelling up to 10km to use the SPA as their local greenspace. The provision of an attractive alternative in closer proximity to a new development would increase its likelihood of use.

Natural England has advised that it is necessary to consider cumulative recreational effects to the qualifying species of Breckland Special Protection Area (SPA) up to a distance of 7.5km. This is the distance within which it has been established that the majority of recreational effects can be captured. The distance is relevant to the woodland and heathland areas of the SPA rather than the farmland areas as visitors were likely to travel some distance to forest/heathland areas, but would only use farmland (for walking dogs etc.) near to home.

In response and to support the FHDC Site Allocation Local Plan, the Council has undertaken a natural greenspace study which, based on the existing accessible

natural greenspace available in each settlement, recommends an approach to mitigation for each settlement identifying some of the opportunities available to achieve this. The study found that in Lakenheath there is an absence of natural greenspace between 2-20ha in size, except in the vicinity of Maidscross Hill. It concluded that additional provision of natural open space is required as part of any developments in particular provision of new natural green space to divert pressure away from the SPA and existing Maidscross Hill SSSI. For Lakenheath the measures identified were; additional provision of natural open space as part of any developments in particular provision of new natural green space to divert pressure away from the SPA, and existing Maidscross Hill SSSI and new access routes which could potentially focus on the Cut-Off Channel.

This site is located 3.6km from the closest forest component of the SPA and 41.9km from the closest heathland component of Breckland SPA, and has the potential to contribute to in-combination recreational effects. The proposals must provide measures for influencing recreation in the surrounding area, to avoid a damaging increase in Visitors to Breckland SPA. The council is currently working with other authorities including Suffolk County Council to secure public access along the Cut-off Channel including a bridge for recreational purposes and as part of the strategic mitigation for the settlement. This development could make a proportionate contribute to access projects through either a condition or a section 106 contribution.

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 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.

Conclusion

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 contribute 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.



Forest Heath
District Council

DEV/FH/17/026

Development Control Committee

5 July 2017

Planning Application DC/17/0718/FUL – Barley Close, Newmarket

Date: 6th April 2017 **Expiry Date:** 1st June 2017 – EOT 6th July 2017
Registered:

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

Parish: Newmarket **Ward:** All Saints

Proposal: Planning Application - 1no. dwelling

Site: Barley Close, Newmarket

Applicant: Mr Julian Cunnington

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:

Kerri Cooper

Email: kerri.cooper@westsuffolk.gov.uk

Telephone: 01284 757341

Background:

This application is referred to the Development Control Committee following consideration by the Delegation Panel. The application is recommended for approval.

The Town Council are objecting to the proposed development, which is contrary to the recommendation of approval by the Local Planning Authority. In addition, the local Ward Member, Councillor Stephen Edwards has verbally reiterated the concerns from local residents and the Town Council.

A Committee Site Visit is to be undertaken on Monday 3 July 2017.

Proposal:

1. Planning permission is sought for the construction of a single storey, one bedroom detached dwelling to the rear of 54, 56 and 58 Granby Street and provision off vehicular access off Barley Close.
2. The application has been amended since submission to incorporate soft landscaping to the south west boundary.

Application Supporting Material:

3. Information submitted with the application as follows:
 - Application Form, Design and Access Statement, Land Contamination Questionnaire, Land Contamination Report and Drawing Nos. 1854/01, 02 Rev A and 03 received 6th April and 26th May 2017.

Site Details:

4. The site is located to the rear of a terrace of two storey dwellings which front Granby Street. Whilst originally forming part of the rear gardens serving nos. 54, 56 and 58 the site is now fenced off and unused. The rear of the site borders Barley Close, which is a modern cul-de-sac of 11 dwellings.

Planning History:

5. DC/16/2729/FUL - Planning Application - 1 no. dwelling – Refused.
6. DC/16/1040/FUL - Planning Application -1no. dwelling – Refused.
7. DC/15/0622/FUL - Planning Application - Proposed New dwelling (2 no. bed cottage) with access from Barley Close – Withdrawn.

Consultations:

8. SCC Highway Authority: No objection, subject to conditions.

9. Environment Team – Public Health and Housing: No objection, subject to conditions.
10. Environment Team - Land Contamination: No objection.
11. Jockey Club: *'Jockey Club Estates would be grateful if the contractors could be mindful that racehorses from Park Lodge Stables (James Eustace) pass close to the site intermittently during the mornings. It would also be helpful if the contractors could be asked to avoid any unloading on Granby Street during the mornings unless by prior notification.'*

Representations:

12. Town Council: Newmarket Town Council object on the grounds that the appearance and design are not in keeping with the properties in the area and the layout and density of buildings.
13. Ward Member: A verbal call in to Delegation Panel from Councillor Edwards - reiterating concerns from local residents and Town Council.
14. Neighbours: 4no. letters of objection have been received which comprise the following summarised points:
- Loss of parking.
 - Increased traffic problem.
 - Area of land part of Granby Street not Barley Close.
 - Creation of access through from Granby Street to Barley Close.
 - Impact on drainage.

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:

15. Joint Development Management Policies Document:
- Policy DM1 - Presumption in Favour of Sustainable Development
 - Policy DM2 Creating Places – Development Principles and Local Distinctiveness.
 - Policy DM22 - Residential Design
 - Policy DM46 - Parking Standards
16. Forest Heath Core Strategy 2010:
- Policy CS1 – Spatial Strategy
 - Policy CS5 - Design Quality and Local Distinctiveness

Other Planning Policy:

17. National Planning Policy Framework (2012) :
- Core Principles
 - Delivering a wide choice of high quality homes
 - Requiring good design

Officer Comment:

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

- Principle of Development
- Impact on Visual Amenity
- Impact on Neighbouring Amenity
- Impact on Highway Safety
- Other Matters

Principle of Development

19. The site is located within the Housing Settlement Boundary for Newmarket which is designated a market town and suitable location for future development. As such, the principle of a new dwelling within this area is considered acceptable in principle, subject to compliance with policies concerning design, scale, layout and access.

Impact on Visual Amenity

20. Policy DM2 states that by reason of high quality design development should incorporate an understanding of the local context and respect the characteristics and local distinctiveness of the area, creating a sense of place and not adversely affecting the urban form by producing designs which respect the character, scale, density and massing of a locality. Furthermore, the NPPF attaches great importance to the design of the built environment and states that *good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.*

21. Planning Application DC/16/1040/FUL was for the construction of a single storey one bedroom dwelling, with vehicular access proposed from Granby Street. Planning Application DC/16/2729/FUL was for the construction of a two storey two bedroom dwelling, with vehicular access proposed from Barley Close. Both of these applications were refused.

22. Reason 1 of the two refusals outlined above stated the following:

'The proposal is considered to represent overdevelopment of the site having regard, in particular, to its proximity to boundaries as well as to the modest nature of the private amenity space to be provided. The proposal would result in a cramped and contrived form of development in a back land position which is uncharacteristic of the area, failing to create a high quality environment and a sense of place. As such, the proposal is contrary to the principles of good design and is therefore considered contrary to Policies DM2 and DM22 of the Joint Development Management Policies Document (2015), Policy CS5 of the Forest Heath Core Strategy (2010) and the National Planning Policy Framework.'

23. The concerns about position and scale in the previous applications were wholly warranted on a small and tightly constrained plot, however changes have been made to the proposed scheme which is considered to have both altered and improved the context of the application.

24. The application before us proposes the construction of a single storey one bedroom dwelling, with vehicular access proposed from Barley Close.
25. The proposed dwelling is positioned on a currently vacant and fenced off parcel of land to the rear of dwellings on Granby Street. Development in the area features a mixture of terraced Victorian properties and a modern cul-de-sac development behind. Whilst all dwellings in the area are two storey and benefit from a street frontage, they are not laid out in a clear linear form and views into the site are limited and as such, the development can not be considered harmful to the street scene. The proposal now comprises a single storey building, with the scale and general appearance of a domestic outbuilding. The previous single storey dwelling measured 9 metres in depth and 5 metres in width. The proposed dwelling measures 7.6 metres in depth and 5.1 metres in width. Both the previous and proposed dwelling measure 4.1 metres in height to the ridge. The proposed dwelling has been pulled a further 1 metre away from the north boundary and a further 1.8 metres away from the western boundary. As a result of the reduction to the footprint of the proposed dwelling has allowed the dwelling to be set in from the site boundaries and for the dwelling to have sufficient amenity space.
26. Therefore, it is considered that the proposed scheme addresses all of our previous concerns in relation to character, layout and design and is mitigated further with the introduction of planting along the boundary to soften the proposed development.

Impact on Neighbour Amenity

27. Policy DM2 states that proposed development should not adversely affect residential amenity. In this case, the dwelling would be surrounded by other residential uses and in close proximity to site boundaries of five neighbouring dwellings. For this reason, the proposal has the potential to create a degree of disturbance in this area, particularly due to comings and goings via the vehicular access. On balance, given that the dwelling is modest in scale with a limited number of future occupants, this activity is thought to be limited and as such, not significant enough to result in a refusal of development for this reason. Given the single storey nature of the design and the boundary treatment, it is not considered there will be an adverse impact on neighbouring amenity as to cause harm by virtue of loss of light, overlooking or overshadowing.
28. Public Health and Housing have raised concerns about the proximity of the site to the railway line and the potential noise impact this will have on future occupants. Whilst no information has been submitted in this regard it is considered that this concern can be overcome as other dwellings in the area are located closer to the line and currently occupied.

Impact on Highway Safety

29. Vehicular access to serve the development is proposed from Barley Close as it was under planning application DC/16/2729/FUL. The Highways Authority have raised no objection to the proposal subject to a conditions.

One on site parking space is provided to accord with Suffolk Parking Standards.

Other Matters

30. Policy DM7 states (inter alia) proposals for new residential development will be required to demonstrate that appropriate water efficiency measures will be employed. No specific reference has been made in regards to water consumption. Therefore a condition will be included to ensure that either water consumption is no more than 110 litres per day (including external water use), or no water fittings exceeds the values set out in table 1 of policy DM7.
31. The application site is not situated within a flood zone. Therefore, there will be no impact on flooding as result of the proposed development.
32. There is no record of any protected species on site and the use of the site is to remain as is.

Conclusion:

33. In conclusion, it is now considered that the proposed scheme will bring benefits in terms of an increase in housing stock and building services to contribute to the local economy as well as future spend from occupants. Whilst strictly not characteristic with the area, the proposed development will not result in any harm arising from a social and environmental aspect. Therefore, on balance, the proposal is considered to meet the three dimensions of sustainable development and complies with the relevant local plan policies.

Recommendation:

34. It is recommended that planning permission be **GRANTED** subject to the following conditions:
 1. 01A – Time limit detailed.
 2. 14FP – Development to accord with Application Form, Design and Access Statement, Land Contamination Questionnaire, Land Contamination Report and Drawing Nos. 1854/01, 02 Rev A and 03 received 6th April and 26th May 2017.
 3. 18 - The new vehicular access shall be laid out and completed in all respects in accordance with drawing no. DM02; and with an entrance width of 3m and made available for use prior to first occupation. Thereafter the access shall be retained in the specified form.
 4. 18 - The use shall not commence until the area(s) within the site shown on drawing no. 1854/02 for the purposes of [LOADING, UNLOADING,] manoeuvring and parking of vehicles has been provided and thereafter that area(s) shall be retained and used for no other purposes.
 5. NS - The site demolition, preparation 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.

6. NS - The acoustic insulation of the dwelling within the proposed development shall be such to ensure noise levels, with windows closed, do not exceed an LAeq (16hrs) of 35 dB(A) within bedrooms and living rooms between the hours of 07:00 to 23:00 and an LAeq (8hrs) of 30dB(A) within bedrooms and living rooms between the hours of 23:00 to 07:00.
7. 23 – Soft landscaping scheme.
8. 12D – Boundary treatment.
9. NS – DM7 water consumption.

Documents:

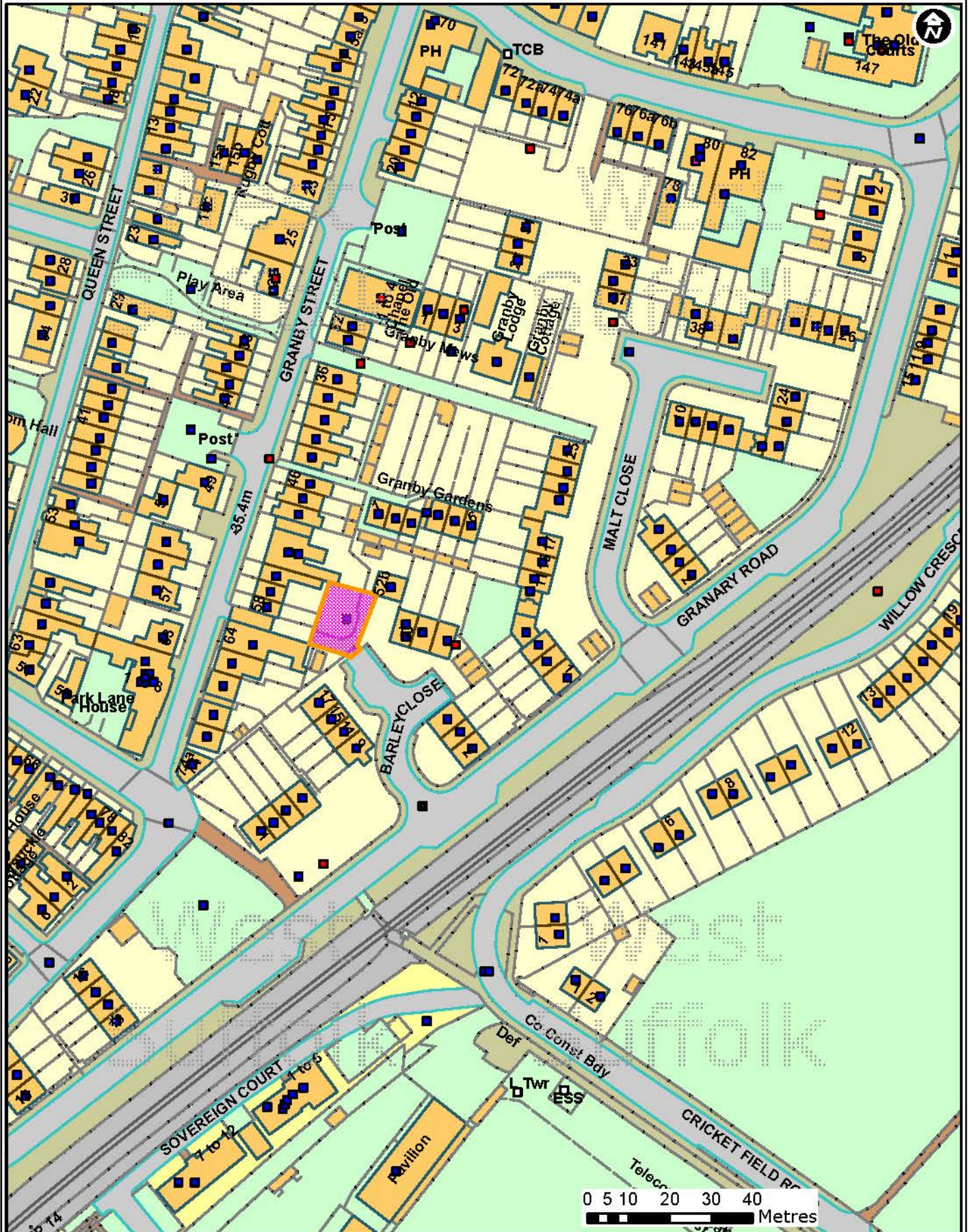
All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online:

<https://planning.westsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=ONXA35PDFY400>

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DC/17/0718/FUL

Barley Close, Newmarket



Forest Heath • St Edmundsbury

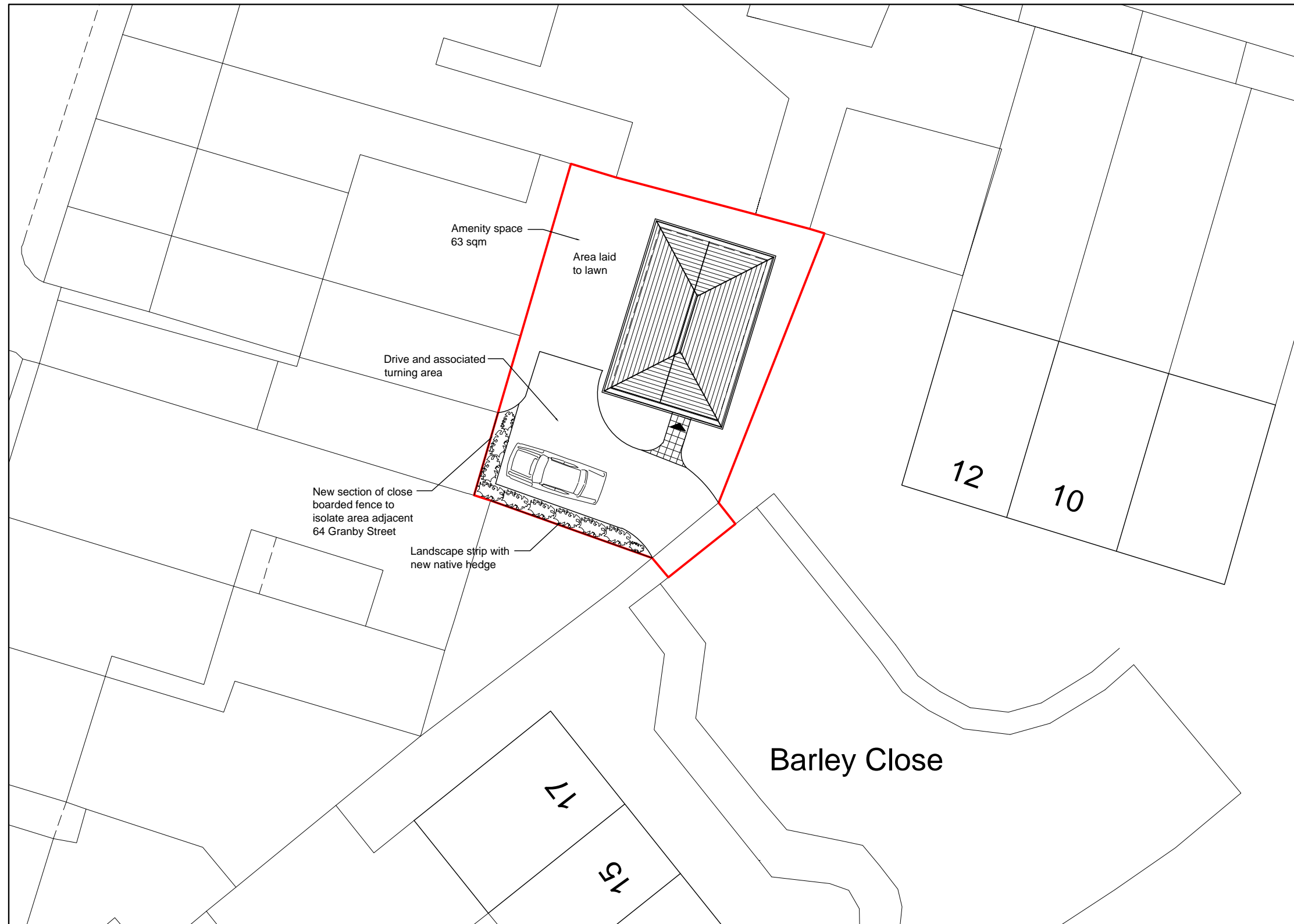
West Suffolk
working together

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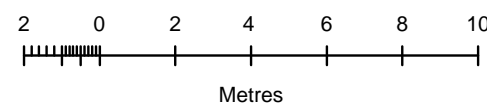
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PROPOSED BLOCK PLAN
1:200



INDEX	REV	REVISION	22/05/16	
LYNWOOD ASSOCIATES LTD		PROJECT		
 ARCHITECTURE - PROJECT MANAGEMENT LYNWOOD HOUSE MURRAY PARK NEWMARKET SUFFOLK CB8 9BU TEL (01638)661044 FAX (01638)661080 E-MAIL INFO@LYNWOODASSOCIATES.CO.UK WWW.LYNWOODASSOCIATES.CO.UK		LAND OFF BARLEY CLOSE, NEWMARKET CB8 8GQ		
		CLIENT	SCALE	DATE
		MR J. CUNNINGTON	1:200 @ A3	MAR 2017
		TITLE	DRG. NO.	REV
		PROPOSED BLOCK PLAN	1854/02	A

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Forest Heath
District Council

DEV/FH/17/027

Development Control Committee

5 July 2017

Planning Application DC/16/2731/HH – 5 Whitegates, Newmarket

Date Registered:	15/12/2016	Expiry Date:	09/02/2017
Case Officer:	Matthew Gee	Extension of time:	08/04/2017
Parish:	Newmarket	Recommendation:	Approve with Conditions
Ward:			All Saints

Proposal: 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

Site: 5 Whitegates, Newmarket

Applicant: 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

Committee Report and Risk Assessment DC/16/2731/FUL

Section A – Background and Summary:

A1. This application was deferred from consideration at the Development Control Committee meeting on 7th June 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) Overdevelopment of the site; ii) An adverse impact on amenity caused by overlooking from the proposed balcony; iii) An adverse impact on the street scene; and iv) the boarding to the first floor rear extension being out of character.

A2. The previous Officer report for the 7th June 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 7th June and includes a risk assessment of the 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 7th June, it is advised that an amended floor plan showing the additional first floor front elevation bedroom window had been received as part of previous amendments to the elevational drawings.

Section B – General Information:

Proposal:

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

Site Details:

B3. Please refer to Working Paper 1, paragraph 5 and 6 for a description of the application site

Planning History:

B4. Please refer to Working Paper 1, paragraph 7 and 8 for details of the sites planning history.

Consultation Responses:

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

Representations:

B6. Please refer to Working Paper 1, paragraphs 10 and 11 for details of representations received.

Policies:

B7. Please refer to Working Paper 1, paragraphs 12 to 14 for details of relevant planning policy and considerations

Officer Comment:

B8: Please refer to Working Paper 1, paragraphs 15 to 29 for the Officer assessment of the application proposals. The officer assessment remains unchanged following the Development Control Committee meeting on 7th June 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 7th June 2017 meeting of Development Control Committee. Members were 'of mind' to refuse planning permission on grounds of: i) Overdevelopment of the site; ii) An adverse impact on amenity caused by overlooking from the proposed balcony; iii) An adverse impact on the street scene; and iv) the boarding to the first floor rear extension being out of character.

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

Section D – Permitted Development fall-back position

D1. It is important to note what the potential fall back position would be in relation to what development could have been done under permitted development. A plan (see working paper 2) has been drawn up that shows the sections of the proposal that are;

- The dwelling prior to recent development (coloured red),

- The extensions that could be constructed under permitted development (coloured blue); and
- The sections that could not be constructed under permitted development (coloured yellow).

D2. The application seeks to increase the combined floor area of the 139sqm dwelling (including garage), by 56sqm including the 3.75sqm balcony. Approximately 50% or 28sqm of the additional floor area could be constructed without planning permission. The majority of the sections that could be constructed under permitted development are the areas that result in the majority of 'bulk' and impact on the street scene; i.e. the ground floor side extension that abuts the boundary.

D3. The sections that do not fall within the permitted development (marked yellow on the Permitted Development plans) were considered relatively minimal and acceptable in terms of the additional impact that they would pose on the character and scale of the dwelling.

Section E - Potential Reasons for Refusal- Overdevelopment of site, detrimental impact to the Whitegates street scene, and proposed boarding being out of character.

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 16 to 21 of the Officers report attached as Working Paper 1.

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. It should be noted though that the majority of the proposal that is visible from the public realm is identical to the proposal that was approved under application DC/15/2282/HH, except the elements listed in paragraph 3 of working paper 1. Paragraph 20 of the working paper does note the impact that the recessed guttering has on the street scene. However this element in itself is not considered to significantly impact the wider street scene to warrant refusal on this basis.

E4. Members also raised concerns with regards to potential terracing of dwellings as a result of this application. It is advised that all applications will be assessed on their own merits at the time they come in. However, single storey side extensions could be built, to the majority of surrounding properties, without the requirement for planning permission. This in itself could result in terracing without the planning authority being able to intervene.

E5. In addition, members raised concerns with regards to the use of weatherboarding to the rear first floor element. It is advised that this was approved under the previous application DC/15/2282/HH, and at the time was considered to be sympathetic to the existing dwelling and surrounding area. The majority of the boarding cannot be widely seen from the public realm and as such is not considered to adversely impact on the character.

E6. The current proposal has a marginally smaller footprint to the permission approved under application DC/15/2282/HH. Whilst matters of overdevelopment can be subjective, it was considered that the proposals under the previous permission did not constitute overdevelopment of the site, as can be seen in paragraph 23 of working paper 1. The amount of development on site that could be erected without the requirement for planning permission, as can be seen in the attached PD plans at working paper 2 should also be noted and considered. It is also considered that the dwelling still retains a sufficient sized garden space.

E7. In addition, the site covers an area of 272sqm. The previous curtilage of the dwelling (site area minus original dwelling and garage) is 207.6sqm. The previous and new extensions to the dwelling total 57.4sqm, which is equal to approximately 27.7% of the original curtilage. The General Permitted Development Order 2015 allows up to 50% of the total area of the curtilage (excluding the ground area of the original dwelling). All applications are assessed on their own merits, considering the site context. However, development covering more than 50% of the curtilage, which this proposal falls well below, could be the point at which it is considered to become overdevelopment.

E8. Officers consider that given the similar previous permission on the site, that a refusal of planning permission on the grounds of impact on street scene, the boarding being out character, and overdevelopment of the site could not be sustained at appeal.

E9. 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 could be used:

"The development is considered to represent overdevelopment of the application site; the extensions do not respect the character, scale and massing of other dwellings in the locality, detrimental to the visual amenities of the wider street scene. This, together with the use of boarding which is not representative of materials used in the locality, results in a development which has an adverse impact on the character and appearance of the area. The proposals therefore fail to comply with policies DM2 and DM24 of the Joint Development Management Policies Document 2015 and policy CS5 of the Forest Heath Core Strategy 2010".

Section F - Potential Reasons for Refusal- Impact on residential amenity

F1. At the Development Control Committee of 7th June 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 proposal includes the placement of a 3.75 sq m balcony with 1.8m high obscure glazed screens to either side of the balcony. Officers remain of the view that the proposed balcony would not result in an adverse impact from overlooking, due to the location of the 2no. obscure glazed screens on the side flanks of the balcony. This is considered to reduce the overlooking of neighbours to an acceptable level. This relationship is also no different to a rear facing first floor window.

F3. 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.

F4. Notwithstanding the above, if Members are minded to refuse the application on grounds of residential amenity it is recommended that the following wording could be used:

"The proposed development would be detrimental to the amenity of adjacent residents by virtue of resulting overlooking and loss of privacy to neighbouring residents caused by the proposed rear balcony. The proposal would therefore conflict with policy DM2 and DM24 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 the grounds of overdevelopment, impact on street scene, and the boarding being out of character, due to the previous approval on the site.

H3. A case could be made at appeal to defend the potential reason for refusal on 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.

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.

H7. Secondly, 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. 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:

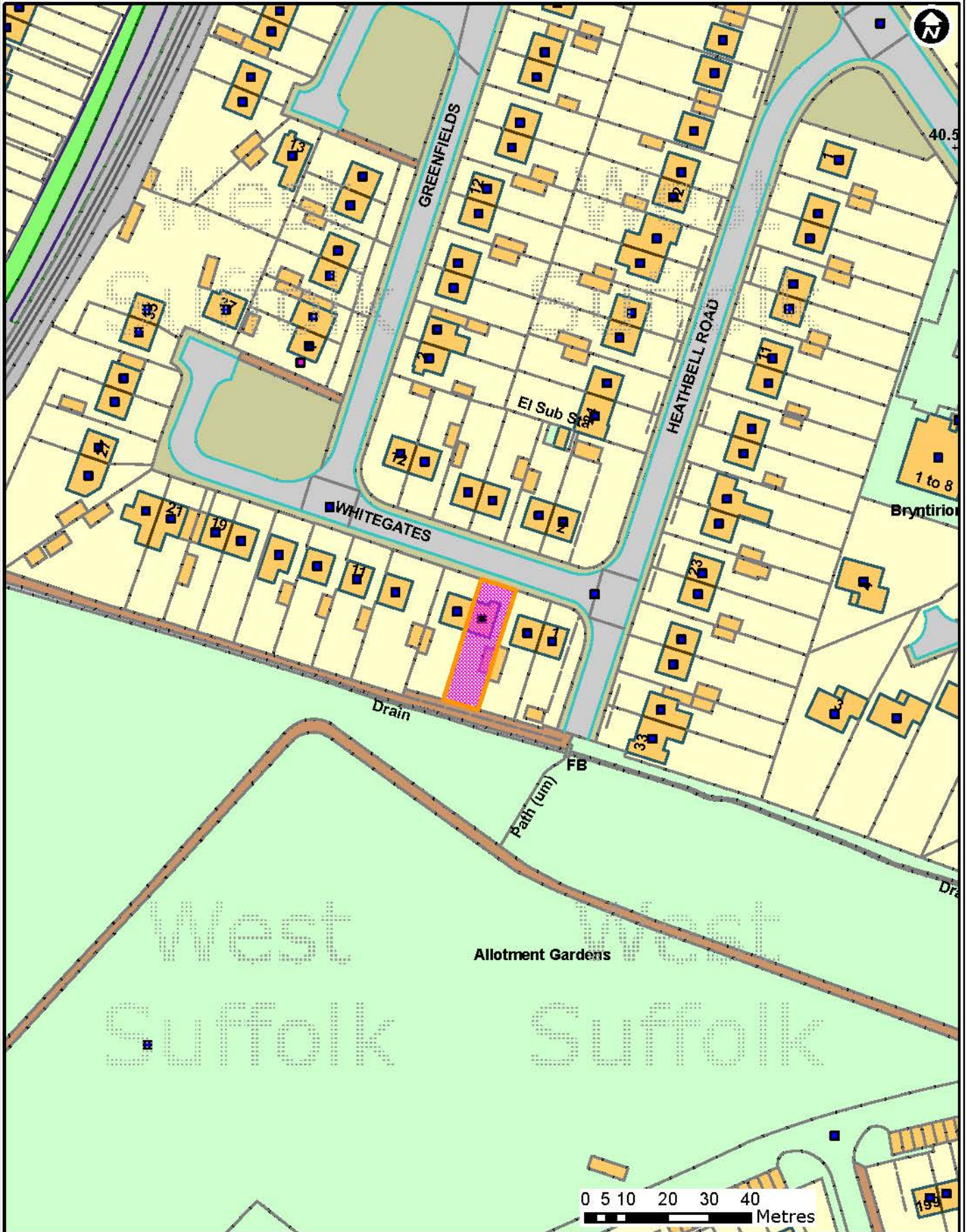
All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online:

<https://planning.westsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=OI2KUXPDF400>

- Working Paper 1 – Committee Report 7 June 2017
- Working Paper 2 – Permitted Development Fall-back Position Plans

DC/16/2731/HH

5 Whitegates Newmarket



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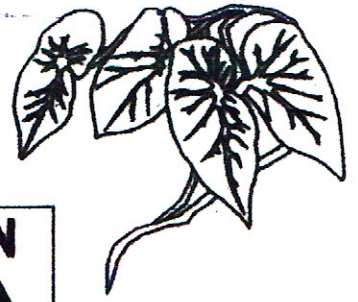
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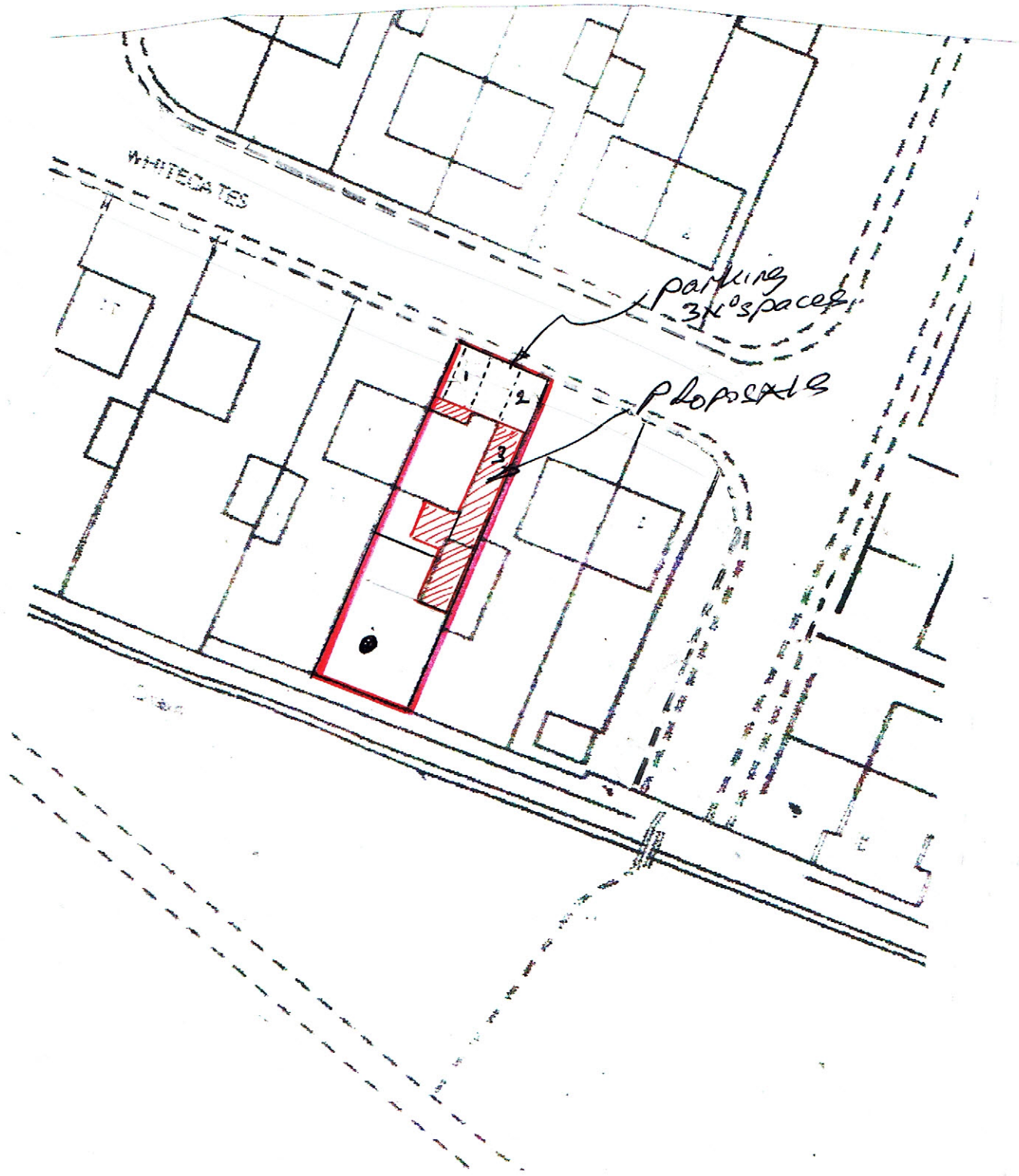
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M.R.DESIGNS

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	Client: <i>GORDON</i>	Address: <i>5 WHITEGATES X NEWMARKET CB8 8DS,</i>	Site: ●



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Forest Heath
District Council

Working Paper 1

DEV/FH/17/023

Development Control Committee 7 June 2017

Planning Application DC/16/2731/HH 5 Whitegates, Newmarket

Date	15/12/2016	Expiry Date:	09/02/2017
Registered:		Extension of time:	08/04/2017
Case Officer:	Matthew Gee	Recommendation:	Approve with Conditions
Parish	Newmarket	Ward:	All Saints
Proposal:	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		
Site:	5 Whitegates, Newmarket		
Applicant:	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:

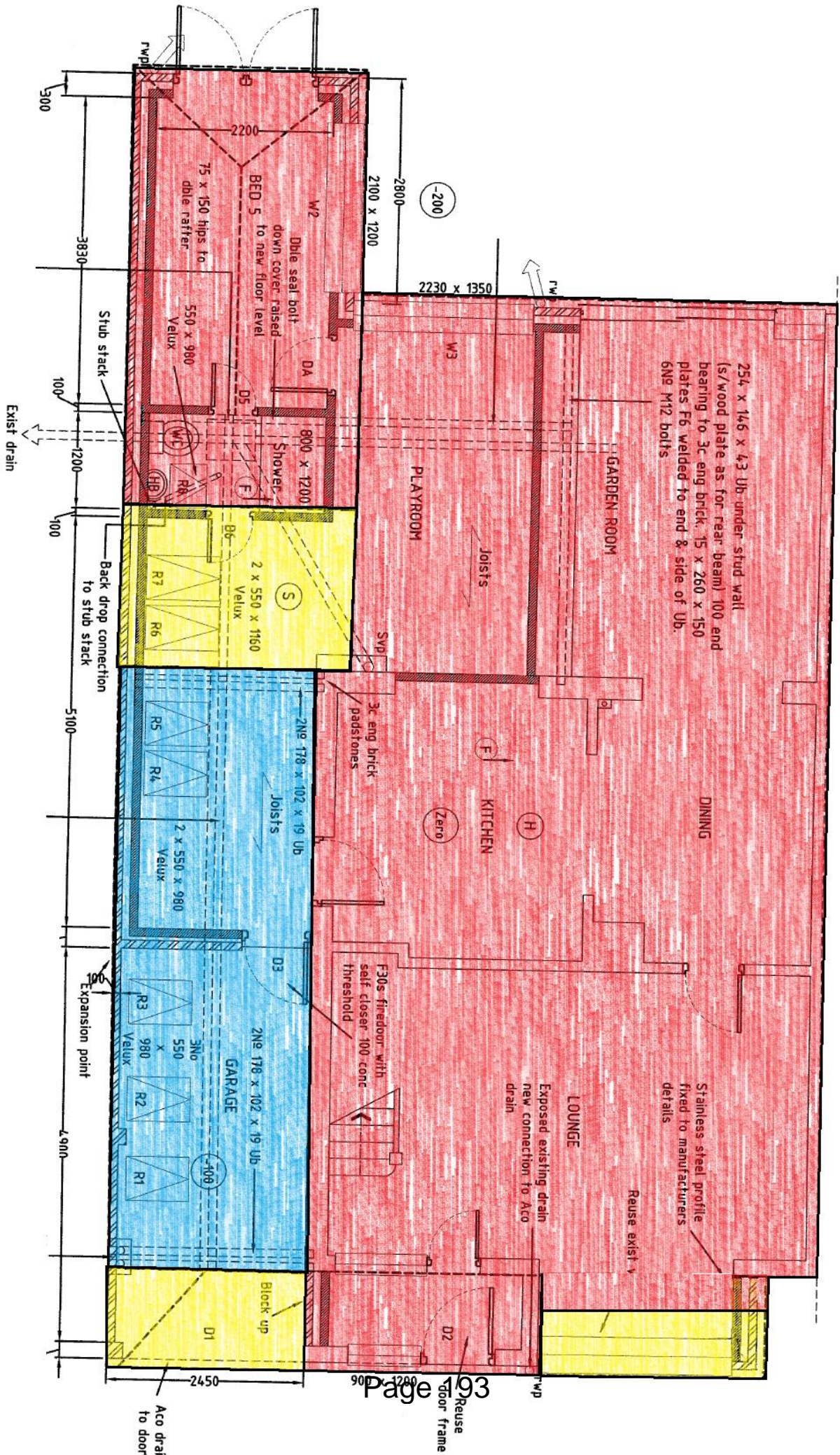
31. It is recommended that planning permission be **APPROVED** subject to the following conditions:

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.

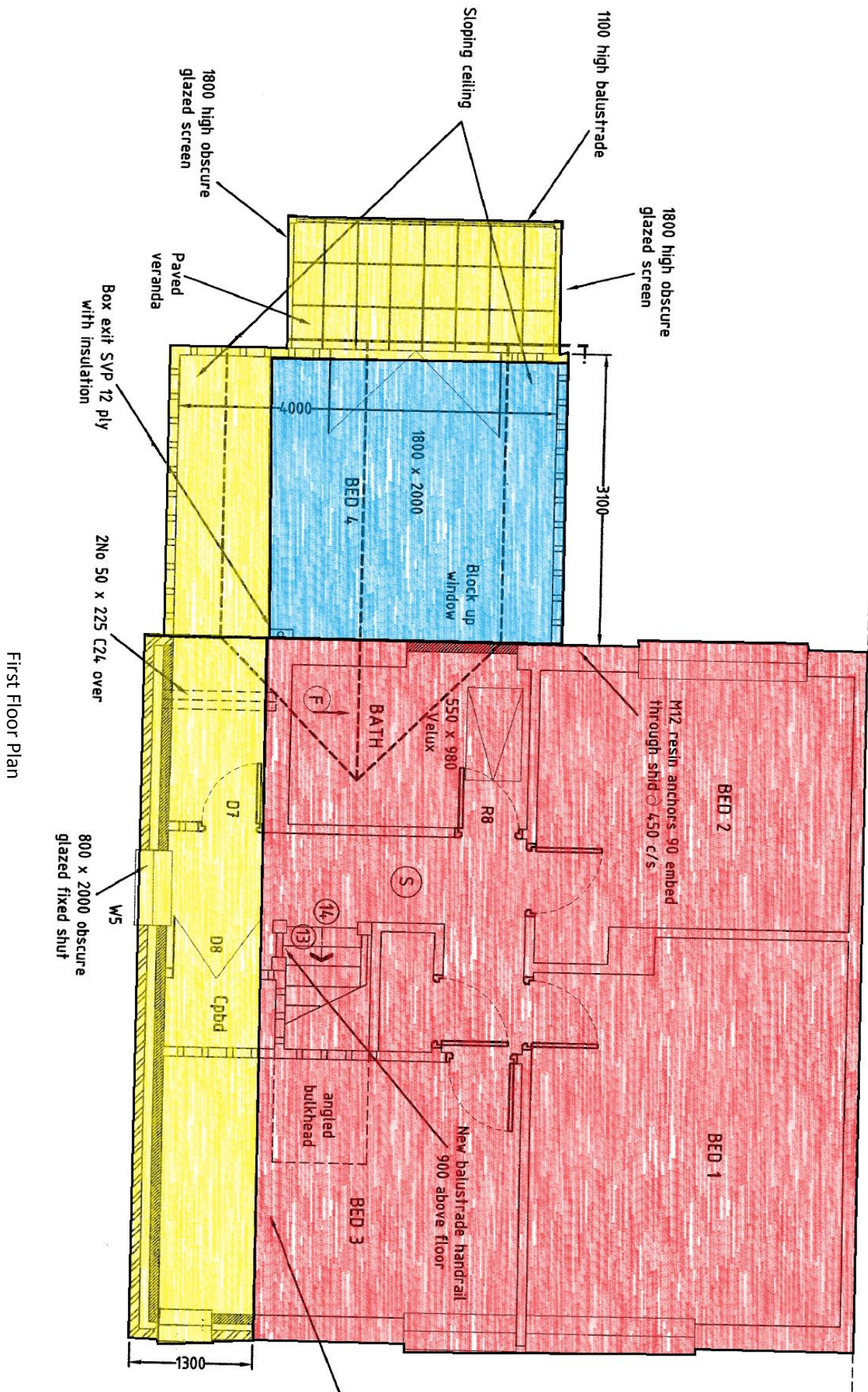
Documents:

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<https://planning.westsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=OI2KUXPDLF400>

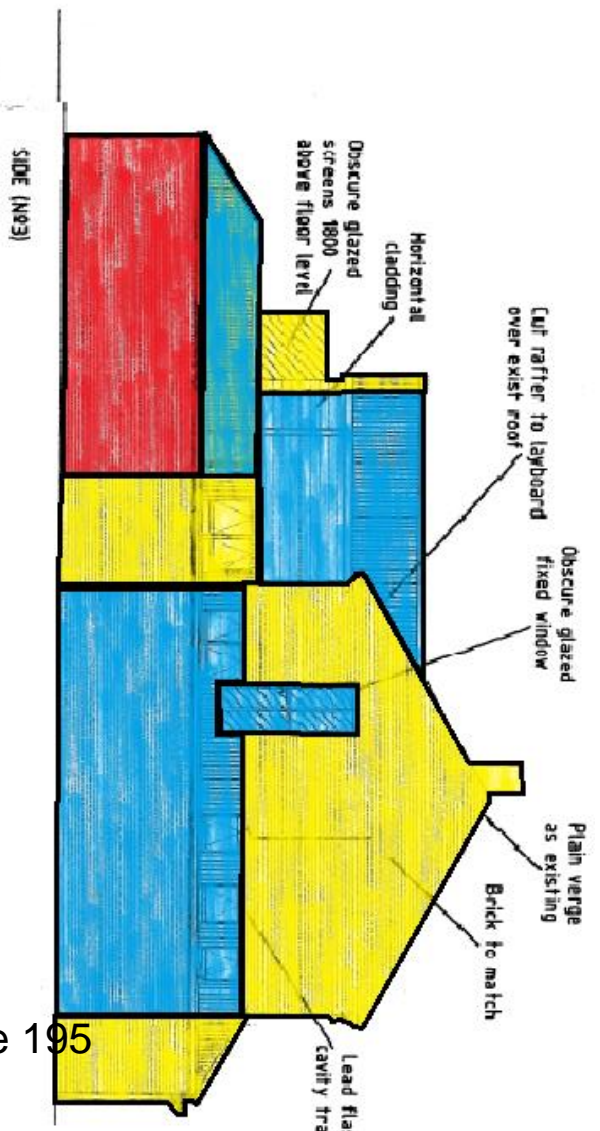
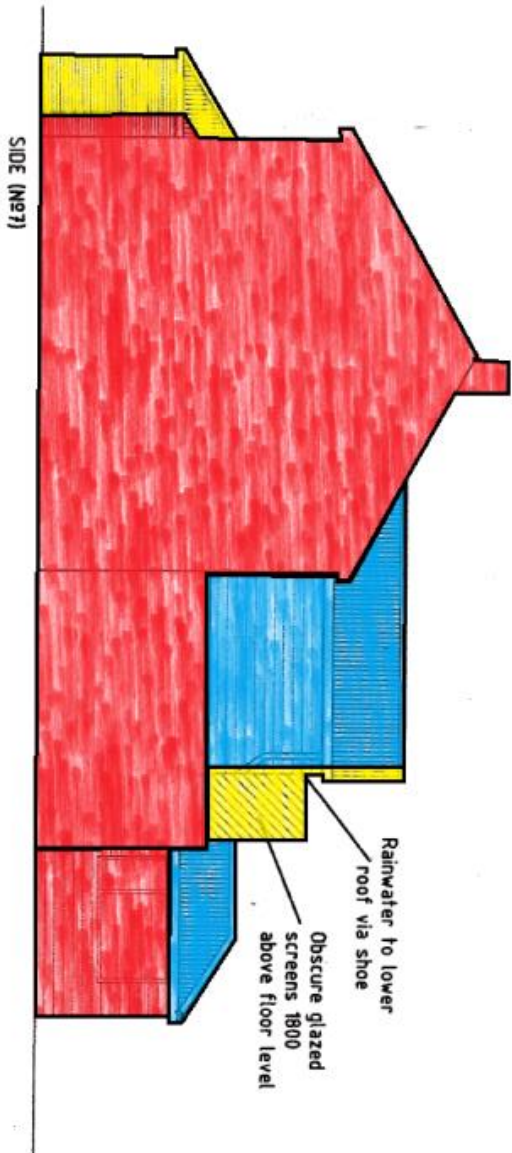
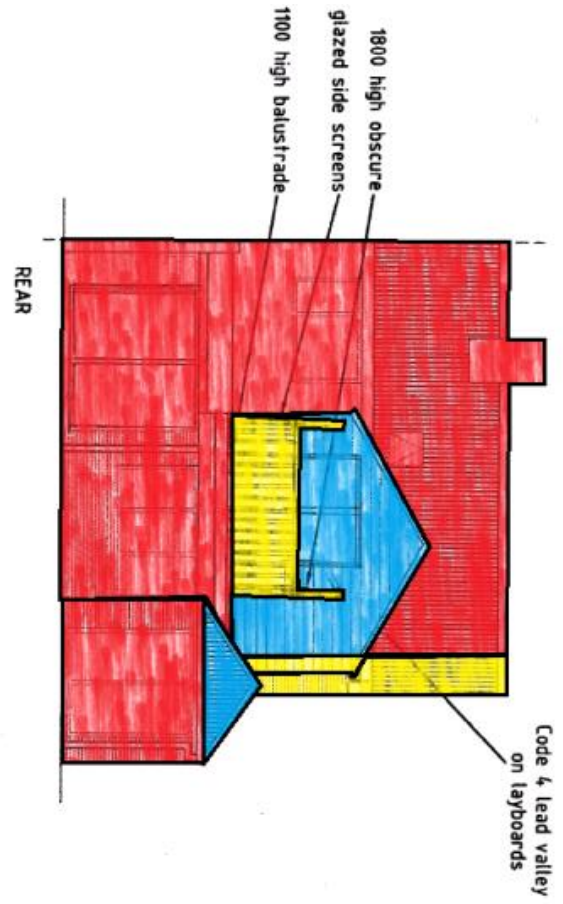
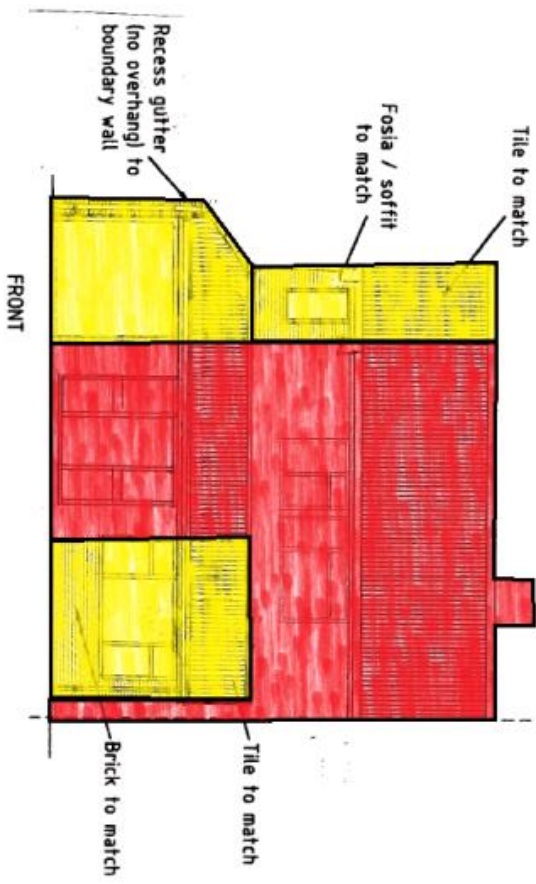


Ground Floor Plan



First Floor Plan

Remove section of gable wall



Elevations

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